

CABINET

7 DECEMBER 2017

Record of decisions taken at the meeting held on Thursday 7 December 2017.

Present:

Chair:	Councillor Sachin Shah (except for agenda items 8 & 11)	
Councillors:	 Sue Anderson Simon Brown Keith Ferry (in the Chair for agenda items 8 & 11) Glen Hearnden Graham Henson 	 * Varsha Parmar * Kiran Ramchandani * Mrs Christine Robson * Adam Swersky
In attendance:	Richard Almond Marilyn Ashton Barry Macleod-Cullinane Paul Osborn	Minute 627 Minute 627 Minute 627 Minute 627

- * Denotes Member present
- † Denotes apologies received

624. Apologies for Absence

Received from Councillor Sue Anderson, Portfolio Holder for Community, Culture and Resident Engagement.

625. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Items 8/11– Selective Licensing of Private Rented Accommodation in Roxbourne and Roxeth Wards/ Introduction of New Enforcement Powers under the Housing and Planning Act 2016 Councillor Sachin Shah declared pecuniary interests in that he was a landlord. He would leave the room whilst the matters were considered and voted upon.

626. Petitions

Petition: Uneven Pavement on Wetheral Drive

Mr Manish Shah, a local resident, presented a petition signed by 87 residents with the following terms of reference:

"Many residents have registered complaints regarding the uneven pavement on Wetheral Drive. There have been many cases of elderly residents having falls and becoming injured as a result of the dangerous paving. Several neighbouring roads, including Western Drive and Crowshott Avenue, have recently had their pavement resurfaced and it is about time Wetheral Drive received the same treatment. We the undersigned call on the Council to review the state of the paving on Wetheral Drive and make the repaving and the repairs to the road a priority for the safety of residents."

RESOLVED: That the petition be received and referred to the Corporate Director of Community for a response.

627. Questions

Public and Councillor questions taken were responded to and any recording placed on the Council's website. Public Questioners 1, 5 and 7 who were not present at the meeting would be sent written responses. The Leader of the Council responded to Public Question 10 and Councillor Question 7 on behalf of the Portfolio Holder for Community, Culture and Resident Engagement, who had submitted her apologies for this meeting.

628. Key Decision Schedule - December 2017 to February 2018

RESOLVED: That the Key Decision Schedule be noted, including that the Chair of the Overview and Scrutiny Committee had been notified of an additional item – Introduction of New Enforcement Powers under the Housing and Planning Act 2016 - that Cabinet would be considering that evening for the reasons set out in Public Notice 1 published with the agenda for the meeting on the Council's website.

629. Progress on Scrutiny Projects

RESOLVED: That the report be noted.

RECOMMENDED ITEM

630. Appointment of Cabinet Advisory Panels, Consultative Forums and Appointment of Chairs

Resolved to RECOMMEND: (to Council)

That the quorum of the Employees' Consultative Forum remain as set out in paragraph 5.6 (Allocation of Responsibilities – Terms of Reference of ECF) rather than paragraph 45.2 (Executive Procedure Rules) and the Constitution be amended accordingly.

RESOLVED: That

- (1) the Membership, Chairs and Nominated Members of Cabinet Panels and Consultative Forums, including Working Groups, as set out at Appendix 1 to the report, be agreed, subject to Councillor Kairul Kareema Marikar being elected as Chair of the Member Development Working Group;
- (2) the discrepancy in relation to the quorum of the Employees' Consultative Forum, as set out in the Council's Constitution, paragraphs 5.6 (Allocation of Responsibilities – Terms of Reference of ECF) and 45.2 (Executive Procedure Rules) be noted that that the quorum remain as set out in paragraph 5.6.

Reason for Decision: To confirm appointments and address any discrepancies.

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.]

RESOLVED ITEMS

631. Selective Licensing of Private Rented Accommodation in Roxbourne and Roxeth Wards

- (1) having considered the evidence, consultation responses and the additional information set out in the report, Roxbourne and Roxeth Wards, delineated and edged in red on the map at Appendix C to the report, be designated as being subject to Selective Licensing;
- (2) the designation take effect from 1 February 2018 for a period of five years;
- the Council accept applications for Selective Licensing from 1 January 2018, in anticipation of the Scheme coming into effect on 1 February 2018;
- (4) the licence fee of £550 be noted and a discount of £75 on that fee, where applicable, be approved;

- (5) the Corporate Director of Community, following consultation with the Portfolio Holder for Environment, be authorised to take all steps necessary to publicise, commence and administer the Scheme;
- (6) it be noted that the Scheme and the operation of the designation would be reviewed as and when required in line with Department of Culture and Local Government: Selective Licensing in the Private Rented Sector – a guide for local authorities;
- (7) the Corporate Director of Community, following consultation with the Portfolio Holder for Environment, be authorised to amend and approve discretionary licensing conditions;
- (8) that a review of the Scheme be submitted to the quarterly Improvement Board.

Reason for Decision: To help address issues of anti-social behaviour, deprivation, migration and crime in the Roxbourne and Roxeth Wards, in line with the Corporate Priorities of making a difference to residents, community, businesses and the vulnerable.

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.

632. Extension of 3rd Party Enforcement of Low Level Environmental Issues

RESOLVED: That

- (1) the extension of the contract for environmental enforcement with Kingdom Security until September 2018 be noted;
- (2) the exploration of a procurement process in relation to environmental enforcement, including the option of a multi-borough approach, be approved;
- (3) the Council carry out its own procurement process should the multiborough approach not be feasible.

Reason for Decision: To explore a multi-borough approach or the Council's own procurement process to ensure that environmental enforcement continued, whilst achieving efficiencies and an extensive range of enforcement areas.

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.

633. Property Disposal Programme 2017-2018

RESOLVED: That

- (1) the properties detailed in the report be declared as surplus;
- (2) the financial implications and estimated sale prices, detailed in the confidential Appendix 1 to the report, be noted;
- (3) the Corporate Director of Community, following consultation with the Portfolio Holder for Business, Planning and Regeneration and the Portfolio Holder for Housing and Employment, be authorised to take all appropriate action to dispose of the Council's freehold interest in the additional properties listed at (A), (B) and (C) for the best consideration reasonably obtainable;
- (4) the Corporate of Director of Community be authorised to appropriate the properties listed in the report for any purpose pursuant to the Local Government Act 1972 and to take any steps necessary to implement the Disposal Programme.

Reason for Decision: To progress the disposal of properties following their review and identification as suitable.

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.

634. Introduction of New Enforcement Powers under the Housing and Planning Act 2016

- (1) the new enforcement powers against rogue landlords and Letting Agents contained within the Housing Act 2004, as amended by the Housing and Planning Act 2016, be agreed;
- (2) the charge levels for the enforcement of Civil Penalty Notices for relevant Housing Act 2004 offences, as set out in Appendix 1 to the report, be agreed;
- (3) the revenue arising from Civil Penalties and Rent Repayment Orders be reinvested within Community and Public Protection Service to further regulate and improve the private rented sector, as set out in Regulation 4 of the Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017;
- the amended Private Sector Housing Enforcement Policy which included the new aspects introduced by the Housing and Planning Act 2016 be agreed;

(5) the Director of Environment and Culture, following consultation with the Portfolio Holder for Environment, be authorised all powers to issue, use, amend and enforce civil penalties and all other enforcement powers under the Housing Act 2004 (as amended) and the Housing and Planning Act 2016 (and subsequent Regulations and Orders) as well as policies and procedures related thus.

Reason for Decision: To introduce new powers of the Housing Act 2004 as amended by the Housing and Planning Act 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.

635. Community Infrastructure Levy (CIL) - proposed allocations process

- (1) the allocation of the Borough Community Infrastructure Levey (CIL) be included as part of the Annual Budget Setting process and included in the Capital Programme report which was presented to Cabinet every year in December (draft budget) and February (final budget);
- (2) the allocation of the Borough CIL be informed by the Harrow Local Plan, Infrastructure Delivery Plan, Corporate Priorities and external funding opportunities and have regard to the criteria outlined in Section 7 of the report considered by the Major Developments Panel;
- (3) the following approaches to allocating the Neighbourhood CIL be approved:
 - (i) allocation of 15% of CIL receipts raised in each Ward back to the respective Ward in which it was generated (except where received from within the geographical definition of the Harrow and Wealdstone Opportunity Area), provided there was no neighbourhood plan for that area (if there was, the amount be 25%).
 - (ii) for CIL received within the geographical definition of the Harrow and Wealdstone Opportunity Area, (which was considered to form a neighbourhood), allocation of 15% of CIL receipts into a combined fund to be spent on projects across the entire area, to reflect that the area contained the greater proportion of strategic development sites within the borough.
 - (iii) the broad allocation of Neighbourhood CIL be agreed as part of the Capital Programme (based on available funds at the time and allocated as per 3(i) and 3(ii) above), and included in the Capital Programme report which was presented to Cabinet every year in December (draft budget) and February (final budget).

(iv) Once the broad allocation of NCIL was agreed as part of the Capital Programme, individual projects put forward by the relevant Directorates / Ward Members be assessed against the criteria outlined in section 7 of the MDP report (including the extent of consultation and level of community support), with the final decision on what projects were funded from the agreed CIL allocations being delegated to the Divisional Director of Regeneration and Planning, following consultation with the Portfolio Holders for Regeneration and Planning, and Finance and Commercialisation.

Reason for Decision: The Community Infrastructure Levy Regulations and the National Planning Practice Guidance set a framework in which CIL receipts needed to be spent. Establishment of a robust mechanism for the allocation of CIL that sought to ensure these requirements were complied with and linked expenditure to supporting new development in the borough to maximise the benefit such expenditure brought. A transparent mechanism also provided opportunity for input from stakeholders.

The Major Developments Panel (MDP) was an Advisory Panel to the Cabinet and the response report to the Cabinet responded to the amended recommendations from the MDP in relation to the pooling of NCIL received from within the Harrow and Wealdstone Opportunity Area.

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.

636. Building a Better Harrow - Winter 2017 Report

- the update on progress of the Regeneration Programme, section 3 of the report refers, be noted;
- the progress on the revised regeneration budget, as set out in sections 4 and 11 of the report, be noted;
- (3) the Byron Quarter Business Case, as set out in Appendix 2 to the report, be noted, including that as set out in September's Cabinet report its outputs would feed into the partner procurement process, and that the outline and detailed planning application would be submitted in January 2018 and that any joint venture agreements would be submitted to Cabinet for ratification before being entered into;
- (4) the budget of £409,000 to progress with the partner procurement process for the Byron Quarter Business Case be approved;
- (5) the Chief Executive/Head of Paid Service, following consultation with the Portfolio Holder for Business, Planning and Regeneration and the Directors of Finance and Legal and Governance, be authorised to procure and enter into agreements for the delivery of the works at

Waxwell Lane subject to a total construction contract value, as set out in confidential appendix 3 of the report;

- (6) the Chief Executive/Head of Paid Service, following consultation with the Portfolio Holders for Business, Planning and Regeneration and Finance and Commercialisation, be authorised to negotiate terms and enter into agreements for (i) acquisition of the tenanted sites at Byron Quarter, described in Appendix 2 to the report, including the incurring of any expenditure to acquire leases; and (ii) for the grant of new leases to the leaseholders on the site;
- (7) it be noted that a Regeneration Programme Infrastructure Plan would be produced, section 8 of the report refers;
- (8) it be noted that a Lobbying Strategy to promote improved rail, bus and underground links to central London and out of London would be produced, section 8 of the report refers.

Reason for Decision: To continue to deliver the Regeneration Strategy approved at Cabinet in December 2014, September 2015 and 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.

637. Draft Housing Revenue Account Budget and Medium Term Financial Strategy 2018-19 to 2020-21

- (1) the draft Housing Revenue Account (HRA) budget be approved for consultation;
- (2) the proposed average rent for non-sheltered accommodation of £114.73 per week for 2018-19, representing a decrease of 1% in average rent from the 2017-18 figure, be noted;
- (3) the proposed average rent for sheltered accommodation of £94.54 per week for 2018-19, representing a decrease of 1% in average rent from the 2017-18 figure, be noted;
- (4) the overall average rent for the whole stock of £112.40 per week for 2018-19, representing an overall decrease of 1%, be noted;
- (5) an average tenant service charge of £3.13 per week, an increase of 4%, as set out in Appendix 2 to the report, be approved for consultation;
- (6) the proposed increases in facility and water charges, set out in Appendices 4 and 5, and Community Centre hire charges, set out in Appendix 6 to the report, be approved for consultation;

- (7) the three year Capital Programme, set out in Appendix 7 to the report be approved for consultation;
- (8) the reductions in both the Revenue and Capital expenditure assumed to ensure the draft budget and Medium Term Financial Strategy (MTFS) produced a viable and sustainable HRA in line with the assumptions set out in the HRA Business Plan update reported to 16 November 2017 Cabinet meeting be noted;
- (9) it be noted that the Risk Management Implications required prudent financial reserves given the absence of borrowing capacity and the probability of sustained and significant reforms in the housing sector;
- (10) it be noted that, following consultation, final approval of the budget and MTFS would be sought from Cabinet and Council in February 2018.

Reason for Decision: To publish the draft HRA budget and capital programme for consultation.

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.

638. Estimated Surplus / (Deficit) on the Collection Fund 2017-18

RESOLVED: That

- (1) it be noted that there would be an overall net estimated surplus of £13.382m on the Collection Fund as at 31 March 2018, which would include a surplus of £3.936m on Council Tax (Harrow share of £3.259m) and £9.446m on Business Rates (Harrow share of £2.834m);
- (2) Harrow's share of £6.093m and its transfer to the General Fund in 2018-19 be agreed.

Reason for Decision: To adhere to the statutory obligation to estimate the surplus or (deficit) on the Collection Fund for the year end.

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.

639. Calculation of Council Tax Base for 2018-2019

RESOLVED: That

 Band D equivalent number of taxable properties be calculated as shown in accordance with the government regulations;

- (2) the provision for uncollectable amounts of Council Tax for 2018-2019 be agreed at 2% producing an expected collection rate of 98%;
- (3) subject to resolutions (1) and (2) above, a Council Tax Base for 2018-2019 of 84,446 Band D equivalent properties (being 86,190 x 98%) be approved, allowing for payment in lieu of Ministry of Defence properties;
- (4) having considered whether to review the local CTS Scheme, it be concluded that there was no need for a review, and the continuation of the existing CTS Scheme be approved, as previously adopted by full Council, for the 2018/19 financial year.

Reason for Decision: To fulfil the Council's statutory obligation to set the Council Tax Base for 2018-2019.

Alternative Options Considered and Rejected: None.

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

640. Approval of Business Rates Income Resource Base for 2018 - 2019

- (1) the approach and assumptions for the calculation of the Council's business rates yield, as set out in the report, be approved;
- (2) in accordance with the Non-Domestic Rating (NDR) (Rates Retention) Regulations 2013, the amount calculated by the London Borough of Harrow as its business rates yield for the year 2018-2019 be £15.001m be as shown in the table below;

		£m
	Projected NDR Income 2018/19	50.003
Less	Payable to DCLG (33%) Central Share	(16.501)
Less	Payable to the Greater London Authority (37%)	<u>(18.501)</u>
Equals	Amount to be retained by Harrow (30%)	15.001

- (3) the Council's Chief Finance Officer (Section 151 Officer) be authorised to submit the notification of the calculation of the estimated Non-Domestic Rates income to the Secretary of State and the Greater London Authority (GLA) by 31 January 2018 or other date as may be prescribed;
- (4) the Council's Chief Finance Officer (Section 151 Officer) be authorised, following consultation with the Portfolio Holder for Finance and Commercialisation, to submit revised figures (from those above) to the Secretary of State and Greater London Authority (GLA), if further clarification was received from Department of Communities and Local Government (DCLG) on the financial impact of the proposed changes to the authority and how this was to be calculated;

(5) should a 100% business rates pool for London be approved by the government for 2018-19 revised estimates of the distribution of Harrow's business rates income it would be reported to Cabinet and Council in February 2018 as part of the report approving the budget and Council Tax.

Reason for Decision: To fulfil the Council's statutory obligation to provide estimates and calculations in relation to the NDR for 2018-2019.

Alternative Options Considered and Rejected: None.

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

641. Treasury Management Strategy Statement and Annual Investment Strategy: Mid-year Review 2017-18

RESOLVED: That the Treasury Management mid-year review for 2017-18 be noted.

Reason for Decision: To promote effective financial management comply with the Local Authorities (Capital Finance and Accounting) Regulations 2003, other relevant guidance and the Council's Financial Regulations. To be availed of Treasury Management activities and performance.

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.

[Call-in does not apply as the decision was noted.]

642. Draft Revenue Budget 2018/19 and Medium Term Financial Strategy 2018/19-2020/21

- (1) the draft budget for 2018/19 and the MTFS 2018/19 to 2020/21 be approved for general consultation as set out in Appendices 1a, 1b, 1c and 2 to the report so that Cabinet might later consider the budget in light of the consultation responses and the equality impact assessments before it was referred to Council;
- the balanced budget position for 2018/19, and the budget gaps of £16.7m and £11m for 2019/20 and 2020/21 respectively, table 2 of the report refers, be noted;
- (3) the proposal to increase Council Tax by 1.99% in 2018/19, table 2 and paragraph 1.17 of the report refer, be noted;

- (4) the proposal to increase Council Tax by 1.5% in 2018/19 in respect of the Adult Social Care Precept, table 2 and paragraph 1.17 of the report refers, be noted;
- (5) the changes to Schools' Funding for 2018/19, as set out in Appendix 3 and paragraphs 1.32 to 1.34 of the report, be noted;
- (6) the draft Public Health budget for 2018/19, as set out in Appendix 4 of the report, be approved;
- (7) the Director of Finance, following consultation with the Portfolio Holder for Finance and Commercialisation, be authorised to agree Harrow's 2018/19 contribution to the London Borough's Grant Scheme, paragraph 1.50 of the report refers;
- (8) with regard to the London Business Rates Pooling Pilot
 - the designation by the Secretary of State of Harrow as an authority within the London Business Rates Pilot Pool pursuant to 34 (7) (1) of Schedule 7B Local Government Finance Act 1988, be approved and accepted;
 - ii) participation in the London Business Rates Pilot Pool with effect from 1 April 2018 (to 31 March 2019) be approved;
 - Harrow Council's administrative functions as a billing authority pursuant to the Non Domestic Rating (Rates Retention) Regulations 2013 be delegated to the City of London Corporation (COLC) acting as the Lead Authority;
 - iv) the Lead Authority be authorised to sub contract certain ancillary administrative function (regarding the financial transactions (payment of tariffs and top ups) within the Pool to the Greater London Authority (GLA), as it considered expedient;
 - v) a Memorandum of Understanding be entered into with the participating authorities as might be necessary to implement and / or regulate the pool and the Director of Finance, following consultation with the Portfolio Holder for Finance and Commercialisation and the Monitoring Officer, be authorised to negotiate, finalise and execute the same on behalf of the authority;
 - vi) the Leader of the Council represent the authority in relation to consultations regarding the London Business Rates Pilot Pool consultative as might be undertaken by the Lead Authority pursuant to the Memorandum of Understanding;
 - vii) the Director of Finance, following consultation with the Leader of the Council, Portfolio Holder for Finance and Commercialisation and the Monitoring Officer, be authorised to consider such consultative reports as the Lead Authority may circulate and to respond on behalf of the authority with regard to any

recommendations and in particular, proposals for projects to be approved for funding from the Strategic Investment Pot;

(9) it be noted that final approval to the budget would be sought from Cabinet and Council in February 2018.

Reason for Decision: To ensure publication of a draft budget for 2018/19 for consultation and a draft 3-year MTFS to 2020/21.

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.

643. Draft Capital Programme 2018/19 to 2020/21

RESOLVED: That

- the new draft capital proposals, as detailed in Appendix 1 of the report, be noted and it be also noted that these would be brought back to Cabinet and Council in February 2018 for approval;
- (2) the amendments to the budgets set out in Appendix 2 to the report be approved.
- (3) it be noted that final approval to the Programme would be sought from Cabinet and Council in February 2018.

Reason for Decision: To enable the Council to have an approved Capital Programme for 2018/19 to 2020/21 and for preparatory work to be undertaken for future years.

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.

644. Revenue and Capital Monitoring 2017/18 - Quarter 2 as at 30th September 2017

- (1) the revenue forecast position as at Quarter 2, 2017/18, be noted;
- (2) the debt write off, as specified in paragraph 2.70 of the report, be approved;
- (3) the Capital Programme, as specified in paragraphs 3.32 to 3.34 of the report, be approved;
- (4) the reductions to the Capital Programme, as set out in paragraphs 3.35 to 3.36 and Appendix 5 of the report, be noted;

(5) the Quarter 2 performance reports from Concilium Business Service, as set out in confidential Appendix 6 to the report, be noted.

Reason for Decision: To be availed of the 2017/18 forecast financial position as at 30 September 2017 and adhere to the Financial Regulations required for capital programme adjustments.

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.

645. Michael Lockwood, Chief Executive

The Leader of the Council stated that this was Michael Lockwood's last Cabinet meeting and, on behalf of Cabinet, thanked Michael for his services to the Council.

Michael Lockwood, Chief Executive, stated that it had been an honour and a privilege to have worked with Harrow Council and thanked the Leader of the Council, the Portfolio Holders and the Leader of the Opposition for their support. Michael was proud of the management team who had continued to deliver services under challenging circumstances and he wished the Council well for the future.

(Note: The meeting, having commenced at 6.30 pm, closed at 8.07 pm).

Proper O	fficer
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Publication of decisions:	8 December 2017
Deadline for Call-in:	5.00 pm on 15 December 2017
	(Please note that Call-in does not apply to all decisions).
	To call-in a decision please contact:
	Manize Talukdar on 020 8424 1323 or email manize.talukdar@harrow.gov.uk
Decisions may be implemented if not Called-in on:	16 December 2017