

# CABINET MINUTES

## 4 APRIL 2012

**Chairman:** \* Councillor Bill Stephenson

**Councillors:**

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

<b>In attendance:</b>	Barry Macleod-Cullinane	Minute 408
<b>(Councillors)</b>	Amir Moshenson	Minute 408
	Paul Osborn	Minute 408

\* Denotes Member present

### 403. Order of Agenda and Urgent Business

The Leader of the Council sought Cabinet's approval to include an urgent item of business in relation to Wood Farm, Wood Lane, Stanmore - Pear Wood Cottages and Ten Acre Field, and to vary the order of business so that he could make a statement in relation to Wood Farm, after agenda item 8. He explained that the statement was intended to brief Cabinet on the outcome on Wood Farm following the decision taken on 8 March in respect of this site. He explained that the outcome of the decision was not known until 30 April and therefore the matter had not been included on the agenda when it was despatched.

**RESOLVED:** To note that Cabinet agreed with the inclusion of the urgent item of business and to the variation of the agenda order.

### 404. Declarations of Interest

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

#### Agenda Item 5 – Councillor Questions

Prior to the consideration of this item, Councillor Amir Moshenson declared a prejudicial interest in relation to Councillor questions 1 and 2 in that he lived in the vicinity of Whitchurch Pavilion and Playing Fields. He left the room whilst the questions were asked and answered.

#### Agenda Item 12 – Primary School Expansion Programme

Councillor David Perry declared a personal interest in that he was a governor of Marlborough Primary School, which was referenced in the report. He would remain in the room whilst the matter was considered and voted upon.

Councillor John Nickolay declared a personal interest in that he was a governor of Welldon Park Infant and Junior School, which was mentioned in the report. He would remain in the room to listen to the discussion and decision made in respect of this item.

During consideration of this item, Councillor Barry Macleod-Cullinane declared a personal interest in that he had been involved in the lobbying of London Councils with regard to the subject matter. He remained in the room to listen to the discussion and decision made in respect of these items.

#### Agenda Items 12/13 – Primary School Expansion Programme/Determination of Community School Admission Arrangements – Academic Year 2013/14

Councillor Barry Macleod-Cullinane declared an interest in that his sister was employed by Hatch End High School Academy. He did not consider that these items would make his interest prejudicial, but stated that he would leave the room should this happen during the course of the meeting. He would remain in the room to listen to the discussions and decisions made in respect of these items.

Councillor Paul Osborn declared a prejudicial interest in that he was a governor of Roxbourne, Junior and Infant School and Norbury Primary School. He would leave the room prior to the discussions and decisions in respect of these items.

Councillor Thaya Idaikkadar declared a personal interest in that he was a governor of Welldon Park Junior School. He also declared personal interest in some property involvement as part of the School Expansion Programme. He would remain in the room whilst the matter was considered and voted upon.

#### **405. Minutes**

**RESOLVED:** That the minutes of the meeting held on 8 March 2012, be taken as read and signed as a correct record.

#### **406. Petitions**

**RESOLVED:** To note that the following petitions had been received and that petition 1 below was referred to the Portfolio Holder for Community and Cultural Services, the Corporate Director Community, Health and Wellbeing

and, in light of the number of signatures, to the Overview and Scrutiny Committee, and that petition 2 was referred to the Corporate Director Place Shaping:

1. Shop Mobility – Petition urging Harrow Council to continue funding for Harrow Shopmibility to provide its service to the disabled people of Harrow

Mrs Eileen Kinnear presented a petition on behalf of the Chair of Shop Mobility, which was signed by 1,347 people with the following terms of reference:

“We, the undersigned, urge Harrow Council to reconsider its decision not to grant funding to Harrow Shopmobility in this coming year.

The suffering that this will cause to those for whom Harrow Shopmobility is the only way of accessing shops and the other services that Harrow provides is immense.

It condemns them to virtual imprisonment within their own home; providing services for them will place a far greater demand on the resources of Harrow Council than the cost of providing a continuing service, allowing them access to Harrow through their use of Harrow Shopmobility.”

2. Kodak Development – Remove the cut through traffic between Harrow View and Headstone Gardens – Planning Reference P/3405/11

Councillor Bill Stephenson presented a petition signed by 141 residents with the following terms of reference:

“The petitioner asks Harrow Council to ensure that Section 106 money is used to stop the cut-through traffic using the roads between Harrow View and Headstone Gardens to avoid the lights at Harrow View and Headstone Drive Junction (former Goodwill Pub Junction).”

#### **407. Public Questions**

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

- 1.

**Questioner:** Neil Smith

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

**Question:** “We understand letters have been sent to Mental Health Service users, regarding the Discretionary Freedom Pass review process. It would be helpful if you were to disseminate information to service users to know the

distinction between the National Disabled Freedom Pass and the Discretionary Freedom Pass and both qualifying criteria. How will you do this?"

**Answer:**

I accept that people are still confused by the different types of Freedom Passes which exist. However, we have put very clear and transparent criteria on our website and this is accessible to everybody. Access Harrow staff have been trained and are well equipped to explain the differences to residents. We are also working with a number of key partners who support local residents to ensure that any user or potential user is given the correct information.

Further to the policy changes in 2011, there is an action plan to review all holders of Discretionary Freedom Passes in 2012/13 and to inform users of this. So far no letters have been issued to Discretionary Freedom Pass users. The first letter is not planned to be issued until May 2012.

However, we have contacted the current holders of National Disabled Freedom Passes following the review that was finalised in late 2011 and we have undertaken some essential housekeeping, for example where holders of National Discretionary Freedom Passes or Discretionary Freedom Passes have reached retirement date and also qualified for the Age Related Freedom Pass, they have been issued letters informing them that the Council was re-issuing them with a new Age Related Freedom Pass and this will cause residents far less inconvenience in the future as these are renewed much more speedily with less validation and inconvenience.

In addition we have sifted out any pass holders who have died or moved out of the borough.

Harrow continues to work with key voluntary sector organisations and information is being disseminated through our partners. Additionally, as stated already, there is a plan in place to contact users at key stages throughout 2012/13 to ensure the review is done in good time and to ensure users are fully aware of their eligibility before 1 April 2013, the date the new adopted policy comes into effect for existing users.

I believe we are trying to do everything we can. If you or any users or any groups have some suggestions how we can improve that, we are very happy to take them on board.

**Supplemental Question:** The Council has made contradictory statements in the past two months about who is responsible for providing the medical evidence to support an application for the Discretionary Freedom Pass under new Mental Health criteria, ie dependability or a consultant psychiatrist. Can the Leader clarify whether a consultant psychiatrist from the CNWL Foundation Trust is still the main source to provide medical evidence for an application?

**Supplemental Answer:** My understanding is that it is dependability and they apply the criteria which we agreed. If there are appeals, it may be that a consultant psychiatrist will be used.

I will send you a confirmation reply to make sure that I have got it right, but that is my understanding.

**Written Response:** I have now received further clarification from officers concerning the situation and I am informed by them that:

- Dependability has been commissioned to carry out the review of the existing Discretionary Freedom Pass (DFP) holders starting in May 2012.
- Access Independent is the Council's on-going contractor and is responsible for all new non-automatic assessments regarding concessionary travel. This of course includes all new DFP cases.

CNWL is the organisation commissioned to deliver Mental Health services on behalf of Harrow through a Section 75 Partnership Agreement. However, the DFP eligibility criteria, will only in the main mean, that it is necessary to validate applications which meet very specific circumstances. If CNWL were to provide the Council with a list of all cases currently receiving a mental health care package, then we would accept this confirmation as evidence of meeting the new DFP criteria. This would allow us to simplify the review process and minimise inconvenience to the most chronically mentally ill residents. We have already made such a request but to date have not received a response. The Council is of the opinion that provision of this information would not contravene data protection rules. Information issued by the Information Commissioner also makes it clear that data can be shared via internal Departments if it is used to benefit the customer and speed up service delivery. However, we will need to wait and see if CNWL shares our view and is willing to provide such lists to support both our mutual customers. The Head of Service responsible for

the arrangement with CNWL, Thom Wilson, has been contacted and agreed to facilitate discussions between officers in order to identify the most effective and efficient solution which will reduce inconvenience for people in receipt of secondary mental health services, whilst complying with the Data Protection Act.

For those applicants who are not being treated under a mental health care package or for whom no information is forthcoming from CNWL, it will be necessary for either Dependability (re review) or Access Independent (for new cases) to seek evidence from the applicant. This will involve the applicant asking their consultant psychiatrist - at their own expense - to provide a letter confirming the position. Our contractors will not contact consultants directly to obtain the required information. This is in line with procedures adopted for all other types of travel concessions where the contractor no longer contacts GPs, the onus being on the applicant to provide the necessary information themselves by obtaining relevant documentation from their Hospital, GP, etc.

2.

**Questioner:** Bharti Vyas

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

**Question:** "Can you update us on the current developments and the progress about the Day Services Review and the number of service user respondees?"

**Answer:** The consultation ends tomorrow on 5 April. It has, with the extension, been over sixteen weeks and also we have had ten events and spoken to more than 300 people at those events.

As of last Monday, we have had received 240 questionnaires back and when we put those together with the events where we have gathered information, we have got a wealth of useful information and feedback.

As I promised before, we will hold a public event to share the findings from the consultation with whoever is interested, a public event and planning for this event, and in-depth discussion of the feedback we have received, will happen at the next Steering Group which is on 20 April.

So we will work with the Steering Group to begin with and during that time we will arrange a large public event

for anyone who wants to come and see what the feedback was before we prepare the report that will come back to here to Cabinet.

**Supplemental Question:** When will the result of the consultation be shared with the Mental Health users? What plans have been made to work with Mental Health Service users on recommendation before they go to Cabinet?

**Supplemental Answer:** As explained, we are going to have a public event which will be available for everyone and very widely advertised. The arrangements for this will be made with the Steering Group at their next meeting on 20 April.

3.

**Questioner:** Amarinder Vadhera (asked by Jasmine Matin)

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

**Question:** "Mental Health Service users have raised concern with us that they have been allocated under a personal budget fewer days' access to Day Services of equivalent under personal budgets than previously under grant funded services - are you aware of this issue and impact?"

**Answer:** We have taken no decision and do not intend to reduce the provision for Mental Health users through the reviews that are being undertaken at present.

What we are having to do is reassess everybody, both against their needs and a financial assessment and we are doing that, not just for Mental Health users but for everyone that we provide support to from Adult Services.

So the personal budget process in CNWL is the same as is used in the Council, insofar as we can make it, and I have said a number of times that we have got some increased resources to make it more supportive because I know people felt that it was not as supportive for people with Mental Health problems because CNWL had started with personal budgets later than the main part of the Council.

That is part of the review we are doing across all the people we support through Social Care and when you re-assess needs some people are found to have less and some people are found to have more and that is what will be reflected in the indicative budget that they

are allowed. What then happens is there is also a financial assessment to see whether the service will pay for all of that or whether the service user would be asked to make a contribution and that is what is going on at the moment for the whole of Social Care in Harrow and it does include those with Mental Health problems we support. It can go up and it can go down and these reviews are done every year. We have been doing such a large review at the moment because of the new Contributions Policy that has come in.

**Supplemental Question:** It is becoming apparent as more people with Mental Health problems take up personal budgets that many people did not access the existing Day Services. While this is a positive development, we believe the emerging impact is that some people from the same size budget will get much less Day Support than they had in the past. How will this be addressed through the Day Service Review changes?

**Supplemental Answer:** There is no intention for people to get less service than they would have got before through the normal grant and social care process.

There will be differences for a lot of people because their needs have changed and that is happening right across the service but if a person feels that they have been allocated less through a personal budget than they got before, they can ask for a review and we have been doing a lot of reviews because of people not understanding how we are re-assessing people.

#### 408. 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:** "What action and further steps are being taken by both the Council and the Whitchurch Consortium in the light of the responses obtained at the recent public meeting to discuss the Whitchurch Pavilion and Playing Fields site?"

**Answer:** The Cabinet on 17 November 2011 agreed, amongst other things, that the Whitchurch Consortium should present their proposed development plans in a public



forum.

The public consultation meeting took place last Monday 26 March at Whitchurch School. Almost 250 residents attended the meeting. There was standing room only in the packed school hall.

The overwhelming views presented by those residents who spoke at the meeting were either critical of the proposals and/or concerned about the possible adverse impacts on the amenity of the local area.

I was not impressed with the Whitchurch Consortium's presentation and, in fairness, the Consortium's representatives have told me that they did not manage the consultation event in an effective or appropriate way.

The Whitchurch Consortium's managers asked to meet with me following the consultation event. This meeting took place on Monday 2 April. The Whitchurch Consortium have asked if they could have another opportunity to promote their vision and proposals at an all day event to be held during a weekend, probably in May. I think that this is a sensible approach and I am giving consideration to this suggestion.

**Supplemental Question:**

I am staggered by the admission by the Portfolio Holder about what Whitchurch Consortium thought of the meeting and how they presented. Given the fact that it was decided back in November 2011, why was it until a week before the said meeting that residents actually received leaflets about this event and, secondly, given the fact that the Whitchurch Consortium had such an opportunity to present, they messed up at that particular time.

Also why is it we are going to give them a second chance to present their case? Are we going to give them a third and a fourth and a fifth chance until they get it right because clearly, the plans cannot stack up if they cannot present effectively on the first opportunity after at least two months of lead time? I would ask you to actually throw back their go-ahead and open up the whole consultation.

**Supplemental Answer:**

I do accept that some residents got the invitation a little bit late but, if you judge by the number of people who turned up, the message got through and they were all there. So I do not think anything was lost.

Now your second question is "Why did they not make the presentation effectively?" The reason is, they are

people used to dealing with banks and various similar institutions. They are not used to facing angry residents. That is inexperience on their part. Now that is not a good enough reason for me to throw them out. They have a very effective, very good scheme to implement the borough's sporting facilities.

If you look at the PPG17 study of sports, leisure and recreational facilities, it clearly identified that the quality of the borough's outdoor playing facilities was poor. Now I want the borough to have the best training facilities. This is Olympic year. Throughout the borough there are some fantastic facilities and, hopefully, somebody from Harrow will win an Olympic medal some time in the future.

Now because they were a little bit nervous or they were not used to public presentations, it is not a good enough reason to throw the whole scheme out of the window. They have already spent up to £60,000 on soil testing and the various programmes on the grounds. All that money would go to waste.

That they would have another opportunity to present it properly and I am more than happy to have another response from the public. They have also met so many groups of people individually and feedback from the groups is that their presentation was excellent. They did a presentation to Conservative Councillors, including Ward Councillors, and not a single Councillor has complained about their presentation.

2.

**Questioner:** Councillor Barry Macleod-Cullinane

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

**Question:** "Do you think that the level of public consultation regarding this site has been good enough and that the Whitchurch Consortium have adequately explained their plans and proposals?"

**Answer:** In 2009, the last administration initiated the Whitchurch Pavilion and Playing Fields project.

In the Summer of 2009, following a marketing exercise, two short listed bidders were asked to present their initial concepts and proposals for the site, at public meetings, which I understand were organised in particular for the Whitchurch residents.

In November 2009, the previous administration postponed this project, they did not cancel it.

I was asked by officers for approval to resume what I thought, and what I still think is an essential, perfectly reasonable and potentially very exciting project and we updated all their financial information and various information of the two bidders before we started doing any work.

I assume that the previous administration's objective in 2009 was the same as ours is today, to deliver modern, good quality facilities for our community.

Following my careful review of the proposals, Cabinet decided in November last year, to select a preferred bidder from the two short listed bidders, selected during the previous administration.

The Cabinet decision in November of last year was quite clear:

- consult Ward Councillors;
- arrange for the Whitchurch Consortium to present their proposals in a public forum;
- place Statutory advertisements;
- and report the results of the consultation formally to Cabinet prior to progressing any further.

As I mentioned in my response to your first question regarding this matter, the public consultation event took place last Monday 26 March.

In addition to this, I know that the Whitchurch Consortium have made numerous contacts with schools, community groups and sports clubs.

The outcome of all of this consultation and engagement activity will be reported in due course to Cabinet.

I will ensure that all views are properly reported to Cabinet. However, the Council needs to think about the needs and expectations of our younger residents, as you said your children and the grandchildren and their grandchildren at the last meeting, and how we will ensure that their voices are heard in the debate.

So answering your specific question, yes I think the level of public consultation, at this stage, of a potential future project is more than good enough. If we proceed there will be much more engagement with all stakeholders. However, as I made clear in my response to your previous question, the Whitchurch Consortium have not yet explained their plans and proposals in a public forum in a way which I consider is adequate.

We are currently continuing to work with the Consortium to see if they are able to present a compelling development proposal for this important sports, leisure and recreational facility.

If following further engagement and consultation with the community, the Council decides to award a development agreement to the Whitchurch Consortium, a planning application will be submitted to the Council for determination.

The planning application will need to demonstrate what additional environmental impacts may arise from the proposed modernisation and improvement of the Whitchurch facility and demonstrate how these will be mitigated and/or managed. The issues to be considered will include – hours of use, traffic, noise, floodlight overspill, boundary treatments, etc.

As part of the Council's consideration of the planning application there will be a round of formal consultation which will almost certainly include an exhibition.

If planning permission is granted there is likely to be a requirement for a licensing application. Once again consideration of any applications will include further formal consultation. Consideration of the issues that arise, given the relationship to the Whitchurch School on the shared site, hours of use, noise and disturbance, etc., will all be very carefully reviewed at this stage.

My objective is to ensure that there are sufficient good quality modern sports and leisure facilities, available in particular for our younger residents, but also for the entire community of Harrow.

**Supplemental Question:**

Given the fact that you admitted in your rather abbreviated remarks to my first question that they had not performed adequately when it comes to explaining their plans and proposals, the fact that they are asking for a further public meeting; that there are issues around the lack of notice given to some residents because they did not get things in time, does that not suggest that they

have not effectively consulted and they have not adequately explained themselves and therefore they need to be looked at carefully? Especially as you say this is an Olympic year, we want to get things in for an Olympic borough and so on, except this is a consortium that comes from another part of London and outside, so it is not even a local win if they get the contract.

**Supplemental Answer:** There are so many contracts in Harrow, not all of them are managed by people in Harrow. It is not an important thing who runs these facilities. What is very important to me is who uses the facilities? That is absolutely critical. Who is going to benefit out of that? This is our children and their children as you say, in the borough. Because they have not spelled out everything in that presentation in itself is not bad.

They are responding to emails sent by residents and looking at the answers and, if you get a copy, you know how well they had the information. I think they felt restricted that they should do it in 20 minutes or so. If they had taken a longer time, explained more, the presentation would have been wonderful. So I feel nothing wrong in giving them another opportunity.

3.

**Questioner:** Councillor Amir Moshenson

**Asked of:** Councillor Keith Ferry, Portfolio Holder for Planning, Development and Enterprise

**Question:** "Why have Canons Ward Councillors so far been excluded from the discussions and fact-finding exercises regarding the proposed move of Barnet Football Club to The Hive?"

**Answer:** At this stage I need to be absolutely clear – there is no proposal which has been initiated by this administration, to move Barnet Football Club to The Hive.

Barnet Football Club has written to the Council asking if the main stadium at The Hive can be used for League Football.

The reason for the request is that Barnet Football Club's use of their current stadium at Underhill in Barnet is uncertain from the start of the football season in 2013.

Originally Barnet were concerned that they may not be able to play at Underhill during the 2012/13 season.

The Prince Edward Playing Fields – The Hive – is located wholly within the Queensbury Ward. The main entrance and only vehicle access to The Hive is located on Camrose Avenue. As you are aware, Camrose Avenue runs through the Queensbury and Edgware Wards.

Having received the request from Barnet Football Club, I wanted to obtain advice from the Ward Councillors representing the Wards closest to the main entrance before deciding how to respond to the request.

There has been one ‘fact finding exercise’ in respect of this matter. Myself, Councillor David Perry, and Councillor Idaikkadar, accompanied by Councillors Asante, Choudhury, and Shah and the Corporate Director Place Shaping, attended a Barnet Football match on Tuesday 20 March 2012. Our objective was to assess the impact of the match on the locality surrounding the Underhill Stadium.

Prior to the match there was a briefing held at The Hive on Barnet Football Club’s proposal for the future long term development of the facilities at this superb sports and leisure site.

The six Councillors representing Queensbury and Edgware Wards all attended this meeting. The fact finding party then witnessed the movement of spectators into the Underhill Ground before the match and their exit after the match.

If the administration is minded to consider Barnet Football Club’s request further, we will engage with Canons Ward Councillors prior to initiating a wide ranging and meaningful consultation with the residents and the wider community.

**Supplemental Question:**

I welcome the opportunity to be part of this consultation. It is regrettable that Ward Councillors were not involved when so many houses in Canons Ward are abutting the field.

Given that Ward Councillors in the area have pretty much had to pry information on major projects that are done in their area, be it the Hive, the future of Anmer Lodge and other notable large projects in the area, and given that you take pride in being part of a transparent and open government, listening Council, do you think it is time to perhaps review that transparency policy?

**Supplemental Answer:** I do not think it needs reviewing.

I think we are far more transparent than people have been in the past and when it came to the details, I mean I would like to remind you that the planning permission that was issued in 2007 was done under the previous Conservative administration, the development agreement that was signed in 2007 with Barnet Football Club was also done under the previous administration and indeed the lease for Prince Edward Playing Fields was signed on 10 March 2009, just before this present administration took over.

So I think you are fully aware in the Conservative Party of exactly what the requirements are relating to Prince Edward Playing Fields. We are merely reviewing those. We have not been minded to change any of those at all at present.

When we come to a view, as I said, we will go out to a full public consultation which will be done jointly by the London Borough of Harrow and Barnet Football Club and, at that stage, we will invite any Councillor who is interested in the matter at all to take part in that consultation, including Canons, Stanmore Park, Edgware, Queensbury and Belmont Ward Councillors.

4.

**Questioner:** Councillor Paul Osborn

**Asked of:** Councillor Graham Henson, Portfolio Holder for Performance, Customer Services and Corporate Services

**Question:** “Can you clarify how the allocation of workload priority – with regard to competing or even conflicting work pressures between Harrow and Barnet Councils – will be determined and resolved under the Shared Legal Practice programme?”

**Answer:** The enlarged Practice, which will be quite successful when it gets moving, will continue to be governed by the Law Society’s Code of Conduct which states, amongst other things, that work will only be taken on if the Practice has the resources, skills and procedures to carry it out.

As happens now, if the Practice is unable to undertake a piece of work the Head of Service discusses with client department how it can be done. The Practice has in place a panel of both solicitors and barristers who can

support the Council where the in-house practice is unable to do so.

The Code of Conduct also states that, if there is a conflict, or a significant risk of a conflict, between two or more current clients, the practice cannot act for all or both of them unless the matter falls within one of the exceptions in the Code. In deciding whether to act in these limited circumstances, the overriding consideration will be the best interests of each of the clients concerned and, in particular, whether the benefits to the clients of the practice acting for all or both of the clients outweigh the risks.

If this means that the Practice cannot act, for example, for Barnet, they will instruct external lawyers through panels as I have just described.

In order to manage priorities, the Practice managers will continue to liaise closely with client departments.

**Supplemental Question:** Given that in my experience the Legal Services Department is one of the least responsive departments of the Council, to give but one example, a meeting requested by the Chief Executive took over three months to take place despite constant cajoling by the Chief Executive, what assurance would he give me, and would he personally guarantee that the service will not get any worse than it is for Members, particularly opposition Members, and that senior legal advice will still be available.

**Supplemental Answer:** I think in the current financial climate we are in, it is going to be more pressure on the backroom work of the Council because there are less funds to deal with it but we will continue to give the advice as required.

5.

**Questioner:** Councillor Paul Osborn

**Asked of:** Councillor Graham Henson, Portfolio Holder for Performance, Customer Services and Corporate Services

**Question:** "With the Shared Legal Practice programme seemingly just awaiting the approval of Barnet's Cabinet before it is enacted, could you clarify what factors delayed this project by several months?"



**Answer:** The project was delayed by difficulties in clarifying and agreeing the level of Harrow overheads which Barnet would pay, the set up costs, pension liabilities and number of chargeable legal hours Barnet would receive under the agreement.

I am pleased to report that agreement has now been reached on these issues which means the project can proceed.

**Supplemental Question:** Could you tell me what potential savings were not realised by the delay in the project and can you also assure me that the programme will now carry on as per the timelines?

**Supplemental Answer:** The second part first. It will carry on with the timelines as long as Barnet Council also support the report that is going there tonight. I will respond in writing on the financial element.

**Written Answer:** The delayed start may cause some savings to be deferred, but not lost.

6.

**Questioner:** Councillor Susan Hall  
[Asked by Councillor Barry Macleod-Cullinane]

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

**Question:** "Can you confirm how many responses – from both individual members of the public and organisations – were received to the consultation the Council conducted on the Street Lighting Policy before Cabinet tonight?"

**Answer:** I can confirm that we received over 1,900 responses; most were from residents and some feedback from local organisations.

**Supplemental Question:** Given the fact that you are going ahead with Options 1 and 3 and you are keeping in mind potentially to implement Option 2 about light trimming, which would really affect pretty much the whole borough and cast certain roads into darkness, etc., at extended times and, given there is a spike in burglaries at the moment across the borough, are you not going to consult the entire borough again if you are going to go ahead with this implementation?

**Supplemental Answer:** No, we will not need to go through that process of consulting again. The evidence has shown from many local authorities, they have carried out their similar policies. There are no adverse reports on crime.

*The following questions were not reached. It was noted that written responses would be provided, which have been reproduced below:*

7.

**Questioner:** Councillor Susan Hall

**Asked of:** Councillors Margaret Davine/Bill Stephenson  
[Answered by Councillor Stephenson]

**Question:** “A number of Councillors have received complaints from residents regarding changes being made to their Taxicard provision, many of whom appear to have been written to about these changes in the last few weeks. Can you clarify why some residents appear to have only been contacted recently, despite the decision to change the allocations being made in October 2011?”

**Written response:** The effective date of implementation for the new Taxi Card policy is 1 April 2012. Much work has had to be done behind the scenes including cross referencing all Taxi Card Scheme members against death lists and the Council Tax register to ensure we removed any ineligible names such as people who had died or moved out of the borough.

Subsequently officers have had to cross reference legitimate Scheme members against the Blue Badge and Freedom Pass data bases to ascertain who was to be entitled to what number of trips. All of this took a considerable amount of time and officers have also been involved in other aspect of the new Concessionary Fares Policy. Letters were issued to Taxi Card holders in early February giving them nearly two months’ notice of their entitlement changed or not from 1 April.

8.

**Questioner:** Councillor Susan Hall

**Asked of:** Councillors Margaret Davine/Bill Stephenson  
[Answered by Councillor Stephenson]

**Question:** “The relevant Cabinet report in October 2011 stated that the Council had 5,430 subscribers to the Taxicard scheme. With the changes to Taxicard provision that have now been brought in, can you provide an updated

total of subscribers, including confirming how many either had their trip allocation reduced or their entitlement to a Taxicard revoked?”

**Written  
response:**

Further to the housekeeping carried out, which I alluded to in my answer to the previous question, I can confirm that Taxicard members have reduced to 4,447 as at March 2012.

This reduction is due to the tidying up of the database, so that 1,265 members have been removed from the list because they had “died or moved out of borough”. Actual users have increased by 282 since Autumn 2011.

As part of the policy change 3,404 members have had their trip numbers reduced from 104 to 52 for the financial year 2012/13. No Taxicard Scheme member has had their Taxicard revoked so far but, as you are aware, if a member also holds a Discretionary Freedom Pass, then in 2012/13 they would have had their trips reduced from 104 to 52. However, from 1/4/2013, Taxicard Scheme members holding a DFP will need to choose which discretionary concession they will want to retain either the Taxicard or the DFP, as under the new Policy they cannot have both. A decision was made to allow this transition period to ensure that residents had time to adjust to the changes.

As part of our implementation plan, further mail shots will go out starting in May, to remind around 600 residents who hold both Taxicards and the DFP that they will need to choose one or the other concession for 2013/14.

The total number of enquiries/comments is less than 40 which is just under 1% of the total Scheme member numbers.

**409. Forward Plan - 1 April 2012 - 31 July 2012**

**RESOLVED:** To note the contents of the Forward Plan for the period 1 April – 31 July 2012.

**410. Progress on Scrutiny Projects**

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

#### **411. Urgent Business - Wood Farm, Wood Lane, Stanmore - Pear Wood Cottages and Ten Acre Field - Leader's Statement**

Having received Cabinet's permission, as indicated under Minute 403, the Leader of the Council made the following Statement in relation to the site at Wood Farm:

##### "Cabinet - 15 October 2002

On 15 October 2002, Cabinet gave initial approval for what has become known as the Wood Farm project.

Put simply, the key objective for this project has been and remains the extension of Stanmore Country Park. This was to be enabled by a relatively small development of ten new homes on a plot of land of approximately 3.5 acres and the surrender of the two existing Agricultural Leases of Wood Farm, held by Stanmore Dairies Ltd.

The surrender of the leases would return Pear Wood Cottages and Ten Acre Field to the Council, plus a substantial capital sum.

##### Cabinet - 23 October 2008

On 23 October 2008, Cabinet approved the freehold disposal of approximately 3.5 acres of Wood Farm, the surrender of the two Agricultural Leases, held by Stanmore Dairies Ltd., the extension of Stanmore Country Park and the extension of Pear Wood Nature Reserve.

The extension of the Pear Wood Nature Reserve was to be achieved by the inclusion of the Pear Wood Cottages site, of approximately 0.75 acres, and Ten Acre Field, approximately 12.3 acres.

The Council's overriding objective since 2002 has been the extension of Stanmore Country Park by approximately 60 acres, bringing the total area of the Country Park to 150 acres, which would in turn open up some of the very best views across London to public access. This land is currently private and there are no formal public rights of way or access.

The Secretary of State granted planning permission in November 2009, for the Wood Farm enabling development, of ten substantial dwellings in the North East corner of the Wood Farm site. The Secretary of State has also approved the disposal of this Green Belt land.

The Section 106 Agreement, which forms part of the 2009 planning permission, provides for the extension and enhancement of the Stanmore Country Park. There is no reference to the future use of the Pear Wood Nature Reserve, Pear Wood Cottages and Ten Acre Field, within this Legal Agreement.

##### Cabinet - 8 March 2012

In the Summer of 2011, the ownership of Stanmore Dairies Ltd changed hands. The Council had no involvement whatsoever in this private transaction. The relationship between the Council as landowner and our

agricultural tenant remains unchanged. The Agricultural tenant is Stanmore Dairies Ltd.

Negotiations which had been ongoing with CP Holdings, the previous owner of Stanmore Dairies Ltd had reached a point where it was intended that the Wood Farm property transactions, would be completed within the current year, 2011/12. The new owner of Stanmore Dairies Ltd had no commitment to this arrangement, but negotiated an agreement, which put simply, tied the purchase of Pear Wood Cottages and the lease of part of Ten Acre Field, to completion of the 'Wood Farm transaction' by the end of March 2012.

This was certainly not my preferred option but it gave the Council a window of opportunity to complete the deal ten years after it was first conceived. I felt that there were sufficient safeguards to make it worthwhile going ahead. I am well aware that this was a very controversial decision but as I said at Cabinet I felt that it was right in all the circumstances.

I have to report to Cabinet that Stanmore Dairies Ltd failed to complete the property transactions to surrender their Agricultural leases and to purchase the 3.5 acre Wood Farm development site, by close of business on Friday 30 March 2012. So this deal is not going ahead.

This is great disappointment to me as we had entered into these negotiations in good faith and had hoped that we would at last after ten long years get public access to 60 acres of more open space with wonderful views across London.

We are now back to square one. I would like to take this opportunity to confirm that the Council will not now be submitting an application to the Secretary of State for Green Belt disposal consent, and that the proposed disposals advertised in our Public Notice have been discontinued.

Furthermore, the disposal of Pear Wood Cottages will no longer go ahead.

Additionally, if the agricultural leases are surrendered in the foreseeable future, the Council intends that all of Ten Acre Field will be incorporated within the Pear Wood Nature Reserve, as originally envisaged in October 2008.

The Council will consider the options available to us in respect of Pear Wood Cottages, and we will commission a comprehensive biodiversity and environmental survey to be undertaken to get authoritative advice so that we fully understand all the issues concerning this site.

For the avoidance of doubt, I also confirm that Pear Wood Cottages will now be decoupled from any commercial arrangements relevant to the Wood Farm Country Park extension and development site.

I would like take this opportunity to thank everyone who responded to our Open Space Notice, and to the members of our community who took the time to submit public questions and to attend the last meeting of Cabinet on 8 March. I certainly will remember it well to quote Maurice Chevalier.

The many concerns that have been raised in respect of the important biodiversity and archaeological interests are now well understood by the Council. I hope that through the good work of Harrow Nature Conservation Forum and others that we will be able to reach a common understanding for the way forward.

It is a cause of much disappointment to me that we have been unable to complete the property transactions necessary to set us on the road to the extension of Stanmore Country Park. However, we will work to maintain dialogue with the directors of Stanmore Dairies to enable this long standing objective to be appropriately realised as soon as possible. I certainly do not want to hang around for another ten years before we get another chance to achieve this project.”

**RESOLVED:** That the Statement be received.

## **RESOLVED ITEMS**

### **412. Harrow Partnership Board**

The Leader of the Council referred to the information report, which summarised the discussion of the meeting of the Harrow Partnership Board held on 29 March. The Leader added that the regular reports provided an audit trail of the discussions that had ensued at meetings of the Board for Cabinet’s information.

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

### **413. 2012/13 Council Statement of Risk Appetite**

Cabinet received a report of the Assistant Chief Executive on Risk Appetite in the context of fulfilling its responsibilities for good corporate governance, which included determining the nature and extent of the significant risks it was willing to take to achieve its Corporate Priorities and ensure that these risks were properly and fully disclosed to Council stakeholders.

The Portfolio Holder for Performance, Customer Services and Corporate Services informed Cabinet that the Statement of Risk Appetite was new and significant in UK Corporate Governance terms and had largely been introduced by the Financial Reporting Council (FRC) in response to the 2010 financial crises. It was part of the best practice requirements under a new Corporate Governance Code. He added that the report captured risk appetites for various categories of risk for each Directorate.

The Portfolio Holder added that Cabinet was responsible for determining the nature and extent of the significant risks it was willing to take in achieving its strategic objectives and the Statement of Risk Appetite, set out in the appendix to the report, was recognised as fulfilling this requirement. Its intention was to ensure that organisations were fully aware of the level and quantity of risk exposure being carried by the organisation in pursuing its

strategic objectives. Moreover, it was essential that risk exposure was fully communicated to stakeholders.

Cabinet was informed that the following definitions applied:

- Risk Appetite - “the amount and type of risk that the Council was prepared to seek, accept or tolerate.”
- Risk – “a barrier to the achievement of strategic objectives.”
- Risk Management – “the process of understanding and managing the risks that an organisation was inevitably subject to in attempting to achieve its corporate objectives.”

Additionally, Cabinet noted that risks should not merely be seen as a threat or a hazard as they could also take the form of positive risk opportunities or benefits to be exploited or innovated by the Council and its partners in entrepreneurial terms which could enhance, increase and accelerate the achievement of its objectives.

The Portfolio Holder explained that whilst the Council would maintain its overall informed cautious approach, it would have areas within this where a higher level of risk would be taken. For example, the Council would support innovation in service delivery. Such actions would be offset by areas where the Council would maintain a lower than cautious appetite, for example, in matters of compliance with the law and public confidence in the Council. He outlined the main types of significant risks that the Council would take as part of its Risk Portfolio in 2012/13: Strategic, Financial, Service Delivery/Business, Legal and Compliance and Reputation Risks.

The Portfolio Holder stated that:

- the Council's key challenge would be to maintain and advance its excellent services whilst managing significant reductions in its spending power with the Corporate Priorities helping the Council decide how best to allocate and manage its reducing resources. Consequently, in 2012/13, the Council would be accepting and taking on additional and increased levels of inherent risk than in previous years and, in this respect, now had a higher gross risk acceptance appetite;
- over 2012/13 and beyond, the Council had the leadership, resilience, financial discipline, capability and control environment in place to enable it to safely bear higher levels of risk and to manage and mitigate it downwards to appropriate and acceptable levels;
- checks and balances were in place to ensure compliance with the Risk Statement. Regular monitoring was also in place.

In concluding his remarks, the Portfolio Holder thanked officers for their work and members of the Governance, Audit and Risk Management Committee for

their input and comments in developing the 2012/13 Council Statement of Risk Appetite.

**RESOLVED:** That

- (1) the Corporate Governance Framework be noted;
- (2) the 2012/13 Council Statement of Risk Appetite, as set out in the appendix to the report, be approved.

**Reason for Decision:** To ensure the Council complies with the UK Corporate Governance Code 2010, as reviewed by the Financial Reporting Council (FRC) and specifically Section C - Accountability, wherein the Cabinet was responsible, on an annual basis, for “determining the nature and the extent of the significant risks it was willing to take in achieving its strategic objectives”. The annual statement of risk appetite fulfils this requirement.

#### **414. Shared Legal Practice**

The Portfolio Holder for Performance, Customer Services and Corporate Services introduced the report, which recommended the establishment of a Shared Legal Practice to support the London Boroughs of Harrow and Barnet.

The Portfolio Holder welcomed the proposal and explained that, in order to protect the front-line services, the Council was continuously looking at options to reduce costs in back office functions and to find savings that would not impact upon residents. The Council’s Legal Practice was well respected and efficient and this was regularly articulated in the Quarterly Improvement Board performance reports. Moreover, the Council’s Legal Service was shortlisted for both the LGC Award for Legal Services in 2012 and, previously, for the 2011 Municipal Journal Award. Additionally, the demand for legal advice was increasing steadily, partly in response to new legislation.

Members were informed that the Council had two options in challenging financial and economic climates with continued pressures on costs: either keep cutting back or build on existing services. Cutting the existing practice would leave the Directorates to fund advice externally at a higher cost than an in-house service could deliver. However, building an enlarged service would allow both the Councils to benefit from a greater range and depth of legal expertise, more flexibility in response to demands, reduced cost, improved career opportunities for staff, to provide greater resilience and improve the ability to recruit and retain the best staff.

The Portfolio Holder explained how the sharing arrangements would work in that the lawyers from the London Borough of Barnet would be based with Harrow’s Legal Practice for a period of five years. Initially, the staff would work on their respective Council projects but, as the transfer was embedded, teams would work for both the Councils and provide a more experienced staff team with increased resilience. The Shared Service would offer legal expertise in all major areas of local government law, including child and adult protection, procurement, employment and Freedom of Information. The initiative would help deliver an improved service at a lower cost to Harrow’s



Council Tax payers, and was an excellent example of how Councils could work together to manage the challenges that lay ahead.

The Chief Executive addressed Cabinet and highlighted the Council's ambition to protect its front-line services. As a result, available opportunities in back office functions were embraced and the proposal had identified savings in the region of £300,000 whilst providing greater resilience in service delivery. He thanked the Council's Head of Legal Practice and the Director of Legal and Governance Services for their achievements in bringing the proposal to fruition, and wished the Service well in its journey which he hoped would develop further.

The Leader of the Council welcomed this exciting development in the provision of services, in particular, the care being taken in incorporating Barnet's legal staff in the Harrow site.

**RESOLVED:** That

- (1) the establishment of a Shared Legal Practice with the London Borough of Barnet to start on 2 July 2012 be approved, subject to the approval of London Borough of Barnet's Cabinet Resources Committee;
- (2) a delegation from the London Borough of Barnet of its legal function, under Section 101 of the Local Government Act 1972, be accepted;
- (3) the Director of Legal and Governance Services, in consultation with the Portfolio Holder for Performance, Customer Services and Corporate Services, be authorised to:
  - agree the terms of and execute an Inter-Authority Agreement which reflected the principles outlined in the report;
  - implement a Shared Legal Practice in accordance with that Agreement.

**Reason for Decision:** To allow the development of a resilient and cost effective legal practice, which can provide improved support to both Councils at a reduced cost.

#### **415. Corporate Equality Objectives and Equality of Opportunity Policy**

Cabinet received a joint report of the Corporate Director Community, Health and Wellbeing and Assistant Chief Executive, setting out a summary of the progress and achievements made against the Council's Single Equalities Scheme (SES) Action Plan and the proposed Corporate 'Equality Objectives' which were a requirement of the new Public Sector Equality Duty (PSED) introduced by the Equality Act 2010 and replaced the Council's SES. The report also set out the review of Equality of Opportunity Policy in light of the Equality Act 2010.

The Portfolio Holder for Performance, Customer Services and Corporate Services provided a background to the report since Cabinet's approval of the

Single Equalities Scheme in December 2010 and the Equality Act which received Royal Assent in the same year. He added that the Act contained a range of new rights, powers and obligations to help drive equality, and also required the Council to have published information to demonstrate compliance with the general equality duty and, by 6 April 2012 and at least every four years thereafter, one or more equality objectives. The Council would have eight equality objectives to support the Council's Corporate Priorities. In meeting the requirement to publish data, the Council had decided to publish its equalities data in a form that was easy to understand and ensured transparency with regard to the progress in addressing inequality and delivering services reflective of the needs of the community. In meeting the second requirement of the Equality Act, the Council had undertaken research and consultation to inform producing and using the Single Equality Scheme and information held by the Council to develop the new equality objectives highlighted in the report.

Members were informed that consultation on the new Equality Objectives had been undertaken, including a review of the Equality of Opportunity Policy. The analysis had shown that a huge majority supported all of the equality objectives and, in the case of the narrowest majority in favour, there were almost four times as many in favour as against. A majority of the members of the Residents' Panel who responded had supported all of the equality objectives.

The Portfolio Holder referred to a letter received from Harrow Council for Justice raising concerns that the Policy did not seek to provide for a contextualised Education Campaign. Due consideration of its remarks would be responded to once Cabinet had taken a decision.

Cabinet was also informed that the Council's progress against the Equality Objectives would be measured quarterly against existing measures from Directorate scorecards. This course of action would help mainstream equalities within existing processes and Service Plans, but also adhere to the COUNT (collate once use numerous times) framework. Moreover, the Equality Objectives would help meet the needs and requirements of Harrow's diverse communities and foster good community relations that would underpin the Corporate Priorities and principles, including the decision-making process.

The Portfolio Holder commended the Policy and Partnership Service Manager and the Equalities and Diversity Policy Officer on the construction and publication of the report which had received plaudits from across the country. He added that equalities would demonstrably be part of the Council's mainstream agenda and a fundamental part of Council work.

**RESOLVED:** That

- (1) the progress made against the Single Equalities Scheme (SES) Action Plan, at appendix 1 to the report, be noted;
- (2) the proposed Equality Objectives, at appendix 2 to the report, be agreed;

- (3) the proposed Equality of Opportunity Policy, at appendix 3 to the report, be agreed;
- (4) progress on equalities be monitored through the Council's Improvement Boards.

**Reason for Decision:** To ensure equalities were key to service development and decision making, services were fair and equitable, improve services, increase customer satisfaction and comply with the Council's obligations under the Equalities legislation and the Public Sector Equality Duty.

#### **416. Primary School Expansion Programme**

Cabinet considered a report of the Corporate Director Children and Families on the outcome of the statutory consultations on the Primary School Expansion Programme agreed in December 2011, including proposals for the next stage. In addition, the report included information on other related school organisation matters, including plans to develop a Special School/Special Educational Needs (SEN) Placements Strategy.

The Head of Education Strategy and School Organisation informed Cabinet that the Council had a statutory responsibility to provide sufficient school places for its area. Following an earlier decision by Cabinet, the exercising of delegated powers by the Corporate Director of Children and Families, and in light of a feasibility study, it was agreed that statutory expansion processes would be launched in relation to nine schools instead of the eleven schools previously agreed. Moreover, these were considered the most suitable in terms of operational capacity and provided value for money.

Cabinet was informed that a large number of responses had been received to the consultation and, overall, there was agreement with the proposals. Many of the responses received referred to the need to alleviate associated traffic issues and the officer responded by saying that traffic issues would occur naturally in any area that was to have an expanded school. School Travel Plans were difficult to monitor and generally unworkable. He added that the governing bodies of all nine schools were supportive of the move to statutory consultation.

The officer referred to the low capital allocation from the government and the resulting unaffordability of the proposed School Expansion Programme for the South West Planning Area, it had been proposed to undertake statutory consultation on the proposed expansion of Vaughan Primary School but to defer statutory consultation on proposals to expand permanently the Welldon Park schools and explore a different solution to meet the remaining need for additional places in the South West Primary Planning Area.

Members were briefed on the applications for school places in September 2012, matters relating to School Organisation and the revenue and capital implications of the proposals. Several funding streams had been identified and the feasibility studies had identified the capital investment required to ensure that high quality school places were established. Additional funding streams had also been identified and government announcements were

awaited on the Primary School Expansion programme and on the additional £600m for pupil places nationally, which had been included in the government's Autumn Statement.

In summing up, the officer stated that school expansion was becoming increasingly complex and the pressures in north-west London were immense, as a result of which the majority of schools were having to expand and provide bulge classes.

The Leader of the Council expressed disquiet about the manner in which Harrow had been treated by the government. In response, the Corporate Director of Children and Families stated that the formula applied by the government in allocating funding was not clear and that the apportioning had not followed the need of the area. However, London authorities would be making special representations to the government. She was of the view that 3-year settlements were required but that the landscape under which the government operated was uncertain.

The Portfolio Holder for Schools and Colleges thanked officers for the work in this regard.

**RESOLVED:** That

- (1) the outcomes of the statutory consultations on Proposals for Primary School Expansions be noted;
- (2) the publication of Statutory Notices to expand permanently the following schools be agreed:  
  
Camrose Primary School with Nursery  
Cedars Manor School  
Glebe Primary School  
Marlborough Primary School  
Pinner Park Infant and Nursery School  
Pinner Park Junior School  
Stanburn First School  
Stanburn Junior School  
Vaughan Primary School;
- (3) a report on the Special School/SEN Placements Strategy, with a series of options for consultation, be submitted to July Cabinet.

**Reason for Decision:** To enable the Council to fulfill its statutory duties to provide sufficient school places in its area.

**417. Determination of Community School Admission Arrangements - Academic Year 2013/14**

Cabinet received a report of the Corporate Director Children and Families in relation to the determination of admission arrangements for Community Schools. Members noted that the Council was required to consult before

determining admission arrangements and that the consultation took place between 3 January 2012 and 28 February 2012. The Harrow Admissions Forum, at its meeting on 14 March 2012, made a number of recommendations for Cabinet's consideration.

The Head of Service, Achievement and Inclusion, introduced the report and clarified that the report made reference to Community Schools only and did not include the Academies, and that the response received had been low. The matter had also been considered by the Harrow Admissions Forum and its views were appended to the report. The proposals would help broaden the definition of Looked After Children and give increased priority to them. Additionally, the definition of 'home address' would be of assistance as it would help alleviate some of the concerns expressed by parents and ensure that places were offered in a fair way.

He added that the Fair Access Protocol was used extensively when allocating places in schools but acknowledged that it caused anxiety and that officers had met with the Chairs of the Primary and Secondary Headteachers' Executives as a result of which it had been agreed to investigate headteacher representation on the School Placement Admissions Panel. Additionally, changes to the Protocol would be examined further.

**RESOLVED:** That, having taken into account the recommendations of Harrow Admissions Forum, the following admission arrangements be applied to Harrow Community Primary and High Schools for the 2013/14 academic year:

- (1) admission arrangements Part A–G be determined without any further changes to the proposed arrangements and schemes other than the following:

- 1.i Use the new definition for 'looked after children' as required by the School Admissions Code and reword the first criterion in the oversubscription to:

A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order. A looked after child is a child who is

- (a) in the care of a local authority, or

- (b) being provided with accommodation by a local authority in the exercise of their social services functions (as defined in Section 22(1) of the Children Act 1989).

An adoption order is an order under Section 46 of the Adoption and Children Act 2002. A 'residence order' is an order settling the arrangements to be made as to the person with whom the child is to live under Section 8 of the Children

Act 1989. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

- (2) the wording on shared responsibility in the definition of "home address" be changed to:

'Where a child lives with parents with shared responsibility, each for part of a week, the address where the child lives is determined using a joint declaration from the parents stating the pattern of residence. If a child's residence is split equally between both parents, then parents will be asked to determine which residential address should be used for the purpose of admission to school. If no joint declaration is received where the residence is split equally by the closing date for applications, the home address will be taken as the address of the parent who receives child benefit. In cases where parents are not eligible for child benefit the address will be that of the parents where the child is registered with the doctor. If the residence is not split equally between both parents then the address used will be the address where the child spends the majority of the school week.'

- (3) the work undertaken by officers in relation to the Fair Access Protocol, as detailed in paragraph 13 of the report, be noted.

**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.

#### **418. Street Lighting Policy**

The Portfolio Holder for Environment and Community Safety introduced the report, which set out a case for a new policy in the Street Lighting of Highways and Residential Roads. He added that there was also need for the Council to align energy use in the context of its Climate Change Strategy.

The Portfolio Holder provided some background to the report and the need to reduce lighting levels and increase use of new technology. The Council had over 1500 street lights over which  $\frac{3}{4}$  provide lighting levels below the current recommended standard. Energy costs had risen by over 43% over the last 4 years and this trend was likely to continue in the long term but at a reduced level. In the short term costs could fall. He added that wide ranging consultations had been carried out and of the 1,500 responses received, the majority preferred Option 1, decrease lighting levels, with Option 3, dim lighting during quieter night periods, coming second.

It was noted that the use of LED (light emitting diode) would increase overall efficiency. There had been a number of technological advances in lighting in recent years, which would help reduce the amount of energy used, of which the most significant was LED lighting, which offered longer life and lower

levels of energy consumption and efficiency but were currently more expensive to install. New technology was emerging and developing at speed, as a result of which new lighting options were available but most of these were around the use of LED. Control gear for lighting had improved with increased efficiency and provided the ability to trim and dim.

National standards in lighting had been relaxed allowing the use of lower lighting levels, including the conditions that needed to be met, which had helped pave a way for Option 1.

The Portfolio Holder informed Cabinet that five demonstration projects had been undertaken based on lighting class S4, lower lighting level, and included areas such as the Highlands in Edgware, Kingsfield Avenue and Pinner View.

The Portfolio Holder added that the Lighting Industry was also responding with huge advances in technology and the Council would ensure best value for Harrow. He commended the report to Cabinet.

**RESOLVED:** That

- (1) the results of the public consultation be noted;
- (2) Options 1 and 3 be adopted for implementation;
- (3) the new Street Lighting Policy be adopted and noted this would be introduced progressively, subject to funding;
- (4) it be noted that all concrete columns would be replaced through the Capital Programme over the next 4 years.

**Reason for Decision:** Harrow signed up to the Climate Change Strategy which required it to reduce the carbon footprint and energy consumption. Street lighting accounts for 25% of the Council's electricity consumption and 12% of its carbon emissions. The continued application of the existing policy on lighting levels and technology would lead to a significant increase in this consumption as old lighting stock gets replaced. It was proposed to introduce a new policy reflecting commitments to reduce the impact of climate change by new approaches to lighting levels, embracing the new technology available.

**419. Award of Gas Servicing and Repair Contracts**

Cabinet received a joint report of the Corporate Director Community, Health and Wellbeing and Divisional Director Environmental Services, which set out the results of the tender process for the provision of Gas Servicing and Repairs together with the renewal of Council house Gas Heating Systems. A confidential appendix analysing the tenders received was also considered by Cabinet.

The Portfolio Holder for Housing informed Cabinet that the existing contract with Kier Group would expire on 30 June 2012. A fresh approach focusing on

customer care and encouraging a local supply chain involvement to produce financial benefits in the current economic climate was being proposed. Also, a previous analysis had shown that there was scope for lower overheads by using smaller contractors. The main objectives of the proposal included in the Tender Strategy were: improved customer satisfaction, greater use of local labour, improving the accuracy of invoicing and the use of improved technology in service delivery. The proposed contractors together with an internal restructure and streamlining of procedures would help meet these objectives. Whilst the contracts proposed were for a period of four years, there was an option to extend these beyond this time.

The Portfolio Holder outlined the potential savings that would arise as a result of the proposed new contracts, and that, in relation to servicing of gas appliances, Quality Heating Services had indicated a willingness to offer this service to leaseholders for a small additional administrative charge, thus allowing leaseholders to access the benefits brought by this larger contract. Moreover, both contractors had undertaken to prioritise employment opportunities for Harrow residents, ex-offenders and those with learning difficulties, within any recruitment relating to these contracts.

Cabinet was informed that, based on the tender from Quality Heating, it was anticipated that there would be a reduction of around 14% in relation to the revenue spend. Further savings were anticipated in respect of the capital spend, and spend on heating and boiler replacement programmes for Council dwellings. This was anticipated at £650k for 2012/13.

In concluding his remarks, the Portfolio Holder referred to the Project Board which had overseen the work culminating in the proposals before Cabinet and he thanked Councillor Camilla Bath for her participation, including representative(s) from the local Tenants' Association(s).

**RESOLVED:** That

- (1) the Domestic Gas Heating Contract be awarded to Quality Heating Systems, with any final contractual matters delegated to the Corporate Director Community, Health and Wellbeing, in consultation with the Portfolio Holder for Housing;
- (2) the Commercial Gas Heating Systems Contract be awarded to T Brown Ltd, with any final contractual matters delegated to the Divisional Director Environmental Services, in consultation with the Portfolio Holders for Property and Major Contracts and Housing;
- (3) once the Contracts have commenced, they be monitored quarterly (including customer scrutiny), the results of which be reported to the relevant Council Improvement Board and Tenants', Leaseholders' and Residents' Consultative Forum (TLRCF).

**Reason for Decision:** To ensure appointment of contractors offering to meet the quality requirements and those that have provided the best prices.



#### 420. Planning Enforcement Policy

The Portfolio Holder for Planning, Development and Enterprise introduced the report on the outcome of the public consultation undertaken on the Draft Planning Enforcement Policy. He added that following consideration by Cabinet in November 2011, public consultation had taken place and some revisions had been incorporated.

**RESOLVED:** That

- (1) the Planning Enforcement Policy be adopted;
- (2) the Divisional Director Planning Services, in consultation with the Portfolio Holder for Planning, Development and Enterprise, be authorised to agree any minor amendments to the Policy to enable its preparation and publication.

**Reason for Decision:** To enable the implementation of the Planning Enforcement Policy for the purposes of Planning Enforcement in line with the Corporate Priorities of 'supporting our Town Centre, our local shopping centres and businesses' and 'keeping neighbourhoods clean, green and safe'.

#### 421. Any Other Urgent Business

Councillor Susan Hall, Leader of the Conservative Group

On behalf of Cabinet, the Leader of the Council sent his best wishes to Councillor Hall, who was in hospital, and wished her a speedy recovery.

Cristian Marcucci, Senior Media Officer

The Leader of the Council informed Cabinet that this was Cristian's last Cabinet meeting and that he would be leaving the Council. He commended Cristian's professionalism and commitment which had been excellent and wished him well in his future career.

#### 422. Exclusion of Press and Public

**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 reason set out below:

<u>Item</u>	<u>Title</u>	<u>Reason</u>
19.	Award of Gas Servicing and Repair Contracts – Appendix II	Paragraph 3, as it contained information relating to the financial or business affairs of any particular person (including the authority holding that information).

**423. Award of Gas Servicing and Repair Contracts**

**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 15.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.06 pm).

(Signed) COUNCILLOR BILL STEPHENSON  
Chairman