

CABINET MINUTES

21 NOVEMBER 2013

Chairman: * Councillor Susan Hall

Councillors:

* Kam Chana	* Janet Mote
* Tony Ferrari	* Paul Osborn
* Stephen Greek	* Simon Williams
* Manji Kara	* Stephen Wright
* Barry Macleod-Cullinane	

**Non Executive
Non Voting
Councillors:**

* Graham Henson	* David Perry
* Thaya Idaikkadar	

**In attendance:
(Councillors)**

Bill Stephenson	Minute 721
William Stoodley	Minute 721

* Denotes Member present

716. Apologies for Absence

None received.

717. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 10 - Key Decision - School Expansion Programme

Councillors Simon Williams, Paul Osborn, Stephen Wright, Tony Ferrari, Kam Chana, and Janet Mote declared non-pecuniary interests in that they were governors of various schools in the borough. They would remain in the room whilst the matter was considered and voted upon.

During consideration of the item, Councillor Kam Chana declared that he had served on the governing body of Cannon Lane School which had decided on the outcome of the proposals.

During consideration of the item, Councillor Thaya Idaikkadar declared that St John Fisher School was in Roxeth Ward and that he was one of the Members who represented that Ward.

718. Minutes

RESOLVED: That the minutes of the meeting held on 17 October 2013, be taken as read and signed as a correct record.

719. Petitions

Planning Reference P/2734/13 – Harrow View – Petition

Councillor Bill Stephenson presented a petition signed by 126 people, requesting that the Council reject the application for change of use from retail space to residential use. The terms of the petition were as follows:

“We, the undersigned, object to the planning application P/2734/13. Loss of retail space will make these shops unviable and will damage the shopping parade. This will be detrimental to the community.”

RESOLVED: That the petition be received and referred to the Corporate Director of Environment and Enterprise and the Portfolio Holder for Planning, Development and Regeneration for consideration.

720. Public Questions

RESOLVED: To note that the following public questions had been received:

1.

Questioner: Mr Christopher Bracewell

Asked of: Councillor Barry Macleod-Cullinane, Deputy Leader and Portfolio Holder for Adults and Housing

Question: I am one of the head coaches for Harrow amateur boxing club.
I would like to know when the development on Whitchurch Playing Fields is to commence?

Written Answer as Questioner was absent: It was necessary to hold the matter in abeyance pending consideration of the Town and Village Green application. The inspector's report and recommendation to the Council as Registration Authority has now been received and a meeting of the Licensing Committee has now been provisionally arranged for 10 December 2013 to review the findings and make a decision on the TVG application.

At this stage no decisions can or have been made.

2.

Questioner: Mr Thomas Moran

Asked of: Councillor Barry Macleod-Cullinane, Deputy Leader and Portfolio Holder for Adults and Housing

Question: Now that the application for Whitchurch Fields to be registered as a town or village green has been recommended for refusal, could you please give some guidance as to when The Whitchurch Consortium can proceed with their plans to develop a new sport and leisure facility that is needed for all sports enthusiasts, young and old alike, in the borough?

Written Answer as Questioner absent: A meeting of the Licensing Committee has now been provisionally arranged for 10 December 2013 to review the findings and recommendations of the inspector and make a decision on the TVG application. At this stage no decisions can or have been made.

3.

Questioner: Ramesh Nadarajah

Asked of: Councillor Barry Macleod-Cullinane, Deputy Leader and Portfolio Holder for Adults and Housing

Question: As a resident of Harrow and member of the consortium, I have been involved with the tender process for Whitchurch Playing Fields since 2009. The tender was put out by the Conservative Cabinet at that time looking for suitable partners to manage the site. We were short listed by the same Cabinet and selected by the recent Labour Cabinet.

Please can Councillor Barry Macleod-Cullinane please explain why, after spending a great deal of money time and effort, as well as following the Council's instruction to the letter, he is now promising to register the site as a village green?

Answer: Thank you very much for your question.

As you are aware, it was necessary to hold it in abeyance, pending consideration of the Town and Village Green application. The Inspector's report and recommendation to the Council as the Registration Authority has now been received and a meeting of the Licensing Committee has to be convened in order to decide what comes next: Do we

accept the Inspector's recommendation and turn down the application to register Whitchurch Playing Fields as a village green or do we agree to register it in opposition to the Inspector's report?

Because the Licensing Committee is actually a quasi-judicial body, it is not right for me to speculate on the outcome of that body. It is like speculating on a court trial and the judgment made therein. So, at the moment, we have to wait until the meeting of the Licensing Committee, which I understand has been scheduled for 10 December this year, to make that decision one way or another and as soon as it makes that decision, the Council can then move forward.

Supplemental Question: So in that case, am I wrong in thinking that your comments about, "it will be kept as a village green" is premature at the moment?

Supplemental Answer: Absolutely.

4.

Questioner: Ratnasingham Sivakumar

Asked of: Councillor Susan Hall, Leader of the Council and Portfolio Holder for Community Safety and Environment

Question: The Whitchurch Playing Fields tender was put out 5 years ago by the Conservative Cabinet, promising to provide sports /environmentally soothing modern facilities for the community. We as a Cricket Club have played in this field for several years. Now that you are back in power are you going to finish what you started?

Answer: We cannot make any decisions until this has gone through the Licensing Committee on 10 December. They will have to judge whether this should be upheld or not. So until that time it is quasi-judicial and we are not allowed to comment on it.

Supplemental Answer: At the time when it was Conservatives, I presented the matters in detail and due to the funding, our matter was not taken further and I have got the documents here with me as to what was given to us for not accepting our tender. Can I present that one?

Supplemental Answer: No, nothing can be decided on that particular piece of land until the Licensing Committee has met on 10 December to know whether it is going to be given the permission to be a town village green or not.

So until 10 December, no decisions on that piece of land can be given at all, or commented upon. It is a quasi-judicial body that sits and they will have to look at all the evidence and decide what happens to that piece of land before we can go forward.

Mr Sivakumar: So all this time, for the last 5 years, whatever action is taken, this was not clarified and lots of time has been wasted on calling for tenders.

Cllr Hall: What happened in the intervening time is that the local residents put in an application for a town village green which stopped everything. Until that is determined nothing can happen. If you would like to contact me separately outside this meeting, I am very happy to sit and discuss it with you but we cannot comment on it now because everything is subject to a meeting on 10 December. So if you contact me outside Cabinet, I am happy to sit and talk to you.

Mr Sivakumar: Thank you very much.

Cllr Hall: You are welcome.

5.

Questioner: Kevin Quincey

Asked of: Councillor Barry Macleod-Cullinane, Deputy Leader and Portfolio Holder for Adults and Housing

Question: I have a question for the Council based on troubling information that has come to light.

A Harrow resident named Melanie Lewis has posted online that she has received a promise from the Deputy Leader that Whitchurch Fields WILL be registered as a Town/Village green, despite the application to do so already having been defeated in court. Earlier she has also proudly stated online that "If nothing else, we've slowed the development right down. We just have to hope that the Consortium get fed up of waiting!"

I have heard estimates that the Council has spent in the neighbourhood of over £200,000 thus far on professional legal expenses and court costs associated with this green space lark that I think most agree has been a complete waste of time and energy for everyone involved, and an irresponsible use of those Council funds.

How does the Deputy Leader propose the Council will continue to fund such activities which appear to be potentially illegal and in direct opposition to the court ruling, especially considering the impact on the consortium for delays has surely reached multiple millions of pounds now, a sum for which the Council and other actors like Melanie Lewis could potentially be held liable for and have to repay?

Answer: Thank you Mr Quincey for your question.

I would like to state that I am categorically not responsible for Mrs Lewis' actions and activities with regard to this site.

The registration officer considered when she did lodge the application as a town and village green that there was a potential conflict of interest as the Council is both land owner and also the regulatory authority and it was therefore held appropriate and good practice, as followed by other Councils, to hold a public inquiry into the actual respect of the town and village green application.

I am advised by officers that total legal costs so far incurred to date by the Council in both capacities is currently in the region of £60,000. The Licensing Committee, which I mentioned in my previous answer, is going to be reviewing the Inspector's report and recommendations and is going to then make the decision on whether or not to grant the town and village green application or to uphold the Inspector's recommendations, which is to turn it down. No decision has been made to date and it will not be made until 10 December. I cannot speculate about what they will do because it is like a court function there but the court has yet to rule on it definitively in that sense, that we have to register what the Inspector has recommended. If we did turn it down then there would be good reason to appeal, because that goes against the recommendations of the Inspector.

Mr Quincey: So I notice you did not respond and tell me whether you had made that promise to Melanie Lewis.

Supplemental Answer: I do not recall making any such promise to Melanie Lewis and I have looked online at every email that I have sent and I cannot find a statement to that effect. I did speak in favour of and support the town and village green application when the hearings were on. I am Ward Councillor, I know of the use of that thing and I thought yes, it seemed to be fitting in the sense of the application.

However, I do not recall ever making a promise to register

it and certainly not at the time when we had the hearings. We were in opposition at this time. We would not be able to bind the administration. I am also certain the Leader of the Council has not made an absolute promise either on that front. There seems to be a scurrilous rumour being put around that I have made these claims. I did support it. I have concerns about the consortium and I am on record saying so but I did not, as far as I can recall, ever make a statement or a promise to that effect.

6.

Questioner: Subra Skantha

Asked of: Councillor Barry Macleod-Cullinane, Deputy Leader and Portfolio Holder for Adults and Housing

Question: We have a club where 70 adults and 45 children play cricket.

Our aim is to make the community children play games when they are free rather than spending times on the roads.

Our club is well establish in Middlesex area and most of the players are from Wembley, Harrow, etc.

We need grounds facilities to cater the needs of our players and need help from Harrow Council to find a suitable place.

Will you have this in mind when you take the decision about abandoned Whitchurch Playing Fields?

Answer: Thank you for bringing your interest to the meeting about Whitchurch. Clearly we want to get the best for our residents. Clearly we want to resolve this but at the moment we are awaiting the outcome of the Licensing Committee, which is being called to decide to uphold or to turn down the Inspector's recommendation about the bid to register it as town and village green.

If it is turned down then we will be in a situation where we need to decide what happens next.

Supplemental Question: We have been trying for the last 7-8 years through the Council to get a ground for us without any success and suppose if he carried the community, all the communities from our playing people will get the benefit. Will you consider our club to cater for that?

Supplemental At the moment we have not made any decisions but we in

Answer: the Council, and I think cross-party, are always concerned to try to support our sporting clubs across the borough. I am sure that we could look at any site subject to whatever the legal requirements are to see whether or not we can support you and it might be that you want to speak to my colleague, Councillor Manji Kara, Portfolio Holder for Community and Culture, who heads up on culture and sport issues, whether or not we can find an alternative site if Whitchurch Playing Fields are not available. We as a Council would be concerned to try and support you wherever possible and perhaps we can meet afterwards and chat through that.

7.

Questioner: T Inpan

Asked of: Councillor Barry Macleod-Cullinane, Deputy Leader and Portfolio Holder for Adults and Housing

Question: I live very close to the grounds: I understand you have been talking with some of the immediate residents regarding the Whitchurch Playing Fields, have you made any effort to speak with the local sports teams or schools that use the site and ask them what they want done?

Answer: I have spoken to some of those sporting clubs. I have not been in contact specifically with the schools as such on terms of that because things were somewhat progressed before this all blew up but I would be more than happy to sit down and see what happens.

Currently there has been the letters to and fro from the various schools as part of that Inquiry process. Versions and different versions have appeared from some of those schools. I think what we need to do is try to make sure that we have the best outcome for residents, not merely those overlooking the site but in the wider vicinity and making sure our sporting clubs are supported as well, as well as the 2 schools that are immediately adjacent to the site.

So I think that will be well worth it. I think overall the whole process has been fairly badly handled in terms of consultation in the wider community and it has been a problem and an issue that has gone on for a number of years. I think that that needs to be addressed but at the moment we are waiting for the outcome of the Licensing Committee to decide to uphold or turn down the Inspector's report.

Supplemental We would welcome a separate dialogue with you on the

Question: grounds as well, as an official in one of the sports clubs interested in the site.

Supplemental Answer: I am more than happy to meet on that and perhaps Councillor Kara, who is also one of the Ward Councillors, can join us.

8.

Questioner: Mr Welby

Asked of: Councillor Susan Hall, Leader of the Council and Portfolio Holder for Community Safety and Environment

Question: Can the Portfolio Holder for Controlled Parking Zone explain why the Council wants to make residents and businesses in 20 Roads (Queensbury, Edgware, Kenton and other Wards) suffer by having to have permits costing approximately £68 when traffic measures are needed in only 3 Roads in the consultation area?

This is a hammer to crack a small nut in Queensbury Ward and other Wards.

Answer: There are many, many areas that ask for Controlled Parking Zones and they go on a long list and we gradually get round to them.

We do a consultation to start with to see which roads that local residents think we should do. No CPZ is put into place if the majority of the people in the area do not want it put in and that is done by road.

Now if you have got 3 roads that are very heavily parked up, all you do if you just put Controlled Parking Zones in that road would be to displace the parking and they would go further. So very often when we consult, and that is what we do to start with, we consult outside the area so that not only the areas that have got badly parked up roads, the areas next to it can be asked if they would want to be in a zone if the others are in a zone. Clearly, if you remove all the cars from 3 roads, they will go out further. There becomes a point at which they will not go out further than that but it is common practice. It is what we have all done for years, it works and if everything comes back that residents do not want it, they will not get it.

We have even in the past, certainly when we were responsible before, done half a road if it is a long road and half the road do not want it. So this stage in Queensbury, this is just a consultation to find out people's views on what they want and that is what that is about.

Supplemental Question: What you told me about half the roads, people agree and disagree, residents in Bridgewater Gardens have not been consulted. Only half of Bridgewater Gardens have been consulted on this scheme because the simple reason is, my turn in Merlin Crescent is likely, if you pass this scheme, you will do the other half of Bridgewater Gardens and spread it round where I live in Merlin Crescent. What you are saying is this consultation is flawed because you have only consulted half the road. If you look at the diagram which I have with me, you can see that half of that road and a number of areas off Camrose Avenue have been left off this scheme.

Supplemental Answer: There has to be a point when one road is a consultation and the next road is not.

If you have got a very long road, very often if it is out of the sphere of where you might be consulting, then you do stop it halfway. We have just done that in Hatch End because we knew that it would not go all the way down to The Avenue, as an example.

If you are unhappy about something specific, you know me well enough that if you contact the office, I will sit and go through it specifically with you but no decisions have been made in that particular area yet. It is just a way of consultation. If people do not want it, we will not put it in. I can assure you of that but what we do is not by people coming and talking here, we do a consultation where people privately write back to us and tell us whether they do or they do not want it. So we are right at the very beginning of this.

If you are unhappy, do please come in and see me and we will go through it with the traffic officers so you can see who is being asked and why and if we realise that there could be a mistake then we will absolutely spread the questionnaire further. No problem at all.

Mr Welby: Madam Chairman, what you said is not correct from what I have done when I have spoken to Council officers. They have told me on the phone recently, within the last 3 weeks, that a decision would be taken on 5 February for this scheme. This is the date I was given by the Council officers under the Traffic Committee of this Council, a decision would be made unless it goes to Cabinet.

Cllr Hall: Decisions on this will go to TARSAP. If it is February you have got plenty of time to come and see me and to tell me what you are concerned about.

9.

Questioner: Mrs Jane Galbraith

Asked of: Councillor Janet Mote, Portfolio Holder for Children and Schools or Councillor Susan Hall, Leader of the Council and Portfolio Holder for Community Safety and Environment

Question: In view of the predicted continuing increase in the need for school places and in view of the number of sites owned by the Council that have potential to be used to build new schools or expand existing schools, what plans does the Council have for identifying and preserving all the Council owned sites that could be suitable for new schools or for the expansion of existing schools? For example, the Gayton Road site, Debenham's car park and the Civic Centre could be earmarked for educational rather than residential development.

Answer: Thank you Mrs Galbraith.

Ensuring that every child in Harrow has a school place and receives a high quality education that is a statutory duty. Harrow's Cabinet has agreed Phase 1 of the primary expansion programme and the statutory process for Phase 2 which could provide up to 13 additional reception classes in existing schools across Harrow is underway and we will be talking about that later on.

As part of the Local Plan, outlining how the borough will grow in the future, the Children and Families Directorate and the Planning Service have worked hard together to identify the increase in places that would address the increased population needed.

The primary school expansion programme has been achieved through the development of existing schools. However, there are other sites that have been developed over time. Planning permission for the Kodak site in Wealdstone already provides a 3 form entry primary school to meet the site's educational need as well as providing additional space to meet need in the locality. At Colart, the Local Plan and emerging planning application makes space for the development of Salvatorian College. Meanwhile, the Heart of Harrow Local Plan explicitly identifies the former Harrow Teachers' Centre as the location for a new secondary school places.

Together with the existing programme that we are undertaking, and based upon our current forecasts, we believe that the land set aside in the Heart of Harrow for

new educational uses in the Borough is adequate and will meet the future need. At this stage, the existing provision is expected to be sufficient. Earmarking other additional land assets which help the borough deliver regeneration and prosperity for all is not considered to be necessary.

Supplemental Question: My understanding was that there were forecasts for continuing increase and that we would need a couple more phases and the expansion of existing schools is not ideal, although I support it because we need the places and therefore, I would beg the Council not to throw away the assets that they own that could potentially be used either for expanding a current school on a new site, so that part of it could move to a different site and give more room for expansion, or to provide space for new schools which we hope would be built in due course.

Supplemental Answer: We will continue to do that. Thank you very much.

721. Councillor Questions

RESOLVED: To note the following Councillor Questions had been received:

1.

Questioner: Councillor William Stoodley

Asked of: Councillor Kamaljit Chana, Portfolio Holder for Business and Enterprise
(Answer provided by Councillor Susan Hall, Leader of the Council and Portfolio Holder for Community Safety and Environment)

Question: In a recent TV documentary on the Iceland chain store it was claimed that the police will not turn up for a shoplifting offence of less than £20. In the interests of your administration's constant assurances that you are all for supporting small businesses in this borough, would you kindly confirm what our Borough Commander's strategy is with respect to shoplifting in our Borough?

Answer: As far as I am concerned, if the Police are called for any shoplifting, they will respond. Clearly, if you know any different then please do let me know and I will make sure that the Borough Commander knows about that.

We would encourage people to let the Police know if this happens. Very often shops, if it is for something small, they do not let people know, they do not let the Police know and I wish they did because petty crime is still a

crime and we should do everything we can to stop it. So as far as I am absolutely aware, there is no problem. The Police should and would come.

Cllr Stoodley: Thank you Leader. That is very reassuring to hear that. At the end of the day, theft is theft, as you say.

2.

Questioner: Councillor Bill Stephenson

Asked of: Councillor Paul Osborn, Portfolio Holder for Communications, Performance and Resources

Question: Would you agree that the constitution of the Council should both ensure that the majority will of its Members is upheld at the same as protecting the rights of minority groups, and with this in mind will you convene a meeting of the Constitutional Review Working Group to consider how this might be done asking it, in particular, to consider the procedures for suspending standing orders, overruling a ruling by the Chair, removing the Chair, by, for example, in each case a two thirds majority.

Answer: Thank you for that question, Councillor Stephenson. I am always pleased to talk about the Constitution, as you know.

However, I am also very keen that we follow it and this actually is not a question that comes under the remit of Cabinet, it comes under Council. However, I would still like to answer it, so if I may, can we suspend Standing Order 17.1.1 in order to enable me to answer it?

[Cabinet duly agreed to suspend the Rule.]

I am happy to and indeed have promised at the Council meeting, to convene a meeting of the Constitution Review Working Group to consider issues such as suspending Standing Orders. I am though very concerned about what I think in that question is an attack on the Mayor and I certainly would not want to be party to that.

Supplemental Question: I found myself very uncomfortable at that Council meeting when we had to suspend Standing Orders but that was a function that had to be done, it was a function of the Constitution and I hope that we can look at that and maybe on the Constitution Review Working Group or we can go back to looking at things that we were talking about nearer the elections, agreeing things where we can be more user friendly, like having Non-Executive Members of Cabinet, allowing backbenchers to perhaps

bring motions to Council.

So could I perhaps ask about a timescale for the Constitution Review Working Group so that we can get through this and perhaps agree them by the Council in February or April?

Supplemental Answer: I am absolutely happy to have that conversation. I have actually asked the Director of Legal and Governance Services, this afternoon, to arrange a meeting. I will try and get something before Christmas but if not, it would be very early in the New Year.

Certainly the expectation would be to have something that could go to the February Council meeting.

3.

Questioner: Councillor Bill Stephenson

Asked of: Councillor Susan Hall, Leader of the Council and Portfolio Holder for Community Safety and Environment

Question: The Council has recently undertaken and implemented a major and radical overhaul of its senior administrative structure cutting its senior staff from 30 to 20, reducing the number of Corporate Directors to 4 and introducing a new role of Corporate Director of Resources and a changed relationship for the Section 151 Officer, which has saved the Council over 1 million pounds. Would you not agree that it is important to judge and assess the success or otherwise of this re-organisation before embarking on yet another one so soon on without having this information.

Answer: I am absolutely passionate about saving money for this Council and for our Council Tax payers, as is my entire Group and Cabinet.

We are focused at the moment on planning the Council's finances for 2015 and onwards and we know that this will involve some very difficult decisions. Nevertheless we are very prepared to take difficult decisions.

It took a year to implement the main changes in the last restructure. I felt therefore, it was necessary to start consultation on our proposals as early as possible so that we could secure the savings from 2014 and provide the incoming administration, following the May election, with the most flexibility to determine what structure best supports them.

I can assure you that all comments on these proposals,

including questions such as this, are being fed back alongside the consultation process.

Supplemental Question: I thank you for your answer but I would like to ask you to think very carefully about what you are doing. We now have a hung Council, we all know that. We have a major reorganisation of all our services among our Directorates which only just started to come into place and the morale of the staff is very low indeed and our reputation as a Council is at risk and dare I say it, I have had people keep talking about a 'basket case' Council.

So I ask you, think again, postpone this reorganisation, bring back the Chief Executive to take us through to the elections and then whoever wins the elections can decide and properly consult about any reorganisations that they may like and they might put that in their manifestos and get a proper mandate for it.

Supplemental Answer: Well, let me first of all say to you, we only ever do proper consultations. This is a proper consultation we are going in, so I will not actually speak any more about that.

Just because this is a hung Council, that does not give us the reason not to do positive things and I think we should be looking to the future. If not we will just stagnate for 6 months. That will not do the morale of any of our staff any good.

We have to look at the finances of the Council. We have got some very pressing difficult times coming ahead. Whoever comes in power in May is going to have to make substantial savings.

We could sit here and tread water and make everybody happy in order that we keep our positions because we are not rocking any boats but, in truth, it is best that we make proper decisions on ways forward that we can save substantial amounts of money, taxpayers' money, and things will be left in a position so that if an incoming administration in May wishes to change anything that we have done, it can be easily reversed because to do anything else would not be fair.

4.

Questioner: Councillor Bill Stephenson

Asked of: Councillor Susan Hall, Leader of the Council and Portfolio Holder for Community Safety and Environment

Question: "Do you agree that where it is proposed to erect a new

CCTV camera, it is important that local ward Councillors, traders and residents should be informed and consulted. In particular could you provide a list of all proposals to erect new CCTV cameras in Harrow, their precise location and the proposed date of erection.”

Answer: I believe you have been sent a list of where CCTV cameras are proposed.

I am always slightly amazed when we get questions like this, when a Group have been in control for a long time, they have done nothing about these things themselves and then suddenly, it is why are you not doing something?

But having said that, in all fairness, I do not see the necessity to specifically consult on where these CCTV cameras go because they are very often put in as a response from many residents asking for them. You cannot believe how many times I am asked if we can put cameras up because they are massively good in deterring crime and resolving crime issues. People always seem to think they are just there to stop the motorists or to give motorists PCNs but they are not. They are there for very, very good other reasons and thank goodness for them because the ones in Wealdstone corridor have been invaluable in dealing with lots of challenging anti-social behaviour, shall we say, as well as in the town centre.

So no, I do not believe we should consult. You clearly do not either otherwise you would have done it when you were the Leader, I am sure.

Cllr Stephenson: Can I just say I think it is very important and it is one of things our administration was, when things happen in the Wards, the Ward Councillors are informed. This is not the case and I have raised this every time it has happened in my Ward.

People suddenly find a CCTV camera dumped in their Ward and nobody knows why. I am told it is solely for crime purposes. I am not sure I believe that but I do hope and I have been assured by one of the officers, in the future, Ward Councillors will be informed well in advance and discussions take place.

I thank you for your answer.

5.

Questioner: Councillor Bill Stephenson

Asked of: Councillor Susan Hall, Leader of the Council and Portfolio

Holder for Community Safety and Environment

Question: “Would you agree that in general a legal PCN cannot be issued solely on the basis of CCTV photos and must be supported by other independent evidence, except in cases such as parking illegally in a loading bay or parking on the pavement, and will you ensure that this does not happen.”

Answer: PCNs are given at different times. Normally, if they can they will do them by foot anyway. The CCTV, as I have commented previously, are mainly there for to detect crime. Sometimes they are in positions because we know there is continual flouting of the laws, in which case they will get PCNs for it. If there are blue badges on show, then they normally can see those but I will double check with the team to make sure that that is being adhered to.

Cllr Stephenson: Or that if you cannot see the blue badge then you cannot give a PCN to it. That I was told by an officer, I just want to confirm whether that is a correct fact. I am told that these things are being given when they cannot see whether there is a blue badge and I understand that that is not correct and they should not be doing it.

Cllr Hall: Well, I will look into that Councillor Stephenson.

722. Key Decision Schedule - November 2013 to January 2014

RESOLVED: To note the contents of the Key Decision Schedule for November 2013.

723. Progress on Scrutiny Projects

RESOLVED: To receive and note the progress of scrutiny projects.

RESOLVED ITEMS

724. Key Decision - Future Organisation of Stanburn First School 4-7 Years and Stanburn Junior School

The Portfolio Holder for Children and Schools introduced the report, which sought approval to enable Stanburn First School and Stanburn Junior School to combine in January 2014. The Portfolio Holder added that the Council's Amalgamation Policy, which required governing bodies of separate schools to amalgamate schools when trigger circumstances arose, had been triggered as the Headteacher of Stanburn Junior School had retired in August 2013.

The Portfolio Holder expressed her gratitude for the work carried out by the governing bodies and stated that, following a challenging consultation, both the governing bodies had supported the amalgamation. She praised the

effective collaborative work and communication undertaken by the governing bodies in reaching a decision, and commended the report to Cabinet.

RESOLVED: That, having determined the statutory proposals in relation to Stanburn First School (4-7 Years) and Stanburn Junior School, the two schools be amalgamated in January 2014, namely to:

- extend the age range of Stanburn First School (4-7 Years) to establish a primary school with an age range of 4 years (reception) to 11 years (year 6) from 1 January 2014;
- expand the capacity of Stanburn First School (4-7 Years) from 1 January 2014; and
- discontinue Stanburn Junior School on 31 December 2013.

Reason for Decision: In line with the Council's amalgamation policy, combining the two schools would give the opportunity to further improve educational standards by enabling planning as a coherent whole across the primary phase of the national curriculum. It would also provide a greater flexibility across and between key stages. Access to the whole primary curriculum supported and informed whole school planning, assessment, pastoral systems, etc., and provided opportunities for wider staff development and experience across the full primary phase.

Alternative Options Considered and Rejected: Reject the proposals. Approve the proposals with modifications, for example, in relation to the implementation date. Approve the proposals subject to meeting a separate condition.

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

725. Key Decision - School Expansion Programme

The Portfolio Holder for Children and Schools introduced the report which set out the outcome of the statutory consultations on Phase 2 of the Primary School Expansion Programme agreed by Cabinet in July 2013 and proposed the next stages.

The Portfolio Holder outlined the statutory responsibility on local authorities to provide sufficient school places for its area and the work carried out previously, including putting a Strategy in place. She added that this was Phase 2 of the proposals which had received broad support and thanked those who had responded to the consultation, included the concerns expressed which were being discussed with schools. The report also included demographic information, school roll projections and the Secondary School Place Planning Strategy. She commended the report to Cabinet.

The non-voting non-Executive Members welcomed the report which had received cross-party support, including recognition by successive

governments of the issue. A Member asked about the risks which, in his opinion, had been addressed inadequately. He added that the report was reliant on the project being delivered by June 2014 and asked about the financial risks if the deadline was not met.

In response, the Portfolio Holder explained that contingency plans had been built into the process and a reference group had been set up to log all progress made and to ensure meticulous planning. She responded to further questions and assured Members that the consultation problems in relation to Vaughan School had been a helpful learning exercise for the Council and checks and balances would be kept for the future. In relation to the responses that did not support the proposal, verbal responses had been received from Cannon Lane School of support. Additionally, St Anselm and St John Fisher Voluntary Aided Schools had re-checked their consultation and were prepared to move to the next stage of the process.

With regard to the Council's IT systems, the Portfolio Holder for Communications, Performance and Resources informed Cabinet that discussions were underway with the Planning Department to ensure that the planning system was robust and whilst issues had arisen it was hoped that the Council would be able to minimise these. The Portfolio Holder for Planning, Development and Regeneration added that compared to previous times, the Planning Department was involved in discussions from the outset so that any potential issues could be identified at an early stage. Moreover, local residents were being consulted early at the design stage. These standards should apply not only to developers but also the Council who was both an education authority and a developer.

RESOLVED: That

- (1) the outcomes of the statutory consultations on proposals for primary school expansions be noted;
- (2) the publication of statutory notices to expand permanently the following schools be agreed:
 - Aylward Primary School
 - Pinner Wood School
 - Grange Primary School
 - Norbury School
 - Belmont School
 - Priestmead School and Nursery
 - Newton Farm Nursery, Infant and Junior School
 - Kenmore Park Infant and Nursery School
 - Kenmore Park Junior School
 - Whitchurch First School and Nursery
 - Whitchurch Junior School;
- (3) in relation to Cannon Lane Primary School the following be agreed:

- to extend the consultation period for the Governing Body of Cannon Lane Primary School to respond to the consultation by 4.00 pm on Friday 29 November 2013;
 - to delegate to the Corporate Director of Children and Families, in consultation with Portfolio Holder for Children and Schools, the decision whether to publish statutory proposals to expand permanently Cannon Lane Primary School;
- (4) in relation to St Anselm's Catholic Primary School and St John Fisher Catholic Primary School, it be agreed to delegate to the Corporate Director of Children and Families the decision whether to make representations on any published statutory proposals and for the Corporate Director to liaise with the schools and the Diocese of Westminster through the statutory process;
- (5) the Demographic Information School Roll Projections 2014-2022 Report be noted;
- (6) the Secondary School Place Planning Strategy be approved.

Reason for Decision: To enable the Local Authority to fulfil its statutory duties to provide sufficient school places in its 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.

726. Accessible Transport - Scrutiny Review Group Report and Recommendations

Cabinet received a report of the Corporate Director of Environment and Enterprise, which recommended the actions to be taken in response to the Scrutiny Review Group's recommendations on Accessible Transport.

In accordance with the Cabinet/Scrutiny Protocol, the Leader of the Council invited the Chairman and a Member of the Review Group to address Cabinet. They

- thanked those who had participated in the Review Group and the assistance that had been received from the bus companies and Transport for London (TfL), including residents. They particularly thanked the Anthony Wood, Harrow Public Transport Users Association, for his invaluable knowledge and contacts, including his knowledge of transport in Harrow;
- stated that the driving force behind the Review was the different life opportunities experienced by people who could not readily access transport facilities. Additionally, during the Review issues such as being able to reach the buttons in lifts, being able to access dropped

kerbs, had also been highlighted. Small changes such as double yellow line markings near dropped kerbs helped. They hoped that Harrow would emulate and learn from the measures implemented in other boroughs, and welcomed the provision of a community bus stop in Harrow. The Chairman of the Review Group referred to the issue of access at Harrow-on-the-Hill Station and the cost of £35m to make it fully accessible. She also explained the various measures that other boroughs had put in place and welcomed the response report. However, she would have liked timescales and target to have been included.

In response to a question associated with the political pressures in obtaining funding, the Leader of the Council stated that she was meeting with the Deputy Mayor for London and would be raising the issue of accessibility, including the provision of facilities for people with disabilities, at Harrow-on-the-Hill Station and other stations. She appreciated that other areas of Harrow also needed to be made accessible, and that she was aware of the nuances such as the doubts over TfL's community project in Harrow on the Hill Ward. She assured Cabinet that all such aspects would form part of her discussions with the Deputy Mayor for London the following day. A non-voting non-Executive Member was pleased to learn that the Mayor's office was being lobbied and he suggested that it was also important for the Council to have a commercial outlook and to encourage and attract private investment.

The Deputy Leader was of the view that it would have been helpful if the Review Group report had set out the challenges and costs associated with various proposals. He suggested that the work being carried out by the Health and Wellbeing Board in respect of children and adult care ought to be incorporated, in particular the empowering elements of that work. The Chairman of the Review Group responded that discussions had taken place on the financial aspects, however it was agreed not to include these as the financial aspects were also dictated by other contributory factors.

The Leader of the Council agreed that it was important that consideration was given to people with disabilities in all aspects of the work carried out by the Council, including awareness. She would support and encourage private sector investment. In conclusion, the Leader thanked the Members of the Review Group for their report and asked officers to submit a further report on the achievements to a future meeting.

RESOLVED: That the actions recommended by officers in response to the recommendations made in the Accessible Transport Scrutiny Review Group report be approved.

Reason for Decision: To improve accessibility on the borough transport network.

Alternative Options Considered and Rejected: None.

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

727. Key Decision - Review of the Council Tax Support (CTS) Scheme

The Portfolio Holder for Finance introduced the report, which informed Members of the requirement to consider a review of the localised Council Tax Support Scheme introduced on 1 April 2013. He added that legislation required the Council to consider whether, for 2014/15, the Scheme needed to be revised or replaced.

The non-voting non-Executive Cabinet Members referred to the reasons why the Scheme had been put in place which was to help the vulnerable and asked if the administration, which had been critical of the proposal in the past, had changed its view and their long term commitment to the Scheme. They asked if the administration would join the campaign on Council Tax benefit. Another non-voting non-Executive member asked how an underspend would be addressed.

In response, the Portfolio Holder for Finance stated that the Scheme itself was not under consideration and was merely being reviewed. The Scheme had to be approved soon and there was not sufficient time to make any changes even if the administration had wanted to. A number of changes relating to the finances of the Council would be made and this avenue would be used, if necessary, to channel back money for those in need. In respect of meeting a 70% collection rate, it was not clear at this stage whether this would be met as the available data was poor.

RESOLVED: That

- (1) for the purposes of calculating income support entitlement, the key figures, as set out in the report, be uprated in line with the rate used by the government;
- (2) having considered whether to review the Local Scheme, it be agreed that there was no need to review it, and the two year Council Tax Support (CTS) Scheme, as originally adopted by full Council on 21 January 2013, be continued;
- (3) it be noted that the Council Tax Support (CTS) Scheme was fit for purpose and required no fundamental changes.

Reason for Decision: The localised Council Tax Support (CTS) Scheme was determined by full Council and implemented on 1 April 2013 after extensive consultation designed to ensure that residents within Harrow were given the opportunity to comment and help shape the final scheme provisions.

The Scheme design and consultation process were based upon retaining the provisions for two consecutive financial years, 2013/14 and 2014/15, so long as key conditions remained unchanged. This was to ensure that awards of Council Tax Support did not exceed the government funding made available and for it, as far as reasonably practicable, to enable a degree of stability for claimants and their families.

There had been no significant fundamental changes, either in caseload, demographics, the economy or funding, which required the Council to consider reviewing or replacing the Scheme as determined by full Council. However, some parameters required an inflation uplift as set out in the determined Scheme. Harrow was updating the Local Scheme to meet those requirements and as such was recommending minor changes to ensure, operationally, assessments were carried out under the same rules and applied consistently.

Alternative Options Considered and Rejected: To undertake a review of the Scheme.

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

728. Motion Referred to Executive - Chief Executive - Senior Management Structure

Cabinet received a Motion on the 'Senior Management Structure' that fell within the remit of the Executive and which had been referred from Council.

In response to a question from a non-voting non-Executive Member on the views of the Executive Members on the Motion, the Leader of the Council and the Portfolio Holder for Communications, Performance and Resources stated that it would be inappropriate to comment on or discuss the Motion which was the subject of an ongoing consultation that had yet to expire. In addition, it was important to note that some of the Members serving on the Executive would have to make decisions on the outcome of the consultation. The Motion had, therefore, not been discussed at Council and it was inappropriate for Cabinet Members to give views as the decision could be perceived to have been pre-determined. Those Councillors would need to consider their position in any decision-making.

The same non-voting non-Executive Member enquired about the process following the consultation period and informed Cabinet that his Group would be submitting their comments. He also asked how the administration had arrived at the consultation, about the process going forward, how the decision would be made and by who, as Council was awaiting the outcome. The decision would have ramifications for all staff and the administration ought to consider the message that was being sent to loyal and hardworking staff. Another non-voting non-Executive Member asked about the timetable and whether the decision would be taken by the Executive or Council. The Leader of the Council replied that, following the consultation period, a view would be taken on this matter. She added that the Executive needed to take responsibility and make a decision in this regard.

A non-voting non-Executive Member asked whether given the fact that the decision to be taken was significant, and that the local elections were to take place soon, would it not be appropriate for democratically elected Councillors to determine a way forward on this matter. It was important that Council was allowed to make a decision on this matter so that democracy could prevail.

The Leader of the Council replied that should it be decided to delete the post, any incoming administration in May 2014 could reverse that decision. It would be for the incoming administration to decide whether it wanted to invest a large sum of money in a single individual. The Conservative administration wanted to invest in and maintain frontline services whilst providing best value to Harrow residents. No decision had yet been made to delete any posts but that it was appropriate that her administration examined ways to save money. She concluded by stating that the administration was in the business of making effective decisions in a timely fashion.

RESOLVED: That the Motion be noted.

Reason for Decision: To meet with the requirements set out in the Constitution (Council Procedure Rules).

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].

729. Motion Referred to Executive - Blacklisting of Employees

Cabinet received a Motion on 'Blacklisting of Employees', which had been referred by Council on the basis that it fell within the remit of the Executive.

The Leader of the Council invited the proposer of the Motion to explain its contents. The proposer of the Motion stated that whilst an apology had been received from the companies concerned for their involvement with the blacklist and the impact on any individual construction worker, it was important that the Council had an ethical policy in place to ensure that this practice and the injustice suffered did not happen again.

A non-voting non-Executive Cabinet Member, who had also seconded the Motion, explained that the issue had occurred over a number of years, that the Information Commissioners Office (ICO) had seized databases of construction workers used by many companies to vet new recruits and keep out of employment trade union and health and safety activists which was unacceptable as the individuals had suffered. It was therefore important that detailed questions were asked by the Council at the procurement stage to ensure an ethical strategy.

The same Member responded to a question from the Portfolio Holder for Communications, Performance and Resources about the role his own administration had played to address the concerns expressed. He added that whilst assurances had been received from some companies that they were not involved with the blacklist, it had subsequently transpired that this had not been the case. As a result, he was suggesting that pertinent questions be asked and addressed at the procurement stage. The Deputy Leader asked what steps and research had been undertaken by that former administration

to ensure that the assurances received had been true. The Member responded that he was merely asking for the matter to be taken forward.

RESOLVED: That the Motion be noted.

Reason for Decision: To meet with to meet with the requirements set out in the Constitution (Council Procedure Rules).

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].

(Note: The meeting, having commenced at 6.30 pm, closed at 8.21 pm).

(Signed) COUNCILLOR SUSAN HALL
Chairman