
REPORT OF CABINET

MEETING HELD ON 17 JANUARY 2008

Chairman: * Councillor Chris Mote

Councillors:	* David Ashton	* Janet Mote
	* Marilyn Ashton	* Paul Osborn
	* Mrs Camilla Bath	* Mrs Anjana Patel
	* Miss Christine Bednell	* Eric Silver
	* Susan Hall	

* Denotes Member present

[Note: Councillor Sasikala Suresh attended the meeting to speak on the item indicated at Minute 346 below. Councillors Mrs Margaret Davine, Keith Ferry and Paul Scott also attended this meeting to speak on the item indicated at Minute 347 below. Councillor Mark Versallion also attended the meeting to speak on the item indicated at Minute 349 below.]

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

342. **Declarations of Interest:**

RESOLVED: To note that that there were no declarations of interests made by Members in relation to the business transacted at the meeting.

343. **Minutes:**

RESOLVED: That the minutes of the meeting held on 13 December 2007 be taken as read and signed as a correct record.

344. **Arrangement of Agenda:**

The Chairman stated that he intended to re-order the agenda and take item 11 – Amalgamation of First and Middle Schools – early to allow the majority of members of the public present for that item to leave the meeting early if they so wished. He added that public questions which did not relate to West Lodge First and West Lodge Middle schools, namely public questions 3, 4 and 13 would be taken first under item 5 – Public Questions. A time limit of 15 minutes would be allowed in this instance. Thereafter, item 11 would be discussed, at the end of which all questions relating to the West Lodge First and West Lodge Middle Schools would be answered provided these had not been answered, during the discussion on the item. A further 15 minutes would be allowed for these questions. All public questioners would be given an opportunity to ask a supplemental question.

For reasons of clarity the minutes of this meeting are recorded in the order set out on the agenda.

RESOLVED: That all items be considered with the press and public present.

345. **Petitions:**

1. A local resident, Ms Lyn Cook, presented a petition containing 301 signatures on behalf of the parents of pupils studying at West Lodge First and West Lodge Middle Schools. The petition had been signed by the parents at the school gates. The terms of the petition were as follows:-

“We are FOR the amalgamation of West Lodge First and Middle Schools.

If the governing body vote against amalgamation we request the following:-

- The evidence to be presented to us.
- The governors to be held accountable in an open meeting.”

RESOLVED: That the petition be received and referred to the Portfolio Holder for Schools and Children's Development for consideration.

(See also Minutes 346 and 352).

2. Councillor Sasikala Suresh presented a petition signed by some 1,178 residents and businesses in Marlborough and Headstone South Wards. The terms of the petition were as follows.

"Owing to the lack of parking facilities for local shops located in Headstone Drive, Harrow View and Headstone Gardens, we, as owners of retail businesses, propose that the Council of London Borough of Harrow provide lay-bys on the large paving area in front of the shops with a pay and display scheme to allow customers to park and shop. This scheme has been successfully implemented in local shopping areas of:-

- A. North Harrow
- B. Rayners Lane
- C. Pinner
- D. South Harrow.

By signing the petition you are helping in the revival of local shopping, at your convenience."

RESOLVED: That the petition be received and referred to the Portfolio Holder for Environment.

3. Councillor Chris Mote presented a petition signed by 208 people to keep Byron Skate Park. The petition included a summary and background. The terms of the petition were as follows:-

"We, the undersigned, are concerned citizens who urge our leaders to act now to save the Byron skate park from demolition".

RESOLVED: That the petition be received and submitted to the Portfolio Holder for Community and Cultural Services for consideration.

346. **Public Questions:**

RESOLVED: To note that (1) the following public questions had been received;

(2) all public questions, except questions 3, 4 and 13, were answered by way of a statement made by the Portfolio Holder for Schools and Children's Development during the discussion on West Lodge First and West Lodge Middle schools (Minute 352 refers);

(3) questioners 1, 2, 3, 5, 8, 11, 12 and 13 asked supplemental questions, which were duly answered.

1.

Questioner: Fiaz Premji

Asked of: Councillor Chris Mote, Leader and Portfolio Holder for Strategic Overview, HSP, External Affairs and Property

Question: What (please quantify) financial, people and other resources would be made available by the Borough to support the amalgamation if it was to proceed?

Answer: See statement made at Minute 352.

Supplemental Question: One of the concerns that was a factor in some people not wanting to support the amalgamation was a fear that the combined budgets of the amalgamated school would be less than the sum of the individual budgets of the existing schools. Could somebody clarify that this is not an exercise to try and reduce the budget of the users?

Answer: I believe the figures were laid out very clearly in the feasibility study in terms of what the differential would be, but the feasibility study by

the steering group actually points out that the net gain in terms of the budget is quite small, because the only saving is in fact the salary of the school and there is a slight reduction in the standard payment for the two schools but one outweighs the other and it is a net gain for the school, but it is not a big amount either way.

Could I just add to that this is in no way a cost saving proposal.

2.

Questioner: Michael Senior

Asked of: Councillor Chris Mote, Leader and Portfolio Holder for Strategic Overview, HSP, External Affairs and Property

Question: In written information provided to parents of West Lodge Middle School, the Middle School Governors have presented misleading information.

Three examples of this are:

1. In a letter from Middle School Governors to Parents dated 14 December 2007, the Middle School Governing Body stated that Harrow Local Authority wish to amalgamate schools to create 'economies of scale' and that this message has been given by the LA on 'frequent' occasions. They provide no evidence or source for the 'frequent' messages from the LA who, the Middle School clearly believe, have few educational reasons and are governed by cost cutting measures.
2. In the same letter, Governors stated that one reason not to amalgamate is because two heads in Harrow, that were in charge of schools that had amalgamated, resigned within a year. Both heads referred to have complained formally about being used as evidence because both had personal reasons for moving on from their posts which had nothing to do with amalgamation.
3. Middle School Governors put in writing in their letter on 14 December that the LA are attempting to rely on 'draconian power to close the school'. The Middle School Governors were accused of scaremongering at their open meeting on 8 January 2008 when claiming that the school needed to be saved from closure.

My question is, what can the local authority and parents do to make a governing body act more professionally and if the Governors refuse what steps can then be taken?

Answer: See statement made at Minute 352.

Supplemental Question: I wondered whether or not you would consider having no member that was on the steering group that was previously broken down would be allowed to go on the new formed steering group as you suggested and that would include the governors of both First and Middle Schools with all due respect to those people?

Answer: Can I come back on that one but, as I have said, I believe these are decisions that are up to West Lodge First and West Lodge Middle Schools to decide. You will decide who represents you on the steering group and I would not presume to suggest who should or should not be representative of you on that group.

3.

Questioner: Brian Stoker

Asked of: Councillor Chris Mote, Leader and Portfolio Holder for Strategic Overview, HSP, External Affairs and Property

Question: What is the process for members of the public, and Councillors, to submit corrections to Cabinet meeting Minutes, for the Public Questions and Councillor Question Time sections of a Cabinet meeting?

Specifically the Minutes of 13 December meeting do not correctly reflect the supplemental question by Councillor Paul Scott concerning Cedars Hall, or the answer from the Chairman, (apparently no recording is available, only notes by the public and press) and there does not seem to be a mechanism for the public to advise the Cabinet of corrections to the Minutes.

Answer: Can I just say that, I did announce at the last meeting that the meeting would be recorded. Can I say that unbeknown to us that recording system failed. It is being attempted again tonight with a new system that we have got here. So hopefully, that will work and a word record will be kept.

The answer to the question is that if a member of the public believes that an amendment to the minutes of any Cabinet meeting is required, they should raise that with a member from Democratic Services prior to the meeting at which the minutes are due to be considered and approved. Democratic Services will then ensure that the suggested amendment is brought to the attention of the Chairman of the Cabinet, namely the Leader of the Council.

The approval of those minutes or any amendments to those is a matter solely for the Cabinet to then so determine.

Supplemental Question: It doesn't address the specific point about the inaccuracy of 13 December minutes. Could you just say something more about what will done to get the accuracy of those minutes correct and to properly reflect the comment I referred to in the question?

Answer: What I will do is, I am happy to look at what was there and what was the record that was given and if it is I will put it to out my Members and they can therefore modify it, which they can do at a later stage.

I can say no more than that, because I don't exactly know what the words that were there at this point.

That's the supplemental and that's the answer. Yes, you can come and speak to me separately. I suggest that if you have an amended change that you want to put in, put it in writing, let me have it and that way it can be looked at and so we can compare it with what we have.

4.

Questioner: Yvonne Lee

Asked of: Councillor Eric Silver, Portfolio Holder for Adult Services

Question: Harrow Mencap acknowledges that the Council has always said it will meet with the volunteer sector around the provision of services. Following the results of the Judicial Review will the Council now meet with representatives of the voluntary sector on ways to meet the needs of Vulnerable adults?

Answer: We are always pleased to meet with the voluntary sector. In fact, the new Corporate Director for Adult Services, Paul Najsarek, has met with a range of voluntary organisations in his first few weeks in post to discuss future plans for the service.

The Divisional Director of Community Care meets regularly with voluntary organisations with an interest in adult services.

Harrow Association for Disabled are working with the Council on future plans to ensure we meet our disability equality duties.

We are always happy to listen to suggestions for improving our partnership with voluntary organisations.

5.

Questioner: Mrs Nora Costello

Asked of: Councillor Christine Bednell, Portfolio Holder for Schools and Children's Development

Question: In light of the inappropriate campaign being run against West Lodge Middle School Governors and Staff because of their legitimately taken decision not to amalgamate, would the Council think it right and proper to honour their statement "that if one or other School chose not to amalgamate, then amalgamation would not go ahead" thus allowing the Schools to continue doing what they do best - teaching children - without further interruption.

Answer: See statement made at Minute 352.

Supplemental Question: The amalgamation process is about tearing a very nice school that has always taught the children in the community very well apart and I feel that the whole process has been really quite disturbing and some people have behaved in a manner which is really very inappropriate and my concern is that new steering groups and committees are not going to change that. They will just prolong what is going on right now and I do not think this amalgamation is very pleasant and I do not think that the schools should amalgamate.

Answer: I think that this evening gives everyone a chance to take a deep breath, take a step backwards and then move forward in a cooperative and constructive way. At least if it does not, and I hope it does, it jolly well should do.

6.

Questioner: Mrs Amanda Harkness

Asked of: Councillor Christine Bednell, Portfolio Holder for Schools and Children's Development

Question: As I understand it, according to the provisions of the Education & Inspection Act of 2006 there are now two routes by which West Lodge First and Middle Schools can be amalgamated. Either both schools are closed and one new school opened in their place, or, close one school and extend the age range of the remaining school. Of these two, the preferred route would be to close one school and extend the age range of the other so avoiding having to apply to the Secretary of State for consent to establish a new school without competition.

If this route is taken can the Council please confirm that the parents of both "old" schools will be given the opportunity to elect a completely new Governing Body for the extended school?

Answer: See statement made at Minute 352.

7.

Questioner: Andy Lane, Chair of Governors, West Lodge First School

Asked of: Councillor Christine Bednell, Portfolio Holder for Schools and Children's Development

Question: Given that both governing bodies of West Lodge have come to two different decisions on amalgamation can the Cabinet agree to go further than consult with stakeholders and carry out a full ballot of all stakeholders in an open and transparent process?

Answer: See statement made at Minute 352.

8.

Questioner: Pamela Fitzpatrick, Chair of Governors, West Lodge Middle School

Asked of: Councillor Christine Bednell, Portfolio Holder for Schools and Children's Development

Question: For the Local Authority to embark on a formal consultation is to undermine the Governing Bodies and to renege on the undertaking given by officers that the decision would rest with the Governing Bodies.

Would it not be best for the Local Authority to support the Governing Bodies of the two Schools and allow each of them to determine the strategic direction with regard to amalgamation?

Answer; See statement made at Minute 352.

Supplemental Question Can I just say to Miss Bednell that I do very much resent your implication that our governing body has acted improperly. We've put in a huge amount of effort (I'm not sure you're aware) for ensuring that we've behaved properly and that we've followed all the procedures. As a Middle School governor, I spent a lot of time doing that. I do resent that implication very much, let me make that clear. And therefore I would ask you that given there's been no actual proper investigation of how we have conducted ourselves as a governing body and there's been no clear finding against us, isn't it therefore somewhat premature of Cabinet to withdraw the delegation to ask them to make the strategic decision on the future of our School?

Answer Dr Lucas, I'm sorry that you resent what I've said. I am well aware that you and other governors of both schools have put in an enormous effort into your deliberations but I don't think anyone can deny that many, many parents, and these are parents of both First and Middle School children have been dissatisfied with the way things have been done. It's not me who's saying it, it's parents from both schools and I really think we are not taking the responsibility away from you, we are giving it to you and asking you to make a decision in a clear and transparent manner and I am quite confident now you've had time to think about it that's what you'll do, but I think there is no doubt that the Middle School took a decision against amalgamation before the feasibility study, with the pros and cons, had been published, which makes one have some concerns.

9.

Questioner: Sasha Birkin

Asked of: Councillor Christine Bednell, Portfolio Holder for Schools and Children's Development

Question: At the West Lodge Middle School meeting last week, parents were informed by the middle school governors that Harrow Council had no available budget to fund the amalgamation process. The feasibility report stated that upwards of £500,000 would be required. This is obviously a key issue - please could Harrow Council confirm exactly what their position is in relation to funding?

Answer: See statement made at Minute 352.

10.

Questioner: Mrs Jayne Grant, Inclusion Manager, West Lodge First School

Asked of: Councillor Chris Mote, Leader and Portfolio Holder for Strategic Overview, HSP, External Affairs and Property

Question: Is Harrow's strategic vision to be in line with neighbouring authorities and create through Primary schools?

Answer: See statement made at Minute 352.

11.

Questioner: Mrs Aydee Hawker, Support Staff, West Lodge First School

Asked of: Councillor Janet Mote, Portfolio Holder for Children's Services
Potentially asked of Christine Bednell

Question: If amalgamation does not happen and the age of transfer changes by 2010, what are the implications for West Lodge First School staff? (i.e. a quarter of the budget would be lost which equates to potentially 20-25 staff members losing their jobs)

Answer: See statement made at Minute 352.

Supplemental Question With the fact that you mention that staff would be relocated in the borough we are talking about at least 20-25 members of the first school staff and we are not the only school in that position. Come 2010, our concern is there will be a lot of employees of the LBH in education and schools looking for positions.

Answer I don't know whether Heather Clements will want to say something after what I'm going to say but I don't think that we're going to have any difference in the number of children requiring to be educated. They might be in a different sector, and either be in the secondary school sector as it would be or in a junior school but there will still be the same number of children and so the same number of teachers will be required. There might be some shifting of sectors but we will still need the same number of teachers.

If the amalgamation does not go ahead, than staff would need to be redeployed into the Middle School if Year 3 moved in. We acknowledge that it will be challenging and we will need to work closely with Teachers' Unions and other Union representatives.

12.

Questioner: Mrs Laura Dolling, Assistant Headteacher, West Lodge First School

Asked of: Councillor David Ashton, Deputy Leader and Portfolio Holder for Finance & Portfolio Coordination

Question: Taking a longer-term view, should amalgamation not happen this time, if the Head of First School or a newly appointed Head of Middle School resigns, would the amalgamation process re-start?

Answer: See statement made at Minute 352.

Supplemental Question: As Middle School have actually advertised for a new Head, how would the appointment be affected by the decision made?

Answer: We have advised the Middle School governing body that, depending on the decision made by Cabinet, we would recommend putting the process on hold pending consultation. They can proceed if Schools do not amalgamate.

13.

Questioner: Ann Freeman

Asked of: Councillor Chris Mote, Leader and Portfolio Holder for Strategic Overview, HSP, External Affairs and Property

Question: What is the timetable for the Council reconsidering the FACS criteria policy in light of the Judgement in the High Court, please?

Answer: The Council treats the Court's decision very seriously. We do take that very important what the Court says.

We are currently reflecting on the Court's decision and the best way forward.

We will ensure that all Councillors receive training – this is very important - in our disability equality duties to aid future Council decisions in all areas of our work.

Supplemental Question: When will the decision to change the criteria to critical only be reconsidered?

Answer: We will be looking at the equalities situation and look at what the Court said and then we will actually do the training first, so I cannot give you an actual time. It is very important we do this correctly; that all Councillors learn about the equality and disability act. It is very important that, before we take any decision or do anything that we do this first. Please do keep in touch.

[Notes: (1) Questioners 3 and 8 were not present at the meeting. With the agreement of the Chairman, Dr Alan Bender and Dr Ben Lucas asked the questions on their behalf respectively;

(2) question 13 was answered by the Portfolio Holder for Adult Services;

(3) responses to supplemental questions, asked by questioners 1 and 11, were provided by the Director of Schools and Children's Development and the Portfolio Holder for Schools and Children's Development;

(4) a response to supplemental question asked by questioner 12 was provided by the Director of Schools and Children's Development.]

347. **Councillor Question Time:**

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

1.

Questioner: Councillor Navin Shah

Asked of: Councillor David Ashton, Deputy Leader and Portfolio Holder for Finance & Portfolio Coordination

Question: Could Councillor Ashton give the costs incurred up to present time of defending the FACS judicial review case breaking it down as follows:

- (i) Cost of outside legal advice such as senior counsel, junior counsel, solicitors etc.
- (ii) The costs awarded by the Court to be paid to the 'other side'
- (iii) An estimate of the cost of the internal staff time.

Answer: (i) Outside legal costs:
Junior counsel - £24k
Senior counsel - £56k
(These costs include work until the hearing on 21/11/07. Final invoice is awaited for subsequent work)

(ii) We have yet to be advised of the value of the costs we have to pay the claimants. All we know is that it will be 20% of their costs because the Court found for us in 4 out of 5 points.

(iii) There are no extra internal costs over and above the time that staff spent on the case as part of the their ordinary work.

Supplemental Question: Would you agree with me that the costs just given amounting to £80K plus another sum yet to come, plus the £184k of legal costs for the aborted planning appeal for the Honeypt Lane site amount to £264k and this is equivalent to 0.228% of the Council Tax?

Answer: Can I say on the supplemental it can only be related to the question therefore the part of the Honeypt Lane will not be considered in that part. You're asking for a mathematical confirmation that those figures relate by X to the Council Tax, clearly the case. It is an irrelevant point. The Council has to go through an appropriate process when forced to do so via the lousy funding we've received for many years, including under your administration, and in that circumstance it's appropriate and responsive to any administration, ours in particular, to look at ways that we have to factor all aspects of activity and services into our budget, and that includes looking at things which are obviously very sensitive and the subject to potential judicial review. Some cases go for you; some cases go against you. So there can be no inference whatsoever as to the cost incurred. None whatsoever.

2.

Questioner: Councillor Margaret Davine

Asked of: Councillor David Ashton, Deputy Leader and Portfolio Holder for Finance & Portfolio Coordination

Question: With no ifs or buts the Council has been found to have acted unlawfully in its attempt to provide only for the social care needs of those who are deemed to be 'critical' and not for those deemed 'substantial'. Will Councillor Ashton admit that the Council has made a serious mistake and apologise, in particular, to all those vulnerable and elderly people affected by this as well as and also to all local residents for enormous sums of money wasted on legal costs incurred in trying to defend the Council's unlawful action.

Answer: To an extent, the points mentioned previously apply. As an administration, we made what we felt to be a reasonable decision. We are pleased the decision was not quashed. The Court found in the Council's favour on 4 out of 5 areas under review.

I don't think an apology is appropriate. An apology should have come from the government and our two MPs for putting us in an invidious position which none of us want to find ourselves in.

Supplemental Question: My main concern is for those elderly and vulnerable people who are left somewhat confused by the whole process and if there's no apology can there be a statement that goes out to them, and I'm really pleased to hear you're going to be reflective and deem the best way forward and not rush forward on a third of the decision, but can there be some kind of information that goes out to all our residents receiving social care making absolutely clear to them that nothing has changed since October 2006 in the way they are assessed and can be assessed for both critical and substantial, for the duration of the rest this year, or however long that is.

Answer: I understand the point being made, what I will do is undertake to speak to Councillor Silver as Portfolio Holder and Paul Najsarek as Director of Adult Services to determine what is an appropriate communication.

3.

Questioner: Councillor Navin Shah

Asked of: Councillor David Ashton, Deputy Leader and Portfolio Holder for Finance & Portfolio Coordination

Question: At the Cabinet meeting on December 13 a draft revenue budget was presented which still had a funding gap of £4.2 million for the financial year 2008/2009. A series of stakeholder meetings have

been arranged to listen to stakeholders' views on the proposed budget proposals and the vast majority of these are due to take place in January. As no announcement is likely to be made before the end of January of how the £4.2 million funding gap is to be dealt with, how can these consultations be in any way meaningful?

Answer: As you will appreciate, the budget process is complex and challenging. Harrow is a low spending Council, with low levels of government support, and has made very substantial savings in the last few years – it's becoming increasingly difficult.

As an administration we are still looking at a number of options for closing the remaining funding gap and we will share the information with you when the time is right. In previous years, the Labour administration produced very little detailed proposals about the budget. We have been open and transparent and, if you look at the Cabinet papers, there were detailed analysis set down for all to read.

We are carrying out consultation and sharing information about the budget in a number of ways:-

- consulting on priorities via the new Residents' panel;
- working with the Open Budget Group;
- public question time next week;
- a series of stakeholder meetings.

In addition Overview and Scrutiny (includes members of the Open Budget Group to make it even more open) have established a standing review of the budget to look at longer-term issues.

Findings from all these meetings will be reported to Cabinet in February along with the final budget proposals and all that contrasts with not just a limited amount of information but in fact a complete dearth of information in the comparable budget of the last Labour administration.

Supplemental Question: Once we've had Cabinet in February, will there be any chance of future consultation between then and when the budget's set?

Answer: By definition, that which goes to February Cabinet, is voted on by Cabinet. There will be and there are consultations in the meantime and to the extent that there are discussions and feedback between Cabinet and Council. There are frequently changes between Council and Cabinet, as you well know, up to the very last minute. So the answer is yes.

4.

Questioner: Councillor Paul Scott

Asked of: Councillor Chris Mote, Leader and Portfolio Holder for Strategic Overview, HSP, External Affairs and Property

Question: You have mentioned in recent statements that the Council is "ruling nothing out" for the Cedars Hall site. What weight do you give to the comments which have been made by residents at the meeting at Kingsley School in October and regarding the withdrawn planning application as many of these were wide-ranging and strongly held?

Answer: Clearly the Administration's decision making in respect of this matter has already placed significant weight on the views of these residents in actually going for what they asked for.

Cabinet has asked officers to present a report to Cabinet which considers all of the options (and all opinions) relevant to this location – and I am confident that our officers will respond accordingly.

I am currently targeting April Cabinet for consideration of the report.

Supplemental Question: This is a general comment to make sure that all Cabinet Members are aware that, I'm sure Councillor Bath will provide comments back to them, and there are still comments available from the planning application, so when it does come back, there is a chance to look again at what needs to be done.

Answer: In reply to that, there is a report coming back from the officers taking all the consultation parts into account. It will be there for all Members to read to come to a cognitive decision.

5.

Questioner: Councillor Paul Scott

Asked of: Councillor Marilyn Ashton, Portfolio Holder for Planning, Development and Enterprise

Question: In its discussions with Metrolink and Transport for London, has the Council ruled out using any of the land currently belonging to Harrow Weald Recreation Ground to allow the expansion of the bus garage on the High Road?

Answer: In its discussions with Metrolink and Transport for London, the Council ruled out use of the land belonging to Harrow Weald Recreation Ground to allow expansion of bus garage in the High Road. The parking of buses on the highway around the Harrow Weald Bus Station causes congestion for other road users and introduces potential road safety hazards which need to be avoided.

Metrolink are considering how they could develop the existing bus garage to meet current and future needs of this important Public Transport facility.

Metrolink wish to engage with the Council to consider how this could be best taken forward.

Any suggestion which may include the use of Council property would need to be supported by an overall improvement of public facilities in the vicinity.

Any decisions involving the disposal of Council property would therefore have to be carefully considered by Cabinet prior to any Planning Applications being determined.

[Notes: (1) Councillor Navin Shah was not present at the meeting. With the agreement of the Chairman, Councillor Keith Ferry asked questions 1 and 2 on his behalf. He also asked supplemental questions, which were duly answered;

(2) question 5 was answered by the Portfolio Holder for Strategic Overview, HSP, External Affairs and Property].

348. **Forward Plan 1 January 2008 - 30 April 2008:**

RESOLVED: To note the contents of the Forward Plan for the period 1 January 2008 – 30 April 2008.

349. **Scrutiny Review of Partnership with Accord MP:**

Cabinet considered a report of the Corporate Director of Community and Environment Services, responding to the findings and recommendations of the Scrutiny Review Group that had investigated the first year's operation of the Accord MP Partnership with the Council to deliver the Borough's public realm infrastructure needs.

The Chairman of the Scrutiny Review Group thanked Cabinet for allowing this matter to be considered prior to its consideration by the Overview and Scrutiny Committee. This course of action would help avoid delay in implementing the recommendations of the Review Group. He was pleased to report that the recent reconfiguration of scrutiny and the new ways of working had allowed scrutiny to reap considerable benefits and help produce meaningful outcomes. Reconfiguration had allowed scrutiny to focus resources in a more effective way than before.

Cabinet was briefed on the report of the Scrutiny Review Group titled 'A Review of the Council's Partnership with Accord MP' and the process it had undertaken. The Chairman of the Review Group welcomed the genuine Partnership with Accord MP. He stated that he was supportive of the Chief Executive's drive for cultural change in the Council and outlined a number of lessons to be learnt from the Partnership that would help achieve the change. He was firmly of the view that the Partnership had helped to release resources that could be used to process other priorities that had previously been set aside because of lack of resources. Alternatively, a reduction in the headcount might be possible. The Partnership had introduced economies of scale, which had allowed officers to concentrate on strategic and statutory areas.

Members' attention was drawn to the recommendations set out in the report of the Review Group. Its Chairman highlighted the key points from these recommendations, and thanked officers, Members who had participated in the Review, the Portfolio Holder for Environment and representatives from Accord MP for their work. He urged Cabinet to endorse the recommendations of the Review Group.

The Portfolio Holder for Environment welcomed this Review. She stated that scrutiny reviews were helpful and of immense value. She was proud of her Directorate and the Partnership, which had initially gone through a 'sticky patch'. She recommended the adoption of the report of the Scrutiny Review Group.

An officer informed Cabinet that such partnerships required a lot of work and significant cultural changes from all parties involved. They also took time to realise their full potential. He added that significant improvements in the Partnership with Accord MP had been made in the last six months.

The Leader of the Council welcomed the report, which was constructive, and the work done by scrutiny acting as a 'critical' friend.

RESOLVED: That (1) the findings of the review be noted;

(2) the recommendations be endorsed, and their implementation monitored by scrutiny.

Reason for Decision: To contribute towards the strengthening and development of the Council's partnership with Accord MP.

350. **Key Decision - Council Tax Base 2008-09 and Collection Fund:**

The Corporate Director of Finance introduced the report, which set out the calculation of the Council Tax Base for 2008-09 and the estimated financial position on the Collection Fund as at 31 March 2008. The Corporate Director advised Cabinet of the legal requirement for the Authority to calculate formally its Council Tax Taxbase for 2008-2009. She outlined key aspects of the report, including an explanation of the deficit, details of which were set out in the report.

The Portfolio Holder for Finance and Business Matters indicated that Harrow had one of the highest Council Tax collection rates in London. He took this opportunity to thank residents for their immediacy on this matter.

RESOLVED: That (1) the 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 2008-2009 be agreed at 1.5% producing an expected collection rate of 98.5%;

(3) subject to (1) and (2) above, a Council Tax Base for 2008-2009 of 85,466.5 Band D equivalent properties (being 86,768 x 98.5%), be agreed, allowing for payment in lieu of Ministry of Defence properties;

(4) an estimated deficit of £1,735,592 on the Collection Fund as at 31 March 2008, of which £1,365,043 was the Harrow share, be noted;

(5) an amount of £1,365,043 be transferred from the General Fund in 2008-2009;

(6) revised bad debt percentage rates be agreed.

Reason for Decision: To fulfil the Council's statutory obligation to set the Council Tax Base for 2008-2009 and make an estimate of the surplus or deficit on the Collection Fund by 15 January 2008.

351. **Strategic Performance Report - Quarter 2, 2007/08:**

Cabinet considered a report of the Corporate Director of Strategy and Business Support, which summarised Council and service performance against key measures and drew attention to areas requiring action.

The Portfolio Holder for Strategy and Business Support introduced the report and briefed Cabinet on the key aspects of the report, as set out in Appendix 1 to the report. The Portfolio Holder was pleased to report that the Council had made considerable progress in Quarter 2, and acknowledged the number of challenges it faced. In addition, the Corporate Plan, which would be submitted to February 2008 Cabinet meeting, would now form part of the budget process; a step change that would help to ensure that the budget process was robust. He welcomed the improved communication, and the positive local and national coverage Harrow was receiving, including the production of a further edition of Harrow People, which would be distributed to residents soon. The step change towards improved communication methods would help put Harrow on the map.

The Portfolio Holder singled out the Council's Benefits Service and the excellent work done by staff of which he was immensely proud. The Performance Indicators (PIs) of the Service were in the top quartile. He stated that the preliminary report of the IDeA Peer Review Group had acknowledged that the Council was moving in the right direction and was making good progress.

Individual Portfolio Holders commended the work done in their Directorates and highlighted areas where performance needed improving. Of particular note were:-

- improvements to Access Harrow, some of which had been made from existing resources. Growth would help improve other areas of Access Harrow and a further report would be submitted to the February 2008 Cabinet meeting on this matter together with realistic targets;
- excellent status achieved by Harrow in dealing with major planning applications within 13 weeks. The Portfolio Holder for Planning, Development and Enterprise congratulated officers for the achievements made;
- excellent status in reducing the number of residential burglaries where the victim was over 75 years of age;
- carers' service users where performance had improved from poor to excellent status. The Portfolio Holder for Adult Services congratulated staff for their hard work;
- continued strong performance in relation to the Health of Children Looked After;
- the need to improve on the percentage of invoices paid on time and the use of the SAP system;
- getting Harrow on the map. Cabinet was informed of the forthcoming debate in the House of Commons where Richmond and Harrow Councils had joined forces to debate on the settlements received by local authorities. The Portfolio Holder for Finance and Portfolio Co-ordination thanked the Corporate Director of Finance and the Communications Team for promoting Harrow. The Leader of the Council referred to the lobbying that the carers' groups also intended to do in relation to grants given by the government.

The Portfolio Holders for Housing and Community and Cultural Services outlined the issues in their areas and the measures that had been put in place for improvements. The Portfolio Holder for Schools and Children's Development congratulated teachers, parents and pupils for achieving excellent GCSE exam results.

In summing up, the Portfolio Holder for Strategy and Business Support acknowledged the areas that needed improving and which had been recognised by individual Portfolio Holders. He was proud that the administration and individual Portfolio Holders had taken responsibility and ownership of these areas with a view to driving improvements. The Leader of the Council echoed his sentiments and thanked officers and Members for their hard work.

RESOLVED: That the report be noted and the Portfolio Holders work with officers to achieve improvement against identified key challenges and receive monthly updates.

Reason for Decision: To note performance against key measures and to identify and assign corrective action where necessary.

352. **Amalgamation of First and Middle Schools:**

Prior to the consideration of the report, the Leader of the Council/Chairman clarified that Cabinet was not being asked to take a decision on the amalgamation of the schools, as had been incorrectly reported in the local press. He referred to the communications received from parents, teachers and governors of the schools, particularly in relation to West Lodge First and West Lodge Middle schools, details of which had been made available to all Members of Cabinet. Additionally, a letter from the West Lodge Middle School Governing Body, sent to all Members of Cabinet by the Chair of Governors, had also been circulated at the meeting to Members of Cabinet.

The Director of Schools and Children's Development introduced the report, which outlined the processes undertaken by the Governing Bodies of West Lodge First and West Lodge Middle Schools and Belmont First and Belmont Middle Schools' Governing Bodies to investigate and consult with parents on amalgamation and the outcome of the Governing Bodies' decisions. She drew attention to the recommendations set out in the report and outlined the reasons for making those recommendations to Cabinet.

The Portfolio Holder for Schools and Children's Development stated that the education and the welfare of the children in the schools referred to in the report was of paramount importance. She was confident that all those present at the meeting would agree with her, and that, in taking the decision, this point should be at the forefront of everyone's mind.

The Portfolio Holder added that Members were aware of the dissatisfaction and the differing views in relation to West Lodge First and Middle Schools. The number of letters received in relation to these schools was unprecedented. She took this opportunity to respond to public questions by way of a summary response rather than respond to individual questions because of the similarity in the questions and to avoid delay in dealing with the questions individually. She stressed that everyone's concerns ought to be taken seriously.

The following summary response was read out by the Portfolio Holder for Schools and Children's Development in relation to the public questions received:-

1. "A number of issues have been raised through questions and I propose to respond to these collectively.

The Local Authority is the authority vested in this Cabinet and in this Council and the Local Authority has been asked what support it would provide for the amalgamation process. If the amalgamation were to proceed the Local Authority and the schools would establish a working group that would address key issues to move from two separate schools to a combined school. These areas include:-

- School Finance - establishing a single school budget.
- School Workforce - developing a staffing structure based on the needs of the combined school and a process to make appointments in good time and this is the whole workforce, not just teaching staff.
- Teaching and Learning – they would identify and address school management issues including curriculum and pastoral needs of pupils.
- Site Issues – the working group would review and develop proposals to address the site issues, identifying and prioritising areas for capital investment within available resources.

The level of support would be determined through discussion with the Governing Bodies and Headteachers, in particular the substantive Headteacher.

2. The Local Authority has sought advice from the DCSF about how they or parents can act when they believe that governors are not acting in the best interests of the school community and their advice is that the Local Authority cannot intervene unless governors act outside the law. Parents can only bring about change by making their views known to governors or by becoming members of the governing body themselves.

5. We have been asked two questions relating to the issue of why we have chosen not to honour our commitment to allow Governing Bodies to make the decision. It is the Council's policy to delegate the responsibility to make a decision to governors and this remains our policy. However, the duty of the Council is to ensure that this process has been done in a fair and transparent way according to its policy and further to ensure that the views of parents and stakeholders have been taken into account. As set out in the Cabinet papers, we do not believe this is the case in this instance.

The Council have not undertaken this intervention lightly. If there is a strong weight of opinion against amalgamation then Cabinet will take due consideration of that, and I might point out that another school mentioned in the papers, namely Belmont First and Belmont Middle Schools decided against amalgamation and that has been accepted.

6. Cabinet will decide whether to undertake a consultation in response to parental representations in favour of amalgamation, and report the outcomes to April Cabinet. Should the outcome of the consultation favour amalgamation, the approach being considered for West Lodge First and Middle Schools is to publish statutory notices to close the Middle School and to extend the age range of the First School. This is in order to achieve a speedy resolution to the issues for the schools.

An important consideration in taking forward this approach will be to achieve a newly constituted governing body for the school. This is under active consideration, and will require the cooperation of governors to ensure appropriate representation is established on the governing body. The existing governing body is not required to resign in part or in full or to reconstitute, but the Local Authority would encourage a measured approach to creating a new governing body as a way of facilitating the amalgamation process. In this case there would be an opportunity for parents of the combined school to stand for election. Open and transparent processes and opportunities for elections will be sought.

7. Another question was will the local authority carry out a full ballot of all stakeholders?

Depending on the decision of Cabinet this evening we will begin a consultation that will allow every parent and all other stakeholders including staff and governors to express their views.

9. If the amalgamation were to be implemented the working group would be tasked to consider, within the context of the Schools Asset Management Plan, what the priority site and accommodation investments are to support the successful organisation and identity of a combined school. For example, the focus on the entrance to the newly amalgamated school.

The funding available for investment will come from a range of sources including the (DCSF) Primary Capital Strategy, which commences with effect from April 2009 and one of the priorities that the local authority will seek to address are temporary classrooms. Other sources of funding are the Schools Devolved Formula Capital and Modernisation Funds from the Council's Capital programme. At this stage it is not possible to quantify the level of capital investment, as the priorities for the possible new combined schools have not been assessed or agreed.

10. Harrow's Amalgamation Policy says:

In preparation for a change in the age of transfer, Harrow has an amalgamation policy. This will establish combined schools. Combined First and Middle schools are more aligned with National Curriculum Key Stages and the impact of the change in age of transfer will be reduced. It also enables the processes to be undertaken within current school development planning and funding opportunities.

At the point of implementation of a change in the age of transfer to High School, any schools that are still separate First and Middle schools will become separate infant schools (that would be Reception to Year 2) and junior schools (Year 3 to Year 6).

This policy, that is the Council's amalgamation policy, sets out how the change towards more combined First and Middle Schools in Harrow is to be implemented.

Thus it is intended to align the schools to the majority of local authorities nationally and in particular with our neighbouring authorities, to National Curriculum Key Stages, to minimise the impact of the Change of Age of Transfer and reduce the points of transition.

11. What are the implications of the change of age of transfer on staffing?

The implications are that there will be one year group or three classes fewer in the first school. This will mean reduced funding for the school since the Age Weighted Pupil Unit pays for the cost of teachers, teaching assistants, resources plus school running costs. This will impact on the school's budget and will need to be managed through reductions in staffing and other costs.

Wherever possible we will support the redeployment of staff from first schools to middle schools and from middle to secondary schools but clearly this will be very challenging.

12. If a vacancy in either Headship occurs in the future, the new amalgamation policy would come into force."

In relation to Belmont First and Middle Schools, the Portfolio Holder stated that the Council had accepted the decision against the amalgamation. The Belmont First School was now in the process of appointing a Headteacher and that process was required to be completed by April 2008.

With regard to West Lodge First and West Lodge Middle Schools, the conclusion drawn from the large number of communications received was that not all stakeholders had accepted the decision/consultation process. She added that should Cabinet approve the recommendations set out in the report, the consultation would be taken forward in an open and transparent manner and a Steering Group would be established. This Group would be made up of representatives from both Schools and independent members who had no links to the Schools. The Steering Group would be expected to examine the original feasibility study, examine the scope and decide if further information was required. The Group would then consult all stakeholders, examine the responses received and submit its proposal to Cabinet in April 2008. It was essential that all those consulted responded, as the decision would affect children who attended the schools now and in the future.

Prior to responding to any public questions that remained unanswered and any supplemental questions relating to the summary response provided, the Portfolio Holder thanked all stakeholders for their submissions on the proposals in relation to the Schools. She stated that, in relation to West Lodge First and Middle Schools, it was for the stakeholders to make the decision and for that decision to be made in a clear and transparent manner. The Portfolio Holder for Schools and Children's Services and, where appropriate, the Director of Schools and Children's Services provided responses to supplemental questions from public questioners 1, 2, 5, 8, 11 and 12 (Minute 346 refers).

RESOLVED: That (1) the outcome of the decisions of the Governing Bodies of West Lodge First and West Lodge Middle Schools be noted;

(2) in relation to West Lodge First and West Lodge Middle Schools, the Local Authority, in response to parental representations, undertake a consultation and report the outcomes to Cabinet;

(3) the outcome of the decisions of the Governing Bodies of Belmont First and Belmont Middle Schools in respect of amalgamation be noted;

(4) if a substantive Headteacher to Belmont First School was not appointed by April 2008, the Governing Body be requested to apply the Amalgamation Policy October 2007.

Reason for Decision: To decide on/confirm the decisions of Governing Bodies, as required by the revised Amalgamation Policy agreed by Cabinet in October 2007 to contribute to raising standards of achievement in Harrow and to establish a foundation for the implementation of a change in the age of transfer.

(See also Minutes 345(1) and 346).

353. **Key Decision - London Councils - London Borough Grants Scheme 2008-09:**
The Portfolio Holder for Community and Cultural Services introduced the report, which set out the proposals received from the London Councils' Grants Committee for expenditure in 2008-09. The Portfolio Holder briefed Cabinet on the key aspects of the report. She questioned the gain for Harrow and the way in which the grants were distributed. She considered the system to be unfair.

In response, the Leader of the Council undertook to raise these concerns at the Leaders' Committee.

RESOLVED: That (1) the above be noted and it be also noted that Harrow's contribution for 2008-09 would be £752,708;

Reason for Decision: To note/approve the recommended budget for 2008-09.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.29 pm).

(Signed) COUNCILLOR CHRIS MOTE
Chairman