

# CABINET MINUTES

## 8 SEPTEMBER 2011

**Chairman:** \* Councillor Bill Stephenson

**Councillors:**

* Bob Currie	* Graham Henson
* Margaret Davine	* Thaya Idaikkadar
* Keith Ferry	† Phillip O'Dell
* Brian Gate	* David Perry
* Mitzi Green	

**In attendance:  
(Councillors)**

Nana Asante	Minute 269
Susan Hall	Minute 261
Barry Macleod-Cullinane	Minute 261
John Nickolay	Minute 261
Joyce Nickolay	Minute 261
Paul Osborn	Minute 261

\* Denotes Member present  
† Denotes apologies received

### 257. Declarations of Interest

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

Agenda Item 12 - Response to the Implications of the HAVS Investigation Challenge Panel Report

Councillors Brian Gate and Joyce Nickolay declared personal interests in that they were Trustees of the Harrow Association of Voluntary Services (HAVS). Councillors Brian Gate and Joyce Nickolay chose to leave the room whilst the matter was considered and voted upon.

Agenda Item 14 - Residents' Engagement Strategy and Review of the Tenants' and Leaseholders' Consultative Forum

Councillor Bob Currie declared a personal interest by virtue to owning property in King's Road, Eastcote Lane Estate. He would remain in the room whilst the matter was considered and voted upon.

**258. Minutes**

**RESOLVED:** That the minutes of the meeting held on 21 July 2011 be taken as read and signed as a correct record.

**259. Petitions**

**RESOLVED:** To note that the following petition, containing 51 signatures, was presented to Cabinet by Councillor David Perry and referred to the Traffic and Road Safety Advisory Panel and the Corporate Director Community and Environment for consideration.

Parking - Petition from residents in and around Oxford Road, Wealdstone

"We, the undersigned, petition the Council an objection to the removal of the permit parking bays and introduction of the Monday to Saturday 8.00 am – 6.30 pm waiting and loading restrictions instead of the original at any time restriction."

**260. Public Questions**

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

1.

**Questioner:** Matthew Lloyd

**Asked of:** Councillor Phillip O'Dell, Deputy Leader of the Council and Portfolio Holder for Environment and Community Safety

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

**Question:** "Does the Portfolio Holder agree with me that, the Police force in Harrow should have all the support that they need, during this time of drastic government spending cuts?"

**Answer:** Emphatically yes. The Council, like the Police, are facing very severe pressures as a result of the current financial situation and this new financial reality makes it more essential that we support and work closely together with all our partner organisations, and especially the Police, to deliver high quality services to local residents.

The Council will continue to support the Police in the way which we have done over many years with the joint delivery of operations through integration of services, where opportunities present themselves, and through the further development of innovative and high quality services for all of the diverse communities of Harrow.

Our support for the Police is evidenced in the report on tonight's agenda 'Council Funding Support for Police Officers' where the recommendation is to fund extra Police Officers in Harrow but, as the report also highlights, this support cannot be limitless and must take into account the financial situation and ongoing operational considerations.

Despite recent events throughout London and elsewhere in the country, the Government is still rushing headlong to cut the Policing budget in the country by 20%, axing over 16,000 officers. These cuts, I am afraid, are having their effect on Harrow, for example in our Safer Neighbourhood Teams. I believe this is not the way forward.

Support for the Police, however, is much more than simply financial, although that is vital. I strongly believe the Police in Harrow should have and indeed actually do have, the full support and trust of everyone in Harrow, from local residents, the Council, traders, faith groups, young and old, and this support was evidenced both when we had the demonstrations by the English Defence League (EDL) and the recent disturbances.

We have a relationship in Harrow with the Police, which is second to none in the country. It is very much a two way partnership. That success and strength has been built up little by little, in so many ways, over a long time. Like harmonious race relations, it is very precious and we need to safeguard it jealously.

Finally, I would like to put on record my thanks to the Police for their sustained and extremely successful efforts during the recent disturbances. In addition, I would like to also record my thanks to all the Council staff for all their efforts, be it our youth workers who went around with the Police, our public realm workers who got rid of missiles and cleaned up the streets and made everything safe, our own security staff and the Communications team. Most of all, I think we can be proud of the strength of support which we received from our local residents in so many different ways.

**Supplemental Question:** I hope that we will support the Police in Harrow in order to avoid becoming the worst performing borough in London and the third worst performing borough in the UK, as we were under the former administration. Don't the people of Harrow deserve better?

**Cllr Stephenson:** On the whole, yes, but I think it is fair to say in the EDL and other disturbances we have worked very much cross-party.

What I would like to see the Opposition do, is support us in fighting the cuts and closure of Wealdstone Police Station, the cuts to the officers in Harrow and also issues that the Mayor of London, Boris Johnson, is doing at the MPA level.

So yes, we are working cross-party at local level and I appreciate the work and support we have got from the Opposition. However, we need to fight the battle at a London level.

2.

**Questioner:** Neil Smith

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

**Question:** As we are aware that the criteria for Discretionary Freedom Pass will be recommended to the October 2011 Cabinet meeting, following the public consultation, what is the timetable for implementing the new criteria?

**Answer:** No decision has been taken on whether we are going to change the new criteria, or on the implementation.

Should a new policy be adopted, then the implementation date will be part of the same decision agreed at the October Cabinet.

**Supplemental Question:** When will Discretionary Freedom Pass holders be notified of their reassessment against a new criteria and by what date will unsuccessful applicants have their Freedom Passes cancelled?

**Supplemental Answer:** This is hypothetical. We will have to wait and see, as it will be part of the decision we take at October Cabinet.

3.

**Questioner:** Mark Gillham, Chief Executive, Mind in Harrow

**Asked of:** Councillor Margaret Davine, Portfolio Holder for Adult Social Care, Health and Wellbeing

**Question:** From the public consultation on the Draft Contributions Policy, the Council has acknowledged the very serious concern and widespread opposition to the principle of backdating of contributions during the transition. Will the Portfolio Holder commit to abolish this backdating policy and recommend an alternative?

**Answer:** As you know, the Council has worked hard to ensure the Consultation was open, transparent and inclusive in order to understand the impact of the proposals. We have also committed ourselves to listening and responding to concerns where possible.

I am grateful for your work on the Steering Group in the development of the proposals and supporting the consultation.

You are right that the proposal to backdate contributions has probably been the area that has generated the greatest concern, certainly for the public and the community. I am therefore working with officers and the Steering Group to develop an alternative, which would implement the policy more quickly and hopefully remove the need for backdating.

I hope I have found a way forward on this but I am afraid I will have to say, as Councillor Stephenson did on his area, that the final decision will be for Cabinet in October. I cannot make a specific commitment but I am working hard to respond to those concerns.

**Supplemental Question:** Please could you tell us how much extra it might cost if there are additional costs to, as you say, conduct the assessments earlier, more quickly, which could be positive and where could the money come from to make those reassessments, if there is an additional cost over and above the current adult budget this year?

**Supplemental Answer:** In looking at how we could do this. What it means is really implementing the policy more quickly and not having a long 'tail' because our reviews take, usually, up to nine months in a year. So that was the worry.

I hope that we will be able to implement it very quickly, using some temporary, additional staff and, in actual

fact, in the longer term I do not believe that this will be a cost. By getting the new system in place more quickly, it will be more cost effective.

In the longer term it will pay for itself, it will be an Invest to Save. However, I do not have that in my 'back pocket' at the moment and I hope that the Cabinet will see that that is a good way forward and as an Invest-to-Save scheme. We do, of course, have a contingency in the budget for consultation.

4.

**Questioner:** Raksha Pandya, Mind in Harrow

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

**Question:** At 21st July 2011 Cabinet meeting, the Leader's response is recorded in the minutes in relation to my question about the Transformation and Priority Initiatives Fund: "We will be looking for Invest to Save projects and, when we set the next budget, we will be looking to put as much help as we can in mental health". What specific financial investment from this Fund 2011-2012 and the next budget 2012 onwards will be put into improving mental health personalisation - so urgently needed in Harrow?

**Answer:** The Transformation and Priority Initiatives Fund is open to bids from all Directorates. The closing date for bids has closed and we hope to assess the bids received in the very near future. I genuinely do not know whether we have had any bids to do with Mental Health. Obviously if we do, we will look at them very carefully.

The work is beginning on the budget and my words in July were addressed with the aim of presenting a draft budget in December. I can say that improving Mental Health Services remains a major priority for Adult Social Care and obviously we will, as I have indicated in my previous answer, do the best that we can and we will have discussion and consultation on the budget when it is presented in December.

**Supplemental Question:** What are the criteria for the Transformation and Priority Initiatives Fund? When will it be open for bids and what bids have already been submitted?

**Supplemental Answer:** I do not know the bids. I have been asked a question further on where I have the list of priorities. They were

listed when we set up the Priorities Fund in June Cabinet. When I come to the other question, I will read out the priorities for you. Otherwise, I can write to you or, alternatively, please look at the minutes of the June Cabinet.

5.

**Questioner:** Lalita Gokani

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

**Question:** As we are aware that the criteria for Discretionary Freedom Pass will be recommended to the October 2011 Cabinet meeting, when will the relevant Harrow Council staff be trained in the new Discretionary Freedom Pass criteria and process to ensure Harrow residents are treated fairly and consistently in the future?

**Answer:** I think that is a very important issue. If we do change our criteria, and we have come to no decision on whether we will, we may vary them. It will be very important that staff are trained and briefed as soon as possible and that will also include the contractors who have responsibilities for the non-automatic assessments.

The training will occur before any changes to the process are implemented so that everyone will receive a professional service within any new adopted guidance. So the training is absolutely vital if we do change that and, in fact, with any assessment we constantly need to train the staff.

**Supplemental Question:** How can the Portfolio Holder reassure Harrow residents that an adequately resourced process for the Discretionary Freedom Pass assessments will be sustained in the future?

**Supplemental Answer:** For the Discretionary Freedom Pass, we will actually employ an outside contractor and we have had an outside contractor doing our Taxicards for some time.

We went out to procurement and appointed a new contractor. We will monitor that contractor. They will be employing trained staff, including physiotherapists for immobility and, again, if things are going wrong there is a possibility of appeal.

However, we would want to hear any feedback from residents if things are not being done properly. We want to be rigorous, fair and consistent.

The previous system did not have all the systems in place and we hope that we will now do so.

## 261. Councillor Questions

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

1.

**Questioner:** Councillor Barry Macleod-Cullinane

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

**Question:** If you have full confidence in your Cabinet team, did you follow the advice of your Portfolio Holder for Adult Social Care, Health and Wellbeing – whom this side holds in high esteem for her great knowledge and dedication to her Portfolio area – when it came to deciding on how to use the £2.1m received under the S.256 Agreement and regarding our Council amendments or did you overrule your Portfolio Holder; considering when, in answer to a member of the public at July's Cabinet, you said that you were not qualified to comment on this area of activity?

**Answer:** First of all, let us talk about the esteem of our Portfolio Holder for Adult and Social Care. It is shared by myself, by my colleagues, by local residents, as well as regionally and nationally by anybody working in Adult Social Care. So we can agree on that.

At the July Cabinet, it is true, I was asked a supplemental question - a technical question – concerning some issues in a particular CQC report. I declared that I was not able to comment on this and referred it to Councillor Davine, who herself was not able to comment on it. She has since given a written response to the question. So that is about qualification.

As it was explained at the last Cabinet, we on our side come to our decisions in a collective manner. It may be that our way of doing things is something which you are not accustomed to. You should not judge us by your own standards.



**Supplemental Question:** Given what you have just said about that, will you be making the decision over the use of the funds in your Transformation Fund or will you be providing that money to Councillor Davine to make the decision when it comes to Adult Social Care aspects of expenditure? Given the fact that Adults and Social Care is the largest single block of expenditure in the Council and any savings there will have a much larger impact on the Revenue Budget than spending in any other department. So will you be allowing the expert, in your own words, to actually make the decisions over that or will you be overruling her again?

**Supplemental Answer:** Again, I refer you to the criteria for assessing bids for the Transformation Fund. They will be assessed on their quality and their excellence and the degree to which they satisfy those criteria.

2.

**Questioner:** Councillor Susan Hall

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

**Question:** Why have you so far refused to state in public which London Councils are joining Harrow in not spending their S.256 funding on adult social care, and will you now do as such?

**Answer:** I do not accept the premise of your question. As I have explained to you on numerous occasions, we have spent the Section 256 money on Adult Social Care.

**Supplemental Question:** Can you at least confirm the number of Councils that have not spent their Section 256 money on social care and would you not agree that the efforts of Harrow and other Councils to hide and obscure the inappropriate use of this money shows how ashamed you are of your actions? Are you not ashamed, Councillor Stephenson?

**Supplemental Answer:** I am not ashamed of anything that I have done on this issue. In fact I have acted entirely properly and I know of no other Council which has not spent their Section 256 money on Adult Social Care and all the soundings are that some Councils have taken a similar approach to us. In fact it would be illegal not to spend it on Adult Social Care and that is what we have done.

3.

**Questioner:** Councillor Susan Hall

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

**Question:** Have any Council contracts incurred additional cost pressures due to insufficient provision being made for inflation and, if so, which ones?

**Answer:** The budget that Council approved in February allowed for 2% inflation on prices, together with additional amounts for energy and Business Rates. Whilst some increases have come in at a higher percentage than this others have come in lower, or reductions achieved, and overall it is anticipated that inflation can be managed within the provisions made.

In line with our emphasis on procurement and obtaining best value for money, we seek to renegotiate down all our contracts wherever possible, particularly where inflation is higher than anticipated and we are doing that in several cases.

**Supplemental Question:** Given that the opposition absolutely anticipated that it would be running at far more than 2%, do you now admit that it was irresponsible for you to predict that inflation was at 2% in your budget and not take notice of the opposition?

**Supplemental Answer:** Inflation RPI (Retail Price Index) is not necessarily the inflation of goods and prices. They are different things and I have explained that 2% inflation is right and most of our contracts are coming within this, as we would wish.

4.

**Questioner:** Councillor Paul Osborn

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

**Question:** Regarding the Transformation and Priority Initiatives Fund, can you provide:

- (a) Details of the invest to save initiatives that over £1.5 million of the fund has been reserved for?
- (b) Details of any bids received for the remaining £966k

of the fund?

- (c) Details of the principles of bidding and the principles of the fund's use that you have agreed to?

**Answer:**

- (a) Again, £1.563m has been set aside to fund anticipated voluntary severance or redundancy costs arising from the following innovative Invest to Save projects, which are all part of the Better Deal for Residents Programme.

Customer Contact, Assess and Decide  
Business Support  
Public Realm  
Special Needs Transport  
Targeted Integrated Children's Services, and the  
Review of Achievement & Inclusion

The costs have not been finalised yet as the assimilation to the new structures has not been completed, so we do not know whether we will need all the money.

- (b) The bids against the balance of £966k are still being completed and validated by officers, so as I have explained in the answers to previous questions that is not something I have the information on yet but the ones which have been successful will be reported in our Quarter 2 outturn report for the December Cabinet.

- (c) The criteria for spending that were agreed in June 2011 are:

- Invest to Save initiatives, based on an appropriate business case;
- Other Transformation initiatives. These might include, for example (but not limited to): initiatives to research or examine a potential transformation or savings opportunity; initiatives to further cultural change, improved communications or consultation;
- One-off priority actions or initiatives;
- Payment of redundancy costs associated with restructurings and transformation and savings initiatives.

The bids will be made in the first instance by budget managers and Directors and they will need to be

endorsed by the relevant Portfolio Holders and Corporate Directors before submission and approval by myself as Leader, along with the Chief Executive and the Director of Finance and, as I have indicated to you, no bids have been considered as yet.

**Supplemental Question** Will he undertake, where an individual bid meets the criteria for a Key Decision that he will follow the Key Decision procedures and won't seek to subvert them by spending £100,000 on an individual item or something that affects two wards?

**Supplemental Answer:** I will follow assiduously the legal advice given by the Director of Legal and Governance Services and, if it is a Key Decision, I will do what is proper.

5.

**Questioner:** Councillor John Nickolay

**Asked of:** Councillor David Perry, Portfolio Holder for Community and Cultural Services

**Question:** Can you confirm whether the Council has received 'Look and Feel' money regarding the 2012 Olympics, and what are the plans to spend it?

**Answer:** With Harrow not being a host borough to any events, anything surrounding the Olympics is always exciting for us and the 'Look and Feel' money which we have said we will sign up to is £50,000, in order to provide street scene for the Olympics and we are going to have the torch coming through, so we have signed up for the money but it is not due to order. We do not need to order until December of this year, so we are in discussions to see what we want to do, where and when.

**Supplemental Question:** Since I actually took part in the Opening Ceremony of the 1948 Olympic Games at Wembley, I do have an interest in this sort of thing. Of course, people will be coming through our borough to get to Olympic events, particularly those that are at Wembley.

So we need to do something about it and I would like to just ask you David, to what extent has the public been consulted or will be consulted, with regard to what should be done with that £50,000 that has been made available by the Mayor of London, Boris Johnson, for the purpose of celebrating the 2012 Olympic Games?

**Supplemental Answer:** There is a Champion Harrow Taskforce, which is made up of officers and outside people. We have clubs that have been involved as well. I am not so sure that any Members of the Conservative Group have attended, but I know they were always invited when Councillor Stephenson first set up the body. Labour Group Members attended under the former Conservative administration.

You, personally, have an opportunity to participate. We will continue to go through the Taskforce in order to consult across the groups to decide where and when the money will be spent and on what areas within the borough.

6.

**Questioner:** Councillor Susan Hall

**Asked of:** Councillor Phillip O'Dell, Portfolio Holder for Environment and Community Safety

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

**Question:** Has the Council applied for any funding from the European Energy Efficiency Fund and, if so, for which projects?

**Answer:** The Council is aware of this Scheme, which has been announced only recently. Officers are undertaking an initial high level assessment of the Scheme to fund projects in Harrow but no applications have yet been submitted.

The Scheme makes funds available for public buildings infrastructure and transport that will result in lower emissions of greenhouse gases. A Scheme that assisted in renewing street lighting will be one area of interest. Any Scheme needs to be able to provide a reduction in energy use of at least 20%.

Unlike many other Government Schemes, this fund is what is called an evergreen, meaning there are no deadlines for application and initial ideas are evaluated through a submission, to the Deutsche Bank.

**Supplemental Question:** It is a shame that no submissions have been made. Can I suggest that there is also another Scheme that has been launched, the London Energy Efficient Fund, which officers could examine.

**Supplemental Answer:** As mentioned, the Scheme has only recently been announced. Officers are looking at it and there is no deadline for submitting our ideas. It is an evergreen fund and I am sure Councillor O'Dell, when he gets back, will be able to let you know whether we have done anything. We might possibly do something about the dire street lighting we were left with.

7.

**Questioner:** Councillor Paul Osborn

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

**Question:** Why was the £115k cost of the Adult Services consultation not included in the budget?

**Answer:** At the time of setting the budget the pre-consultation exercise had not taken place, so it was not clear that we were going to have a consultation and therefore it was not possible to build these costs into the budget.

Following the outcome of the pre-consultation and approval to move to full consultation, the costs of the exercise were highlighted with the former Corporate Director of Finance who had agreed that, as these costs had not been built into the 2011-12 budget, they would be a legitimate call on the contingency provision, which the contingency was very much geared to the consultation and the outcomes of that consultation.

The Interim Director of Finance has also suggested in tonight's Cabinet report that funding for these costs could be sought from the Transformation and Priority Initiatives Fund, although as I have already stated, we have not seen or considered any of these bids.

**Supplemental Question:** Thank you. I just find it strange that you thought that the costs would be taken out of the contingency fund when the Adult Care Services consultation paper said that £80,000 would be taken from the Council's Transformation Budget, so I am curious as to why you were not aware of the paper?

**Supplemental Answer:** I was aware. As I said, I discussed it with the previous Corporate Director of Finance and that we deemed that the contingency provision would be suitable. Now we have the Priority and Transformation Fund, we might consider doing it through that but it will be paid.

*The following question was not reached in the time limit of 15 minutes. It was noted that a written response would be provided, which has been reproduced below:*

8.

**Questioner:** Councillor Paul Osborn

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

**Question:** Covering all 'Let's Talk' events to date, can you please provide a record of attendance for yourself as Leader of the Council, the Deputy Leader, as well as other Cabinet Members if possible?

**Answer:** The second iteration of Let's Talk took place this summer and we asked residents questions about the future of our libraries, parks, sports facilities and leisure centres. These are immensely important questions which will help to shape the future provision of these services over the next decade. I went to 6 events out of the 12 while Councillors O'Dell, Gate and Ferry went to three. Can I take this opportunity to say thank you to all of my colleagues who did their bit. I am delighted to say that apart from the Stanmore event, which had to be re-arranged at short notice because of the weather, there were at least 3 or 4 Labour Councillors at each roadshow.

Given the importance of Let's Talk it is disappointing that apart from a couple of isolated occasions opposition councillors failed to turn up and support these events. Local residents will be able to draw their own conclusions.

Let's Talk is already having a significant impact on our relationship with residents. As our recent Tracker survey showed the number of people who think the council takes their views into consideration has increased from 29% to 43% and of those people who have heard about Let's Talk they are 20% more likely to be informed about future plans for the borough and 12% more likely to be satisfied with the Council.

This shows just how much residents want to be communicated with and to have a conversation with Councillors. Therefore, I hope the Opposition will come and join us for the next iteration of Let's Talk in November.

**262. Forward Plan 1 September 2011 - 31 December 2011**

**RESOLVED:** To note the contents of the Forward Plan for the period 1 September to 31 December 2011.

**263. Progress on Scrutiny Projects**

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

**264. Minutes of the Harrow Partnership Board Meeting held on 12 July 2011**

The Leader of the Council highlighted the importance of reporting the discussion and decisions of the Harrow Partnership Board meetings to Cabinet advising that, in the future, the minutes of the Board would be placed on Cabinet agendas, with a summary report.

Of particular note in the Board's minutes of 12 July were decisions relating to the Council's campaign in respect of the Local Area Agreement Reward Grant which had been successful and had led to the allocation of approximately £450k revenue and £100k capital towards worthy projects, and streamlining the Board's structure to align with the new partnership priorities.

**RESOLVED:** To note the minutes of the Harrow Partnership Board meeting held on 12 July.

**RECOMMENDED ITEMS**

**265. Key Decision: Residents' Engagement Strategy and Review of the Tenants' and Leaseholders' Consultative Forum**

Cabinet received a report of the Divisional Director Housing, which set out proposals to improve resident engagement in housing services and amend the way the Tenants' and Leaseholders' Consultative Forum (TLCF) currently operated in order to meet the increased expectations of tenants, leaseholders and other residents.

An officer informed Cabinet that the report was part of a larger area of work being undertaken by the Housing Service to broaden engagement with tenants and leaseholders. She added that the consultation mechanisms would be widened, and the key points of the report were to amend the terms of reference of the existing body to facilitate the aspirations of tenants and leaseholders and meet their expectations. She explained that the current way of working was not conducive to good working with TLCF agendas being viewed as too long and not allowing enough time to debate the items thoroughly.

The officer added that another piece of work was also required to ensure that the new arrangements were sustainable in the long term, which included potential changes to the constitutions of the tenants' and residents'



associations that the Council was engaging with. She also proposed an amendment to recommendation 1 with a view to clarifying what was meant by 'resident engagement'.

The Portfolio Holder for Housing also referred to the additional work required, which would be carried out during the next three months. He added that this area of work would be funded from existing resources, and moved an amendment to recommendation 1.

The Leader of the Council stated that the proposal would provide an opportunity to look at the operation of other Consultative Forums to make them more meaningful. Cabinet would watch how the revised TLCF would work with a view to improving the operation of other similar bodies in the future.

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

- (1) the amended terms of reference at appendix I to the minutes and the new name for the body, Tenants', Leaseholders' and Residents' Consultative Forum, be noted;
- (2) the changes to the Executive Procedure Rules at appendix II to the minutes, to take account of the new terms of reference for the TLCF, be approved.

**RESOLVED:** That

- (1) the proposed work on engaging with tenants, leaseholders and other residents of housing estates, as set out in the report, be endorsed;
- (2) the amended terms of reference at appendix 1 to the minutes and the new name, Tenants', Leaseholders' and Residents' Consultative Forum, be agreed.

**Reason for Recommendation:** To enable the body to meet the increased expectations of tenants, leaseholders and other residents to be involved in all housing issues and to ensure that the Council involves and empowers residents to influence housing decisions that impact on them.

*[Call-in does not apply to the Recommendation to Council.]*

## **RESOLVED ITEMS**

### **266. Key Decision: Revenue and Capital Monitoring For Quarter 1 (as at 30 June 2011)**

Cabinet received the report of the Interim Director Finance, which summarised the revenue and capital monitoring position as at June 2011.

The Interim Director identified the budget pressures in various Directorates, as follows:

- the outturn position for the Directorates was currently forecasted at £188.149m against a budget of £186.921m, which represented a potential overspend of £1.228m, offset by a favourable variance resulting from an underspend on the capital financing budget and corporate business. All Directorates were taking action to mitigate the adverse variances together with the pressures and risks they were facing;
- the financial position within the Children's Services Directorate remained volatile, particularly as it was facing pressures in the Special Needs Service and Children looked After. Whilst not being complacent, the Interim Director was not overly concerned about the overall position as all Directorates were working towards containing the pressures within their own areas;
- the Adults and Housing Directorate was forecasting an adverse variance of £690k, with the majority of this figure resulting from pressures in the provision of long-term care and the housing general fund due to an increase in the number of families being placed in Bed and Breakfast accommodation. The latter was also being closely monitored with initiatives being taken to mitigate the potential overspend;
- a number of budget savings had been the subject of consultation, the results of which were being analysed for reporting to the October Cabinet meeting. As a result, the anticipated savings of £400k had been included in the budget and any shortfall would result in a 'call' on the contingency fund, as there were no alternative plans to achieve the savings;
- the Community and Environment Directorate was forecasting an overspend of £536k. The key areas were the reduced income received from enforcement and Controlled Parking Zones (CPZs), including an overspend in the animal service area. The Directorate had taken action to generate new income streams, which included the development of a strategy to generate income from trade waste;
- the HRA was forecasting an overspend of £272k, whilst procurement had identified a saving of £1.3m mainly due to successful negotiations of key contracts;
- the Transformation and Priority Initiatives Fund bidding round had been completed and the Leader of the Council's consideration of the bids would take place during September;
- in relation to the Capital Programme, approval for virements were being sought, as laid out in the report.

The Leader of the Council stated that the forecast overspend of £1.228m was not the best outcome envisaged; however he acknowledged the action being

taken to mitigate it. He was concerned about the pressures in enforcement and parking income areas.

The Portfolio Holder for Schools and Colleges stated that the closure of Harrow Magistrates' Court had off loaded costs onto the Council and suggested that the Council should draw this to the attention of the government.

**RESOLVED:** That

- (1) the revenue and capital forecast outturn position for 2011/12 be noted;
- (2) for the General Fund Capital Programme, the virement detailed in paragraph 22, and amendments to the Programme set out in table 1 at appendix 2 of the report, be approved;
- (3) for the Housing Revenue Account Capital Programme, the rephasings detailed in paragraph 23, and reductions and virements set out in table 3 at appendix 2 of the report, be approved.

**Reason for Decision:** To note the forecast financial position and actions required.

**267. Key Decision: Provision of Responsive Repairs and Maintenance and Procurement of Housing Capital Schemes**

Cabinet considered a joint report, including a confidential appendix, of the Corporate Directors Adults and Housing and Community and Environment setting out the options considered for the provision of repairs and maintenance services for Housing and Corporate Property following the expiry of the Council's contract with Kier in June 2012. The report set out the direction and the tender strategy that ought to be adopted.

The Corporate Director Adult and Housing reported on the key drivers behind the procurement strategy for responsive repairs and maintenance services, as follows:

- it would help provide value for money for the Council and its tenants and leaseholders;
- provide local employment opportunities;
- provide service quality and satisfactory outcomes for tenants.

The Corporate Director added that Option 4 set out in the report was the preferred option and that provision to extend the current contract with Kier in the short term had been built-in if it became necessary. Extensive work was required prior to proceeding with Option 4. He advised that an extension of the current contract for a period of five years, as set out under Option 1, would not provide value for money when compared with the Option 4.

Cabinet noted that the cross-party Strategic Procurement Board would oversee the procurement process.

The Portfolio Holder for Housing stated that tenants and leaseholders had been consulted and their views incorporated in the lead up to the report. Support for Option 4 had been received from the Harrow Federation of Tenants' and Residents' Association (HFTRA), the Tenants' and Residents' Associations (TRAs) and scrutiny, as it would help drive down costs. As part of the process, the client-side would be restructured. The Portfolio Holder thanked tenants and leaseholders for their exemplary work in the process.

The Portfolio Holders for Property and Major Contracts and Performance, Customer Services and Corporate Services welcomed the report, including the opportunity to use smaller contractors, as it would help improve public perception about the repair service.

**RESOLVED:** That

- (1) It be agreed the procurement of repair and maintenance services for Housing and Corporate Property proceed on the basis of Option 4 for contract periods of up to 5 years, as described in the strategy document and shown diagrammatically at appendix 1 to the report;
- (2) the potential for driving savings and service improvement by including corporate repair and maintenance work in a wider Total Facilities Management package (including a possible procurement on a collaborative basis with other organisations) be explored by officers and a decision on whether to exclude Corporate Repair and Maintenance work from the proposed procurement as described in the report, be delegated to the Corporate Directors of Community and Environment and Adults and Housing, in consultation with the Portfolio Holders for Housing and Property and Major Contracts;
- (3) the Head of Property, in consultation with the Portfolio Holder for Property and Major Contracts, be authorised to exercise the option to extend the existing contract with Kier, for up to 6 months, if necessary and appropriate, to allow sufficient time to complete the proposed procurement process;
- (4) the approval of the final specification, contract duration and tender documentation be delegated to the Corporate Directors of Adults and Housing and Community and Environment, as appropriate, in consultation with the Portfolio Holders for Housing and Property and Major Contracts.

**Reason for Decision:** To take the opportunity to revisit the strategy for delivering repairs and maintenance service to the housing stock as well as some elements of the corporate service. To note that the review process included a review of the market and an assessment of the views of the recipients of the service. The consultation exercise with recipients assessed what was important to them in any service and this was augmented with a financial assessment and supply chain assessment, which resulted in

Option 4 as the preferred option believed to provide a more customer focused service that had the potential to help the Harrow economy, as well as improving the service and achieving significant savings.

#### **268. Key Decision: Council Funding Support for Police Officers**

The Corporate Director of Community and Environment introduced the report, which sought approval to enter into a contract with the Metropolitan Police Authority (MPA) to fund a number of additional police officers in the borough at a cost of approximately £156,500 per annum for a period of three years.

The Corporate Director advised that the funding would provide five additional police officers, and the new contract would replace any previous arrangements. He added that the proposals set out in the report had been approved by Harrow's Borough Commander and the funding arrangements complied with MPA requirements. In addition, the contract allowed for the team to be tasked flexibly and deployed to areas other than Harrow Town Centre and the Wealdstone Corridor, when necessary. In commending the report to Cabinet, the Corporate Director stated that the proposal would contribute to reduced crime and anti-social behaviour in Harrow, as evidenced by the crime statistics.

The Leader of the Council welcomed the proposals, which would help keep Harrow safe. He commended the report to Cabinet as a successful outcome during a period of financial challenges.

#### **RESOLVED:** That

- (1) the Corporate Director Community and Environment be authorised to enter into a contractual arrangement with the Metropolitan Police Authority to fund 5 Police Constables for a period of 3 years, as detailed in the report;
- (2) the Corporate Director Community and Environment and the Portfolio Holder for Environment and Community Safety be authorised to negotiate and agree annual extensions to this contract, at the end of the three year period, under the terms of the contract.

**Reason for Decision:** In order that the successful arrangement whereby the Council has previously funded Police Officers could be continued, taking advantage of favourable contract terms which were currently available.

#### **269. Response to the Implications of the HAVS Investigation Challenge Panel Report**

Cabinet received a report of the Corporate Director Community and Environment responding to the recommendations of the 'Implications of HAVS (Harrow Association of Voluntary Services) Investigation' report from the Scrutiny Challenge Panel. Cabinet also considered a confidential appendix containing the Audit report.

The Chairman of the Scrutiny Challenge Panel on the 'Implications of HAVS Investigation' addressed Cabinet and thanked scrutiny officers for their professionalism in delivering on this piece of work; a skill base which required a careful balance between providing advice and recording Members' views which the Chairman of the Challenge Panel recommended ought to be deployed across the Council. She thanked all participants for their contributions in ensuring a successful scrutiny and hoped that Cabinet would accept the recommendations in their entirety. Particular thanks went to the Vice-Chairman of the Overview and Scrutiny Committee for his suggestion and resolve in buying-in the skills of internal audit to ensure a comprehensive scrutiny and strengthening the evidence base available to the Challenge Panel.

Cabinet was informed that the Challenge Panel did not look at HAVS itself and it had been accepted that the title given to this Challenge Panel was misleading and this aspect had been taken on board by Scrutiny as a lesson learnt when naming future Challenge Panels.

The Chairman of the Challenge Panel:

- stated that the investigation related to streamlining the support given to local organisations across the Council and referred to the need to consolidate processes in the delivery of the grant giving function across the Council. It was essential that the principles behind the Council's CREATE values, particularly 'Actively One Council', were applied universally across the Council and she hoped Cabinet would take this comment on board. It was crucial that information was available on what overall support was provided to organisations across the Council;
- added that the review had been undertaken to help clarify the operation of the grants process and acknowledged that many changes had been made following the 'Delivering a Strengthened Voluntary and Community Sector for Harrow' review. The grants process had previously lacked clarity and a number of changes had been made under the previous administration and which were now being taken forward by the current administration. The Council's reputation was always at stake as mistakes made were often not forgotten;
- welcomed the timelines set out in the response to the recommendations and the assurance that work would progress. Moreover, it was important that reputable and joined-up approaches were in place where all those involved were aware of the various aspects of the grant giving function, such as the Compact, a mutual agreement between those who decide to endorse its principles and commitments to action, which had unfortunately not been revised since 2009. She acknowledged that this matter was on the 13 September Grants Advisory Panel agenda for consideration. Also on the agenda for the GAP meeting was a proposal to return to a single grant application form, which was proposing one application form instead of the three that had, previously, been agreed. She was

concerned that the proposal contradicted what had previously been agreed;

- reported that training of personnel was another issue that needed addressing and it was unsatisfactory to merely make statements about training without it being followed up. It was essential that training on the Compact was given to all those concerned. Recommendation 7, 'Members should be involved in every grant award', of the Challenge Panel did not necessarily apply only to the grant giving function but resonated across other Directorates to ensure accountability. This recommendation was therefore crucial and ought to be given due consideration. Learning from other best practice in other boroughs was also essential;
- stated that the Council needed to value its own whistle-blowing policy and sets an example to the Voluntary Sector, which ought to be encouraged to have such a policy in place;
- was of the view that with regard to internal audit's role, as set out in recommendation 22, it was important that regular reports were submitted to the Overview and Scrutiny Committee setting out the progress made in implementing those recommendations. Additionally, the Council needed to re-examine its communication channels and how changes and decisions are communicated to those whose grant applications had been agreed and those that had been rejected. Moreover, the ability to track decisions to ensure transparency was also important.

In response, the Portfolio Holder for Community and Cultural Services thanked the Chairman for her presentation and the Scrutiny Challenge Panel for its work to help shape future processes, and assured Cabinet that the majority of the recommendations of the internal audit report had been adopted. The Portfolio Holder added that a number of responses to the recommendations of the Scrutiny Challenge Panel were being progressed. The Compact was being looked at with a view to strengthening the relationship with the Voluntary Sector. Moreover, a training programme for officers was being developed and training for Members would be undertaken through the Member Development process. He expected a further report to the October meeting of Cabinet on the Third Sector Investment Plan.

The Leader of the Council stated that the involvement of Members was being looked at through the commissioning process and the Chief Executive would examine how all parties could be engaged.

**RESOLVED:** That

- (1) the response to the recommendations outlined at Appendix 1 to the report be noted;

- (2) it be noted proposals for the future of main grant funding would be presented to Cabinet later in the autumn and would provide further detail to address relevant recommendations.

**Reason for Decision:** To respond to the recommendations of the Scrutiny Challenge Panel report on the implications of the future of HAVS.

*[Call-in does not apply to decisions that have been noted.]*

**270. Key Decision: Commercial Safety Service Plan 2011/12**

The Corporate Director Community and Environment introduced the Commercial Safety Service Plan 2011/12 and added that, as an enforcement authority, the Council had a duty to have in place an Annual Food Service Plan, incorporating the Health and Safety Service Plan. He added that the Licensing and General Purposes Committee was responsible for the health and safety aspects of the Plan to help ensure that the residents of the borough were protected.

**RESOLVED:** That the Commercial Safety Service Plan 2011/12 be approved as the Council's Annual Food Service Plan 2011/12.

**Reason for Decision:** By virtue of the requirements contained in the Food Standards Act 1999 and the National Food Framework Agreement (FA), issued by the Food Standards Agency (FSA), the Council was required to have an annual Service Plan in place. The health and safety service aspects of the Plan were subject to approval by the Licensing and General Purposes Committee.

**271. 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 items for the reasons set out below:

<u>Item</u>	<u>Title</u>	<u>Reason</u>
17/18.	Provision of Responsive Repairs and Maintenance and Procurement of Housing Capital Schemes – Appendix 3/ Response to the Implications of the HAVS Investigation Challenge Panel Report – Appendix 4	Information under paragraph 3 relating to the financial or business affairs of any particular person (including the authority holding that information).

**272. Key Decision: Provision of Responsive Repairs and Maintenance and Procurement of Housing Capital Schemes**

Cabinet received a confidential appendix to the report of the joint report of the Corporate Directors Adults and Housing and Community and Environment.



**RESOLVED:** That the report be noted.

**Reason for Decision:** To allow the appendix to be considered in conjunction with the main report at agenda item 10.

**273. Response to the Implications of the HAVS Investigation Challenge Panel Report**

Cabinet received a confidential appendix to the report of the Corporate Director Community and Environment.

**RESOLVED:** That the report be noted.

**Reason for Decision:** To allow the appendix to be considered in conjunction with the main report at agenda item.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.59 pm).

(Signed) COUNCILLOR BILL STEPHENSON  
Chairman

## **Tenants', Leaseholders' and Residents' Consultative Forum**

### **Proposed New Terms of Reference**

#### **Functions and Objectives**

1. To be the overarching Residents Consultation mechanism for the Council on all policy, strategy and financial decisions affecting the management and ownership of the Council's housing stock and its estates
2. To discuss items of major significance to all, or a number of, tenant and resident associations and forums concerning the management and ownership of the Council's housing stock.
3. To provide a forum to critically challenge the performance of the Housing Department in all aspects of service delivery and to make recommendations to Cabinet or the relevant Portfolio Holder regarding improvements.
4. To receive reports and updates from other Resident Involvement activities, particularly in relation to the setting and monitoring of service standards, resident scrutiny and inspection activities, but for all other areas of work as required. Any tenant, leaseholder or resident of a Council managed housing estate may request an item relevant to the work of the TLCF to be placed on the agenda, but the final agenda will be at the discretion of the Chair of the Forum. Reports may be presented by either officers or residents, or in partnership as appropriate. Requested items must be received in writing to Democratic Services.
5. To request reports on specific areas of work in particular where they are perceived as not meeting agreed service standards/timescales etc. Requests for future reports or information on specific areas may be made at TLCF meetings by any residents in attendance. Requested items will only be considered with the agreement of the Chair.

#### **Meetings and Membership**

6. The Forum shall meet at least six times in the Municipal Year, more often if the workload requires it. One meeting each year shall include discussion of the revenue budget proposals.
7. Recognised Tenants and Residents Associations, HFTRA and the Leaseholder Support Group shall be entitled to send two representatives each to the meetings. With the exception of the Leaseholder Support Group, where two representatives attend every effort should be made to send at least one Council tenant. In the event that a vote is taken in order

- to gauge residents' opinions on a particular issue, recognised groups shall be entitled to one vote each.
8. Residents who are recognised by HFTRA as representing an estate where there is currently no Tenant and Resident Association are eligible to attend TLCF and have one vote each. Only one individual can represent each estate in this way. The Chair of the Forum has the final decision on which resident is entitled to vote.
  9. Voting rights may be restricted in certain areas of the work. For example where an item only directly affects tenants voting may be restricted to tenants that are present only, and a similar restriction where the item only directly affects leaseholders. The final decision on entitlement to vote lies with the Chair of the Forum.

### **Consultation and recommendations**

10. All resident members of TLCF have a responsibility to feed back to the group they represent the discussions that take place and decisions made at TLCF in a timely way. Resident Participation Officers can support representatives in providing feedback and may from time to time ask to see meeting minutes and undertake surveys of TRA members to review the effectiveness of the feedback process.
11. The Chair of the Forum shall be appointed annually by the Cabinet.
12. Wherever possible all reports to Cabinet, on any proposed new policies or changes to policies that directly impact on tenants and leaseholders will first be considered by TLCF so that resident views can be incorporated into the Cabinet report. However where an issue is either too urgent to wait for a TLCF meeting, or is confidential the reasons why residents' views have not been incorporated must be clearly stated in the Cabinet report.
13. TLCF was established as a forum to consult with residents and this is its primary purpose. Elected members and officers must bear in mind that residents should always have priority in contributing to discussion and debates.

## **Proposed Changes to Executive Procedure Rules**

- 47.2 The Education Consultative Forum, Employees' Consultative Forum *and Tenants', Leaseholders' and Residents' Consultative Forum* all include non-Councillor members. The quorum on these bodies shall be one quarter (or a minimum of 3) of the whole number of Councillors and one quarter (and a minimum of 3) of the whole number of non-councillor members of the Forum.
- 52.2.1 The Education Consultative Forum, Employees' Consultative Forum *and Tenants', Leaseholders' and Residents' Consultative Forum* all include non-councillors. Voting on any matter shall be by simple majority *of those entitled to vote on the item* on these Forums, except that no recommendation or reference may be made by the Executive or another Committee or a Portfolio Holder unless it is agreed by a majority of the elected Councillors on the Forum.