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## REPORT OF CABINET

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### MEETING HELD ON 23 APRIL 2009

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Chairman: \* Councillor David Ashton

Councillors: \* Marilyn Ashton \* Barry Macleod-Cullinane  
\* Miss Christine Bednell \* Chris Mote  
\* Tony Ferrari Paul Osborn  
\* Susan Hall \* Mrs Anjana Patel

\* Denotes Member present

[Note: Councillors Margaret Davine, Mrs Kinnear, Navin Shah and Bill Stephenson also attended this meeting to speak on the items indicated at Minute 607 and 609 below].

#### **PART I - RECOMMENDATIONS**

##### **RECOMMENDATION I - Key Decision - Children and Young People's Plan**

The Portfolio Holder for Children's Services introduced a report which described the Children and Young People's Plan 2009-2011. The Children and Young Peoples Plan was a requirement of the Children Act 2004, represented an agreed list of priorities for children and young people and provided a vision for what the council and partners want to achieve in the coming two years.

The Portfolio Holder drew Members' attention to the reference from the Overview and Scrutiny Committee, which had been circulated on the supplemental agenda. The Committee had been supportive of the Plan, which had been prepared in consultation with the Council's partners.

The Corporate Director of Children's Services reported that there had been a good discussion at the Overview and Scrutiny Committee. The Plan had the approval of the Primary Care Trust and would also be considered by the Children and Young People's Strategic Partnership on 24 April 2009. He added that the young people consulted wanted the Plan to reflect their views but that these were not yet available. The proposed delegation to the Portfolio Holder would enable officers to update the Plan prior to its consideration at Council.

Having agreed that the Portfolio Holder for Children's Services could make further minor changes to the Plan prior to its consideration at Council it was

##### **Resolved to RECOMMEND: (to Council)**

That the Children and Young People's Plan be adopted.

**Reason for Recommendation:** To improve outcomes for children and young people by approving of the work of the Children and Young People Strategic Partnership in establishing and agreed vision and priorities.

(See also Minute 615).

**PART II - MINUTES**605. **Declarations of Interest:**

The Chairman reminded Members present of the rules relating to the declarations of interests.

**RESOLVED:** To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
9. Key Decision – Proposals for School Re-organisation in Harrow	Councillor Barry Macleod-Cullinane	The Member declared a personal interest in that his sister was employed at Hatch End High School. He would remain in the room whilst the matter was considered and voted upon.
10. Proposals to Change the Age Range of Four Voluntary Aided Schools	Councillor Chris Mote	The Member declared a personal interest in that his wife was employed at St John Fisher Catholic First and Middle School. He would remain in the room whilst the matter was considered but not take part in the vote,

606. **Minutes:**

**RESOLVED:** That the minutes of the meeting held on 26 March 2009, be taken as read and signed as a correct record.

607. **Petitions:**

1. Councillor Navin Shah presented a petition containing 130 signatures of residents of Ruskin Gardens, Cowbridge Road and Repton Road that requested CCTV and improved emergency access. He read the terms of the petition to the meeting which were as follows:-

“We the undersigned residents of Ruskin Gardens, Cowbridge Road and Repton Road urge the Council to make, as a matter of urgency, the following provision to address the increasing incidents of burglaries and crime in our area and to make our roads accessible for emergency vehicles:

1. CCTV Camera: Instruct officers to immediately to take the necessary action(s) to install CCTV Camera at the junction of Honeypot Lane and Ruskin Gardens. CCTV camera is critical for crime detection and its requirement is supported by our local Safer Neighbourhood Police Team and local Councillors.
2. Improved Emergency Access: Instruct officers to undertake a feasibility study to determine viability of allowing car parking part on kerb and part on road at Ruskin Gardens, Cowbridge Road and Repton Road to allow easy access for emergency vehicles.”

**RESOLVED:** That the petition be received and referred to the relevant Portfolio Holder and officer for consideration.

2. Councillor Eileen Kinnear presented a petition containing 7 signatures from the residents of Northolt Road flats. She read the terms of the petition to the meeting which were as follows:

“We the undersigned call upon the Council to take steps urgently to install a Door-Entry phone system at our block of flats.

We have been asking for this for some time as we are suffering nuisance and annoyance from people congregating on the steps here. We are worried that the Council does not seem to realise the urgency of the

situation and the distress it causes us. We ask that this problem should be investigated and something done about it soon.”

**RESOLVED:** That the petition be received and referred to the relevant Portfolio Holder and officer for consideration.

608. **Public Questions:**

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

1.

**Questioner:** Yvonne Lee

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

**Question:** “We welcome the council's commitment to become more accessible to its residents such as your plans to become a jargon free council by 2012. However when will the council start to produce overarching assessments and care plans in a learning disability accessible format as recommended by the Care Quality Commission?”

**Answer:** I would like to just thank you for raising this important issue. We are very much committed to this and I understand that you are part of the working group taking this work forward. We have met at Mencap on a number of occasions and talked about wanting to make sure this happens and I very much welcome your input on it. We are looking to make sure that it happens over the next few months and I will be looking for you to make sure that we are kept honest and to get that timetable sorted out.

**Supplemental Question:** We understand that the social care staff from HLDT will be relocated to the neighbourhood resource centres in July 2009. However, the PCT staff have been told they will locate elsewhere. Is this not separation of social care and health staff a regressive step and will make the team less accessible at a time when we are told HLDT are continually improving?

**Supplemental Answer:** I agree that does look odd and I will make sure that we look into it and see what can be done. We are always looking to ensure that there is that sort of joined up working to get maximum benefits. I will come back with you as soon as possible with a written answer explaining what has happened and seeing what should be done, rather than what is being done.

[Note: In accordance with Executive Procedure Rule 16.4, the questioner asked a supplementary question which was additionally answered].

609. **Councillor Questions:**

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

1.

**Questioner:** Councillor Bill Stephenson

**Asked of:** Councillor David Ashton, Leader of the Council and Portfolio Holder for Strategy, Partnership and Finance

**Question:** “In order to help businesses, especially local businesses, during the recession, many local types of councils have adopted the Government's ‘Prompt Payment Protocol’ of ensuring that as far as possible all bills are paid within ten working days. Has Harrow Council adopted this Protocol?”

**Answer:** Harrow has not formally adopted the Government's Prompt Payment Protocol but we have taken action to pay small local businesses within 10 days.

Our standard policy is to pay suppliers within 30 days. We have to balance the benefit to businesses we obviously deal with to the funds and the cashflow of the Council.

What we have done, is we have tried to cross match businesses receiving small business rate relief with our supplier database and pay them within the 10 days, and obviously if individual companies approach us with particular problems, then we listen with understanding.

**Supplemental Question:** Would you also consider doing something similar with the other companies with which we have major contracts, for example, Kier, which again employs many local contractors and action in future contracts, to try to persuade them to do that now? Would you try and get other contractors, who we contract, to do it?

**Supplemental Answer:** As I have said before, it is a difficult balance. On the one hand, we want to obviously help local companies and indirectly, obviously, local sub-contractors but on the other hand, we have to look to our own cashflow and I think, we have about the right balance. We certainly would encourage them. We cannot force them obviously.

2.

**Questioner:** Councillor Bill Stephenson

**Asked of:** Councillor David Ashton, Leader of the Council and Portfolio Holder for Strategy, Partnership and Finance

**Question:** "Nearly 50% of small businesses in Harrow are eligible for business rate relief but only one third of them claim this. Can you indicate what steps you are taking to make sure that all businesses who are eligible claim this relief?"

**Answer:** Yes, in fact we have been, as I think you know, very proactive in this area. Firstly, we launched an advertising campaign back in October 2008, to make those companies aware of the Business Relief. I raised this at the Harrow and Business Seminar which was held in the Council Chamber, and we have put adverts, both in the local media in Harrow People for some months now.

Secondly, that business fair, which I referred to, last Autumn, had a presentation on how businesses could claim Small Business Rate Relief and in February 2009, we sent out a mail shot to all qualifying businesses, who were not already receiving the relief, to encourage them to apply.

So we are trying to assist them and trying to encourage them.

3.

**Questioner:** Councillor Bill Stephenson

**Asked of:** Councillor David Ashton, Leader of the Council and Portfolio Holder for Strategy, Partnership and Finance

**Question:** "The Council has recently piloted a 'voice identifier' system to help reduce benefit fraud. The 'voice identifier' helps indicate residents who might be trying to obtain benefits illegally but the firm which manufactures this system has acknowledged that many perfectly innocent residents may be picked up by this system. Can I have a categorical assurance that where an innocent resident is picked out that no record of this will be kept on their files?"

**Answer:** It is a slightly complicated area, this but it is more straightforward than you might think. First of all, we as a Council are committed to ensuring that all legitimate benefit claimants receive the right entitlement and at the same time, we want to chase out fraud.

That means we have to make a very thorough assessment of what we are trying to achieve and for telephone interviews, I stress, for telephone interviews, we use the voice recognition software. And what's critical to remember, this is in place of the signed declaration required for written claims. So effectively, the checklists which the operators use and recording which is taken are simply in place of the paper documentation that exists. So there is no differentiation per se, in terms of the response of the individual. It is all part of our documented process and we also checked and made sure that the Information Commissioner was happy with that process. So, no, we do not try and delete ones that we do not follow up, simply because we follow them up all the same way but some we follow up more extensively, where justified. It's simply a form of documentation.

**Supplemental Question:** Do you not think it is wrong that someone checked out by this not totally accurate system has it on their records that they have been investigated and found perfectly innocent and their names to remain on the record?

**Supplemental Answer:** They are not. We have to keep documentation for six years anyway, whatever the documentation might be, and secondly, the voice recognition software, when used over the telephone, is used purely for that and the fact that, in some cases, there may be more extensive discussion, does not mean that a person is particularly under investigation or anything else, it's simply a reflection of the questions asked.

So, I personally do not see a differentiation at all.

4.

**Questioner:** Councillor Margaret Davine

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

**Question:** "CSCI, the local Press and a Panorama programme have revealed very serious deficiencies in the way social care is delivered in Harrow to our local elderly and vulnerable residents by Care UK - one of our outside social care providers. All local residents will be very shocked and disturbed by these. Will you issue a full statement on the situation and explain, in particular,

- (i) why the Council did not pick up these issues up earlier
- (ii) why the contract with Care UK has not been terminated as has been done, for example, by Hertfordshire County Council, and
- (iii) what immediate steps are being taken to continuously monitor our outside social care providers to ensure that this situation never happens again anywhere in Harrow?"

**Answer:** Thank you for your question. This is a very, very serious issue area. I watched the Panorama programme with great concern. I was very concerned about the accuracy of some of the approach they were taking. They were conflating various issues and so on. You had stories about social care in other parts of the country being wedged in and shoved together with what was the state of play in Harrow. They did not allow us to make a statement, either to camera or read a statement from us, even though we requested that on numerous occasions, to put our side of the story. I would like to explain some of that our side of the story to you because it is really important that we get that message out to assure our residents and our care users and those people who are concerned.

The Council did pick these issues up. Before Panorama filmed, we had identified a number of areas for improvement from Care UK. In fact, the Council had taken the fairly, and almost penultimate step, of issuing a default notice – the final step you can take to end a contract. We said you have to improve, you had to do this or the

contract will be terminated. We did that back in November last year, prior to the filming taking place. Care UK have been making substantial improvements since then and it is interesting to see that that is not really reflected in the Panorama programme. They do not mention the default notice that we served on them.

CSCI also downgraded them to a zero star service provider requiring them to improve or face some major problems on that front, not just within Harrow but elsewhere in their contractual arrangements up and down the country.

There is still work to do. We are not going to deny that. We have an improvement plan. This week, I had a meeting with the top team in Social Care along with my two Cabinet assistants. We went through a number of papers around what had happened, the learning from the Panorama programme and also from our own experiences with Care UK, to make sure we're not just addressing the things relating to Care UK in Harrow but making sure that none of the horror stories that we heard from elsewhere in the country, were coming in there. We were making sure that we were proactive on that and we are looking to do a regular review to make sure that those standards are being achieved, that we have got a minimum acceptable, good level, standard and that we are hitting that and making sure that we are above it, and to drive it up. I am looking to have a conversation with the Chairman of Overview and Scrutiny to put a review of this onto the Scrutiny Work Programme in the Autumn because that would be a time when we could look at it, six months on, where we are and make sure that we have learnt all those lessons and that I can reassure that that quality of care is happening. It is never going to be 100%, I would like to stress that, because there are human beings involved, there will be things that go wrong. What I want to do is reduce the severity and the frequency and make sure that we catch things going wrong as soon as possible, rather than when we see them on headline grabbing TV scaremongering programmes.

**Supplemental Question:**

I think you have told me that there has been increased monitoring and I just want to know that that has been increased and is more regular than it was earlier on, say early last year, after the contract started. How long will that increased monitoring go on for, how will you make sure that there is not backsliding and have we got the capacity to do that in Harrow?

**Supplemental Answer:**

I think, answering the final one first. I do believe we have got the capacity to do it. Mr Clark has given us a number of presentations about making sure that we look after vulnerable children and knowing how he can be assured at every level throughout that process, he knows what is going on and can give us that reassurance. I want to make sure that we are in a similar position to be able to do with our vulnerable adults and those people we are caring for.

There is however, an order of magnitude greater because we are looking after about 5,000 adults at any one time in Harrow. What we want to do is make sure that we reduce potential chances for things to go wrong and then if they do go wrong, we pick them up as early as possible to reduce the severity of those issues. However, I think we have got the capacity. We are going to be monitoring closely and we were monitoring, as we do all our contracts early on, things being flagged up to us and we were taking steps. Finally, we said that this is going wrong, issued the default notice back in November last year and required Care UK to improve, or face a loss of that contract. If they then had lost the contract through a default notice, that really does impair them elsewhere, in terms of the tender of contracts. It is interesting that we differed so much from Hertfordshire in that respect, that we have chosen to work with them to improve. To actually default, we would probably have to take the staff on and there's a lot of concern about the, that's one of the crucial areas as the Panorama programme said, that we need to work with the staff to improve their quality of care and training support.

[Note: In accordance with Executive Procedure Rule 17.4, with the exception of question 2, each Councillor asked a supplementary question which was additionally answered].

610. **Forward Plan 1 April - 31 July 2009:**

The Chairman advised that the items relating to Temporary to Permanent Housing Initiative and Cedars Hall had been rolled forward.

**RESOLVED:** To note the contents of the Forward Plan for the period 1 April to 31 July 2009.

611. **Progress on Scrutiny Projects:**

**RESOLVED:** To receive and note the current progress of the scrutiny reports.

612. **Key Decision - Building Schools for the Future:**

The Portfolio Holder for Schools and Children's Development introduced a report which informed Cabinet of the outcome of the Building Schools for the Future (BSF) Expression of Interest Submission and the next stages in the process to demonstrate Readiness to Deliver. Whilst Harrow was not in the Department for Children, Schools and Families provisional list for the programme, it was necessary to demonstrate a readiness to deliver. The Director of Schools and Children's Development added that Harrow was currently 52<sup>nd</sup> in a list of 70 authorities yet to enter the BSF programme but that some authorities higher up the list would not be ready to deliver and others would not meet the criteria.

The Chairman stated that substantial sums were involved in the programme and that the Council would not commit to spending £3.5m unless there was a reasonable chance of success. He added that a report on the financial implications would be submitted to Cabinet in June 2009.

**RESOLVED:** That (1) the Council's commitment to BSF be confirmed for Harrow and Harrow's proposals to meet the Readiness to Deliver criteria in section 2.3 of the report of the Director of Schools and Children's Development;

(2) responsibility be delegated to the Leader of the Council and the Portfolio Holder for Schools and Children's Development, in consultation with the Director of Schools and Children's Development, to agree the final Readiness to Deliver submission to the Department for Children, Schools and Families if submission before June 2009 Cabinet is required;

(3) a report be received in June 2009 outlining the Council's Readiness to Deliver together with proposals to secure the funding to support the BSF process for Harrow.

**Reason for Decision:** To confirm commitment to BSF in Harrow and to enable the completion of the Readiness to Deliver submission in line with the Partnerships for Schools and Department for Children, Schools and Families (DCSF) Guidance.

613. **Key Decision - Proposals for School Reorganisation in Harrow:**

The Portfolio Holder for Schools and Children's Development introduced a report, which advised that Statutory Proposals published in February 2009 could effect the reorganisation of schools in Harrow to establish infant, junior, primary and secondary schools from September 2010. The report informed Cabinet about the representations received on the proposals published for community schools by Harrow Council, and commented on the proposals in relation to the statutory guidance for decision makers.

The Portfolio Holder advised that the one representation received was from a federated governing body and had been dealt with in the project work stream. As only one representation had been received, the proposals were supported. She added that this change had been long awaited and would make education more effective. The Director of Schools and Children's Development advised that the proposals had strong support from the community.

The Portfolio Holder for Children's Services stated the re-organisation would require careful management and that the recently issued frequently asked questions document might assist in addressing the concerns of schools.

The Chairman advised Members of minor amendments to the recommendation and it was

**RESOLVED:** That having considered the proposals for community school reorganisation in Harrow, and the one representation, and having had regard to the statutory and non-statutory decision makers guidance issued by the Secretary of State to agree the recommendation in paragraph 10 of the Director of Schools and Children's Development's report to approve the linked community school proposals for school reorganisation across Harrow that will establish:

- (i) separate first schools (Reception to Year 3) to become infant schools (Reception to Year 2) as proposed for individual schools in Annexe 2i of the officer report;
- (ii) separate middle schools (Year 4 to Year 7) to become junior schools (Year 3 to Year 6) as proposed for individual schools in Annexe 2ii of the officer report;
- (iii) combined first and middle schools (Reception to Year 7) to become primary schools (Reception to Year 6) as proposed for individual schools in Annexe 2iii of the officer report;
- (iv) high schools (Year 8 to Year 13) to become secondary schools with 6<sup>th</sup> form provision (Year 7 to Year 13) as proposed for individual schools in Annexe 2iv of the officer report.

**Reason for Decision:** For Cabinet to exercise the local authority's statutory responsibility in relation to school organisation and the decision maker's responsibility to determine the statutory proposals within two months from the end of the representation period, and with regard to the statutory and non-statutory guidance provided by the Department for Children, Schools and Families (DCSF).

(See Minute 605).

614. **Key Decision - Proposals to Change the Age Range of Four Voluntary Aided Schools:**

The Portfolio Holder for Schools and Children's Development introduced a report which advised that in February 2009, the governing bodies of four voluntary aided schools had published statutory proposals to change the upper age limit of the schools. These statutory proposals were separate from the community school reorganisation statutory proposals published by Harrow Council, subject of a separate report to Cabinet. This report informed Cabinet about the recommendations of the governing bodies about their proposals, including representations received, and commented on the proposals in relation to the statutory guidance for decision makers.

The Portfolio Holder for Schools and Children's Development reported that all four governing bodies had recommended that Cabinet approve the proposals.

The Chairman advised Members of minor amendments to the recommendation and it was

**RESOLVED:** That having considered the statutory proposals for the four voluntary aided schools, and the recommendations from the four governing bodies, and having had regard to the statutory and non-statutory decision makers guidance issued by the Secretary of State to approve the recommendations of the governing bodies be approved for each of the separate statutory proposals as follows:

- (i) Krishna-Avanti Primary School to become a one-form entry school voluntary aided Hindu primary school for children aged 4 – 11 years, Reception to Year 6 classes, plus nursery, with a planned admission number of 30 per year and capacity for 210 pupils, plus nursery;
- (ii) St John Fisher Catholic First and Middle School to become a two-form entry voluntary aided Catholic primary school for children aged 4 – 11 years, Reception to Year 6 classes, with a planned admission number of 60 per year and capacity for 420 pupils;
- (iii) St John's Church of England School to become a two-form entry voluntary aided Church of England primary school for children aged 4 – 11 years, Reception to Year 6 classes, with a planned admission number of 60 per year and capacity for 420 pupils;



- (iv) St Teresa's First and Middle Catholic School to become a two-form entry voluntary aided Catholic primary school for children aged 4 – 11 years, Reception to Year 6 classes, plus nursery, with a planned admission number of 60 per year and capacity for 420 pupils, plus nursery.

**Reason for Decision:** To exercise the local authority's statutory responsibility in relation to school organisation and the decision maker's responsibility to determine the statutory proposals within two months from the end of the representation period, and with regard to the statutory and non-statutory guidance provided by the Department for Children, Schools and Families (DCSF).

(See Minute 605).

615. **Key Decision - Children and Young People's Plan:**  
(See also Recommendation I)

The Portfolio Holder for Children's Services introduced a report which described the Children and Young People's Plan 2009-2011.

Having agreed that the Plan be recommended to Council for approval it was

**RESOLVED:** That the Portfolio Holder for Children's Services be given delegated authority to make further changes to the Plan prior to the final version being considered by Council.

**Reason for Decision:** To improve outcomes for children and young people by approving of the work of the Children and Young People Strategic Partnership in establishing and agreed vision and priorities.

616. **New Executive Arrangements:**

The Director of Legal and Governance Services introduced a report, which set out the requirement for the Council to adopt new Executive Arrangements by 31 December 2009, in accordance with the Local Government and Public Involvement in Health Act 2007. There were two models for consideration; Mayor and Cabinet Executive or Leader and Cabinet Executive.

The Chairman reported that there was cross-party support for the Leader and Cabinet Executive Model.

**RESOLVED:** That the Director of Legal and Governance Services be instructed

- 1) in consultation with the Constitution Review Working Group to carry out public consultation on the adoption of a Leader and Cabinet Executive model;
- 2) to report the outcome of that consultation to Cabinet in September 2009; and
- 3) to ensure that full Council considered and determined its new Executive arrangements prior to 31 December 2009.

**Reason for Decision:** To ensure that the Council complied with its statutory obligations.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.20 pm).

(Signed) COUNCILLOR DAVID ASHTON  
Chairman