

CABINET

19 NOVEMBER 2015

Record of decisions taken at the meeting held on Thursday 19 November 2015.

Present:

Chair: * Councillor David Perry

Councillors:

* Sue Anderson	* Varsha Parmar
* Simon Brown	* Kiran Ramchandani
* Keith Ferry	* Sachin Shah
* Glen Hearnden	* Anne Whitehead
* Graham Henson	

In attendance:

Kam Chana	Minute 272
Susan Hall	Minute 272
Barry Macleod-Cullinane	Minute 272
Norman Stevenson	Minute 272

* Denotes Member present

268. Minute's Silence

The Leader of the Council and the Leader of the Opposition proposed a minute's silence in memory of those who had been killed in the atrocities in Paris and other terrorist attacks across the world in recent weeks. The Leader reported that the Council had had a positive meeting with community leaders, faith groups and other organisations who had all shown solidarity.

All those present at Cabinet observed a minute's silence to remember the victims.

269. Apologies for Absence

None received.

270. Declarations of Interest

RESOLVED: To note that the following interest was declared:

Agenda Item 17 - Re-tender of Care Contract at Ewart House Extra Care Sheltered Scheme

Councillor Sue Anderson declared a non pecuniary interest in that Ewart House was situated in Greenhill Ward which she represented and the company that currently had a contract with Ewart House also supplied social care for a family member. She would remain in the room whilst the matter was considered and voted upon.

271. Petitions

RESOLVED: To note that no petitions were submitted.

272. Questions

Public and Councillor questions accepted were responded to and any recording placed on the Council's website. Councillor questions 8 to 35 were not reached at Cabinet and the Councillors would be provided with written responses which would be placed on the Council's website.

273. Key Decision Schedule - November 2015 to January 2016

RESOLVED: To note the contents of the Key Decision Schedule.

274. Progress on Scrutiny Projects

RESOLVED: To note the progress made on scrutiny projects.

RESOLVED ITEMS

275. Housing Needs' Strategies and Policies

RESOLVED: That

- (1) the amendments to the Housing Allocations Scheme 2013, Appendix 1 to the report refers, be approved;
- (2) the new Temporary Accommodation Procurement Strategy, Appendix 2 to the report refers, be approved;
- (3) the new Temporary Accommodation Allocation Policy, Appendix 3 to the report refers, be approved.

Reason for Decision: To meet the requirement to amend the Allocations Scheme following new interpretation of the law by the Court of Appeal. Having identified some unforeseen consequences that the Allocations

Scheme had created, the scheme required amendment in order to ensure that it was fair and met its aims and objectives. To adhere to the advice to have a Temporary Accommodation Procurement Strategy and a Temporary Accommodation Allocation Policy as a result of the Supreme Court judgment in *Nzolameso v City of Westminster* [2015] UKSC 22.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

276. HRA Purchase Programme: Purchase of properties over £250k

RESOLVED: That the Divisional Director of Housing Services, following consultation with the Portfolio Holder for Housing, be authorised to purchase properties on the open market at values up to and in excess of £250,000, subject to the total value of such purchases being contained within the existing approved budget for the HRA Purchase Programme approved by Council on 26 February 2015.

Reason for Decision: To streamline the process for the purchase of properties under the approved HRA Purchase Programme.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

277. New Legislation affecting the Private Rented Sector

RESOLVED: That

- (1) the requirements of the specified legislation be noted;
- (2) the Statement of Principles and penalty charge of £5,000 for non-compliance of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 be agreed;
- (3) the introduction of a penalty charge up to £5,000 for the non-compliance to the Redress Schemes for Letting Agents and Property Management Work (Requirement to Belong to a Scheme, etc) Order 2014 be agreed;
- (4) the Portfolio Holder for Environment, Crime and Community Safety be delegated authority to approve a concession policy regarding both schemes;
- (5) the Divisional Director of Commissioning be authorised to review the penalty charge imposed dependent on receipt of representation;

- (6) the issuing of a penalty charge, where appropriate within the requirements of the legislation and the principles of enforcement, be agreed.

Reason for Decision: To meet the requirements of the legislation and take action on non-compliance. To set a suitable penalty to encourage compliance which would also recover the costs of enforcement.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

278. Renewal of the Additional Licensing Scheme for Houses in Multiple Occupation

RESOLVED: That

- (1) it be noted that consultation on the renewal started in April 2015;
- (2) the proposed Additional Licensing Scheme to license Houses in Multiple Occupation (HMOs) of any number of storeys occupied by three or more unrelated people be agreed;
- (3) the Designation be made on 1 December 2015, to come into force on 1 March 2016 after the statutory 3 month period;
- (4) the Corporate Director of Community be authorised to take all steps necessary to publicise, commence and administer the scheme including the issuing and amending of licences;
- (5) it be noted that the fee was set at the level to recover the cost to administer the scheme.

Reason for Decision: To help deal with complaints relating to overcrowding, anti-social behaviour, overflowing bins, lack of fire safety and amenities. To ensure compliance from landlords thereby benefiting tenants and neighbours alike. To adhere with the overall policy of the Council to address private rented sector premises to ensure standards were met, in line with the use of Mandatory HMO and Selective Licensing. As the majority of the housing stock and HMOs in the borough were two storey properties and not subject to mandatory licensing, additional licensing would enable the Council to protect the health, safety and welfare of the occupants.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

279. Recovery of Costs following the Service of Housing Act 2004 Notices

RESOLVED: That

- (1) in accordance with Section 49 of the Housing Act 2004, charging be introduced in respect of the service of Improvement Notices, Prohibition Orders, Emergency Remedial Action, Emergency Prohibition Orders, Hazard Awareness Notices and Demolition Orders;
- (2) the Private Sector Housing Enforcement Policy, which set out the principles under which any Notice would be served, be approved;
- (3) the Corporate Director of Community be authorised to make operational decisions related to this scheme, including delegation of responsibilities, following consultation with the Portfolio Holder for Environment, Crime and Community Safety.
- (4) the charging system be introduced with effect from 1 December 2015.

Reason for Decision: To ensure that the cost of enforcing housing standards, particularly in the private rented sector, were met by those responsible for breaches and not the public purse.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

280. Delegation of authority to authorise a Public Space Protection Order (PSPO)

RESOLVED: That authority be delegated to the Corporate Director of Community to authorise, where appropriate, any proposed Public Spaces Protection Order affecting up to 3 bordering Wards following consultation with the Portfolio Holder for Environment, Crime and Community Safety.

Reason for Decision: A PSPO was used to address ongoing and urgent anti-social behaviour and crime matters. Delegation would allow a timely process for suitable PSPOs to be created and implemented, where it was appropriate to do so.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

281. Contract Procurement - Commercial Boilers

RESOLVED: That

- (1) officers be authorised to undertake a procurement process for contractors to deliver the communal heating service to the Council's

boilers and associated circulation systems in 18 sheltered schemes, 3 general needs housing schemes and 9 community centres; the term of the contract(s) be for a period of 4 years commencing 1 July 2016 with an estimated value of £750,000;

- (2) the Divisional Director of Housing, following consultation with the Portfolio Holders for Housing and Finance and Major Contracts, be authorised to award and arrange the execution of a contract or contracts with the successful tenderer(s).

Reason for Decision: To comply with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

282. Energy Procurement Strategy 2016 - 2020

RESOLVED: That

- (1) the Council enter into a Framework Agreement with LASER Energy Buying Group (LASER) headed by Kent County Council for the supply of energy to Harrow's corporate sites and schools for a period of four years starting on 1 October 2016;
- (2) the Corporate Director of Community, following consultation with the Portfolio Holders for Finance and Major Contracts and Environment, Crime and Community Safety, be authorised to enter into the LASER Energy Buying Group Framework for the provision of gas and electricity.

Reason for Decision: To procure energy at competitive rates for the Council's 573 corporate sites and schools through an efficient and government approved process, taking advantage of falls in global energy prices.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

283. Street Trading

RESOLVED: That

- (1) the proposed designation of streets be approved for consultation purposes;
- (2) the draft Street Trading Policy be approved for consultation purposes;

- (3) the Divisional Director of Commissioning Services be authorised to take all necessary steps to publish and consult on the proposed resolution(s) to designate streets and on the proposed street trading policy including the standard conditions for street trading licences;
- (4) it be noted that the outcome of the consultations would be reported back to Cabinet with any amendments considered appropriate for final approval;
- (5) that the guidance and application form that accompanied the Street Trading Policy be noted;
- (6) it be noted that the approval of fees and charges for street trading would be dealt with separately.

Reason for Decision: The Council had already adopted the Part III Street Trading provisions under the London Local Authorities Act 1990 ('the Act'). However, streets within the borough had not yet been designated for street trading purposes and it was now proposed that certain streets be designated in order to enable effective management and control of street trading across the borough. The areas proposed for designation would be consulted on and the responses received reviewed and presented back to Cabinet before a final designation decision was made.

To support this, and to ensure transparency, it was recommended that the Council adopt a Street Trading Policy. These will also be consulted on and feedback received will be presented back to Cabinet.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

284. Re-tender of Care Contract at Ewart House Extra Care Sheltered Scheme

RESOLVED: That

- (1) re-procurement of the Care Contract at Ewart House Extra care sheltered Scheme be approved for a period of 5 years with a contractual clause to terminate with 6 months' notice to the provider at any time;
- (2) an additional four month extension on the current contract for the period 1 January 2016 to 30 April 2016 be approved to allow for the continuity of the current service whilst the procurement exercise was undertaken;
- (3) the Corporate Director of People, following consultation with the Portfolio Holders for Adults and Older People and Finance and Major Contracts, be authorised to award a contract for Ewart House; to ensure that the tendering process was undertaken without delay and

that new services were commissioned with a view to commencing in May 2016.

Reason for Decision: The contractual arrangements for the provision of the Extra Care Service at Ewart House with Creative Support would come to an end on 31 March 2016.

Commissioners would like to ensure future provision of the service was of high quality and represented value for money. Consequently it was considered in the best interest of the Council to undertake a procurement exercise to identify the provider of this service from 1 May 2016.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

285. Harrow Virtual School

Having shown appreciation for the work of the Corporate Parenting Panel and having noted its recommendation on this item, it was

RESOLVED: That

- (1) the performance of, and standards being achieved, by our CLA, and in particular the weak performance of CLA at Key Stage 4 be noted;
- (2) the work of the Virtual School and the strategies used to improve CLA outcomes be noted;
- (3) the proposal for strengthening the structure of the Harrow Virtual School be noted.

Reason for Decision: To consider an overview of the work of the Virtual School.

Alternative Options Considered and Rejected: None.

Conflict of Interest relating to the matter declared by Cabinet Member/Dispensation Granted: None.

[Call-in does not apply to decisions that have been noted.]

(Note: The meeting, having commenced at 6.30 pm, closed at 7.30 pm).

Proper Officer

Publication of decisions:	20 November 2015
Deadline for Call-in:	<p>5.00 pm on 27 November 2015</p> <p>(Please note that Call-in does not apply to all decisions).</p> <p>To call-in a decision please contact:</p> <p>Vishal Seegoolam on 020 8424 1883 or email: vishal.seegoolam@harrow.gov.uk</p> <p>Alison Atherton on 020 8424 1266 or email alison.atherton@harrow.gov.uk</p>
Decisions may be implemented if not Called-in on:	28 November 2015