

CABINET MINUTES

17 MARCH 2011

Chairman: * Councillor Bill Stephenson

Councillors:

* Bob Currie	* Graham Henson
* Margaret Davine	* Thaya Idaikkadar
* Keith Ferry	* Phillip O'Dell
* Brian Gate	* Mrs Rekha Shah
* Mitzi Green	

In attendance:	Susan Hall	Minute 166
(Councillors)	Barry Macleod-Cullinane	Minute 166
	Jerry Miles	Minutes 176, 180
	Paul Osborn	Minutes 166, 176, 180

* Denotes Member present

162. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 5 – Councillor Questions

Councillors Brian Gate and Bill Phillips declared prejudicial interests in that they were current trustees of the Harrow Association of Voluntary Services (HAVS). They would leave the room whilst the pertinent three questions were asked of the relevant Portfolio Holder.

Agenda Items 9 and 10 – Better Deal for Residents Business Support and Modernising Terms and Conditions of Employment

Councillor Bob Currie declared a prejudicial interest as his son was an employee of the Council. He would leave the room whilst the matters were considered and voted upon.

Agenda Item 9 – Better Deal for Residents Business Support

Councillor Paul Osborn declared a personal interest in that he had received hospitality from Capita which was declared in his register of gifts and hospitality. He would remain in the room to listen to the discussion on the report.

Agenda Item 10 – Modernising Terms and Conditions of Employment

Councillor Barry Macleod-Cullinane declared a personal interest in that his sister was a Council employee, who worked in a school within the borough. He would remain in the room to listen to the discussion on the report.

Agenda Item 11 – Adult Care Services Consultation

Councillor Bob Currie declared a personal interest in that he held a blue badge permit and a freedom pass. He would remain in the room whilst the matter was considered and voted upon.

Councillors Christine Bednell and Chris Mote declared personal interests in that they held freedom passes. They would remain in the room to listen to the discussion on the report.

Councillor Chris Mote declared a further personal interest in that his brother claimed disability living allowance. He would remain in the room to listen to the discussion on the report.

Councillor Janet Mote declared a personal interest in that her brother-in-law claimed disability living allowance. She would remain in the room to listen to the discussion on the report.

Agenda Item 13 – Integrated Children’s Services

Councillor Christine Bednell declared a personal interest in that she was a member of the Stakeholder Reference Group which was referred to in the report. She would remain in the room to listen to the discussion on the report.

Agenda Item 14 – Position on the Potential Conversion of High Schools to Academies

Councillors Christine Bednell, Kam Chana and Mrs Rekha Shah declared personal interests as they were all governors of schools within the borough. They would remain in the room to listen to the discussion on the report.

Councillor Chris Mote declared a personal interest in that his sister was employed by the Council as a teacher. He would remain in the room to listen to the discussion on the report.

Councillor Janet Mote declared a personal interest in that her sister-in-law was employed by the Council as a teacher. She was also a Local Authority governor of a school in Harrow and was an ATL union representative. She would remain in the room to listen to the discussion on the report.

163. Minutes

RESOLVED: That the minutes of the meeting held on 10 February 2011, be taken as read and signed as a correct record.

164. Petitions

- (i) Councillor Bob Currie, presented a petition signed by 67 residents, the terms of which read as follows:

“We note with concern the proposed planning application for 12 Stiven Crescent, South Harrow (Ref No: P/0331/11) to convert the current house into 4 studio flats with a single storey rear extension. We the undersigned therefore oppose the application for the following reasons:

- That the conversion of this small family home into 4 flats would result in an over intensive use of the property;
- The associated general disturbance and activity, would result in an over-intensive use and amount to overdevelopment of the site to the detriment of neighbouring residents;
- The proposal is contrary to the character of the area, which is family orientated with children;
- The proposal does not provide adequate rear garden amenity space for 4 residential flats thus providing an inadequate standard of amenity for future occupiers;
- Inadequate parking provision.

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

- (ii) Councillor Margaret Davine, presented a petition signed by 140 residents in Constable Gardens requesting that alley gates be installed behind Constable Gardens an Raeburn Road.

RESOLVED: That the petition be received and referred to the Corporate Director Community and Environment and Portfolio Holder for Environment and Community Safety for consideration.

- (iii) A resident presented a petition containing 193 signatures of residents opposing the forthcoming cuts to the Transition Support Services for young people with learning disabilities in Harrow.

RESOLVED: That the petition be received and referred to the Corporate Director Children’s Services and Portfolio Holder for Children’s Services.

165. Public Questions

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

1.

Questioner: Mr John Jardine

Asked of: Councillor Brian Gate, Portfolio Holder for Schools and Colleges

Question: On the Agenda of the Cabinet meeting is item 12 regarding School Admission Arrangements for 2012/13. It explains that a consultation has taken place about increasing the number of children in Reception at Pinner Park School to 120 from 90, up 33%. I have 2 children at the School and no-one seems to know anything about it. I found out when I read the minutes of the Harrow Admissions Forum for February.

Is it usual to put something as significant as this in a consultation document that is only likely to be read by parents of children who plan to apply for a place in 2012? The fact that there were no comments received from anyone at Pinner Park School suggests something has gone wrong.

Answer: Mr Jardine, thank you for your question.

We are experiencing a great increase in the number of children coming into the Rising 5 cohort. We have actually put some additional, temporary reception classes in and we have had discussions with schools, headteachers and the governing bodies. This has included Pinner Park, which is opening bulge reception classes for both September 2011 and 2012. Where the schools were in agreement the proposals were included in the consultation.

In the Harrow Admissions Forum, we did actually note that we were looking at increasing the one form entry, which I think Pinner Park is actually three form entry at the moment and that should lead to four form entry. That was put in the consultation document.

The statutory consultation arrangements ranged from 29 November to 28 January 2011. The way we actually circulate the information is that there is a range of stakeholders we circulate information to, including schools. We send the schools fliers and posters for them to use and the school would normally go through the normal channels of communication with their parents. The posters also are put on various display boards. There was an advertisement in the local press, an article in the Harrow People and also we put it on the website.

As you quite rightly say, no comments were received regarding proposals to increase the Reception intake, so therefore at the moment, the position is that we will be increasing from three to four forms of entry.

Supplemental Question: I think that no one I have spoken to knows anything about it.

My main question is it now goes as I understand it to the School Admissions Planning Group. Is there going to be any more opportunity to comment, given that I do not think, well there have not been any comments, and I am sure that people if they understood the implications, there are real practical implications, that we would have an opportunity to consult?

Supplemental Answer: The process as it currently stands is that that is the consultation that we have. That is the plan for 2011/2012.

I am certainly open to hear from any resident and any parents that feel they may have issues which could improve the process and I certainly would be happy to have a correspondence with you.

2.

Questioner: Mrs P Penfold

Asked of: Councillor Bill Stephenson, Leader of the Council and Portfolio Holder for Finance and Business Transformation

Question: How does the Council propose to support vulnerable young adults with severe and complex learning disabilities and their families/carers during the most critical stage of their lives when they are cutting 3 Intensive Personal Adviser posts within the Transition Support Service?
(Answered by Cllr Mitzi Green)

Answer: Thank you for your question. Transitional person-centred planning for those with complex learning disabilities and Section 139a assessments will continue to be provided for pupils at Kingsley and Shaftesbury Schools under a Council funded contract for the third sector organisation, CFBT Information Advice and Guidance Service.

For those pupils with learning disabilities at other High Schools or no longer in education, employment or training, so called needs children, the support will come as before, from Youth Support and Special Needs

Services with the Children's Services Department of the Council.

Changes are also taking place within the Council's Adult Service and discussions are ongoing with the Children's Services Department to ensure that transitional arrangements between the two Directorates continue to run smoothly during this time of financial uncertainty.

I also want to refer to the two specific posts you refer to in your petition. The two intensive SEN posts based in Harrow Mencap are in fact, one full time equivalent. Funding for the Mencap contract was for a single post and they have chosen to cover this quite reasonably with two staff job sharing.

The grant is no longer available and therefore Mencap was written to last October and again in January, advising them that the contract would not be renewed. This was no reflection on the quality of the service provided, merely a response to central government cuts.

Considerable advice and assistance has been given to Mencap to help identify alternative sources of funding and this support will continue.

With regards to the intensive SEN Connections post at Shaftesbury High, this post became vacant when the postholder was recruited to a new position, funded by Shaftesbury School itself to support their students and parents. Children's Services has not been able to replace the original post due to the need to meet Medium Term Financial savings.

Schools have been given considerable extra funding this year from government and if schools are able to identify funding from their own budget, they may wish to either recruit from a role within the school or commission a similar service to that provided by Mencap.

It is acknowledged there will be some reduction in the Council service to young adults with severe and complex learning difficulties in the new financial year, however as stated above, we will continue to have a dedicated SEN personal adviser through CFBT and the Children with Disability Service based at Alexandra Avenue.

Support for vulnerable, young adults with severe and complex learning disabilities and their families and carers will continue to be important to the Council, as stated in the Core Priority regarding supporting and

protecting people who are most in need. It is also integral to the new operating model for Children's Services which will be considered by Cabinet later this evening. Additionally, it is acknowledged that excellent work is being done by voluntary sector organisations, such as Mencap and schools across the community, in partnership with the Council and Community Grants Panel. However, it must be recognised that Central Government has significantly cut grants available to the Council and Children's Services, particularly in connection to Youth Services. Funding which was previously used to provide support above and beyond the statutory minimum. As a direct consequence, with great regret, a number of contracts due to end on 31 March cannot be renewed. The affected organisations were notified in writing last autumn and this work has been ongoing to encourage and support them to apply for other funding sources.

Supplemental Question: How are you going to address this inequality with the service that is provided at Shaftesbury as opposed to what is not going to be provided at Kingsley?

Supplemental Answer: Well first of all, the government has indicated that there may well be new funding streams for voluntary and community organisations in the near future. We are waiting to hear news on this so there may be funding through that. Secondly, as I said in my answer, we are still providing the services centrally for pupils at Kingsley High School.

I do completely understand your concern and I really want to try and help you as much as I possibly can. I do hear where you are coming from.

I did refer to the fact that the schools, including Kingsley High School, have received extra funding from government this year. So it could recruit, if it chose to use its funding in that way, an extra adviser through its own funds. So that might be something that Kingsley High School might want to consider.

166. Councillor Questions

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

1.

Questioner: Councillor Barry Macleod-Cullinane

Asked of: Councillor Thaya Idaikkadar, Portfolio Holder for Property and Major Contracts

Question: Given that the contract with Enterprisemouchel does not expire until 30th June 2011, why didn't you take the decision to procure a new Public Realm Infrastructure contract soon after you came to power, thereby avoiding the need for the 9-month extension you intend to grant?

Answer: You are right, the contract expires on 30 June 2011 but there is an option to extend it by another two years. We could have started the process around September 2010 time. There are several reasons for it.

Firstly, we were a new administration. I had been a Portfolio Holder only for about three months. I needed to examine all details and understand complex rules and admissions. I would always prefer to get it right than get it sooner and get it wrong.

We examined all contracts since coming to power to ensure that all contracts are fit for purpose.

Secondly, we had a new national government which suggested they could get 25% savings on all new contracts. We did the same. During the first ever board meeting I asked Enterprisemouchel whether they could come up with 25% savings. As you know, large contractors do not respond quickly as they have to do all their calculations and weigh up matters.

They eventually came back with a smaller saving and I was not happy about it. This delayed matters for a few months.

Thirdly, all procurement of this type goes around £200,000-300,000. I was trying to save this money in the middle of a recession. The government was announcing cuts on a regular basis. Every penny matters in this current economic climate.

I have also asked officers to look into other options, such as dual procurement with other authorities. Yet another reason for the delay.

Fourthly, I was aware we were getting a well experienced, well respected Divisional Director and a Chief Procurement Officer. They started about September time. I was prepared to wait and see what their input is. Again we were proved right and they are providing an excellent service.

I wish to take this opportunity to congratulate them both. The negotiations with EM took nearly six months before

we came to the conclusion that we need to enter into a procurement process.

I am convinced we can achieve greater savings than what is on the table. With the above reasons, I will be asking the Cabinet to accept a recommendation not to extend for two years but to extend it to nine months today, later on.

The work that Enterprisemouchel performs for the Council has been good and their winter maintenance in particular, is worthy of comment.

Supplemental Question: Given the fact that you do have a Corporate Director who I am sure would have been able to step into the role and pick up issues about procurement and so on, I am amazed at how you are telling us that you did nothing for ten months until today to actually bring forward savings.

So I would like to ask you tonight firstly, do you not think that your Corporate Director should have been able to step up to the plate on this, to cover that area because you seem to be placing the blame on lack of officers lower down the food chain?

Supplemental Answer: We have a very good Corporate Director but this is not a one man job. As you know, the teamwork is complex, is difficult. Then we have to give them time to get the officers in time. We were looking at new ways of doing that, new ways of saving money. That takes time. As I said before, I would rather get it right later than make a decision sooner and get it wrong.

2.

Questioner: Councillor Barry Macleod-Cullinane

Asked of: Councillor Thaya Idaikkadar, Portfolio Holder for Property and Major Contracts

Question Within the next 18 months, how many more major Council contracts are due to expire?

Answer: We have:

Pertemps expiry - 31 March 2011.
ASAP Temporaries Ltd - 31 March 2011.
Matrix – 31 March 2011
Enterprisemouchel – 31 June 2011
Connexions – 31 July 2011
Southern Cross Healthcare Services Ltd – 2 September 2011

Supplemental Question: My supplementary, Leader, is that do you not agree that had you asked this question on the first day of your job in this new portfolio, back in May last year, you would have avoided firstly; the fiasco of having to extend this contract for a mere nine months and also; how much money have you wasted in extending for nine months a contract which you yourself say is problematic and is not worth the value?

Supplemental Answer: We are saving over a million pounds. We are proving why taking our time, going through it thoroughly, getting it right, we are saving money for the people of Harrow. That is the most important thing. This is not a political football. We want to take care of every single decision in Harrow and get it right.

3.

Questioner: Councillor Susan Hall

Asked of: Councillor Mrs Rekha Shah, Portfolio Holder for Community and Cultural Services

Question: Given the close working relationship between the Council and the voluntary sector, and the close involvement of Councillors with HAVS, do you think it would be appropriate for Councillors to continue to act as trustees or board members of any new organisation or structure that might emerge?

Answer: Members may stand as Board Members for organisations in a personal capacity or the Council may be invited to send a nominated representative by organisations. It depends on the constitution of the independent organisation as to the make-up of its Board. Any new organisation that may be formed to deliver voluntary sector infrastructure support in the borough has the opportunity now to clarify, define the roles and responsibilities of the Board Members and seek to appoint to the Board based on those criteria. That may include inviting the Council to have a formally nominated representative(s) who attends Board meetings but in most newer constitutions this would normally be in an observer capacity rather than a full Board Member. This would serve the purpose of protecting Council Members from liabilities and also ensure the new organisation is fully independent.

Supplemental Question: I can only assume you were agreeing with me because you have been quoted as saying that you should not have been made Trustees of HAVS. Do you not agree then that Councillors that have been involved have a

public duty to be transparent about their involvement in anything of this, in administration and in the collapse of HAVS?

Supplemental Question: I have been as transparent as possible. I have not hidden anything from the press.

4.

Questioner: Councillor Susan Hall

Asked of: Councillor Mrs Rekha Shah, Portfolio Holder for Community and Cultural Services

Question: In the wake of the collapse of HAVS, what progress has been made in establishing a new support mechanism for Harrow's voluntary sector?

Answer: Officers are working on interim arrangements to carry on key activities such as the Volunteer Service and will be consulting on a long-term solution with the voluntary sector. There are a number of agencies who could operate in the short term until such time as this long term plan is in place and we are in close communication with the voluntary sector and independent organisations.

Supplemental Question: Given the problem that HAVS have experienced, what safeguards would you, Rekha, like to see put in place to prevent this happening again?

Supplemental Answer: I would like to make sure that when we are working with voluntary sectors, we make sure that the service is running properly and there are no financial irregularities.

5.

Questioner: Councillor Susan Hall

Asked of: Councillor Mrs Rekha Shah, Portfolio Holder for Community and Cultural Services

Question: I understand that while HAVS was being investigated for financial mismanagement, it was being funded by its reserves. How much did HAVS spend between September 2010 and now, and how much is left in its reserves?

Answer: HAVS is an independent organisation. It is not appropriate for us to release any financial information for another organisation.

6.

Questioner: Councillor Paul Osborn

Asked of: Councillor Mrs Rekha Shah, Portfolio Holder for Community and Cultural Services

Question: Can you please clarify why the decision that ultimately became PHD 38-10 (agreeing to the Grants appeals) came to be taken by the Leader instead of yourself as the relevant Portfolio Holder?

Answer: The July GAP meeting considered the appeals and the decision was to be made by the Portfolio Holder. The Panel reached a different view to those recommended by officers and did not make any recommendations about amounts to be awarded. I therefore decided that the best way forward was to seek an independent view and an adviser was appointed to assist the process. As I am on the Board of one of the organisations involved, I decided to refer the decision to the Leader. The report of 25 November 2010 indicated that the decision was to be made by the Executive which is a term used to cover Cabinet, Portfolio Holder decisions and the Leader's decisions.

Supplemental Question: Has this interest been declared?

Supplemental Answer: I have mentioned this before.

7.

Questioner: Councillor Paul Osborn

Asked of: Councillor Mrs Rekha Shah, Portfolio Holder for Community and Cultural Services

Question: Do you have any concerns that the way in which this appeals process has been conducted, particularly regarding the resolution of the conflict between the recommendations of the independent assessor and the internal audit, leaves the decision open to action from the organisations that missed out on grants?

Answer: A starting point is that this situation was created by your administration, which has left behind for me to pick up pieces.

I regret that the appeals process in 2010/11 has been protracted but am confident that with the thorough

scrutiny that this process has been under, that the correct decision has been reached. There was clear consensus on upholding two of the appeals between the reports. Lessons learnt from this process will be built into any future grants programme and appeals process, including that from 2011/12 which is currently underway.

Supplemental Question: Okay, it is interesting you blame it on us, given that Labour have the chairmanship of the Grants Advisory Panel and also have a majority on it.

My question is, are you aware that the Constitution mandates if a Portfolio Holder, or indeed the Leader, disagrees with a decision of an Advisory Panel, that decision, that matter, must be referred to the Executive for decision. The only exception to that is in urgency. This decision was made by you Leader, two days before a Cabinet meeting. Why did the decision not go to Cabinet, where it should have gone, rather than being made through a Portfolio Holder decision?

Supplemental Answer: I believe we were advised that we were following the Constitution. As far as I am aware I took a perfectly legitimate thing and I was told I should take it there and then. It was urgent. You could have raised this at the time. You have had months to do that. Why raise it now?
(answered by Cllr Stephenson)

8.

Questioner: Councillor Susan Hall

Asked of: Councillor Mrs Rekha Shah, Portfolio Holder for Community and Cultural Services

Question: Can you explain why you recently took the decision to put the contract to run Harrow Leisure Centre out to competitive tender, reversing your decision in January to extend the contract with Leisure Connections?

Answer: At the Cabinet meeting in January, we gave officers delegated powers to negotiate the best possible terms with Leisure Connection and they were negotiating. They came to the conclusion, after doing some market research that they could get a better deal by sub-tendering and they were proved absolutely right. The final contract that we got is much better than Leisure Connections offered.
(answered by Cllr Idaikkadar)

Supplemental Question: Do you not agree then that Councillor Shah was incorrect when I quote, she said "it was a good deal" and I quote "it would save money", so that was why you were

going with Leisure Connections? Would you agree therefore that she was wrong in saying that?

Supplemental Answer (answered by Cllr Idaikkadar) No, she was not wrong. We have got to look at the time factor, at the time she said this.

The following questions were not reached in the time limit of 15 minutes. The Leader of the Council stated that written responses would be provided and appended to the minutes.

9.

Questioner: Councillor Barry Macleod-Cullinane

Asked of: Councillor Bill Stephenson, Leader of the Council and Portfolio Holder for Finance and Business Transformation

Question: In light of the cross-party consensus on the age of transfer and the introduction of sixth forms, why has the Leader eschewed developing a cross-party approach to academies in Harrow, in favour of formalising a position paper through Cabinet?

10.

Questioner: Councillor Barry Macleod-Cullinane

Asked of: Councillor Bill Stephenson, Leader of the Council and Portfolio Holder for Finance and Business Transformation

Question: Can the Leader assure us that his administration will provide a fair and balanced presentation of the arguments for and against schools becoming academies or remaining in local authority control in the run-up to governors' bodies voting on the matter?

11.

Questioner: Councillor Barry Macleod-Cullinane

Asked of: Councillor Bill Stephenson, Leader of the Council and Portfolio Holder for Finance and Business Transformation

Question: If governors' bodies believe that becoming academies is in the best interest of their children's education, can the Leader assure us that those Harrow schools that do opt

to become academies will receive the full support of your administration?

167. Forward Plan 1 March 2011 - 30 June 2011

The Leader of the Council reported that Agenda item 15 'Leisure Facilities Management Contract' was considered to be a key decision, but was not listed on the March 2011 Forward Plan. Therefore Cabinet would be considering a decision in accordance with Rule 15 of the Access to Information Procedure Rules of the Constitution.

The Leader also reported that the item on Better Deal for Residents – Mobile and Flexible Working Transformation Programme had been deferred.

RESOLVED: To note the contents of the Forward Plan for the period 1 March – 30 June 2011.

168. Progress on Scrutiny Projects

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

RESOLVED ITEMS

169. Strategic Performance Report - Quarter 3

The Portfolio Holder for Performance, Customer Services and Corporate Services introduced a report, which summarised Council and service performance against key measures. The Portfolio Holder reported that performance had been strong in the third quarter and highlighted notable achievements which included:

- the 'Lets Talk' engagement campaign had involved a number of events and had assisted in shaping a new vision and priorities for the Council;
- the Council had been able to set a balanced budget for the next financial year with an underspend predicted for this financial year. Performance had continued to improve during this period;
- 1,000 Neighbourhood Champions had been recruited. This demonstrated a good community spirit within the borough, which was a key point in the Council's vision;
- Adults' Services had been rated as one of the best in the country by the Care Quality Commission. Additionally, the Adults and Housing Management Team had been shortlisted for the Local Government Chronicle 2011 Management Team of the Year award;
- in Housing, 75% of tenants expressed their satisfaction in the tenants' survey placing the Council in the top quartile;

- Children's Services had received a 'performing well' score in the Annual Children's Services Assessment by Ofsted. An inspection of the Adoption Service resulted in an assessment of performing well. Unannounced inspections at The Firs and Honeygot Lane were also positive;
- almost 61% of students in Harrow achieved the national benchmark figure relating to GCSE results, well above the national average;
- substantial progress had been made with the Harrow Local Development Framework, including amendments to the Core Strategy;
- developments considered and approved would deliver 420 new private homes and 120 new affordable housing homes. £10.2 million would also be obtained through Section 106 agreements;
- a Financial Inclusion Form was launched to promote access to affordable credit and low cost financial products for residents;
- within Access Harrow, there were improvements to avoidable contact methods, resolutions of queries and call waiting times.

As part of the discussion on this item, the Deputy Leader and Portfolio Holder for Environment and Community Safety announced that 3 parks within Harrow had received 3 Gold Safer Awards from the Mayor of London. These awards recognised good performance in relation to tackling crime, addressing the public perception of safety, the enjoyment of and community action within parks.

The Portfolio Holder for Adult Social Care, Health and Well-being also announced her pride in the Adults and Housing department. The Shop for Support website had been commended by the National and Social Health Awards. Additionally the Care Quality Commission had praised the Council, the Primary Care Trust and the Stroke Association for the provision of services to stroke patients within the borough.

RESOLVED: That the report be noted and Portfolio Holders continue working with officers to achieve improvement against identified key challenges.

Reason for Decision: To enable Cabinet to be informed of performance against key measures and to identify and assign corrective action where necessary.

170. Better Deal for Residents Business Support

The Portfolio Holder for Performance, Customer Services and Corporate Services introduced a report, which set out the case for development of the Business Support project as part of the Better Deal for Resident Programme. The Portfolio Holder explained that Cabinet was being requested to support the implementation of the Business Support project which was important for

the future of the Council. The Corporate Equalities Group had provided helpful comments in relation to the relevant Equality Impact Assessments.

RESOLVED: That

- (1) the implementation of the Business Support project as set out in the Full Business Case, be approved;
- (2) the Director of Legal and Governance Services, in agreement with the Leader of the Council and Portfolio Holder for Finance and Business Transformation and the Portfolio Holder for Performance, Customer Services and Corporate Services, be authorised to take all actions necessary to implement the project.

Reason for Decision: The project which is a key element of the Better Deal for Residents Programme, would help to deliver improved customer service, operational efficiency and cost reductions.

171. Modernising Terms and Conditions of Employment

The Portfolio Holder for Performance, Customer Services and Corporate Services introduced a report which set out a process to review and modernise terms and conditions of employment. The Portfolio Holder reported that the consultation was at an early stage. Modernisation was required to benefit staff and the Council generally and the unions had been supportive of the proposals. Modernising the terms and conditions was being done in a structured manner and it was anticipated that full negotiations would commence shortly. The Portfolio Holder explained that whilst savings would be achieved, there would be many other benefits for staff.

The Chief Executive explained that terms and conditions had last been reviewed in 2004 and there was therefore a need to review these to ensure that they were fit for purpose. This would allow for modernisation and allow staff greater choice. The process utilised in the project would be open and transparent which all staff would be encouraged to participate in. The Chief Executive also explained that any changes as a result of proposals would be applicable at all levels of the organisation and would also take into account the current context surrounding pay awards and proposed changes to pension contributions.

RESOLVED: That the report be noted.

Reason for Decision: To note the work being undertaken in this area.

172. Adult Care Services Consultation

Cabinet received a report of the Corporate Director Adults and Housing which sets out the findings of the Adult Services pre-consultation exercise and informed of the changes that were to be put to full consultation.

The Leader welcomed Mr Alan Warn, Mrs Maureen McGrath and Mr Deven Pillay to the meeting who were in attendance for this item as members of the

Consultation Steering Group. The Portfolio Holder for Adult Social Care, Health and Wellbeing, introduced the report and reported that the Council had taken many steps to ensure that the initial consultation was carried out effectively. These steps included establishing a Steering Group, which consisted of representatives from various backgrounds, sending out leaflets to approximately 10,000 stakeholders and sending out questionnaires. There had been a 34% response rate to the questionnaires which was very positive. Additionally the initial consultation process had also been discussed with approximately 700 people, at 48 discussion groups.

Mrs McGrath addressed Cabinet and stated that “the majority of people were in favour of change”. Mr Warn explained that having had a number of meetings with the Council, it was evident that it wanted to build up trust and relationships. Mr Warn also stated that “this approach should be used as a good example and taken on board by all services”. Mr Pillay commented that there had been positive feedback to the initial consultation process. This was building confidence in the community. One of the key messages arising out of the initial consultation was to protect social care.

The Corporate Director Adults and Housing summarised the next stages of the process. He explained that the Steering Group had decided to support the changes and this would now proceed to full consultation. It was anticipated that following this a further report would be presented to Cabinet later in the year.

RESOLVED: That the report be noted.

Reason for Decision: To inform Cabinet of the findings and changes.

173. Determination of Community School Admission Arrangements - Academic Year 2011/12

The Portfolio Holder for Schools and Colleges introduced a report, which related to consultation on admission arrangements for community schools, which took place between November 2010 and January 2011.

The Portfolio Holder explained that this issue had been considered by the Harrow Admissions Forum at its meeting on 8 February 2011. The report highlighted the issues the Forum had raised and the procedures they considered. The report also detailed consultation feedback and the level of consultation. It was clear from the feedback that parents at schools had been consulted. The Council had utilised all its efforts to make the consultation as thorough as possible.

RESOLVED: That

- (1) the definition of terms for community school admission rules at Appendix 1-Part A be agreed with the following amendment:
 - the measurement point be changed for a school from the closest school gate to the centre point of the school site;

- (2) the admission arrangements for Harrow Community Primary and High schools be agreed, as set out in Appendix 1 - Part C & D with the following amendment:
 - medical claims only be considered for one community school;
- (3) the Schemes of Co-ordination for 2012/2013 at Appendix 1 - Part E be agreed;
- (4) the Fair Access Protocol at Appendix 1 – Part G be amended to clarify that applications for Faith Schools must be supported by a Supplementary Information Form;
- (5) Reception intake for the following schools be increased by one additional form entry for 2012/13 academic year:
 - (i) Glebe Primary School
 - (ii) Marlborough Primary School
 - (iii) Pinner Park Infant and Nursery School
 - (iv) Vaughan Primary School.
- (6) the planned admission number for Rooks Heath College for Business and Enterprise be reduced to 210 from September 2012.
- (7) officers consider how medical claims should be assessed in the future and incorporate this into draft amendments to the admission arrangements in the future if required.

Reason for Decision: There is a statutory requirement under the School Standards and Framework Act 1998 for admission authorities to determine admission arrangements by 15 April in the determination year (i.e. by 15 April 2011).

174. Integrated Children's Services

The Portfolio Holder for Children's Services introduced a report which set out the proposed new operating model for Children's Services. The Portfolio Holder reported that the new model represented an innovative approach which would assist vulnerable children. The model had been shaped by consultation with a wide range of stakeholders.

The Head of Integrated Targeted Service Development explained that the proposed model had been based on extensive research. This involved having a single referral point to reduce bureaucracy, having an improved multi-agency system, greater focus on early intervention and multi-disciplinary teams focusing on the needs of children. It was anticipated that the model would allow for greater work with partners in delivering services and vulnerable children would experience a more seamless service.

RESOLVED: That:

- (1) the proposed new operating model for Children's Services be agreed;

- (2) the Corporate Director Children's Services, in consultation with the Portfolio Holder implements the new operating model;
- (3) a consultation on the future development of Children's Centres be undertaken.

Reason for Decision: To improve ways of working in Children's Services following changes in government policy and funding.

175. Position on the Potential Conversion of High Schools to Academies

The Portfolio Holder for Schools and Colleges introduced a report, which set out the Council's position on potential conversion of 7 High Schools to academies and other relevant considerations. The Portfolio Holder explained that the Council enjoyed a good partnership with schools in the borough and had been working hard to assist schools who were considering applying for an academy status. The Portfolio Holder stated that the Council's preference was for schools to remain within the remit of the Council. However, this was a decision for the relevant governing bodies to consider and, in any event, the Council would support young children. Additionally any schools that applied for academy status would be encouraged by the Council to work closely together.

The Corporate Director Children's Services reported that there was a challenging timetable for governing bodies if they decided to accept an academy status. Officers were providing the relevant support.

RESOLVED: That

- (1) the position of the Council on the proposal for 7 of the High Schools to convert to academies be agreed;
- (2) the implications for the Local Authority of the potential conversion be noted.

Reason for Decision: To prepare for the significant changes that academy conversion would entail and to ensure that all of Harrow's schools continue to provide high quality education to local young people.

176. Leisure Facilities Management Contract

The Corporate Director Community and Environment introduced a report together with a confidential appendix, which set out the procurement and evaluation processes undertaken for the award of an interim two year contract for the management of the Council's leisure facilities. The Corporate Director explained that a report had previously been presented to Cabinet in January 2011 and Cabinet had agreed to provide him with delegated authority to enter into a Contract with Leisure Connections. Given that there were difficult financial challenges ahead and that the budget at that period in time had not yet been set, it was felt that further negotiations were required with Leisure Connections on the Contract.

The Corporate Director explained that the negotiations had not proved successful from the Council's perspective. In order to achieve the best possible value for the Council, he had therefore made the decision not to exercise his delegation and that going out to tender for the Contract, was the correct course of action.

Due to the proximity of the meetings, Cabinet received a tabled reference from the Overview and Scrutiny Committee which had considered the report at its meeting on 17 March 2011. The Leader of the Council invited the Chairman and Vice-Chairman to address Cabinet. The Chairman of the Overview and Scrutiny Committee explained that generally it considered that the outcomes to be achieved were positive. There was agreement that the current contractor's performance had not been satisfactory and so change was therefore required. It had also suggested that the recommended provider provided good value for the Council. The Chairman of the Committee also reported that it had raised some concerns over the internal governance process followed, whether the recommended provider would meet relevant targets and how this would be monitored.

The Vice-Chairman of the Overview and Scrutiny Committee stated that the proposal, of the contract going out to tender, had not initially been identified and referred to the transparency of the process. He also queried whether the decision was key in its nature and whether the relevant Performance Indicators would have financial penalties if they were not met by the relevant supplier.

The Leader of the Council explained that responses to the issues raised by the Chairman and Vice-Chairman of the Overview and Scrutiny Committee involved exempt information. Cabinet therefore resolved that the press and public be excluded from the meeting on the basis that information due to be discussed related to the financial or business affairs of the authority and for which a claim could be made to legal professional privilege.

During the confidential discussion, the Director of Legal and Governance Services provided legal advice to Members of Cabinet which addressed each of the issues raised to the satisfaction of the Cabinet. The Corporate Director Community and Environment added that information on performance measures could be provided.

RESOLVED: That

- (1) A two year contract for the management of the Council's leisure facilities with Greenwich Leisure Ltd., with a commencement date of 1 May 2011 be approved;
- (2) the Corporate Director Community and Environment be provided with delegated authority for the finalisation of the details of the contract within the financial parameters set out in this report in consultation with the Portfolio Holders;

- (3) the extension of the existing contract with Leisure Connection/Leisure in the Community for period of one month until 30 April 2011, to allow adequate time for handover and transfer of staff be approved;
- (4) officers submit a business case for the roll forward of a capital underspend from the current year's leisure facilities capital programme to allow for improvement works to Harrow Leisure Centre in 2011/12 as outlined in para 6.6 of the report.

Reason for Decision: Cabinet on 13 January delegated authority to the Corporate Director of Community and Environment to agree an extension of the existing contract with Leisure Connection for two years subject to finalised negotiations on costs.

After continued discussions with the current contractor it became clear to officers that the contractor's improved offer for a two year extension did not offer as significant an improvement as could be achieved if the council sought to procure a two year contract through a shortened procurement process.

Acting under his constitutional delegated authority in February, the Corporate Director briefed the relevant Portfolio Holders on the situation. The Portfolio Holders authorised officers to proceed to tender for a two year interim contract.

The recommended two year interim contract with Greenwich Leisure Ltd not only provided significant additional savings to the Council but also allowed the Council time to evaluate a number of options for the long-term management of its leisure facilities.

[Call-in does not apply to this decision.]

177. Public Realm Infrastructure Services Contract

Cabinet considered a report of the Corporate Director Community and Environment, which sought approval to extend the current long term partnership contract for Public Realm Infrastructure services with Enterprisemouchel. The Portfolio Holder for Property and Major Contracts explained that he had addressed all the issues associated with the report whilst responding to questions asked earlier during the meeting.

RESOLVED: That

- (1) an extension of nine months to the existing contract to 31 March 2012 be approved;
- (2) the Corporate Director Community and Environment be instructed to commence procurement of replacement arrangements to be in place to ensure a smooth continuation of the services when the contract expires.

Reason for Decision: To continue arrangements for the maintenance of highways and associated infrastructure. An extension would allow time for the Council to consider options and arrange a competitive procurement for a new contract.

178. New Library Stock Contract

Cabinet considered a report of the Divisional Director Community and Cultural Services, which set out reasons for Harrow Libraries to join the London Libraries Consortium for the supply of library stock from 1 May 2011.

RESOLVED: That

- (1) Harrow library service joining the London Libraries Consortium for the procurement and supply of library stock be approved;
- (2) the Corporate Director Community and Environment be provided with delegated authority, in consultation with the Portfolio Holder for Community and Cultural Services, to award the contract to successful contractors through the consortium.

Reason for Decision: Membership of the London Libraries Consortium represented the best option for the supply of library stock in terms of efficiency and cost.

179. Exclusion of Public and Press

RESOLVED: That, in accordance with Part I of Schedule 12A to the Local Government Act 1972, the press and public be excluded from the meeting for the following item for the reasons set out below:

<u>Agenda Item</u>	<u>Title</u>	<u>Reason</u>
20.	Appendix to the report on Leisure Facilities Management Contract	Information under paragraph 3 (contains information relating to the financial or business affairs of any particular person including the authority holding that information).

180. Leisure Facilities Management Contract

Cabinet received a confidential appendix to the report of the Divisional Director Community and Cultural Services relating to tender evaluation data.

RESOLVED: That the appendix be noted.

Reason for Decision: To allow the appendix to be considered in conjunction with agenda item 15 – Leisure Facilities Management Contract.

[Call-in does not apply to this decision.]

(Note: The meeting, having commenced at 7.30 pm, closed at 9.19 pm).

(Signed) COUNCILLOR BILL STEPHENSON
Chairman