
Full Council

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To: The Mayor and Councillors of Haringey Council.

Dear Sir/Madam,

A meeting of the Council of the London Borough of Haringey will be held at the The Civic Centre, High Road, Wood Green, London N22 8LE on MONDAY, 18TH JANUARY, 2010 at 19:30 HRS, to transact the following business:

AGENDA

- 1. TO RECEIVE APOLOGIES FOR ABSENCE**
- 2. TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972**
- 3. DECLARATIONS OF INTEREST**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest and if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct and/or if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

4. **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS OF THE COUNCIL HELD ON 30 NOVEMBER AND 14 DECEMBER 2009. (PAGES 1 - 10)**
5. **TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL**
6. **TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE**
7. **TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES**
8. **TO MAKE APPOINTMENTS TO OUTSIDE BODIES**
9. **TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM**
10. **TO CONSIDER OPPOSITION BUSINESS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE NO.12**
11. **TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10**

Public Question 1 to the Cabinet Member for Environment and Conservation from Janet Harris:

Is the council aware of the traffic chaos outside Bruce Castle Museum in Lordship Lane? Is it willing to consider replacing the current crossing with actual traffic lights and ensuring that a safe crossing from the east-west of the northern end of Bruce Grove be created.

The current crossing is always busy and also serves two very local schools - the Lancasterian and Risley Avenue so, during term time, has a lot of pedestrian traffic comprising young children and their teachers/parents. There is also the close proximity of the Drapers' Almshouses (sheltered accommodation for the elderly) to be considered.

Traffic from Wood Green or The Roundway speeds around the mini roundabout at the junction of Lordship Lane and The Roundway and also the one at the junction of

Lordship Lane and Bruce Grove with no regular interruption such as that caused by controlled traffic lights. These junctions are a disaster waiting to happen, as there are so many near misses.

In view of my remarks, will the council make representation to TfL to have this traffic blackspot made safer for both pedestrians and motorists?

Public Question 2 to the Cabinet Member for Community Cohesion and Involvement from Sarah Cope:

Lesbian, Gay, Bisexual and Transgender History Month has been marked in the US since 1994, and is promoted in the UK by School's Out. What did the council and local schools do to mark LGBT History Month 2009, which fell in February? Do you agree that such events, held to acknowledge and explore LGBT history, should have a place in the schools calendar and how will the council be marking LGBT History Month in 2010?

Public Question 3 to the Cabinet Member for Environment and Conservation from Anna Bragga:

The Green Party has been contacted by members of Haringey's disabled community asking for help, having had their Blue Badge renewal applications either turned down or mysteriously lost by the council following the introduction of new rules. As a result, aside from causing immense stress and additional health problems, some disabled people have now clocked up parking fines that they cannot afford and are being chased by bailiffs. Others have become housebound – prisoners in their own home.

Can the council answer this question: In the light of recent cases highlighted, does the council now accept that the new Blue Badge application system, including the mobility assessment process and discretionary criteria, is flawed? What action is the council prepared to take to administer a fair and equal Blue Badge Scheme based on medical evidence rather than mobility assessments by Occupational Therapists which are clearly open to abuse and the misjudgment of serious health conditions?

Public Question 4 to the Cabinet Member for Environment and Conservation from Mahir Gul:

Does the Council back the campaign organised by Cllr. Simche Steinberger (L.B. Hackney), Cllr. Dean Cohen (L.B. Barnet), Justin Hinchcliffe and Isaac Revah (Seven Sisters Conservatives) to extend the 210 bus to South Tottenham/Stamford Hill, so that local residents can be within 7-8 minutes of Finsbury Park Station for tube and overground connections, easy travelling distance of the Whittington Hospital, Golders Green and Brent Cross? If so, will it undertake to join the above named campaigners in lobbying Transport for London to help make sure the extension of this popular bus route becomes a reality?

Public Question 5 to the Leader of the Council from Michael Olajide:

Haringey has lost several hospitals over the last four decades and it is the only Borough in London not to have its own A&E unit. With the local population set to rocket in the next decade, will She support the campaign for an A&E in Haringey - based at Tottenham's St. Ann's Hospital - by adding her name, on behalf of her Party and the Council as a whole, to the petition at www.aeforharingey.org ? If not, why not?

Oral Question 1 - To the Cabinet Member for Children and Young People from Councillor Alexander:

How is the Council tackling inequality for children and young people in Haringey?

Oral Question 2 – To the Leader of the Council from Councillor Meehan:

Can the Leader of the Council please update me on the decision made by Secretary of State to stop Hornsey Rail Depot being built without consultation with residents?

Oral Question 3 - To the Cabinet Member for Environment and Conservation from Councillor Beynon:

What transport projects funded by the Local Implementation Funding (LIP) from Transport for London are under threat after the Council received less funding than expected?

Oral Question 4 - To the Cabinet Member for Environment and Conservation from Councillor Santry:

Can the Lead Member for Environment and Conservation please advise me how the Council's successful bid for a Low Carbon Zone will help achieve our Green vision for the borough?

Oral Question 5 –To the Cabinet Member for Environment and Conservation from Councillor Winskill:

Regarding the 21st Dec snowfall – what liaison was there between the Council and the Haringey Police control to try and ensure smooth traffic flow by keeping junctions clear and providing on-the-spot advice to pedestrians and motorists?

Oral Question 6 – To the Cabinet Member for Enforcement and Safer Communities from Councillor Mallett:

Can the Lead Member for Enforcement and Safer Communities let me know what progress the Haringey Youth Offending Service has made in relation to preventing re-offending?

Oral Question 7 - To the Cabinet Member for Housing Services from Councillor Weber:

What progress has been made by the Council to make the 10 Haringey blocks/estates at most risk of fire as identified by the BBC safe for local residents?

Oral Question 8 - To the Cabinet Member for Housing Services from Councillor Peacock:

Can the Lead Member for Housing please advise me on the Council's work in bringing empty properties back into use?

Oral Question 9 - To the Leader of the Council from Councillor Dobbie:

Can the Leader please indicate what action has she done as Council leader to secure the Freedom Pass following the decision of Transport Minister, Sadiq Khan's decision to tear up a previously agreed 3-year funding deal London's Freedom Pass which would affect so many older Haringey residents?

12. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES 11 - 48)

- a) Cabinet – Reports 8 & 9 – 2009/10
- b) Constitution Review Working Group – Reports 4 & 5 – 2009/10

13. TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13

Motion I (2009/10)

Councillor Butcher has given notice that he will move in the following terms:

“This Council

Notes that:

- The current financial climate is difficult for Haringey residents
- Haringey Council must take steps to help those residents who are affected by the recession, through schemes such as the Haringey Guarantee

Believes:

- That the Council has a responsibility to help our residents when they need it the most
- The Council must spend tax payer's money wisely and ensure value for money

Resolves

- To freeze Council Tax for all Haringey residents next year
- To continue to improve services by moving resources from the back office to the frontline”

Motion J (2009/10)

Councillor Wilson has given notice that he will move in the following terms:

“This Council notes:

- The government’s proposal to scrap excess payments to local housing allowance claimants where their rent is lower than the rate of the allowance
- That this plan would see over 2,000 of the poorest families in Haringey up to £15 a week and £780 a year worse off
- As a result, £1.5million would be taken out of the local economy

This Council believes

- That these changes undermine the original objectives of local housing allowance which were to bring choice and fairness to the benefits system while combating poverty;

Therefore, this Council resolves

- To write to the Chancellor for the exchequer to reverse the government’s plan to scrap excess payments to local housing allowance claimants.
- Urges local MPs to sign Liberal Democrat Sarah Teather’s EDM 2069 to back the campaign against the change in policy”.

Motion K (2009/10)

Councillor Egan has given notice that he will move in the following terms:

“This Council

Notes that:

- The current financial climate is difficult for Haringey residents
- Haringey Council is taking steps to help those residents who are affected by the recession, through schemes such as the Haringey Guarantee
- That all Labour controlled London boroughs have announced plans to help residents by freezing their council tax

Believes:

- That the Council has a responsibility to help our residents when they need it the most
- The Council must spend tax payer’s money wisely and ensure value for money
- That excessive Council Tax increases, like those introduced in Lib Dem controlled Kingston, Sutton and Richmond, really hit residents in their pockets

Resolves

- To freeze Council Tax for all Haringey residents next year
- To continue to improve services by moving resources from the back office to the frontline”

Motion L (2009/10)

Councillor Weber has given notice that she will move in the following terms:

“This Council;

Notes

- The difficulty faced by many local residents during recent severe winter weather, especially for elderly and disabled people.
- Problems faced by motorists, pedestrians and buses travelling throughout the borough in icy and snowy conditions.
- The cost to the local economy due to loss of business and absenteeism.

Commends the work of Haringey Council staff who try to keep roads clear and vital services running.

Further notes

- The need for the Council to prioritise gritting of major routes and shopping centres.
- Lack of gritting side roads and pavements.
- That many local schools were closed.
- Reports from residents that priority roads were still dangerous despite being on Council’s gritting priority lists.

Resolves

- To carry out an investigation into ways that the Council can provide a better service to cope with winter conditions, including asking local residents for feedback from their experiences, such that any lessons can be learned from recent events to enable better preparedness in the future”.

Dr Ita O’Donovan
Chief Executive
River Park House
225 High Road
Wood Green
London N22 8HQ

Friday, 8 January 2010

MINUTES OF THE FULL COUNCIL
MONDAY, 30 NOVEMBER 2009

Councillors Vanier (Mayor), Adamou, Adje, Aitken, Allison, Amin, Basu, Beacham, Bevan, Beynon, Bloch, Bull, Butcher, Canver, Cooke, Davies, Demirci, Diakides, Dobbie, Dodds, Edge, Egan, Engert, Goldberg, Gorrie, Griffith, Haley, Hare, B. Harris, Jones, Khan, Kober, Lister, Mallett, Meehan, Newton, Oatway, Patel, Peacock, Reid, Reith, Santry, Scott, Stanton, Thompson, Weber, Whyte, Williams, Wilson and Winskill

Apologies Councillors Alexander, Baker, Dogus, C. Harris, Mughal and Rainger

MINUTE NO.	SUBJECT/DECISION	ACTION BY
CNCL49.	TO RECEIVE APOLOGIES FOR ABSENCE Apologies for absence were received from Councillors Alexander, Baker, Dogus, C. Harris, Mughal, and Rainger. Apologies for lateness were received from Councillors Beynon, Diakides, Griffith, and Lister.	
CNCL50.	TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972 See Minutes 55, 56, 59 and 61.	
CNCL51.	DECLARATIONS OF INTEREST Councillors Adamou, Basu, Egan, Engert, B Harris, Khan, Meehan, Patel, Peacock, Reid, Santry, Stanton, Thompson, and Vanier declared a personal interest in Motion F as Freedom Pass Holders. Councillor Allison declared a personal interest in emergency motion H as a frequent user of the Whittington Hospital A& E Dept as a parent with small children. Councillor Bloch declared a personal interest in emergency motion H as he was a non executive director of the Haringey PCT. Councillor Davies declared a personal interest in emergency motion H as he was an employee of the Royal College of Surgeons. Councillor Dobbie declared a personal interest in emergency motion H as he was an employee of the North Middlesex NHS Trust although not within the A&E Department. Councillor Williams declared a personal interest in Item 12 – Cabinet Report No. 07/2009-10 as he was an employee of a trade association within the Alcohol Licensing Industry.	

MINUTES OF THE FULL COUNCIL
MONDAY, 30 NOVEMBER 2009

<p>CNCL52.</p>	<p>TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 19 OCTOBER 2009</p> <p>RESOLVED:</p> <p>That the minutes of the meeting of the Council held on 19 October 2009 be signed as a true record.</p>	
<p>CNCL53.</p>	<p>TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL</p> <ol style="list-style-type: none"> 1. The Mayor announced with great pleasure that Haringey had recently received five major awards. The Mayor announced that Haringey had won three national awards for customer service in the prestigious Wow! Awards 2009. Haringey Council won the award for the best local authority; Osborne Grove Nursing Home won the award for the best healthcare provider and Homes for Haringey's Tenancy Management team won the award for the best team. The mayor also advised that the Haven Day Centre, Alexandra Road Crisis Unit and Diane Sheridan of Customer Services were also finalists. On behalf of the council the Mayor congratulated everyone on this outstanding achievement. The Award was visible in the reception area of River Park House. 2. The Mayor informed the Council of a further prestigious award from the National Noise Abatement Society to the Enforcement Response Service who manage the Council's Out of Hours noise nuisance service. They balance the rights of residents to live without being disturbed, while at the same time making sure that vulnerable people are dealt with in an understanding and supportive way. The team approached the dais with the award and were personally congratulated by the Mayor, and then received a round of applause. 3. The Mayor also congratulated the Council's Recycling Service for winning the 2009 Chartered Institute of Waste Management award in the category of Health and Safety – Best Practice. The Mayor reported that this award was made in recognition of the innovative engineering solution created to allow recycling bins to be carried on recycling collection lorries, which helps to reduce accidents for our recycling collection teams. The award recognised that this engineering solution was easily transferable to many other local authorities that had doorstep recycling box collections similar to Haringey. The Mayor thanked the Service on behalf of the Council and stated that the Team should be very proud of the recognition and reward for its hard work. 4. The Mayor alerted Members to the campaign against violence towards women that is commemorated internationally. The Campaign comprising 16 days of action had commenced on 25th November. 5. The Mayor concluded by advising the Council of the planting of 12 trees at Tottenham Green in memory of Councillors who had 	

**MINUTES OF THE FULL COUNCIL
MONDAY, 30 NOVEMBER 2009**

	passed away since 1965.	
CNCL54.	TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE There were no matters to report.	
CNCL55.	TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES <p>The Mayor agreed to admit the report as urgent business. The Monitoring Officer had originally planned to give a verbal update in respect of two recent Standards Committee determinations but then decided that a formal written report would be more appropriate.</p> <p>The Head of Legal Services and Monitoring Officer reported the outcome of the Standards Committee – Determination Hearing Panel of 21 and 22 October 2009 in respect of a Standards Complaint against two elected Members of this Council.</p> <p>RESOLVED</p> <p>That the decisions taken by the Hearing Panel as part of the Standard's Committee's new responsibility to determine complaints of breach of the Code of Conduct made against Members of this Council be noted.</p>	
CNCL56.	TO MAKE APPOINTMENTS TO OUTSIDE BODIES <p>The Mayor agreed to admit the report as urgent business. The report could not be circulated earlier as information was awaited from the Party Groups. The report needed to be admitted in order that the vacancies on outside bodies could be filled for the remainder of municipal year 2009/10.</p> <p>RESOLVED:</p> <p>That the appointments to outside bodies as set out in Appendix 1 be approved.</p>	
CNCL57.	TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM <p>The Mayor moved and it was agreed that Council Procedure Order No.10 be waived to allow a deputation from Haringey Youth Council.</p> <p>A deputation was received from the two Co-Chairs of the Haringey Youth Council – Funmi Abari and Areeb Ullah – who gave a brief resume of their activities for the past year.</p> <p>Members asked questions of the deputation and received responses</p>	

MINUTES OF THE FULL COUNCIL
MONDAY, 30 NOVEMBER 2009

	<p>thereto.</p> <p>The Cabinet Member for Children and Young People responded to the deputation.</p> <p>The Mayor thanked the deputation for attending and the meeting gave a round of applause.</p>	
CNCL58.	<p>TO CONSIDER OPPOSITION BUSINESS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE NO.12</p> <p>The Opposition gave notice of their wish to debate policing in Wood Green.</p> <p>Councillor Aitken spoke on behalf of the Opposition Group. Councillor Canver responded on behalf of the Majority Group.</p> <p>The Mayor thanked Councillors for their contributions.</p>	
CNCL59.	<p>TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10</p> <p>The Mayor agreed to the admission of this item as urgent business. Under Standing Orders, notice of questions was not requested until eight clear days before the meeting, following which matters raised had to be researched and replies prepared in order to be given at the meeting.</p> <p>There was 1 Public Question and 8 Councillor Questions, and 24 for written answer.</p> <p>The Public Question and 7 oral questions were taken. Oral Question 8 was not reached and written responses would be given.</p>	
CNCL60.	<p>TO RECEIVE REPORTS FROM THE FOLLOWING BODIES</p> <p><u>SPECIAL COMMITTEE REPORT 1 2009/10</u></p> <p>The Leader gave a brief resume of the report of the Special Committee to appoint a Chief Executive which had confirmed the findings of the cross party appointments panel in respect of the appointment. The Leader also welcomed Mr Crompton who was in attendance at the meeting.</p> <p>RESOLVED</p> <p>That Mr Kevin Crompton be appointed as Chief Executive and Head of Paid Service and that confirmation be given of the offer of a permanent employment contract for the post of Chief Executive.</p> <p><u>CABINET REPORTS 6 & 7 2009/10</u></p>	

**MINUTES OF THE FULL COUNCIL
MONDAY, 30 NOVEMBER 2009**

	<p>The Leader gave a brief resume of the reports of Cabinet which were before the meeting for consideration. Members questioned details of the reports and the Leader responded accordingly.</p> <p>RESOLVED:</p> <p>That the Cabinet Reports numbers 6 and 7 2009/10 be received, and that the recommendation seeking approval of the revised Statement of Gambling Policy as set out in Appendix A to report number 7 be adopted.</p> <p><u>AUDIT COMMITTEE REPORT NO.1 2009/10</u></p> <p>The Chair of Audit Committee gave a brief resume of the report of Audit Committee which was before the meeting for consideration.</p> <p>RESOLVED:</p> <p>That the Audit Report number 1 2009/10 be received.</p> <p><u>GENERAL PURPOSES COMMITTEE – REPORT NO. 2 2009/10</u></p> <p>The Chair of General Purposes Committee gave a brief resume of the report of General Purposes Committee which was before the meeting for consideration. Members questioned details of the report and the Chair responded accordingly.</p> <p>RESOLVED</p> <p>That the General Purposes Committee Report number 2 2009/10 be received and the recommendation seeking revision of Section 6.6 of the Treasury Management Statement to include “call accounts” as Specified Investments, be adopted.</p>	
CNCL61.	<p>TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13</p> <p>The Mayor agreed to receive Emergency MOTION H.</p> <p><u>Motion H (2009/10)</u></p> <p>It was moved by Councillor Scott and seconded by Councillor Gorrie that:</p> <p>“This Council believes</p> <ul style="list-style-type: none"> • that, as Haringey does not have a general hospital, residents in the borough have to rely heavily on services provided at the Whittington, North Middlesex and the Royal Free hospitals. • that local health services are vital to the well-being of local residents. • it is unacceptable to close A&E at either of these hospitals because this would result in longer journey times for patients in need of urgent care with potentially life threatening consequences. 	

**MINUTES OF THE FULL COUNCIL
MONDAY, 30 NOVEMBER 2009**

	<p>This Council notes with great concern</p> <ul style="list-style-type: none">• information provided in a letter from North London Central NHS that 24-hour accident and emergency services are under threat of closure at the Whittington and North Middlesex hospitals. <p>Therefore resolves to</p> <ul style="list-style-type: none">• write to the North London Central NHS, the Chief Executive of the Whittington, North Middlesex NHS Trusts and the Secretary of State for Health highlighting our concerns that no 24-hour accident and emergency services should close that serve Haringey”. <p>The motion was then put to the vote and declared CARRIED unanimously.</p> <p>MOTIONS E, F & G were not reached.</p>	
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COUNCILLOR BERNICE VANIER

Mayor

Proposed Appointments to Outside Bodies

30 November 2009
Report for Council

Body name

No of Reps

Wood Green Urban District Charity, The
Management Committee

14/wgu/a

Granted Aid: no

Retiring Representative (s) / Expiry

5

5 LAB

Term of Office:

4 years

Category: Trust
 need not be a cllr

Neville Watson

19/05/08

31/05/12

Cherry McAskill

22/05/06

31/05/10

James Stewart

30/11/09

31/05/13

New appointment

Pauline Gibson

30/11/09

31/05/13

New appointment

LABOUR VACANT - 1

18/05/09

31/05/13

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**MINUTES OF THE FULL COUNCIL
MONDAY, 14 DECEMBER 2009**

Councillors Vanier (Mayor), Adamou, Aitken, Allison, Amin, Bevan, Bloch, Butcher, Canver, Cooke, Demirci, Diakides, Dobbie, Dodds, Dogus, Edge, Egan, Engert, Goldberg, Gorrie, Griffith, Haley, Hare, B. Harris, Jones, Kober, Lister, Mallett, Meehan, Newton, Oatway, Patel, Peacock, Reid, Santry, Scott, Stanton, Thompson, Weber, Whyte, Williams, Wilson and Winskill

Apologies Councillor Alexander, Baker, Basu, Beacham, Bull, Davies, C. Harris, Khan, Mughal, Rainger and Reith

Absent: Councillors Adje and Beynon.

MINUTE NO.	SUBJECT/DECISION	ACTION BY
CNCL62.	TO RECEIVE APOLOGIES FOR ABSENCE Apologies for absence were received from Councillors Alexander, Baker, Basu, Beecham, Bull, Davies, C Harris, Khan, Mughal, Rainger and Reith.	
CNCL63.	DECLARATIONS OF INTEREST There were no declarations of interest.	
CNCL64.	TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM A deputation was received from Mario Petrou concerning the new executive arrangements for Haringey. Members asked questions of the deputation and received responses thereto. The Leader of the Council responded to the deputation. The Mayor thanked the deputation for attending.	
CNCL65.	TO RECEIVE REPORTS FROM THE FOLLOWING BODIES. <u>CONSTITUTION REVIEW WORKING GROUP – REPORT NO. 3 2009/10</u> The Leader of the Council gave a brief resume of the report of the Constitution Review Working Group which was before the meeting for consideration. Members questioned details of the report and Councillor Kober responded accordingly. RESOLVED	

**MINUTES OF THE FULL COUNCIL
MONDAY, 14 DECEMBER 2009**

	<ol style="list-style-type: none">1. That the existing executive leadership arrangements be changed to the new Leader and Cabinet executive model as proposed in Appendix 2 to the report.2. That the timetable for implementation and transitional arrangements set out in paragraphs 7 and 8 of Appendix 2 of the report be adopted.3. That notice be given of these proposals as required by legislation, that is, by making them available for public inspection at the Civic Centre and by press notice.	
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COUNCILLOR BERNICE VANIER

Mayor

**REPORT OF THE CABINET No. 08/2009-10
COUNCIL 18 JANUARY 2009**

Chair:
Councillor Clare Kober

Deputy Chair:
Councillor Lorna Reith

INTRODUCTION

- 1.1 This report covers matters considered by the Cabinet at our meeting on 17 November 2009. For ease of reference the Report is divided into the Cabinet portfolios.
- 1.2 We trust that this report will be helpful to Members in their representative role and facilitate a fruitful dialogue between the Cabinet and all groups of Councillors. These reports are a welcome opportunity for the Cabinet on a regular basis to present the priorities and achievements of the Cabinet to Council colleagues for consideration and comment. The Cabinet values and encourages the input of fellow members.

ITEMS OF REPORT

Children and Young People

2. CHILDREN'S CENTRES – PHASE 3 REVIEW

- 2.1 We considered a report on the development of Haringey's Phase 3 children's centre programme and were pleased to note that this was well under way. The positive feedback received from the Department for Children, Schools and Families (DCSF) about our plans, reflected the confidence in our ability to deliver to expectations. Given the strong performance of the Council through the development of the first two phases, and the work that had been undertaken to establish the rationale for our Phase 3 programme, there was scope to provide sufficient access to services through the realisation of our Phase 3 plans.
- 2.2 At the time of our meeting feed back was awaited from the DCSF on *Sure Start, Early Years and Childcare* Grant funding arrangements post March 2011. Information on future funding arrangements was expected during the period April 2010 – March 2011.
- 2.3 The report to the Executive in 2007 on "*Developing Sustainable Childcare*" noted a review was to be undertaken of funded nursery places with the intention of identifying new models for supporting our most vulnerable children to access, good quality early years provision and we were informed that the Children and Young People's Service was now in a position to consider the provision of funded places through the children's centre programme as part of this wider strategic context.
- 2.4 We were also informed that the advent of a new single funding formula from April 2010 for the provision of the free, flexible nursery education entitlement for all 3 and 4 year olds would provide us with the opportunity to address inconsistencies in how the free entitlement offer was currently funded across the private, voluntary, independent and maintained sectors (including children's centres).
- 2.5 We report that we noted the plans for capital investment to meet the DCSF target of delivering two new designated children's centres by March 2010 and that additional plans were in place to deliver universal access to children's centre services for children under 5

living in Haringey by March 2011. We also noted the continued strategic development of children's centres and centres services as the Council progressed towards the mainstream delivery of integrated early childhood services from April 2010.

- 2.6 We agreed to receive a report setting out a sustainability strategy for children's centre services following an announcement from the DCSF on future funding arrangements for early years and children's centres as well as a report in June 2010 following a review of the fee charging arrangements and funding for childcare places, including targeted provision for disadvantaged and vulnerable children in Haringey.

Housing

3. SUPPORTED HOUSING REVIEW

- 3.1 We considered a report which provided us with an update on the review of supported housing and sought our approval of a plan for addressing the specific needs of 4 sheltered housing schemes, increasing the provision of 'extra care' housing and enabling all of the Council's supported housing to be brought up to the decent homes standard.
- 3.2 We also received a deputation from the Association of Tenants Representatives who addressed our meeting and spoke about proposals to remove elderly tenants from sheltered housing schemes in the borough and the determination of those tenants to remain in their homes. They asked that the issue be looked at again to ensure that every effort was made to find a solution that did not require people to move.
- 3.3 We responded to the deputation and having conceded that one disadvantage of the current proposals if adopted was that some older people would be asked to live in a different place we emphasised our concern that any changes be handled sensitively and noted that to this end a number of informal briefings had been held to which the families of residents of sheltered housing schemes had been invited. We re-iterated that the Council valued older residents and there were good neighbour schemes and sheltered housing schemes which provided supported housing for older people.
- 3.4 We were informed that although 25 of the Council's sheltered housing schemes had already been included in the decent homes programme, 4 schemes (Campbell Court, Larkspur Close, Protheroe House and Stokley Court) had been the subject of an options appraisal. These four schemes were chosen because they were unsuitable for supported housing, did not have modern facilities or needed a large investment to bring them up to the decent homes standard.
- 3.5 In reviewing the future of the 4 schemes, we were seeking to improve the quality of supported housing, increase the supply of 'extra care' housing in the borough, provide residents with more choice in how their housing and support needs were met, and help older people to remain independent.
- 3.6 In August 2009, the Housing Quality Network (HQN) completed an assessment of the different options for each scheme. The HQN appraisal set out detailed cost estimates of the various options, including an 'optimum' solution that would involve the closure of all four schemes, the conversion of Campbell Court to 'general needs' housing, the redevelopment of Protheroe House as 'extra care' supported housing, the disposal of

Larkspur Close and the redevelopment of Stokley Court as social rented housing. However, although we were recommended to approve the redevelopment of Protheroe House as 'extra care' supported housing, it was **not** recommended that Campbell Court be converted to 'general needs' housing or, at this stage, that Larkspur Close be disposed of or that Stokley Court be redeveloped as social rented housing.

- 3.7 We noted that the proposals contained in the report were intended to help to promote sustainable communities by providing older people with greater choice in their housing, housing-related support and social care. 'Extra care' supported housing was under-provided in Haringey, and this severely limited the choices and life chances of particularly vulnerable older people who might find themselves restricted to residential care options.
- 3.8 We also noted that any proposals to decommission sheltered housing schemes and to transfer tenants to alternative accommodation would be matters that fell within the requirement on the Council to consult with secure tenants on housing management matters which were likely to affect them. The consultation arrangements would allow the tenants to make their views known within a specified period and the Council had to take those views into consideration before making a final decision on the matter. Although the residents of the four schemes had received a number of informal briefings on the progress of the Supported Housing Review and the options appraisal, no formal consultation had yet taken place. We further noted that most residents attending the briefings had expressed understandable concern and anxiety at the prospect of moving from their home and some had wanted to know whether there was scope for them to remain within a friendship group if they needed to transfer to alternative supported housing.
- 3.9 We were informed that while the views of the residents would be taken into account before a final decision was made, the Council also had to have regard to wider considerations including the need for the shortage of extra care housing to be addressed and the availability of Council and Government capital funding. The views of the tenants at Campbell Court had been taken into account and it was now being recommended that it be retained as a sheltered housing scheme and included in the decent homes programme.
- 3.10 It having been confirmed that although the four schemes had been included in the original decent homes bid the HQN report had set out detailed cost estimates of the various options and had concluded that it was not viable to bring them up to the decent homes standard we agreed that the key outcomes of the Supported Housing Review be noted and granted approval in principle to the following recommendations in relation to the four sheltered housing schemes:
- That Campbell Court be maintained as a sheltered housing scheme and included within Haringey's decent homes programme;
 - That, subject to formal consultation with the tenants and completion of a detailed financial appraisal, Protheroe House be closed and the site redeveloped as a mixed tenure 'extra care' supported housing scheme;

- That Larkspur Close continue as a sheltered housing scheme but not be included in the decent homes programme until completion of a comprehensive options appraisal and financial assessment, including the feasibility and cost of completing remedial works converting Larkspur Close to a 'good neighbour' scheme and redeveloping the site and pending a decision being made on its future use.
- That Stokley Court continue as a sheltered housing scheme but will not yet be included in the decent homes programme until December 2010 when a decision will be made on its future use.
- That formal consultation take place with the residents of Protheroe House on the future of their homes, and that the results of that consultation and the Equalities Impact Assessment be reported back to a future meeting.
- That, with immediate effect and until further notice, properties that become vacant at Protheroe House must not be re-let.

Enforcement and Safer Communities

4. OUTCOME OF CONSULTATION ON THE REVISION OF THE STATEMENT OF GAMBLING POLICY

- 4.1 We reported on this matter to the Council meeting on 30 November 2009.

Adults, Culture and Community Services

5. MEMBER'S PANEL – SAFEGUARDING ADULTS

- 5.1 We noted that the Independence, Well-being and Choice Service Inspection in January 2009, had suggested that aspects of performance monitoring needed to be further enhanced and we considered a report which proposed that a Member level body be established to provide additional overview and scrutiny of the safeguarding of vulnerable adults.
- 5.2 We report that we appointed the Adult Safeguarding Advisory Committee with the following membership, quorum and terms of reference -

Membership

3 Councillors, 2 from the Majority Group and 1 from Opposition
 (Chair to be nominated by Cabinet Member for Adult Social Care and Well Being).

(Quorum 2 Members)

Terms of Reference

- To examine and review the effectiveness of the Council's policies and practice in relation to the Safeguarding of Adults (Adult Protection);

- To review and examine the effectiveness of arrangements for cooperation; and joint working of Adults Safeguarding issues between partner agencies;
- By obtaining the views of key stakeholders (staff, families/carers and the person themselves) to obtain a qualitative understanding of how safeguarding processes were working to protect vulnerable adults;
- To consider the Council's policies and performance in relation to safeguarding adults through observing practice within Haringey; and
- To make recommendations on these issues to the Cabinet, the Lead Member for Adult Social Care and Wellbeing and the Assistant Director for Safeguarding in order to take forward and drive improvements to safeguarding adults within the borough.

These terms of reference to be reviewed by the Lead Member for Adults Social Care and Well Being at least every two years. Administrative support for the Panel to be provided by the ACCS Safeguarding Team's Business Support Officer.

Resources

6. FINANCIAL PLANNING 2010/11 – 2012/13

- 6.1 The Council will be aware that the integrated financial and business planning process is the key mechanism by which our plans and strategies are reviewed to ensure the performance and priorities are being met and that resources are allocated effectively to underpin their achievement. The process culminates in changes to the budget and medium term financial strategy that delivers a revised Council Plan. The Plan reflects the Council's own priorities and contributes to the wider Sustainable Community Strategy delivered in conjunction with the Haringey Strategic Partnership.
- 6.2 We considered a report which advised us that the prospects for future local government grant settlements were that there would be a severe constraint in public spending given the current recession and the public borrowing requirement. The budget for 2010/11 was the third year of the three year settlement following the last comprehensive spending review in 2007 and it was not expected that the grant position would change significantly. The significant impact was expected the following year, in 2011/12. At the time of our meeting the Chancellor was expected to produce a pre-budget report which was likely to set out the new spending limits across the public sector and give an indication of the level of contraction of funding in overall terms. The more detailed Government spending plans were likely to follow in 2010.
- 6.3 We reported to the Council on 19 October on our financial strategy for the period 2010/11 to 2012/13 and advised that we had agreed a business planning and budget-setting process. At that time an overall net additional savings target of nearly £23 million was reported over the full three year planning period. This assumed the achievement of pre-agreed savings proposals of nearly £15 million in the first two years. The budget for 2010/11 was the last one for the current administration and three year spending period and this showed a savings target requirement of £2 million subject to any additional growth pressures and investment requirement. In terms of resources for next year the

grant settlement figure was the final one of the three year agreement with an increase of 1.5%.

- 6.4 The previous planning assumptions for Council Tax were increases of 3.0% in each year but this was varied last year (2009/10) with an increase of 1.95%. The budget plans were now being prepared on the basis of aiming for a Council Tax freeze for 2010/11 and this planning assumption was built in to the projections reported to us. We report that we noted the update on financial planning issues and we agreed that the pre-business plan reviews, including the investment and savings options, be released for consultation and the scrutiny process.

Leader

7. NDC SUCCESSION ARRANGEMENTS

- 7.1 We considered a report which advised us that there was a legal requirement that we approve the New Deal for Communities succession and legacy arrangements in order to ensure that the successful outcomes be sustained beyond the end of the programme in 2011 in line with Government requirements. The report proposed the succession and legacy arrangements for the Bridge New Deal for Communities (NDC) beyond March 2011 which included the setting up of a company limited by guarantee with charitable status as a successor body.
- 7.2 Our approval was also sought to proposals for Asset/Funding support for the Bridge Renewal Trust and to the NDC succession arrangements ahead of the required submission to the Department of Communities and Local Government by 27 November 2009.
- 7.3 We report that we approved the succession and legacy arrangements as recommended noting that they would be subject to approval by the Department for Communities and Local Government (CLG) and Government Office for London (GOL) before any claw back on the NDC grants was removed. We also noted that the new entity was to be called The Bridge Renewal Trust ("the Trust").
- 7.4 We also agreed to the assignment of the Council's sub under lease of part of the Laurels Healthy Living Centre to the Trust and we approved the following
- a. The payment of the annual rent received under the Under lease currently equivalent to £285,000 annual rent to the Trust for a period of 10 years as detailed in paragraph 7.3.6. of the interleaved report on the understanding that this rental income from the Laurels Healthy Living Centre might go up or down as it was subject to 5 yearly rent reviews and would be used by the Trust to meet the rent, proportional maintenance costs, insurance and service charges and other charges under the Sub Under lease, the remainder of the rental income to provide core funding for the successor body and ensure it developed into a viable and sustainable charitable organisation.
 - b. A one-off grant funding from the unspent Laurels income to the Trust subject to CLG approval of the NDC succession strategies and the provision of a robust and viable business plan for the successor body.

- c. Any future repayments of the £1.5 million (plus any interest) interim Gap Funding paid back under the Development Agreement dated 2 August 2007 for the Wards Corner redevelopment being ring fenced in a special Council escrow account and used to address housing needs in the NDC area, the Council to ensure that both the Trust and CLG were consulted on the use of the funds;
- d. Any future repayments arising out of the Wards Corner overage arrangements being ring fenced in the Council escrow account and used to address housing needs in the NDC area.

7.5 Further that, in line with Government requirements, to an assurance being given that all the assets funded wholly or substantially through NDC grant including the Laurels Healthy Living Centre, Triangle Children's Centre and St Ann's Library Hall which were owned by the Council would continue to be used to benefit NDC area residents into the long term. Approval was also granted to the Council entering into a Funding Agreement with the Bridge Renewal Trust to give effect to 6.4a and 6.4b above and to the delegation of authority to sign off of the final Funding Agreement between the Council and the Trust to the Director of Urban Environment in consultation with the Leader of the Council. We noted that the Council had been invited to nominate two representatives to serve as Trustees on the Board of the Trust.

8. LOCAL DEVELOPMENT SCHEME

- 8.1 We considered a report which set out the Council's project plan for the delivery of the Haringey Local Development Framework (LDF). The programme for the delivery of a suite of planning policy had been amended to reflect the work programme and the need to review other documents that should be also be prepared.
- 8.2 We noted that the Council was required to review its Local Development Scheme (LDS) regularly if changes to the project Plan for preparing planning policy document were envisaged. We reported to the Council on 20 July on a set of emerging new planning policy documents which could be included in the revised LDS. As a result of consultation with statutory bodies on the LDS and also on the Core Strategy Preferred Options, and because of the lack of agreement for future directions on Central Leaside Area Action Plan with Enfield Council, further changes had become necessary for the LDS which was to be submitted to the Greater London Authority (GLA) and the Government Office for London (GoL) for their approval.
- 8.3 In accordance with PPS12 Local Spatial Planning, the LDS would be the projects management document within the Haringey Local Development Framework that also aligned with the priorities identified in Haringey's Sustainable Community Strategy (SCS). The LDS would seek to contribute to achieving the vision in the SCS which was 'a place for diverse communities that people are proud to belong to' by ensuring that the Council could provide a planning policy framework to deliver this vision.
- 8.4 We report that we approved the submission of the Haringey Local Development Scheme be submitted to the GLA and to GoL for approval and we agreed that any amendments which needed to be made to the Local Development Scheme document be approved by

the Director of Urban Environment in consultation with the Leader of the Council before finalising the Local Development Scheme for submission. Following submission to and the receipt of comments from the GLA and GoL, the Director in consultation with the Leader be authorised to make any further amendments to the LDS prior to submission to the Secretary of State.

9. APPOINTMENT OF COUNCILLOR TO SERVE ON THE HORNSEY TOWN HALL COMMUNITY PARTNERSHIP BOARD

- 9.1 We noted that Councillor Cooke had resigned as one of our representatives on the Hornsey Town Hall Community Partnership Board and we report for information that we appointed Councillor Joe Goldberg to serve in his place.

10. THE COUNCIL'S PERFORMANCE: SEPTEMBER 2009 (PERIOD 6 – QUARTER 2)

- 10.1 We considered a report which presented on an exception basis financial and performance information for the year to September 2009, asked us to agree proposed budget virements in accordance with financial regulations and provided us with an update on progress against current Council Plan actions for the year to the end of September 2009.
- 10.2 We noted that overall performance on the monthly and quarterly basket of indicators showed that of the 90 indicators with values comparable to current targets, 47% were on target with a further 21% close to target and 32% not currently achieving target. The report provided some key messages on performance for the year to September 2009 including an update on progress against Haringey's Local Area Agreement. An Appendix served as exception report for areas where targets were not being achieved and detailed an explanation of the performance and actions being taken to meet or move closer to the agreed levels of service. A table of contents is available at the front to signpost the page for each exception indicator.
- 10.3 With regard to the Council Plan update, Directorates were asked to provide an update every quarter of progress against actions in their Directorate Plans that formed the 2009 -10 Council Plan. Of 155 actions in the Council Plan, 28 were now reported as complete and 98 were on target. Minor issues were reported for 26 actions. Three actions reported major issues that were likely to affect the ability to complete the action by the agreed target date. At the time of our meeting updates were still awaited for the remaining 13 actions and these were being chased by the Policy and Performance Division.
- 10.4 The overall revenue budget monitoring, based on the September position, showed a forecast gross spend of £4.4 million above budget. This was partially off set by a £1 million contribution from the general contingency and a reduced call on the inflation budget of £1.5 million following the settlement of the pay award at a lower sum than planned. This resulted in a net forecast of £1.9 million above budget. The position was to be closely monitored during the remainder of the financial year as Directors continued to implement measures to reduce costs wherever possible.

10.5 The aggregate capital projected position in 2009/10 was to under spend by £18.7 million (9%) which related to Adults, Culture and Community Services (£3.4 million), Children and Young People's Service (£7.1 million), Corporate Resources (£6.6 million) and Urban Environment (£1.6 million). A significant proportion of the 2009/10 capital programme was funded by the generation of capital receipts from the Council's disposal programme. The target level of receipts assumed for this financial year is £9.1 million. The latest forecast of in year receipts as at period 6 had been revised slightly upwards to £4.33 million. The overall shortfall was mainly as a result of very difficult property market conditions currently prevailing and impacting on valuations and hence the deferral of some disposals into later years. We noted that it was proposed to partly mitigate the shortfall by the use of brought forward Department of Children Schools and Families non-ring fenced capital funding of £2.283 million offered by the Government in 2009/10 to help maintain the capital programme at existing levels. This would be repaid to the Children & Young Peoples Service capital programme in 2012/13 in line with the needs of that programme. Other options, including restricting expenditure on some capital receipts funded projects, were currently being explored as well as assessment of whether there was any slippage on existing schemes that might assist in balancing resources this year. The position was being kept under constant review and updates included in future reports.

10.6 Under the Constitution, certain virements are key decisions. Key decisions are:

- For revenue, any virement which results in change in a directorate cash limit of more than £250,000; and
- For capital, any virement which results in the change of a programme area of more than £250,000.

Key decisions are highlighted by an asterisk in the table.

10.7 The following table sets out the proposed changes. There are two figures shown in each line of the table. The first amount column relates to changes in the current year's budgets and the second to changes in future years' budgets (full year). Differences between the two occur when, for example, the budget variation required relates to an immediate but not ongoing need or where the variation takes effect for a part of the current year but will be in effect for the whole of future years. Proposed virements are set out in the following table –

Revenue Virements						
a	b	c	d	e	f	g
Period	Service	Key	Amount current year (£'000)	Full year Amount (£'000)	Reason for budget changes	Description
P7	AC	Rev	198	198	Budget Realignment	Realignment of Day Care Budgets.
P7	AC	Rev*	497		Budget Realignment	Transfer of the carers grant from the Commissioning and Strategy Business Unit to Adult Services Business Unit
P7	AC	Rev	162	166	Budget Realignment	Transfer of the Policy Team from the Commissioning and Strategy Business Unit to Adult Services Business Unit.
P7	AC	Rev	139	139	Budget Realignment	Virement to correct allocations of pre agreed savings.

P7	AC	Rev*	589	589	Budget Realignment	Allocation of savings from improved commissioning and brokerage to appropriate budget heads.
P7	AC	Rev*	322	322	Budget Realignment	Allocation of Mental Health capacity grant to appropriate budget heads
P7	AC	Rev*	1,897		Allocation of Grant Funding	Allocation of 2 nd half year ABG grant allocations to appropriate budget heads.
P7	AC	Rev*	287	287	Budget Realignment	Account maintenance – transfer of budgets from a closing cost centre to new cost centre.
P7	UE	Rev*	576		Allocation of Grant Funding	Virement following confirmation of grant funding from North London Strategic Alliance and London Development Agency
P7	CY	Rev*	7,261		Allocation of Grant Funding	2009/10 Area Based Grant Childrens Trust 2nd half year allocation
P7	CY	Rev*	513	513	Allocation of Grant Funding	The virement reflects increases in both grant and associated expenditure codes following notification of increased grant allocations.
P7	CY	Rev	(224)		Allocation of Grant Funding	Reduction in Early Years grant to reflect lower actual pupil numbers
P7	CY	Rev*	592		Allocation of Grant Funding	Virement to reflect increase in Standard Funds allocations as a result of finalised pupil numbers.
P7	CY	Rev*	800		Budget Realignment	Virement to reallocate CYPS resources to supplement the LAC Commissioning budget.
P7	CY	Rev*	896		Budget Realignment	Allocation of Area Based Grant to Business Units
P7	HC01	Rev*	1,569	1,569	Budget Realignment	Allocation of pay inflation (1% & 1.25%) to reflect the Greater London Provincial Council agreement.
Capital Virements						
Period	Service	Key	Amount current year (£'000)	Full year Amount (£'000)	Reason for budget changes	Description
6	CR	Cap*	(1,500)		Re-phasing	Since the creation of the IT Prioritisation Board, only projects with a fully developed business cases have been approved and funding released. This ensures that only appropriate projects are funded but has had an implication for the timing of spend. This virement re-profiles £1.5m into 2010/11 to fund projects that have been agreed but will not spend until the new year.
6	CR	Cap*	(4,405)		Re-phasing	The current budget is based on an historical spend profile. Following the report to Cabinet in July and formation of a new programme board to manage the project, spend profiles have been reviewed and the project budget therefore requires re-phasing.

11. DELEGATED DECISIONS AND SIGNIFICANT ACTIONS

11.1 We were informed of the following significant action taken by a Director under delegated powers -

Director of Adult, Culture and Community Services

Safeguarding and Strategic Services – Finance Service Establishment Changes.

Adult Services – Integrated Access Team Establishment Changes

Adult Services – 100 Whitehall Street Establishment Changes

Director of Children & Young People's Services

Muswell House (Children's Home) – Establishment Changes

Breakfast Clubs – Approval of New Funding and Monitoring Arrangements (October 2009 – March 2011)

Participation Team – Establishment Change (Recruitment to Posts) on cessation of an external contract for a Children's Rights Service.

BSF – Northumberland Park School – Supply and Installation of Fixed Furniture

Framework Agreement for Grocery, Consumables and Frozen Foods

Muswell Hill Youth Centre – Electrical and Building Works

BSF – Highgate Wood School FF&E Vocal Equipment to New Specialist Areas and Hall

Director of Corporate Resources

Childcare Litigation Services – Extension of 3 months to the Contract with Islington Council for the provision of child care legal services

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Chair:
 Councillor Clare Kober

Deputy Chair:
 Councillor Lorna Reith

INTRODUCTION

- 1.1 This report covers matters considered by the Cabinet at our meeting on 15 December 2009. For ease of reference the Report is divided into the Cabinet portfolios.
- 1.2 We trust that this report will be helpful to Members in their representative role and facilitate a fruitful dialogue between the Cabinet and all groups of Councillors. These reports are a welcome opportunity for the Cabinet on a regular basis to present the priorities and achievements of the Cabinet to Council colleagues for consideration and comment. The Cabinet values and encourages the input of fellow members.

ITEMS OF REPORT

Leisure Culture and Lifelong Learning

2. WHITE HART LANE COMMUNITY SPORTS CENTRE REDEVELOPMENT PLAN

- 2.1 We considered a report which advised us that the London Organising Committee of the Olympic Games (LOCOG) which was responsible for the preparation and the staging of the 2012 Olympic and Paralympics Games had indicated that if Haringey was chosen the Olympic Delivery Authority (ODA) would pay for the track upgrade at White Hart Lane Community Sports Centre (WHLCSC) which had an estimated cost of £300,000. Negotiations with LOCOG would, in broad terms, require agreement for:
 - closure dates of the facility to the general public (6 to 8 weeks in July/August 2012 and disruption to the centre for some weeks prior to this)
 - Acceptance of the transfer of risk for commissioning and completing athletics facility works which LOCOG will fund.
 - Granting free use of the venue for the required period without compensation for lost income.
- 2.2 Securing 'In Games Training' status at WHLCSC would be a major benefit to Haringey as it would provide both substantial investment and a major opportunity for the Borough to share in the Olympics. We were informed that an announcement about the training venues was expected in the near future and at that time negotiations would commence with LOCOG. If a satisfactory agreement was reached the contracts would need to be signed off without delay in order for the commissioning process to begin in order to ensure that the works were completed by August/September 2011.
- 2.3 However, this investment and £250,000 which it had previously been agreed be spent on essential works at the site would only partly address overall investment needs and would be seen as the catalyst for further improvement. The facility was an important part of the Whole Sport Development Plans for a number of sports national governing bodies (NGBs) – but these did not have sufficient levels of available funding to meet the likely

cost of rebuilding and private sector investment in the site could help to secure the future of provision.

- 2.4 We noted that one of these buildings was used by the Wood Green Youth Project and as part of the redevelopment it was anticipated that the Youth Project would relocate to the HALS building across White Hart Lane in the adjacent Woodside High School and that this move would free up some of the site's footprint for future development. The report proposed that, in order to test the market, the Council draw up a Development Prospectus for the site that can be used to identify potential investors and investment.
- 2.5 It was also proposed that the potential for private sector investment at Finsbury Park be further explored. Initial exploration had indicated an interest from both football and tennis operators in Finsbury Park and should this come to fruition, it could assist in attracting investment in other park sports facilities. As part of this exploration, the potential to secure funding from the neighbouring boroughs of Islington and Hackney, from national governing bodies (NGBs) of sport and from charitable sources would also be investigated. In addition, management options at both sites would be explored to ensure that on site management could best deliver the Centre's objectives.
- 2.6 Sport England, as one of the key players in sports sector funding, had awarded £130,000 revenue grant funding to the Council for a three year period to March 2012 to develop a multi sport hub at both sites with specific targets to be achieved for increased participation, more coaches and more volunteers. These targets and performance were monitored and reported through our 'Hariactive' – Make a Change programme, and the Wellbeing Partnership Board.
- 2.7 The multi sports hub approach has been acknowledged by Sport England as the most effective approach available to maximise lifetime sports participation. This was because it could provide the key ingredients that best support this goal and it would therefore seem prudent to continue to build a funding package for the Centre's redevelopment and thus have in place public body finance to match and support any commercial opportunities that might arise – particularly looking forward to an improved economic outlook for capital developments generally and specifically in the White Hart Lane area.
- 2.8 We report that we agreed that, in the event that White Hart Lane Community Sports Centre was approved by the London Organising Committee of the Olympic Games as an In Games Training Facility, that authority to enter into a contract with that body for the use of the venue for the 2012 Olympic and Paralympics Games and to conclude a funding agreement with the Olympic Delivery Agency to fund upgrade works at the venue be delegated to the Director of Adult, Culture and Community Services in consultation with the Cabinet Member for Leisure, Culture and Lifelong Learning. We also agreed to the upgrade of the athletics facilities and other critical items of refurbishment in line with the previously approved Sports and Leisure Improvement Programme.
- 2.9 Officers would continue to seek investment for improvement and/or refurbishment works to facilities at both White Hart Lane Community Sports Centre and Finsbury Park Track and Gym (FPTG) from private, public and charitable sector investors and explore the optimum management arrangements for both centres in order to improve commercial

potential and align site management arrangements more directly to stakeholder objectives.

Housing

3. REVIEW OF MANAGEMENT AGREEMENT BETWEEN HARINGEY COUNCIL AND HOMES FOR HARINGEY

- 3.1 The Council will be aware that in April 2006 a five year management agreement with Homes for Haringey was entered into which was due to expire on 31 March 2011 and that at least 12 months notice was required to extend or end the contract. We considered a report which advised us that a comprehensive review of the Management Agreement had now been completed by the Project Board that had overseen this work at bi-monthly meetings between June 2009 and October 2009. The review of the Management Agreement had afforded the Council and Homes for Haringey the opportunity to scrutinise the entire Agreement, to make recommendations affecting the Council's relationship with Homes for Haringey, and to reflect good practice for us to consider and approve.
- 3.2 The report proposed that a new performance management protocol be introduced to assist the Council in its efforts to assess Homes for Haringey's ongoing performance, its delivery of capital projects, its stewardship of the Housing Revenue Account and its contribution to the achievement of the Council's corporate and community objectives. It was also proposed that the existing governance arrangements between Haringey Council and Homes for Haringey (HfH) be reviewed in order to allow Homes for Haringey to produce an Annual Report that provided a holistic view of the organisation's performance, and analysed its achievements against service improvement plan targets. Also, for senior Council officers be allowed to sit on the Board (subject to nomination by the Council)
- 3.3 We were asked to consider and approve a series of amendments and additions to the Management Agreement which were reflected in the new draft Management Agreement. Schedules and Annexes to the Agreement reflected new and existing arrangements and incorporated numerous Service Level Agreements (SLA's), between the Council and Homes for Haringey, that were subject to annual review. Although the updating of these SLAs was not scheduled to be completed until the end of December 2009, the timing of this work and other routine amendments to the Schedules and Annexes would not impact on the main body of the Management Agreement.
- 3.4 We report that we agreed the amendments proposed to the content and wording of the Agreement subject to textual amendments made at our meeting and to the extension of the Management Agreement for another 5 years (until 31 March 2016), with the option to extend the Agreement for a further 2 years (subject to a review of Homes for Haringey's performance). We also agreed amendments to the dispute resolution arrangements; and the introduction of a performance management protocol between the Council and Homes for Haringey.
- 3.5 We further agreed that Homes for Haringey be required to produce an annual Business Plan and Annual Report to the Council and that the Business Plan should be the primary

document for the Council and the Company to set out the priorities for the delivery of Homes for Haringey's business. Senior officers of the Council may now be nominated to the Board of Homes for Haringey.

Environment and Conservation

4. PALACE GATES AND DUKES AVENUE AREA TRAFFIC MANAGEMENT AND 7.5 TONNE WEIGHT RESTRICTION SCHEME

4.1 We considered a report which advised us that extensive consultation had been undertaken between May and October, taking the form of area-wide stakeholder meetings, smaller focus group meetings, informal and formal consultations, a public exhibition and a statutory consultation about a proposed Palace Gates area traffic management scheme.

4.2 We were informed that the perceived problems within the area were:

- A high volume of through traffic
- A high percentage of HGV traffic
- Excessive congestion
- Speeding traffic

There had also been reported incidents of road rage and accidents due to aggressive driver behaviour.

4.3 In order to tackle these problems a scheme consisting of the following elements was proposed subject to public consultation:

- 7.5 tonne area wide weight restriction for the Palace Gates and Dukes Avenue areas
- 20mph speed restriction in the Palace Gates area
- Physical enforcement measures

4.4 We were informed that the results of the consultation revealed 85% support for a 7.5 tonne area wide weight restriction covering both the Palace Gates area and the Dukes Avenue area and this had been progressed under delegated powers ahead of the other elements of the proposed scheme. The 20mph zone proposal in the Palace Gates area was well supported but there was a legal requirement that this be supported by physical measures. The proposed physical measures had been amended since the previous consultation and, where possible, contentious issues had been resolved, removed or mitigated and further, statutory, consultation on these measures.

4.5 We report that we endorsed the implementation of a 7.5 tonne weight restriction for the Palace Gates and Dukes Avenue areas and we agreed that statutory consultation be carried out on the traffic calming and management scheme proposals for the Palace Gates area.

5. CODE OF PRACTICE ON CIVIL PARKING AND TRAFFIC ENFORCEMENT

- 5.1 We considered a report which advised us that the Council was required to publish a parking enforcement code of practice and policy on how discretion was exercised in the cancellation of penalty charge notices. This code of practice was to help motorists understand the parking regulations that applied in Haringey and how the Council enforced them. It would also explain how discretion was exercised and in what circumstances the Council might consider cancelling a penalty charge notice.
- 5.2 We reviewed and made changes our parking policy in September 2007 prior to the implementation of Part 6 of the Traffic Management Act 2004 and the code of practice submitted to us had been compiled from existing policies, procedures and operational practices which took account of the guidance on the Traffic Management Act issued by the Department for Transport and additional guidance issued by London Councils.
- 5.3 We noted that the aim of the Code of Practice was to –
- Ensure that parking services' enforcement activities were transparent and consistent; and
 - Ensure clarity of enforcement policies and practices for motorists.
- 5.4 The key areas covered in the code of practice were parking and traffic contraventions, observation periods and exemptions. There was guidance on the statutory appeals process and examples of when we might cancel a penalty charge notice. It also clarified the involvement of elected representatives in the appeals process who might ask for and receive information on behalf of a constituent about the progress of an appeal or representation, but might not play a part in deciding the outcome of individual cases.
- 5.5 We also noted that parking service staff would use the document in conjunction with the civil enforcement handbook and detailed guidance when considering representations (both formal and informal) and appeals.
- 5.6 We report for information that we approved the publication of the Code of Practice on Civil Parking and Traffic Enforcement.

Adults, Culture and Community Services

6. CARE QUALITY COMMISSION'S ANNUAL PERFORMANCE ASSESSMENT OF ADULT SOCIAL CARE 2008/09

- 6.1 The Council will be aware that the Commission for Social Care Inspection (CSCI) joined the Health Care Commission and the Mental Health Act Commission on 1 April 2009 to become the Care Quality Commission (CQC). CQC hold an annual review monitoring meeting with all Councils with Social Care responsibilities following which, CQC inform the Director of Adult Social Care Services of the progress achieved against performance targets in the year, drawing attention to key strengths and areas for improvement. It was a requirement that the CQC assessment and any action or improvement plan in response, was placed before the Council's relevant Executive Committee in open

session. The CQC assessment was based on a set of national standards and criteria and the judgement provided to Councils was open to challenge by them before the results were made public in the form of grade awarded for delivery of outcomes, early December.

- 6.2 We considered a report which advised us that following an annual review monitoring meeting which had taken place in August 2009 the CQC had sent the Council their summary report for 2008/09 annual performance assessment of social care for Adult Services in October 2009. This was based on a Performance Assessment Notebook (PAN). The purpose of the PAN was to provide the Council with an assessment from CQC which outlined strengths, achievements, and areas for development. We noted that a Performance Improvement Plan (PIP) had been drawn up to ensure that identified areas for development in the PAN and the key areas for improvement, in CQC's summary letter, were addressed.
- 6.3 The judgement reached by CQC resulted in the award an overall grade for delivering outcomes and a separate grade for each of the seven outcomes – *Grade 1: performing poorly; Grade 2: performing adequately; Grade 3: performing well; and, Grade 4: performing excellently.* The commentary of the two domains of leadership, use of resources and commissioning would be directly transferred to the Comprehensive Area Assessment.
- 6.4 We were pleased to note that the overall judgements in our 2007/08 performance rating were:

Delivering outcomes judgement determined as **Good**, with
 Capacity to improve as **Promising**.

The overall grade awarded for Delivery of Outcomes in 2008/09:

Adult Social Care Services was **Performing Well**, consistently delivering above the minimum requirements for people, was cost effective and made contributions to wider outcomes for the community. The next (and upper level) is *Performing Excellently*.

The Service Inspection (2009) found:

The Council's capacity to improve as **Promising**, judged using the 'Leadership' and 'Commissioning and Use of Resources' domains.

Performance against the seven outcomes for adult social care as set out in the White Paper 'Our Health, Our Care, Our Say' is:

Overall Grade Awarded for Delivery of Outcomes		Performing Well
Delivering Outcomes		Grade Awarded
Improved health and well-being		Well
Improved quality of life		Well
Making a positive contribution		Well
Increased choice and control		Adequate

Freedom from discrimination or harassment	Well
Economic well-being	Well
Maintaining personal dignity and respect	Adequate

- 6.5 Significant improvements had been made in all of the National and Performance Indicators and Haringey was among the top ten for most of the indicators when compared to other London Boroughs, and to those with the same demographics. The CQC commented that: the Council provided strong political leadership and contributed to good partnership arrangements, promoting the modernisation of adult social care. The Service Inspection noted these strengths and the clear vision for older people and self-directed care services and judged the Council's capacity for improvement to be **Promising**;
- 6.6 CQC's recognition that Adult Social Care Services was **Performing Well**, consistently delivering above the minimum requirements for people, was cost effective and made contributions to wider outcomes for the community, and the Service Inspection's verification of capacity to improve as **Promising**, reflected that the Council was well placed in 2009/10 to build on the significant improvements made in 2008/09.

Leader

7. LOCAL DEVELOPMENT FRAMEWORK: ANNUAL MONITORING REPORT 2008/09

- 7.1 We considered a report which sought our approval to the Local Development Framework Annual Monitoring Report (AMR) for submission to the Government Office for London as required by the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Development) (England) Regulations 2004.
- 7.2 The report set out a brief summary of the planning performance in 2008/09. Key policy themes and performance indicators were summarised under the headings Development Management; Housing; Economic Activity; Town Centres and Retailing; Environment and Transport and Planning Obligations.
- 7.3 The Annual Monitoring Report concluded that the Council was performing well against the National Indicators for planning and had met its 2008/09 targets for planning applications and appeals and for building new homes on previously developed land. UDP policies had also been effective in delivery the Borough's environmental, economy and retail/town centre aims, and the Local Development Framework timetable - The Local Development Scheme – had met its milestones for 2008/09.
- 7.4 We noted that, overall, the Council had maintained its performance and achieved the milestones for the reporting year 2008/09. The Officer assessment from the national indicators and milestones was that overall the performance was positive. However, we also noted that core indicators did show concern about housing size on new applications and we were informed that this was being addressed through both Development Management operational work and Policy reviews.
- 7.5 We approved the Annual Monitoring Report (AMR) 2008/2009 for submission to the Government Office for London and in so doing noted the conclusion that overall the aims

of the Council's current "place shaping plan", (the Unitary Development Plan 2004-2016) were being delivered and that the Plan's indicators for 2008-09 were generally positive. Full copies of the AMR had been placed in the Members Room and published on the Council's web site.

8. COMPREHENSIVE AREA ASSESSMENT

8.1 The Council will be aware that the Comprehensive Area Assessment replaced the CPA in April 2009 and that it had two parts, the Area Assessment and the Organisational Assessment. The Area Assessment looked at the outcomes delivered by the Council and its partners, focussed on the activities of the Strategic Partnership and what had been achieved against priorities. The Area Assessment was not scored but where there were exceptional or innovative outcomes achieved, a Green Flag is awarded. If outcomes were not on track, a Red Flag was given.

8.2 The Organisational Assessment was focussed on the Council and had two sections:

1) Use of Resources

- **Managing finances** looked at planning finances effectively, having a sound understanding of costs and performance;
- **Governing the business** considered the commissioning and procurement of quality services and the delivery of sustainable outcomes and value for money. It is also focused on having reliable data and information to support decision making, together with good governance and management of risk;
- **Managing resources** assessed the use of natural resources, management of assets and workforce organisation and development. Workforce issues were not included in this year's assessment, but will be part of the 2009/10 assessment.

2) Managing Performance

Managing Performance assessed the Council's achievements. It looked at outcomes against Council priorities and the prospects for future improvement, through consideration of what had been achieved, and whether the Council had robust strategies and plans in place for the future. In making this judgement the Audit Commission considered the findings of the Ofsted inspection of Children's Services and the Quality Care Commission's assessment of Adult Social Care services.

8.3 We considered a report which advised us that Haringey's CAA results for 2009 were as follows -

Area Assessment
Draft narrative report with one red flag for safeguarding children.
Organisational Assessment – overall score of 1 out of 4

Managing Performance – overall score	1 out of 4
Adults Social Care Services – performing well	3 out of 4
Children’s Services rating – performing poorly	1 out of 4
Use of Resources- overall score	3 out of 4
Managing Finances	3 out of 4
Governing the Business	2 out of 4
Managing Resources	3 out of 4

- 8.4 While the Area Assessment report presented a positive picture of achievements, a red flag was given for safeguarding children and although the report for the Council’s Managing Performance assessment had many examples of positive outcomes, the overall score was 1 out of 4, reflecting Ofsted’s assessment of the Children and Young People’s safeguarding service, which carried considerable weight in the overall assessment.
- 8.5 The Use of Resources assessment scored three out of four; but when combined with the Managing Performance score of one out of four, the overall score for the **Organisational Assessment** was one out of four with a judgement that overall, Haringey London Borough Council performed poorly.
- 8.6 The areas where improvements needed to be made were recognised and Ofsted would be undertaking a further inspection of Children’s Services in January 2010 while the Audit Commission would inspect Housing Services in May 2010. We would also continue to strive to improve performance across a range of services provided by the Council and its partners that the inspection bodies recognised as areas where improvements had been made or that were performing well. These included:
- Street cleaning
 - Tackling climate change
 - Parks
 - Reducing crime
 - Adult Social Care
 - Financial Management
 - Managing resources.
- 8.7 We concluded that, overall, 2009 had been a challenging year, that progress had been made and that we would continue to work hard to address the fundamental problems in children’s safeguarding services. We looked forward to 2010 where we aimed to continue to make sustainable improvements in key services that mattered most to the residents of Haringey.

9. THE COUNCIL’S PERFORMANCE: OCTOBER 2009 (PERIOD 7)

- 9.1 We considered a report which presented on an exception basis financial and performance information for the year to October 2009, asked us to agree proposed budget virements in accordance with financial regulations.
- 9.2 We noted that overall performance on the monthly basket of indicators showed that of the 76 indicators 47% were on target with a further 18% close to target and 28% not currently achieving target. For the remaining 5 indicators (7%) data or targets were not available and there status could not be allocated. The report provided some key messages on performance for the year to October 2009 including an update on progress against Haringey's Local Area Agreement (LAA) targets particularly those where the Council was the lead agency. An Appendix served as an exception report for those areas where targets were not being met.
- 9.3 The overall revenue budget monitoring, based on the October position, showed a forecast gross spend of £4.9 million above budget an increase on the previous month of £0.5 million. This figure was made up of pressures across a number of Directorates. As highlighted in the report on the last period, a £1 million contribution from the general contingency and a £1.5 million saving on the inflation budget following the pay award settlement had helped to offset this figure. Additionally, from the beginning of October 2009 the Council had moved onto the new energy contract which offered prices significantly lower than those paid in the first half of the year. The current forecast saving on energy bills within the general fund was £0.6 million. This would give an overall outturn figure of a net £1.8 million above budget. Officers would continue to monitor the position closely to assess the impact of the measures being put in place to reduce costs wherever possible.
- 9.4 The aggregate capital projected position in 2009/10 was to under spend by £13.2 million which equated to 7% of the approved budget. We noted that a significant proportion of the current year's capital programme was funded from receipts generated as part of the Council's disposal programme. The target level of receipts assumed in 2009/10 was £9.1 million but, as previously reported, the projected actual receipt total was short of the target, currently forecast at £4.4 million. The underlying reason for this shortfall was the difficult property market conditions currently prevailing which had meant that some disposals were being deferred in order to achieve best value for the authority. Mitigating actions were still being explored to address the forecast shortfall although the re-profiling of some schemes this year would help the current year's position.
- 9.5 Under the Constitution, certain virements are key decisions. Key decisions are:
- For revenue, any virement which results in change in a directorate cash limit of more than £250,000; and
 - For capital, any virement which results in the change of a programme area of more than £250,000.

Key decisions are highlighted by an asterisk in the table.

- 9.9 The following table sets out the proposed changes. There are two figures shown in each line of the table. The first amount column relates to changes in the current year's budgets

and the second to changes in future years' budgets (full year). Differences between the two occur when, for example, the budget variation required relates to an immediate but not ongoing need or where the variation takes effect for a part of the current year but will be in effect for the whole of future years. Proposed virements are set out in the following table –

Revenue Virements						
Period	Service	Key	Amount current year (£'000)	Full year Amount (£'000)	Reason for budget changes	Description
P8	CY	Rev	146		Corrective Budget Realignment	Technical adjustment to correctly allocate catering income budgets between breakfast clubs and primary schools.
P8	CY	Rev	200	200	Corrective Budget Realignment	Younger Children Assessment Team is being restructured. Income from Supporting People and Children's Fund had ceased this financial year and salary budget reduced consequently.
P8	CR	Rev	122		Corrective Budget Realignment	Budget adjustment to reflect revised Smart Working spend profile as agreed by the Accommodation Delivery Board
P8	CR/PD	Rev	119	138	Corrective Budget Realignment	Contract savings on cash/cheque collection and agency managed service transferred to Corporate Procurement Savings code.
P8	UE	Rev	(151)	(151)	Corrective Budget Realignment	Funding for Smoking Grant used over 2 years has ceased.
P8	AC	Rev	220	220	Corrective Budget Realignment	Moving budgets to reflect where post costs have moved.
P8	AC	Rev	(122)		Corrective Budget Realignment	Moving Day Care transport under spends to Community Alarms in order to offset income shortfall.
P8	AC	Rev	287	56	Corrective Budget Realignment	Moving ABG and other budgets from ACCS contingency to specific cost centres.
P8	AC	Rev	112	112	Corrective Budget Realignment	Transfer of budget in the Safeguarding Team
P8	AC	Rev	104	104	Corrective Budget Realignment	Transfer of budget to reflect type of expenditure.
P8	AC	Rev	113	113	Corrective Budget Realignment	Virement to support approved revised staffing structure from Governance & Partnerships within the Commissioning & Strategy Unit
P8	CE/PD/PP/CR	Rev *	523	523	Corrective Budget Realignment	Haringey Forward efficiencies identified from VFM reviews of subjective expenditure
P8	UE/CY/AC	Rev *	293	293	Corrective Budget Realignment	Haringey Forward efficiencies identified from VFM reviews of subjective expenditure

Capital Virements							
Period	Service	Key	Amount current year (£'000)	Full year Amount (£'000)	Reason for budget changes	Description	
P8	CR	Cap *	(650)		Corrective Budget Realignment	Budget re-profiling to reflect revised Smart Working spend profile as agreed by the Accommodation Delivery Board	
P8	UE	Cap *	310		2009/10 allocations	Allocation of the 2009/10 Growth Area Funding 3 to various projects	
P8	UE	Cap *	266		2009/10 allocations	Allocation of the 2009/10 Growth Area Funding 3 to the Garden of Remembrance at the Mortuary	

10. URGENT ACTIONS IN CONSULTATION WITH CABINET MEMBERS

10.1 We were informed of the following action taken under urgency procedures by a Director in consultation with the Leader or other Cabinet Member -

Director of Corporate Resources

Section 106 Agreement – Garage Colony Waverly Road N 17

Approval to the delegation of authority to the Head of Legal Services to agree and execute a Section 106 Agreement binding the Council in its capacity as the freehold owner of the land at the Garage Colony, Waverley Road N17.

Acquisition of Land and Buildings at 20 and 21 Cranford Way Industrial Estate to Facilitate the Relocation of Hornsey Re-use and Recycling Centre

Authorisation of the Head of Corporate Property Services, in consultation with the Cabinet Member for Resources, to acquire industrial units 20 and 21 Cranford Way Industrial Estate and adjoining vacant land at Tottenham Lane, Hornsey by private treaty or at auction if necessary for the best negotiated or bid price.

Assistant Chief Executive

Revision of Pricing Structure for Broadwater Farm Community Centre

Approval to the implementation of a revision of the pricing structure for the hire of Broadwater Farm Community Centre facilities.

11. DELEGATED DECISIONS AND SIGNIFICANT ACTIONS

11.1 We were informed of the following significant action taken by a Director under delegated powers -

Director of Adult, Culture and Community Services

Adaptations Service Establishment Changes – 3 additional Occupational Therapists.

GAP Staffing Structure

Director of Corporate Resources

Replacement of Gas Fired Boilers and Heating Control Upgrades – Approval to the award of the contract.

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**REPORT OF THE CONSTITUTION REVIEW WORKING GROUP
No. 4/2009-10**

COUNCIL 18 JANUARY 2010

Chair:
Councillor Kober

INTRODUCTION

- 1.1 This report covers a report considered by the Constitution Review Working Group at our meeting on 20 October 2009.

ITEMS FOR DECISION

2. CRIME AND DISORDER SCRUTINY – AMENDING THE TERMS OF REFERENCE OF THE OVERVIEW AND SCRUTINY COMMITTEE

- 2.1 We were advised about changes to legislation that impose a duty on local authorities to scrutinise the actions of their local Crime and Disorder Reduction Partnerships. These changes are contained in the Police and Justice Act 2006, as amended by the Local Government and Public Involvement in Health Act 2007, and in related Regulations.
- 2.2 There must now be a Committee within every Council with power to scrutinise crime and disorder matters. This role can be undertaken either: (i) by a special Crime and Disorder Scrutiny Committee, or (ii) by the existing main Overview and Scrutiny Committee.
- 2.3 We were informed that a report on the new legislation and Government Guidance had been considered by the Overview and Scrutiny Committee on 27 July 2009. The Committee approved in principle option (ii) above. The Committee noted that this option would involve an amendment to its terms of reference in the Council's Constitution so that the crime and disorder scrutiny functions would be added to the Committee's existing functions.
- 2.4 The recommended amendments to the terms of reference of the Overview and Scrutiny Committee are set out in the Appendix to this report. The additional crime and disorder scrutiny functions are shown in italics and underlined as sub-paragraphs (h), (i) and (j). We noted that the Committee would have to consider crime and disorder issues at least once a year.
- 2.5 Sub-paragraph (h) will give the Committee new powers to review and scrutinise decisions or actions of the Council's partner authorities in discharging their crime and disorder functions. These partners are primarily the Metropolitan Police but also the Probation Authority and Health Authorities. The main focus is likely to be the review of the local Crime and Disorder Reduction Partnership Strategy and the

examination of its effectiveness. The Committee will have new powers to require the attendance of employees from the partner authorities on giving reasonable notice.

- 2.6 Sub-paragraph (i) adds the powers of Overview and Scrutiny Committee to submit reports and recommendations to Cabinet or full Council arising from the Committee's new crime and disorder scrutiny functions. Such reports will go to the Cabinet in the first instance as the Member body co-ordinating partnership working. In the event of a recommendation from Overview and Scrutiny Committee not being accepted by the Cabinet, the matter would be reported to full Council for determination.
- 2.7 Sub-paragraph (j) confers a new power on all Councillors, outside the membership of Overview and Scrutiny Committee, to refer any local crime and disorder matter to the Committee under the Councillor Call for Action Procedure. This is intended to cover, in particular, anti-social behaviour or behaviour adversely affecting the local environment and the abuse of drugs, alcohol or other substances in a Councillor's Ward.
- 2.8 Overview and Scrutiny Committee would be bound to consider a validly raised issue from an individual Ward Councillor that fell within the scope of the proposed Protocol. The Committee would decide whether or not to review the issue and whether to make recommendations on it to the Cabinet, to the relevant Council Director or to a partner agency.
- 2.9 We received a separate report on the Councillor Call for Action Procedure and the draft Protocol that will guide its use. We agreed that this draft Protocol should be the subject of further consultation with Members and the Haringey Strategic Partnership before it is reported to a future meeting of full Council for adoption. The Councillor Call for Action Procedure will be available not only for crime and disorder matters but also for a wide range of Council Service issues. We noted that it is intended to be a mechanism of last resort after the existing methods for resolving local problems had been tried and proved unsatisfactory.

WE RECOMMEND

That Members agree to add the crime and disorder scrutiny functions to the terms of reference of the Overview and Scrutiny Committee as set out in the Appendix to this report and resolve to adopt them as amendments to Part 3 Section C of the Council's Constitution.

APPENDIX

[the text shown in *italics* and underlined is recommended for addition or insertion and the text shown ~~struck through~~ is recommended for deletion]

COUNCIL'S CONSTITUTION

Part 3, Section C – Terms of Reference of Non-Executive Committees

2. Overview and Scrutiny Committee

The Overview and Scrutiny Committee may:

- (a) exercise an overview of the forward plan;
- (b) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;
- (c) make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;
- (d) make reports or recommendations on matters affecting the area or its inhabitants;
- (e) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet;
- (f) receive the reports and recommendations of its Panels; and
- (g) in accordance with statutory regulations to review and scrutinise matters relating to the health service within the Authority's area and to make reports and recommendations thereon to local NHS bodies;
- (h) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible partner authorities of their crime and disorder functions;
- (i) make reports or recommendations to the Cabinet or full Council where appropriate with respect to the discharge of the crime and disorder functions by the responsible partner authorities; and
- (j) make arrangements which enable any Councillor who is not a Committee Member to refer any crime and disorder matter to the Committee under the Councillor Call for Action procedure.

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**REPORT OF THE CONSTITUTION REVIEW WORKING GROUP
No. 5/2009-10**

COUNCIL 18 JANUARY 2010

Chair:
Councillor Kober

INTRODUCTION

- 1.1 This report covers a report considered by the Constitution Review Working Group at our meeting on 1 December 2009.

ITEM FOR DECISION

**2. AMENDMENTS TO THE SCHEME OF DELEGATION TO OFFICERS
- LICENSING AND STANDARDS BODIES**

Licensing Committee Delegations – Minor Variations Procedure

- 2.1 We were advised about changes to the Licensing Act 2003 that are intended to reduce the burden of regulation by introducing a quicker and simpler “minor variations” procedures for those variations that are not likely to be controversial. The new legislation came into effect on 1 August 2009. The Council is now being asked to agree amendments to the relevant officers’ delegated powers in order to facilitate the effective operation of the new “minor variations” procedures.
- 2.2 We were reminded that, under the Licensing Act 2003, anyone wishing to sell alcohol by retail, provide late night refreshment or provide regulated entertainment, must apply to the Council for a premises licence. If there is any objection from a resident or business in the vicinity or from a “responsible authority”, such as the Police, the application has to be heard by a 3 Member Licensing Sub-Committee. If there are no objections the application is automatically granted.
- 2.3 When the licensable activities take place within a qualifying club, rather than publicly on a commercial basis, then there must be an application for a “club premises certificate”, rather than a “premises licence”, but essentially similar rules and procedures will still apply.
- 2.4 We noted that under the original legislation almost all variations to a premises licence had to be the subject of a full application procedure that would result in a Sub-Committee hearing in the event of an objection. After a public consultation last year, the Government has now introduced a quicker and simpler “minor variations” process for those variations that are not likely to be controversial. The fee for a “minor variation” application is now fixed at £89 rather than the average fee of £190 for the full application.

- 2.5 A “minor variation” is defined as one that will not impact adversely on the statutory licensing objectives. These are: (i) the prevention of crime and disorder (ii) public safety (iii) the prevention of public nuisance, and (iv) the protection of children from harm.
- 2.6 An application cannot be treated as a “minor variation” if it would: (i) extend the period for which the premises licence has effect, (ii) vary substantially the licensed premises, (iii) add or alter a designated premises supervisor, (iv) add the sale/supply of alcohol as a licensed activity, (v) increase the amount of time alcohol could be sold/supplied or (vi) authorise the sale/supply of alcohol at night between 23.00 and 7.00. Most “minor variations” are likely to be applications to vary existing licence conditions which do not fall within (i) to (vi) above.
- 2.7 We were informed that under the “minor variation” procedure the applicant will be required to advertise the proposed change publicly by notice outside the licensed premises for only 2 weeks as compared to 4 weeks for the full application. Local residents/traders and the “responsible authorities” will have the opportunity to make written objections within the 2 week period and any objections made must be taken into account before a decision is taken to grant or refuse the application.
- 2.8 This decision to grant or refuse must be made within 3 weeks of receipt of the application or the application is deemed to be refused. Unlike the full application procedure, there is no requirement for a hearing involving the applicant and objectors before a Member Sub-Committee. The applicant under the “minor variation” procedure has no right of appeal to the Magistrates against a refusal which would have existed under the full application procedure.
- 2.9 We were advised that, while there is no legal requirement for Councils to delegate decisions on “minor variations” applications to officers, the Government does assume that most Councils will wish to do so in order to meet the very tight timetable for a decision under this procedure.
- 2.10 We noted that the introduction of the new “minor variation” procedure was reported to a special meeting of the Licensing Committee on 3 August 2009. The Committee agreed to delegate powers relating to applications for “minor variations” to the Head of Enforcement Services. The Committee requested full Council to agree the changes shown in Appendix 1 to this report and to adopt them as amendments to the Office Scheme of Delegation in Appendix E to the Council’s Constitution.

Standards Committee Delegations – Appointment of Sub-Committee Membership

- 2.11 As a wholly separate issue, we were asked to approve a correction to the officer scheme of delegation which would restore the delegated power, previously granted to the Head of Local Democracy and Member Services, to appoint the membership of Sub-Committees of the Standards Committee.
- 2.12 We were advised that the current delegated powers granted to the Head of Local Democracy and Member Services are as shown at Appendix 2 to this report. The final sub-paragraph (m), which is in bold italics and underlined, is not included in the current Scheme of Delegation to Officers last revised and adopted by full Council on 30 March 2009. However, this sub-paragraph (m) was previously agreed by the Standards Committee and adopted by full Council on 14 July 2008. The omission of sub-paragraph (m) from the Scheme in March 2009 was an unfortunate oversight which Members are now being recommended to correct.
- 2.13 We noted that the Monitoring Officer reported to the Standards Committee meeting on 10 June 2008 concerning the introduction of the “local filter” arrangements for handling complaints under the Members’ Code of Conduct. Under the Local Government and Public Involvement in Health Act 2007 this became the responsibility of the local Standards Committee rather than the Standards Board for England from 8 May 2008. Each Standards Committee was required to set up Assessment Sub-Committees and Review Sub-Committees to decide which complaints merited formal investigation by the Monitoring Officer. Those complaints which involve a finding of failure to comply with the Code result in a formal hearing which can be undertaken by the full Standards Committee but are usually determined by a Hearing Sub-Committee.
- 2.14 The membership of the main Standards Committee is appointed by Annual Council and this includes the 5 independent members. However the Sub-Committees mentioned above have an ad-hoc membership which varies according to timing and Member availability. The Standards Committee can appoint a Sub-Committee if there is a convenient Committee meeting in advance of the proposed Sub-Committee meeting. But often this will be inconvenient.
- 2.15 We were advised that the only other valid mechanism for making appointments to Sub-Committees is delegation to an officer since the Chair of the Committee has no power to take formal decisions alone. The appropriate officer is the Head of Local Democracy and Member Services who has delegated powers to appoint to other Member bodies.

- 2.16 Each Sub-Committee has a membership of 5, which will include at least 2 of the independent members, one of whom must Chair the meeting. There will be at least one majority group Councillor and one minority group Councillor. We were assured that when exercising the proposed delegated power, the Head of Local Democracy and Member Services would observe the above principles and would consult both the Chair of the Standards Committee and the Monitoring Officer. Every effort would be made to ensure that all Members of the Committee have the opportunity to participate, in turn, in Sub-Committee business.
- 2.17 We noted that in most cases the identity of the Members serving on a Standards Sub-Committee would not be contentious. But in a few instances, where there might be suggestions of possible bias affecting a Standards Committee Member or Members, we were assured that officers would wish to refer the decision on the appointment of the membership to the Standards Committee itself rather than relying upon the delegation.

WE RECOMMEND

That Members agree the changes to the scheme of delegation to officers set out in Appendices 1 and 2 to this report and resolve to adopt them amendments to Appendix E to the Council's Constitution

(The text of this Appendix is already part of the Officer Scheme of Delegation for the Directorate of Urban Environment. In order to grant new delegated powers to determine minor variation applications, the text recommended to be added is shown in bold italics and underlined. N.B. the reference to “Appendix 2” in the “box” at the top of the Schedule below is a reference to Appendix 2 to the Scheme of Delegation for the Directorate of Urban Environment which is not reproduced in this report as there will be no changes to it.)

APPENDIX E to the Council’s Constitution – Scheme of Delegation to Officers

Section 4 – Delegations to the Directorate of Urban Environment

Schedule of statutory delegations (extract relating to the Licensing Act 2003)

Licensing Act 2003	Limited Delegation: The delegations to officers under this Act exclude all the matters reserved by law to the Licensing Committee and Licensing Sub-Committees as set out in Appendix 2 below	
Section 5	Power to consult about the Statement of Licensing Policy or revisions but excluding the final adoption of the Statement of Licensing Policy or revisions to it	H-Enf
Section 8 and Schedule 3	Duties in relation to the register of prescribed licensing information	H-Enf
Sections 13, 69, 108 and 179	Power to appoint authorised persons or officers for purposes of this Act	AD-FS H-Enf - only
Part 3 and Schedule 5 Part 1	Powers in relation to Premises Licences including applications for, and the grant, duration, variation, updating, transfer and review of, licences and provisional statements, interim authority notices and inspection of premises. <u>This includes powers in relation to applications for minor variations of premises licences.</u> Powers in relation to the conduct of appeals and the enforcement of these provisions	H-Enf
Part 4 and Schedule 5 Part 2	Powers in relation to Club Premises Certificates including applications for, and determinations relating to, the grant, duration, variation, updating, withdrawal and review of,	H-Enf

	certificates. <u>This includes powers in relation to applications for minor variations of premises club premises certificates.</u> Powers in relation to the conduct of appeals and the enforcement of these provisions	
Part 5 and Schedule 5 Part 3	Powers in relation to Permitted Temporary Activities including Temporary Event Notices and objections, modifications, rights of entry and copies. Powers in relation to the conduct of appeals and the enforcement of these provisions	H-Enf
Part 6 and Schedule 5 Part 3	Powers in relation to Personal Licences, Including applications for, and the grant and renewal of, licences including notification of changes and convictions. Powers in relation to the conduct of appeals and the enforcement of these provisions	H-Enf
Parts 7, 8 & 9 and all Regulations made under the Licensing Act 2003	Powers in relation to offences, closure of premises and miscellaneous and supplementary matters, including special events and exemptions, and all procedural or operational matters excluding final decisions on applications <u>requiring hearings</u> which are reserved to Members.	H-Enf

APPENDIX 2

(The text of this Appendix is already part of the Officer Scheme of Delegation for Proper Officer and Specified Officer Functions. The text proposed to be added, in order to grant delegated powers to appoint the membership of Standards Sub-Committees, is shown at sub-paragraph (m) in bold italics and underlined. Those delegations marked with an asterisk * indicate that consultation with a Member is required before exercise of the power.)

APPENDIX E to the Council's Constitution – Scheme of Delegation to Officers

Section 9 – Proper Officer and Specified Officer Functions

1.4 Head of Local Democracy and Member Services

The Head of Local Democracy and Member Services is appointed Proper Officer and specified officer in relation to:

- (a) Those proper officer functions relating to access to information not delegated to the Head of Legal Services above under Part VA and Schedule 12A of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000-2006;
- (b) Section 191 of the Local Government Act 1972 (providing information to assist the Ordnance Survey);
- (c) Sections 225 and 229 and Schedule 14, Part II, Paragraph 25 (7) of the Local Government Act 1972, and Section 41(1) of the Local Government (Miscellaneous Provisions) Act 1976 (custody of, and certifying, documents);
- (d) Section 8 of the Representation of the People Act 1983 (the officer who will act as Deputy to the Electoral Registration Officer in the event of the latter's incapacity or a vacancy arising);
- (e) Section 2(2) of the Local Government and Housing Act 1989 (Maintenance of the list of politically restricted posts);

In addition the Head of Local Democracy and Member Services is empowered:

- (f) To determine the appointment of outside members to the “pool” from which the membership of School Admissions Appeals Panels and School Exclusions Appeals Panels are drawn;
- (g) To determine the membership of individual Appeals Panels (under (f) above) and the selection of Chairs of these Panels;
- (h) To make appointments of representative School Governors as notified by the Cabinet Member for Children and Young People or the Opposition Spokesperson, as appropriate; *
- (i) To make appointments to vacancies on the Standing Advisory Council on Religious Education and Conference Committees;
- (j) To make appointments to the membership of Special Licensing Sub-Committees from among the Members of the Licensing Committee; *
- (k) To appoint an additional Member or Members to any scheduled meeting of a Licensing Sub-Committee from among the Members of the Licensing Committee whenever the appointment of a substitute Member under the Committee Procedure Rules (Part 4, Section B) would be impracticable and the meeting would otherwise be inquorate; *
- (l) The exercise of the delegated powers in (j) and (k) above shall be, so far as practicable, in consultation with the Chair of the Licensing Committee and the Chief Whip of each Group and with a view to achieving political balance in the membership of Licensing Committees. *
- (m) **To appoint the membership of Assessment Sub-Committees, Review Sub-Committees and hearing Sub-Committees in accordance with the relevant Regulations (S.I. 2008/1085 and any amendment) and the decisions of the Standards Committee and in consultation with the Chair of the Standards Committee and the Monitoring Officer. ***