

Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF
BARNET held at The Town Hall, Hendon, NW4, on Tuesday, 6 November 2007.

PRESENT:

- *The Worshipful the Mayor (Councillor Maureen Braun)
- *The Deputy Mayor (Councillor Richard Cornelius)

Councillors:

- | | | |
|---------------------------|----------------------------|---------------------------|
| *Fiona Bulmer | *Christopher Harris BA BSc | *Sachin Rajput BA (Hons) |
| *Terry Burton | MPhil | PgD Law |
| *Anita Campbell | *Helena Hart | *Robert Rams |
| *Wayne Casey BA (Hons) | *John Hart BA MA | *Barry Rawlings |
| MIIA | *Lynne Hillan | *Hugh Rayner |
| *Danish Chopra | *Ross Houston | *Colin Rogers |
| *Dean Cohen BSc (Hons) | *Anne Hutton | *Lisa Rutter |
| *Jack Cohen | *Julie Johnson | *Brian Salinger |
| *Melvin Cohen LLB | *Duncan Macdonald | *Kate Salinger BEd (Hons) |
| *Brian Coleman, AM, FRSA | Caroline Margo | *Gill Sargeant |
| *Geof Cooke | *John Marshall | *Joan Scannell |
| *Jeremy Davies BA (Hons), | *Linda McFadyen | *Alan Schneiderman |
| CPFA | *Kath McGuirk | *Agnes Slocombe SRN RM |
| *Mukesh Depala | *Andrew McNeil | *Ansuya Sodha MBA (Middx) |
| *Jane Ellison | *Alison Moore | Cert Ed, DipM (CIM), AMBA |
| *Claire Farrier | *Jazmin Naghar | *Andreas Tambourides |
| *Anthony Finn BSc (Econ) | *Matthew Offord | *Joanna Tambourides |
| FCA | *Charlie O-Macauley | *Daniel Thomas BA (Hons) |
| *Mike Freer | *Monroe Palmer OBE, BA, | *Jim Tierney |
| *Brian Gordon, LL.B | FCA | *Daniel Webb |
| *Eva Greenspan BA LL.B | *Susette Palmer MA | *Richard Weider |
| (Hons) | *Bridget Perry | *Marina Yannoudakis BSc |
| *Andrew Harper | *Wendy Prentice | (Hons) MA |
| | | *Zakia Zubairi |

*denotes Member present

75. PRAYER (Agenda Item 1):

The Mayor's Chaplain offered prayer.

76. APOLOGIES FOR ABSENCE (Agenda Item 2):

Apologies for absence were received from Councillor Caroline Margo

77. **MINUTES OF MEETING HELD ON 11 September 2007 (Agenda Item 3):**
RESOLVED – That the decision of the meeting held on 11 September be approved subject to the following corrections
Minute 54: Motion in the name of Councillor Helena Hart, the division was take on the substantive motion.
The second reference to Councillor Dean Cohen should be replaced with Councillor Daniel Webb.
The last reference to Councillor Richard McNeil should be Councillor Andrew McNeil.
78. **OFFICIAL ANNOUNCEMENTS (Agenda Item 4):**
There were none.
79. **DECLARATIONS OF PERSONAL AND PREJUDICIAL INTERESTS (Agenda Item 5):**
There were none.
80. **BUSINESS REMAINING FROM LAST MEETING(Agenda Item 6):**
None.
81. **QUESTION TIME FOR MEMBERS (Agenda Item 7):**
Questions were put to the Leader and the relevant Members of the Cabinet. Those questions, together with the original answers provided and the text of any supplementary questions and answers are set out in an Appendix to these minutes.
82. **VARIATION OF ORDER OF BUSINESS**
Councillor Robert Rams, duly seconded, moved under Council Procedure Rule, Section 1, paragraph 10.2.2, that the order of business relating to Agenda Item 8 be varied so that Motions 8.1, 8.4 and 8.5 be heard first.
Upon being put to the vote, the motion was declared carried.
RESOLVED – That the order of business be varied to allow Motions 8.1, 8.4 and 8.5 to be heard first.
83. **MOTION IN THE NAME OF COUNCILLOR MIKE FREER (Agenda Items 8.1**
Motion 8.1 in the name of Councillor Mike Freer was moved.
Debate ensued. Upon being put to the vote the motion was declared carried.
RESOLVED – That the Council of the London Borough of Barnet requests that The Worshipful the Mayor, on behalf of all the citizens of Barnet, sends Loyal Greetings to Her Majesty the Queen on the occasion of the Diamond Anniversary of Her Majesty's wedding to His Royal Highness The Prince Philip , Duke of Edinburgh, and congratulates Her Majesty and His Royal Highness on this milestone and expresses gratitude for their joint contribution to the life of our Borough and our Nation.

84 MOTION IN THE NAME OF COUNCILLOR ROBERT RAMS (Agenda Item 8.4 and 13.1.10(ii))

Motion 8.4 was moved in the name of Councillor Robert Rams. An amendment in the name of Councillor Andrew McNeil was moved.

Upon being put the vote the amendment in Councillor Andrew McNeil's name was declared lost. The substantive motion was declared carried.

RESOLVED - Council notes that 1.6 billion plastic carrier bags are issued every year in London, with each person receiving around 200 such bags a year.

Council further notes that only one in every 200 plastic bags is recycled, and plastic bags can take up to 400 years to break down when disposed in landfill.

Council therefore believes drastic action is required to cut the number of such bags issued, and/or to encourage the re-use of existing plastic carrier bags.

Plastic bags now attract a levy in Ireland to discourage their use, Council understands, while in Modbury, Devon, all 43 retail traders have introduced a voluntary plastic bag ban.

Council further welcomes the campaign led by London Councils that seeks new powers through a 10th London Local Authorities Bill to curtail the issuing and disposal of plastic bags and reduce their environmental impact.

Accordingly, Council calls on Cabinet to investigate initiatives to cut plastic bag usage in the Borough. Council also requests that the Chief Executive writes to London Councils supporting their campaign to reduce the use of throwaway plastic shopping bags in London.

85 MOTION IN THE NAME OF COUNCILLOR JOHN MARSHALL (Agenda Item 8.5 and 13.1.10 (iii) (a) and (b))

Motion 8.5 in the name of Councillor John Marshall was moved. Amendments in the names of Councillors Anne Hutton and Jeremy Davies were moved. Debate ensued

Upon being put to the vote the amendment in the name of Councillor Anne Hutton was declared lost. Ten Members demanded a Division on the voting on the amendment in the name of Councillor Anne Hutton. Upon being taken the results of the Division declared as follows.

For	Against	Absent
Councillors	Councillors	Councillors

Campbell	Braun	Coleman
Casey	Bulmer	Margo
Chopra	Burton	
Cohen	Dean Cohen	
Cooke	Melvin Cohen	
Davies	Cornelius	
Farrier	Depala	
Houston	Ellison	
Hutton	Finn	
Johnson	Freer	
Macdonald	Gordon	
McFadyen	Greenspan	
McGuirk	Harper	
McNeil	Harris	
Moore	Helena Hart	
O-Macauley	John Hart	
Monroe Palmer	Hillan	
Susette Palmer	Marshall	
Rawlings	Naghar	
Rogers	Offord	
Sargeant	Perry	
Schneiderman	Prentice	
Slocombe	Rajput	
Sodha	Rams	
Tierney	Rayner	
Zubairi	Rutter	
	Brian Salinger	
	Kate Salinger	
	Scannell	
	Andreas Tambourides	
	Joanna Tambourides	
	Thomas	
	Webb	
	Weider	
	Yannakoudakis	

For	26
Against	35
Absent	2
TOTAL	63

The amendment in the name of Councillor Anne Hutton was therefore declared lost.

Upon being put to the vote the amendment in the name of Councillor Jeremy Davies was declared lost. Ten Members demanded a Division on the voting on the amendment in the name of Councillor Jeremy Davies. Upon being taken the results of the Division declared as follows.

For	Against	Absent
Councillors	Councillors	Councillors
Campbell	Braun	Coleman
Casey	Bulmer	Margo
Chopra	Burton	
Cohen	Dean Cohen	
Cooke	Melvin Cohen	
Davies	Cornelius	
Farrier	Depala	
Houston	Ellison	
Hutton	Finn	
Johnson	Freer	
Macdonald	Gordon	
McFadyen	Greenspan	
McGuirk	Harper	
McNeil	Harris	
Moore	Helena Hart	
O-Macauley	John Hart	
Monroe Palmer	Hillan	
Susette Palmer	Marshall	
Rawlings	Naghar	
Rogers	Offord	
Sargeant	Perry	
Schneiderman	Prentice	
Slocombe	Rajput	
Sodha	Rams	
Tierney	Rayner	
Zubairi	Rutter	
	Brian Salinger	
	Kate Salinger	
	Scannell	
	Andreas Tambourides	
	Joanna Tambourides	
	Thomas	
	Webb	
	Weider	
	Yannakoudakis	

For	26
Against	35
Absent	2
TOTAL	63

The amendment in the name of Councillor Jeremy Davies was therefore declared lost.

Upon being put to the vote, the substantive motion was declared carried. Ten Members demanded a Division on the voting on the substantive motion in the name of Councillor John Marshall.

For	Not Voting	Absent
Councillors	Councillors	Councillors
Braun	Campbell	Coleman
Bulmer	Casey	Margo
Burton	Chopra	
Dean Cohen	Cohen	
Melvin Cohen	Cooke	
Cornelius	Davies	
Depala	Farrier	
Ellison	Houston	
Finn	Hutton	
Freer	Johnson	
Gordon	Macdonald	
Greenspan	McFadyen	
Harper	McGuirk	
Harris	McNeil	
Helena Hart	Moore	
John Hart	O-Macauley	
Hillan	Monroe Palmer	
Marshall	Susette Palmer	
Naghar	Rawlings	
Offord	Rogers	
Perry	Sargeant	
Prentice	Schneiderman	
Rajput	Slocombe	
Rams	Sodha	
Rayner	Tierney	
Rutter	Zubairi	
Brian Salinger		
Kate Salinger		
Joan Scannell		
Andreas Tambourides		
Joanna Tambourides		
Thomas		
Webb		
Weider		
Yannakoudakis		

For 35
 Not Voting 26
 Absent 2
TOTAL 63

RESOLVED - Council is proud that the foundation stone of the new South Friern Library is soon to be laid.

In addition, Council welcomes the refurbishment of Edgware Library, plus the major works at Chipping Barnet Library, due to start in January. Council notes these will mean massive improvements in facilities, IT and disabled access.

Council also applauds the upgrade due at Burnt Oak Library in line with the Customer Access Strategy which will turn it into a major hub for the West of the Borough.

Council notes these improvements have been facilitated by the administration's Library Strategy, which is creating a network of Leading and Local Libraries across the Borough, and re-invigorating them as centres for community life.

Council calls on Cabinet to ensure that this excellent programme of upgrades continues so that residents of this Borough can enjoy 21st Century Library, Community and IT facilities.

86. MOTION IN THE NAME OF COUNCILLOR ANSUYA SODHA (Agenda Item 8.2)

Motion 8.3 in the name of Councillor Ansuya Sodha and put to the vote without debate. The motion was declared carried.

RESOLVED - Council extends our sympathies, thoughts and prayers to all those in affected by the recent floods that have had a devastating impact on communities across 19 African countries, including Uganda.

Council notes that further flooding has been forecast for the region, and that worse flooding is still yet to come to the east of Uganda, including Jinja – a town that Barnet is twinned with.

Council understands the catastrophic impact such natural events have in normal circumstances, and recognises that this will further compound problems arising from the 20 year conflict in the north of the country – including the displacement of children, and the collapse of sustainable agriculture in some areas.

Council supports the local Ugandan population in Barnet many of whom have friends, relatives and links in Uganda.

Council therefore requests support from all parties to set up a steering committee involving members from all parties and officers under the auspices of our Mayoralty, and also involving the local Ugandan community, in order to raise funds to assist those areas in Uganda that are currently affected, and those that will be affected in the coming weeks and months – including Jinja.

87. MOTION IN NAME OF COUNCILLOR ALISON MOORE (Agenda Item 8.3)

Motion 8.3 in the name of Councillor Alison Moore was moved and put to the voted without debate. The motion was declared carried.

RESOLVED - Council condemns the forcible suppression of the pro-democracy protest by the ruling military junta in Burma, as well as the crackdown on internet and mobile phone links in order to prevent news of the suppression reaching the international media.

Council notes that several people have been killed and thousands arrested for exercising their right to demonstrate, and that the Burmese government are reported to be continuing their search for those who took part in the anti-government demonstrations.

Council welcomes the tightening of sanctions by the US government and the European Union, the recent decision by the Japanese to apply economic pressure on the Burmese government by halting a grant of £2.3m, and the diplomatic efforts of the UN Special Envoy, Ibrahim Gambari.

Council also welcomes the statement by the Prime Minister that the UK strategy is to offer support for a new regime in Burma, and that investment sanctions should also be looked at.

Council adds its voice to the calls for the Burmese military government to cease its use of violence and begin transition talks with pro-democracy leader, Aung San Suu Kyi.

Council asks the Chief Executive to convey this message of support to the Sasana Ramsi Vihara in Barnet, whose Head Monk has participated in pro-democracy demonstrations in London, and events in Barnet.

88. MOTION IN THE NAME COUNCILLOR AGNES SLOCOMBE AS AMENDED BY COUNCILLOR BRIAN COLEMAN (Agenda Item 8.6 and 13.1.10 (iv))

Motion 8.6 in name of Councillor Agenes Slocombe and amendment in the name of Councillor Brian Coleman were put to the vote without debate. The amendment in the name of Councillor Brian Coleman was declared carried. The substantive motion was declared carried.

RESOLVED - Council congratulates Barnet's 21 Safer Neighbourhood Teams for their crucial role in reducing crime in the Borough, though Council notes these could have been in place earlier, comprising more Officers per team, and at a lower cost had London Assembly Conservative Group Budget proposals been accepted.

Further, Council is proud of the Conservative administration's policies to tackle crime and disorder. This includes the roll-out of

CCTV in at least one area per year, Alcohol Free Zones, Dispersal Zones, and the effective use of ASBOs.

The effective partnership working between LBB and the Police has recently been praised, Council notes, with the Government Office for London citing Barnet's Safer Communities Partnership as a model of best practice.

Council believes the interests of residents are best served with the Police tackling crime and disorder, while the Council takes steps to eradicate lower level nuisance, whose effectiveness is borne out, for example, in its record on tackling graffiti.

Council calls on Cabinet to ensure the excellent partnership between LBB and the local Police continues to be cemented and strengthened.

89. MOTION IN THE NAME OF COUNCILLOR KATH McGUIRK AS AMENDED BY COUNCILLOR MATTHEW OFFORD (Agenda Item 8.7 and 13.1.10 (v) (a) and (b))

Motion 8.7 in the name of Councillor Kath McGuirk and amendments in the name of Councillors Wayne Casey and Matthew Offord were put to the vote without debate. The amendment in the name of Councillor Wayne Casey was declared lost. The amendment in the name of Councillor Matthew Offord was declared carried. The substantive motion was declared carried.

RESOLVED - Council is proud of its parks and greenspaces, and believes the groundbreaking Premier Parks policy has been instrumental in driving improvement.

Further, Council welcomes the Green Flags awarded to seven of its parks, which demonstrates, Council believes, an unprecedented level of improvement in Barnet's open spaces in recent years.

Council notes that, before the inception of the Premier Parks policy, not a single open space in the Borough had been nominated for such an award.

In addition, Council is pleased that improvements are also being made to non-Premier greenspaces, with investments and improvements made in partnership with local people to increase wildlife and biodiversity in these smaller parks.

Council accordingly calls on Cabinet to continue its work to improve and enhance parks and greenspaces across the Borough, to involve the local community in their upkeep, and to vigorously drive up standards so that even more open spaces will win the coveted Green Flag awards in future years.

90. MOTION IN THE NAME OF COUNCILLOR LYNNE HILLAN (Agenda Item 8.8)

Motion 8.8 in the name of Councillor Lynne Hillan was moved and an amendment tabled in the name of Councillor Alan Schneiderman were put to the vote without the debate. The amendment in the name of Councillor Alan Schneiderman was declared lost. The substantive motion was declared lost.

RESOLVED - Council is dismayed that the Comprehensive Spending Review (CSR) is judge by the LGA as being the “Worst in a decade” and will leave a black hole in funding for the care of Barnet’s elderly and vulnerable.

Council notes that Barnet has been awarded the lowest possible settlement in four out of the last five years, despite being given extra responsibilities and suffering from “cost-Shunting” in the region of £2.2 million as a result of cuts to the local NHS. Council believes that even a 1% “real” Formula Grant increase will be inadequate to meet Barnet’s rising commitment to Social Care.

Council is especially concerned that social services damping is to be removed and specific grants look set to be further reduced, with the CSR calling for these to be “mainstreamed” into the Formula Grant.

Council objects to the regional unfairness resulting from the Younger Adult Social Services funding formula in that the new funding approach significantly favours Yorkshire and Humberside and the North East at the expense of London and, particularly, Barnet. Moreover, Council notes other problems with the new formula raised by London Councils, including:

- The formula does not contain a sufficient number of indicators to reflect the wide range of need associated with this very complex client group and is therefore poor at identifying differences in need between authorities;

- The formula places too much reliance on Disability Living Allowance (DLA) as a predicator of need.

- Council is proud that it has been able to deliver below-inflation tax rises to residents over several years, and has massively improved services. However, Council believes potential progress in service improvement is being massively impeded by the Government’s imposed financial squeeze.

- Accordingly, Council requests that the Chief Executive write to John Healey MP, Minister for Local Government at the CLG setting out our concerns and objections to:

- 1) The removal of the Social Services damping**
- 2) The technical weaknesses in the Younger Adults formula**

- 3) **The failure to reflect diverse and complex client needs**
- 4) **The reduction of the Specific Grants for Social Services into the main Formula Grant**

91. ADJOURNMENT OF MEETING.

In accordance with the Agenda, the Mayor adjourned the meeting for 15 minutes.

The meeting reconvened at 9.10pm.

92. ADMINISTRATION POLICY ITEM: BARNET'S MISSING POPULATION (Agenda Item 9.1)

Councillor Matthew Offord proposed the item and moved that it be adopted.

Under 18.1.8 of the Council Procedure Rules Councillor Wayne Casey moved a motion which was seconded by Councillor Linda McFadyen that a vote be taken on the Item without debate. Upon being put to the vote the motion was declared lost.

Debate ensued on the Policy Item. Upon being put to the vote the item was declared carried.

RESOLVED - Accurate population information is essential for local authorities. It allows them to allocate resources effectively and continue to provide first class services to local residents.

Many Government grants, particularly the Formula Grant, are reliant on this data, as it is used to estimate how much money is needed to fund services relative to the Borough's size.

Recent Problems

As a result of increasing levels of immigration, many local authorities have become concerned that official figures (ONS Mid-Year estimates), may be inaccurate, undercounting the population.

This has been investigated at length, notably by Westminster CC and Slough BC. Westminster's research showed that as many as 11,000 migrants may be "hidden" from official estimates at any one time. The City believes that undercounting may result from a number of factors, including language barriers, wariness of becoming known to public authorities, and difficulties in defining "households."

In 2004, nearly 9,000 National Insurance Numbers were issued to non-British nationals in Slough, yet ONS only estimated 300 international migrants settling in the area.

Costs of Undercounting

As Grants are distributed on the basis of population estimates, any shortfall in the census count is likely to cause acute strain on the finances or the services offered by the authority, or both.

For example, Slough BC believes that by the time the Census figures have been updated in 2011, undercounting will have cost it £15 million since 2004. Westminster City Council believes it is being “short-changed” in the region of £18 million each and every year.

Implications for Barnet

In 2006, Barnet’s population is estimated to be 328,600, up from 326,100 (an increase of 2,500 or 0.8%). Though the Borough’s 2007 population is projected to be 338,600, ONS have hinted this will be revised downwards. ONS shows Barnet’s population as having increased steadily since 1997. However, as of June 2006 447,000 migrants had registered on the WRS scheme, 62,000 of whom are in London. The Government also estimates that migration from elsewhere in the European Union may be as high as 13,000 in recent years. Barnet has been cited as being particularly popular for migrants, particularly from Eastern Europe, yet the Census estimates do not appear to demonstrate any particular surge.

Of particular note, the census estimates show decreasing numbers of children aged 5-9 in Barnet, whereas school rolls are increasing, which suggests a discrepancy. This would have particular implications for Children’s services, as their funding allocations could be reduced, while, conversely, demand would be rising.

As stated, the Formula Grant makes up the largest proportion of Council income, and therefore it is vital Barnet receives the correct amount relative to its population so that services are adequately funded. However, we are deeply concerned that under-enumeration in the population estimates, is stripping Barnet of money, putting a strain on Council services and finances, as well as wider potential implications for Community Cohesion.

Accordingly, Council requests that Cabinet:

- 1) Investigates the likely level of under-counting in the Census estimates for Barnet.**
- 2) Supports Westminster City Council’s campaign to press for more robust and accurate means of enumeration than those used by the Office for National Statistics (ONS) at present.**
- 3) Calls on the Department for Communities and Local Government and the Treasury to recognise the flaws in the current ONS estimates and lobbies for specific grants to be made available to areas with short-term migration (such as Barnet), until a more accurate method can be found to measure population and migration within all local authorities.**

93. OPPOSITION POLICY ITEM AS AMENDED BY COUNCILLOR LYNNE HILLAN: HOUSING NEED IN BARNET (Agenda Item 9.2 and 13.1.10 (vi))

Councillor Ross Houston proposed the item and moved that it be adopted. An amendment in the name of Councillor Lynne Hillan was moved. Debate ensued. Upon being put to the vote the amendment in the name of Councillor Lynne Hillan carried. Upon being put to the vote the substantive motion was declared carried.

RESOLVED - Council is deeply concerned about the housing crisis caused by rising house prices and capacity issues restricting housing supply in Barnet, with a predicted shortage of about 5148 affordable homes each year for the next 5 years.

Council recognizes the need to create sustainable communities with balanced mixed use, mixed tenure developments, and appreciates the challenges that this presents in terms of meeting the needs of the whole community.

Council is dismayed that the Mayor of London's inflexible affordable homes target has led to a decrease in the number of units made available in several London Boroughs, including Barnet.

Council notes that in 13 London Boroughs that moved away from the Mayor's 50% target, there was, conversely, an increase in home completions.

Council however welcomes the administration's moves to address housing need across Barnet, which include moves to help tenants onto the property ladder and other moves in the Housing Strategy to tackle need.

Council further welcomes the regeneration schemes across the Borough that are creating attractive, affordable homes within pleasant, mixed communities.

Accordingly, Council asks Cabinet to highlight the inadequacies of the 50% affordable housing target that is starving many London Boroughs of low-price or low-rent units. Council further requests that Cabinet continues its good work in tackling homelessness in Barnet, assisting people onto the property ladder, and delivering new attractive mixed communities in the regeneration schemes.

94. REPORT OF CABINET (Agenda Item 10)

None

95. **REPORT FROM THE OVERVIEW AND SCRUTINY COMMITTEE - REPORT OF THE SUPPORTING THE VULNERABLE IN OUR COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE - 19 SEPTEMBER 2007 – (Agenda Item 13.1.7)**

Councillor Richard Cornelius moved reception and adoption of the report of the Supporting the Vulnerable in Our Community Overview and Scrutiny Committee with the following recommendations:

Report of the Supporting the Vulnerable in Our Community Overview and Scrutiny Committee

29 October 2007

*Councillor Richard Cornelius (Chairman)

* Councillor Lisa Rutter (Vice- Chairman)

Councillors:

* John Hart
* Bridget Perry
Caroline Margo
* Hugh Rayner

* Linda McFadyen
* Andrew Mc Neil
* Zakia Zubairi

* Wayne Casey

* denotes Member present

DARZI REVIEW – HEALTHCARE FOR LONDON, A FRAMEWORK FOR ACTION (Agenda Item 9)

The Overview and Scrutiny Committee considered the attached reports.

The Committee noted

- Members expressed concern at the lack of financial details regarding the resourcing of the joint overview and scrutiny committee (JOSC). It was understood that whilst the cost was unquantifiable at the present time, any liability would be met by the each of the boroughs participating in the JOSC.
- **Given the status of the report, a pan-London JOSC was questionable. It was not intended to provide detailed information at a local level.**
- Not participating in the JOSC would be difficult to justify in terms of ensuring that residents of Barnet continued to be effectively represented.
- A number of boroughs had responded affirmatively in terms of participation, the implication being that it was better to be in than out.

- Reservations as to what would be achieved in terms of adding value to the outcome of the review were expressed. A two-stage consultation would first consider models of care, followed more detailed consideration of local impact, at which point it would become locally relevant.
- An informal meeting of the JOSC was being held on 30 October, which all interested boroughs were invited to attend. In addition to seeking a cross party approach to the JOSC, it was also noted that a draft set of terms of reference had been circulated.

The Committee, having requested Councillor Cornelius to attend the informal meeting on 30 October, when, it was understood draft terms of reference would be considered, as set out in the Committee's decisions dated 29 October 2007,

RESOLVED TO RECOMMEND

- (1) **That Councillor Richard Cornelius be appointed as the Barnet representative on the pan-London JOSC which will be consulting on "Healthcare for London - A Framework for Action".**
- (2) **That the Barnet representative be empowered to represent the consensual views of the committee, as appropriate, in respect of the continuing involvement of the Council with the pan-London JOSC.**
- (3) **That either Councillors Wayne Casey or Linda McFadyen, or both, be nominated as substitute representatives, subject to confirmation by their respective political groups and subject to the constitutional requirements of any future JOSC.**
- (4) **That the relevant officers be authorised to agree the final support arrangements,** in consultation with the Council's representative on the pan-London JOSC, subject to appropriate provision being made in the 2008/09 budget for the Council's contribution.
- (5) **That the Communications Director be authorised to provide suitable publicity highlighting the work of the Committee.**
- (6) **That the Chief Finance Officer note the budget pressure and include it in the budget preparation for 2008/09.**

AGENDA ITEM: **5** Page nos. 1-13

Meeting	Supporting the Vulnerable in our Community Overview and Scrutiny Committee
Date	29 October 2007
Subject	London Review of “A Framework for Action”
Report of Summary	Scrutiny Office This report provides further information and guidance to members in considering their participation and role in a London wide joint health overview and scrutiny committee.

Officer Contributors	Bathsheba Mall, Scrutiny Officer
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendix 1: Letter dated 25 September from Director of Communications, NHS London Appendix 2: Letter dated 19 September from the Chairman of the Joint Scrutiny Network
For decision by	Council on recommendation of the Committee
Function of	Scrutiny
Reason for urgency / exemption from call-in (if appropriate)	N/a
Contact for further information:	Bathsheba Mall, 020 83597034

1. RECOMMENDATIONS

- 1.1 The Overview and Scrutiny Committee is asked to consider whether to participate in a London wide joint health scrutiny committee, scrutinising the implications of the Darzi review, “A Framework for Action”, a consultation on the implications of proposed changes to healthcare services in London.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 It was agreed at the last meeting (19th September, decision Item 9), to hold a special meeting to discuss the financial and legal implications of participating in a pan London joint health overview and scrutiny committee.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Supporting the Vulnerable in our Community.
- 3.2 One of the key priorities identified in this corporate priority is to enable people to stay in control of their lives (independence, choice and control).
- 3.3 The second key priority is to achieve better outcomes for vulnerable adults (improve service quality and customer satisfaction).

4. RISK MANAGEMENT ISSUES

- 4.1 There are financial and legal implications arising from a decision either to participate or not, as outlined in the body of the report.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Council has statutory duties to:

- Eliminate unlawful discrimination and harassment
- Promote equality of opportunity
- Promote good relations between people

- 5.2 A committee with a health scrutiny remit has a statutory duty to examine the provision of NHS delivered healthcare services. Participation in this pan London joint health scrutiny committee (JHOSC) will satisfy a statutory requirement to examine the proposed changes as they constitute a substantial variation. The proposed JHOSC will consider the equalities impact assessment as part of its core evaluation of the proposals.

6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 6.1 The potential cost implications of this proposal will be dependent on the format and methodology of the review and as such are not yet quantified. There are no additional funds available for this review and as such any costs will have to be contained within existing Council resources.

7. LEGAL ISSUES

- 7.1 The Health & Social Care Act (2001) Section 7 places a duty on NHS bodies to consult local authority overview and scrutiny committees on proposed developments of the health service or on proposals to make variation in the provision of services.
- 7.2 The Act and the accompanying guidance (issued July 2003) do not provide any definition of what constitutes substantial variation or development, and it is therefore up to each committee to decide whether the proposals are of sufficient local impact to require scrutiny. Where the proposals affect more than one local authority any overview and scrutiny committees wishing to be consulted have to form a joint committee. Formal scrutiny powers are only exercisable through the joint committee, although informally there might be other avenues for comment, and the Council's Executive side would be consulted separately. Under Sections 101 and 102 the Local Government Act 1972, it falls to Council to authorise the establishment of a joint committee.
- 7.3 The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 Regulation 4 (1) States "Subject to the following provisions of this regulation, where a local NHS body has under consideration any proposal for a substantial development of the health service in the area of a local authority, or for a substantial variation in the provision of such service, it shall consult the overview and scrutiny committee of that authority".
- 7.4 Section 8 of the Health & Social Care Act 2001 also provides that two or more local authorities may appoint a joint overview and scrutiny committee. This enables health issues crossing borough boundaries to be examined by the appropriate members in one process.

8. CONSTITUTIONAL POWERS

- 8.1 Paragraph 9 of the Overview and Scrutiny Rules sets out Members entitlements for items to be placed on agendas for Overview and Scrutiny Committees.
- 8.2 The Terms of Reference of this Overview and Scrutiny Committee include:

"To perform the Overview and Scrutiny role in relation to:

- 1. Community care services for older people and vulnerable adults including those who have physical disabilities, sensory impairment, learning disabilities, mental health needs or other special needs, and such preventative, advice and advocacy (including welfare rights), transport, respite and other services as may be needed to help people remain independent in their own homes;**
- 2. The promotion of effective partnerships with health and other agencies in the public, private and voluntary sectors to support the above. "**

3. **“Any other issues relevant to supporting vulnerable adults in the community or promoting good health in Barnet, directly or in partnership with others. “**

9. BACKGROUND INFORMATION

- 9.1 As set out in the previous report and addendum to the Committee, the Committee is asked to consider whether or not they wish to participate in a pan-London joint health overview and scrutiny committee (JHOSC).
- 9.2 Attached as Appendix 1 (letter dated 25 September) is a response from Bill Gillespie, Director of Communications, NHS London, to issues raised at an officer meeting of the Joint Scrutiny Network. It has become apparent since the Committee’s previous meetings that many boroughs have taken the view that they would rather participate than preclude themselves from the consultation process, irrespective of any local, on-going, NHS consultations.
- 9.3 Some selected points to note in Appendix 1 are summarised below:
- Since the process for agreeing to participate varies across different Boroughs, those that have not formally appointed representatives at the start of the consultation on 29th October can participate informally until such decisions have been formally ratified;
 - Whilst stage one of the consultation is on models of care and delivery, later parts of the consultation are intended to build upon the first stage and *“where decisions are taken on models at the end of the stage one consultation there will not be an opportunity to reopen those decisions subsequently”*;
 - Local service configurations. For Barnet, this means the Clinical Strategy is not dependant on the outcome of a pan-London consultation.
 - Should boroughs choose not to participate, NHS London has taken the view that this precludes them from accessing information. They have also indicated that clusters of joint overview and scrutiny committees would not be acceptable.
- 9.4 The Health and Social Care Act 2001 and the related Department of Health, Overview and Scrutiny of Health – Guidance (The Directions, issued in July 2003 indicates that health scrutiny committees must engage in joint working arrangements where there is “consultation on any proposal to substantially develop or vary services where those services are provided to areas that span more than one overview and scrutiny committee” (The Directions, paragraph 10.7.2). Only the joint committee may then solicit information, require the NHS to attend meetings to answer questions and to then comment back to the NHS, both on the proposed changes and the consultation process.
- 9.5 There is an option to delegate scrutiny to another health overview and scrutiny committee, HASC Act, S.8 (2)(b) (Health and Social Care Act) and the Local Government Act 2000 c.22, should the committee consider this as an alternative, third option.

- 9.6 The power of referral to the Secretary of State (HASC Act 2001, S.7) which can be exercised either by the JHOSC or by any of the overview and scrutiny committees (July 2003, The Directions, paragraph 10.7.7). It should be noted that not participating in the JHOSC undermines any future action that the committee may wish to exercise in respect of a possible referral.
- 9.7 Should the Committee agree to participating in the London wide JHOSC, it will need to nominate a representative, to be followed by a recommendation to full council for formal ratification at its meeting on 6th November 2007. Given that the first suggested date of the JHOSC has already been proposed by the Chairman of the Joint Scrutiny Network, Councillor Mary O'Connor, LB Hillingdon, as either 29 October or 30 October (am), this will mean that our attendance at the first meeting will be by way of an informal representation. A total of four meetings have been proposed to cover the period of the consultation and to manage the requirements of the scrutiny process including the signing off of the JHOSC response to the consultation.

10. LIST OF BACKGROUND PAPERS

- 10.1 Local Government Act 2000 c.22
Health and Social Care Act 2001
Overview and Scrutiny of Health – Guidance (July 2003)

10.2 Any person wishing to inspect this document should telephone Bathsheba Mall, 020 83597034.

LS: MB
CFO: HG

Sunita Sharma
Head of Scrutiny and Performance
Chief Executive's Directorate
London Borough of Hounslow
The Civic Centre,
Lampton Road
Hounslow

Sunita.sharma@hounslow.gov.uk

25 September 2007

Dear Sunita

Healthcare for London: A Framework for Action

Preliminary view of the London Scrutiny Officer Network to the setting up of a pan-London Joint Health Scrutiny Committee

Thank you for your e-mail of 17 September on behalf of the London Scrutiny Officer Network reflecting the points made at the Officer Network on 10 September.

I have discussed your letter with the PCT Chief Executives leading on Healthcare for London communications and consultation and have set out below their responses both to the key points which emerged in the course of the Officer Network discussion and the questions which you pose at the end the letter.

I ought to begin by recognising that this is the first time both the NHS and local authorities in London have been faced with consultation and scrutiny on such a scale. I think it is understandable that both sectors are finding this a challenge and we look forward to continuing to work with you and your colleagues to ensure an effective process is established.

Key points

- 1 Whilst there is understanding of the requirements set out in the regulations to form a JHOSC, there was uncertainty about the merits of forming the JHOSC for Stage One of the consultation. It was felt that members would wish to look to the Stage Two consultation, as the specific proposals for healthcare will arise after the first stage.*

It is proposed that the stage one consultation is on models of care and delivery based on those set out in Professor Darzi's report. Taken together, they set out an integrated approach to improving health and health services for Londoners. That approach, if applied, will have far-reaching consequences for NHS services in the capital.

It is critical, therefore, that Londoners and representative bodies in London have the opportunity to comment on the models both individually and as they relate to each other.

Only the first-stage consultation provides an opportunity for comment and discussion on the models as a whole since later consultations about the detail of implementation of the agreed models is likely to happen at different levels (for example, pan-London for developing trauma services and Borough/ PCT-level for community services) and at different timescales for different elements of the strategy.

- 2 *Practical and logistical issues – Many boroughs’ Health Overview and Scrutiny Committees are in the process of or have yet to formally discuss and consider their involvement in a pan-London JHOSC.*

PCTs understand this. However, a number of Boroughs have also signalled that they are keen to be part of a JHOSC. It may be possible to reconcile PCTs’ desire to embark on consultation as soon as is practicable with the different decision-making timetables of HOSCs in London by agreeing that the initial JHOSC has a formal membership from HOSCs which have been through their formal decision-making processes and informal membership (or observer status) from other HOSCs until the latter’s decision-making processes formalise their representation.

The critical statutory role for the JHOSC is in considering whether the consultation has been adequate and whether the Joint Committee of PCTs’ decisions in the light of the consultation are in the public interest. This role can be fulfilled with the establishment of a full JHOSC slightly later in the process. The JHOSC role of commenting on the consultation document and consultation processes can be undertaken both formally and informally as required.

- 3 *The process for agreeing to participate in a JHOSC varies across Boroughs, with some Boroughs requiring the decision to be taken by full Council. This is a factor for many Boroughs to consider – they are unlikely to have a Council meeting scheduled for between the 19th October (when the consultation document is signed off) and the 29th October (when the consultation is due to begin). Whilst two Councils have already acquired approval from their full Council, for others the earliest that this approval can be sought will be November.*

See response to 2 above. PCTs would want to try to accommodate a JHOSC (potentially of formal and observer members initially) having an opportunity to comment on the consultation document and consultation processes before the beginning of consultation.

- 4 *Members will need to be clear what impact they can make at Stage One of the consultation as the purpose and precise nature of the Stage One consultation is unclear. Would a broad discussion on models of care ‘add value’ or should Boroughs wait until specific proposals are available?*

The purpose and nature of the stage one consultation is to seek views on the models of care (maternity and newborn care, staying healthy, mental health, acute care, planned care, long-term conditions, end-of-life care) and the models of delivery (home, polyclinic, local hospital, elective centre, major acute hospital, specialist hospital) set out in Professor Darzi’s report.

The value of a broad discussion in a stage one consultation is that it is precisely that: a broad discussion of the models and how they relate to each other (or not as the case may be). Later consultations would focus on the application of particular models in particular parts of London and will happen to different timescales. They cannot, therefore, deliver an informed discussion about the models and how they fit together.

The later consultations will build on the first-stage decisions. The practical effect of this is that where decisions are taken on models at the end of the stage one consultation there will not be an opportunity to reopen those decisions subsequently. Without wishing to pre-empt the Joint Committee of PCTs' view of the range of decisions that it may want consider at the end of the stage one consultation, it may be helpful to consider in principle what that range might be:

- a) support for a particular model;
- b) broad support for a particular model but refinement in the light of consultation;
- c) rejection of a particular model;
- d) a decision that further consultation on a particular model will be incorporated in to a later consultation which will also consider the application of the model

5 *If Councils/ OSCs are to agree to their members' participation in a JHOSC, they need to know the exact terms of reference for the consultation other than vision, principles and general models of healthcare delivery in Stage One. This detail is required in order to properly advise and inform members on the terms of reference for the JHOSC and for us to establish the timetable for the JHOSC. Some Councils' constitutions require this detail before agreeing to the participation of their members in a JHOSC.*

The consultation would be on models of care and delivery based on those set out in Professor Darzi's report (as listed in the first paragraph of the response to question 4).

6 *Acknowledging both the political landscape across London and the needs of Londoners, boroughs in the JHOSC would reflect different views and interests in light of the scale of the geographical area affected by the consultation. In order for the JHOSC to agree recommendations, scrutiny, members would need to know what the strategy means for London as a whole, national ramifications and local impact.*

What the strategy means, or could mean, for London as a whole and local impact is something that PCTs would hope could be discussed and agreed (or contested) as part of the first-stage and later consultations. Any reading of Professor Darzi's report would recognise that implementation of the models would have a major impact on health services across London as a whole.

7 *It is unclear how the existing regional consultations where JHOSCs have been established, such as the picture of health discussions in the southeast region, relate to the HfL debate. There is an argument to suggest that the existing consultations are now obsolete.*

The letter of 9 August from the London Commissioning Group to PCT Chief Executives to which local authority chief executives were copied in set out the relationship between consultation on Healthcare for London and service engagement/consultation already underway.

It said that where service reconfiguration was already underway, local NHS bodies must ensure that their programmes do not, and are seen not, to predetermine the outcome of the stage one consultation in any way. To that end, NHS bodies involved in local consultations should satisfy themselves:

- There is a local need to carry on with the local consultation without waiting for the outcome of the pan-London consultation. Issues to consider, amongst others, in such circumstances will include impact on the quality patient care, staff, financial impact and other potential consequences of not carrying on with local consultation, balanced against any potential effect of going ahead such as risking uncertainty or confusion.
- Local consultations do not rely on the recommendations in A Framework for Action for decision-making, although reliance on a common evidence base is appropriate where relevant.
- All decisions are consistent with the open mind that consulting bodies must have, and be seen to have, on the outcome of the pan-London consultation.
- All reasonable steps are taken to ensure that consultees understand these points.

Questions requiring clarification

1. *When can we have the exact terms of reference for the Stage One consultation? OSCs will need this as soon as possible in order to help them decide on whether to participate in any joint working in Stage One.*

The PCTs will be consulting on models of care and delivery based on those set out in Professor Darzi's report.

2. *Can the consultation timetable for Stage One be extended in order to enable those OSCs to follow their decision-making processes in order to seek approval from their OSCs and full Council?*

A question in response: would it be possible to reconcile the timetables round OSC decision-making processes with the desirability of moving forward the discussion on Professor Darzi's report by forming a JHOSC with formal membership from those Boroughs who have already signalled they can meet the timetable and informal membership from those whose timetables are more extended? JHOSC formal membership could then be extended as and when OSC decision-making processes are completed. The JHOSC role at the front end of consultation (commenting on the consultation document and consultation arrangements) is informal; the statutory role of JHOSC kicks in at the end of the process when commenting on the adequacy of consultation and whether the decisions of the Joint Committee of PCTs are in the public interest.

3. *Could Stage One consist of detailed briefings open to scrutiny members?*

Stage One could include detailed briefings open to scrutiny members but it could not restrict itself to that. The value of a broad formal consultation in stage one is that it is precisely that: a broad discussion of the models and how they relate to each other (or not as they case may be). Later consultations are likely to focus on particular models and particular parts of London and will happen to different timescales. They cannot, therefore, deliver an informed discussion about the models and how they fit together. Conversely, a “stage two” consultation which tried to cover all the models and how they might be applied across London would be unmanageable.

4. *If borough OSCs decide not to take part in a JHOSC, will NHS London and the JCPCT strictly apply the regulations relating to access to information, etc to non-participating OSCs?*

If an OSC is not participating in the JHOSC because it does not believe that the proposals being consulted on will affect its population significantly (and it is not clear what other basis an OSC could have for not participating), it is difficult to understand why it would then request participation on a bilateral basis. If it decides not to participate for the reason I have assumed, then it has no right to scrutinise.

- 5 *Would NHS London/ JCPCT consider working with clusters of JHOSCs formed along the previous SHA configurations e.g. JHOSC of North West London OSCs for both the Stage One and later consultations?*

No. Healthcare for London proposes models of care that are pan-London in nature, and for some services, for example specialist services such as trauma and acute stroke care the application of the model also requires a pan-London discussion. However, there are likely to be stage two consultations which will take place at a sector or Borough/PCT level, for example on the development of polyclinics or other community services.

- 6 *Many Boroughs are in the process of, or are about to start, joint-authority health scrutiny and there is uncertainty how the proposed HfL consultation relates to these. It would help members in these boroughs to have information about the status of existing sub-regional health developments over and above the references in HfL.*

The letter of 9 August from the London Commissioning Group to PCT Chief Executives to which local authority chief executives were copied in set out the relationship between consultation on Healthcare for London and service engagement/consultation already underway.

It said that where service reconfiguration was already underway, local NHS bodies must ensure that their programmes do not, and are seen not, to predetermine the outcome of the stage one consultation in any way. To that end, NHS bodies involved in local consultations should satisfy themselves:

- There is a local need to carry on with the local consultation without waiting for the outcome of the pan-London consultation. Issues to consider, amongst others, in such circumstances will include impact on the quality patient care, staff, financial impact and other potential consequences of not carrying on with local

consultation, balanced against any potential effect of going ahead such as risking uncertainty or confusion.

- Local consultations do not rely on the recommendations in A Framework for Action for decision-making, although reliance on a common evidence base is appropriate where relevant.
- All decisions are consistent with the open mind that consulting bodies must have, and be seen to have, on the outcome of the pan-London consultation.
- All reasonable steps are taken to ensure that consultees understand these points.

I hope this is helpful. It may be helpful to meet to discuss these issues further and I will give you a call to see if we can arrange something. I am copying this letter to Councillor Mary O'Connor, Co-Chair of the Scrutiny Network, since it may be helpful to have a joint Officer/Member meeting as the way forward.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Bill Gillespie". The signature is written in a cursive style with a large initial "B".

Bill Gillespie

Interim Director of Communications
NHS London

c.c. Councillor Mary O'Connor, - Hillingdon Council

19th September 2007

Dear colleague

Joint Overview & Scrutiny Committee (JOSC) to scrutinise the Darzi review

I am writing to you in my role as Chairman of the London Scrutiny Network, an informal group of scrutiny Members and officers that regularly meets at London Councils' offices. I understand from your authority's website that you are the Chair of the Health Scrutiny Committee or equivalent. Please accept my apologies if this is not correct, and if so I would be most grateful if you could pass this letter onto your appropriate colleague.

As you are probably aware, the London PCTs are launching a formal public consultation on the Darzi review – officially entitled *Healthcare for London: A Framework for Action*. This first stage consultation will examine the broad models of care outlined by Professor Lord Darzi in his report. Once this initial consultation is completed, the NHS will launch further consultation on specific proposals to implement the framework.

Given the pan-London impact of the Darzi review, a joint committee of London PCTs (JCPCT) are inviting all London Boroughs to consider appointing representatives to a Joint Overview & Scrutiny Committee (JOSC). The role of the JOSC would be to: (a) scrutinise the models of care outlined in the Darzi review and decide whether these are in the interests of the health service in London, (b) decide whether the consultation process is adequate, (c) examine the JCPCT's response to the consultation.

Significantly, the NHS have taken legal advice which states that under the health scrutiny regulations, Boroughs will only have the legal power to scrutinise the Darzi review as part of the JOSC and not as individual Borough OSCs. This advice states that a JOSC must be set up to consider not just the models of care in the Darzi review but also the adequacy of the consultation process.

Given the above, Hillingdon has taken the necessary decision to take part. In my role as Chairman of the London Scrutiny Network I have spoken to several of you already and know that your authorities are also taking the necessary steps to enable participation in the JOSC. Equally, some Boroughs may decide not to participate. However, I understand that not all Boroughs have reached a final decision as to whether to participate, and a letter has been sent asking for a possible postponement to the consultation.

The NHS have yet to indicate whether the consultation could be delayed. As it presently stands, the consultation is due to start on 29th October and run for 14 weeks until 1st February. I have spoken to Councillor colleagues in other Boroughs and we feel that those Boroughs that want to take part in the first stage consultation must be in a position to do so and must also plan for the consultation proceeding as planned in just over a month's time.

We therefore feel that it would be helpful for those Members who have already been appointed to the JOSOC to meet as soon as possible. This informal meeting would aim to discuss potential terms of reference and work programme for the JOSOC.

These colleagues and I are suggesting two possible dates to meet, at a location to be arranged:

- **afternoon of 26th October or**
- **morning of 30th October**

Please can you either email me (mo'connor@hillington.gov.uk) or call me (01895 250316) with your response. I would be happy to discuss any concerns you may have.

Finally, many of you may already know that Ruth Carnall, Chief Executive of NHS London will be attending the next meeting of the London Scrutiny Network on 11th October to answer Scrutiny Councillors' questions. The meeting starts at 10am at London Councils. I hope to meet as many of you as possible then.

Kindest regards

Cllr Mary O'Connor
Chairman – London Scrutiny Network
LB Hillington External Services Scrutiny Committee

AGENDA ITEM: 9 Page nos. 19-22

Meeting	Supporting the Vulnerable in our Community
Date	19 September 2007
Subject	London Review of “A Framework for Action”
Report of	Scrutiny Officer
Summary	This report considers review options in respect of a London wide consultation due to begin on 29 October and whether the council should participate in a joint overview and scrutiny, together with other London boroughs.

Officer Contributors	Bathsheba Mall, Scrutiny Officer
Status (public or exempt)	Public
Wards affected	All
Enclosures	None
For decision by	Council on recommendation of the Committee
Function of	Scrutiny
Reason for urgency / exemption from call-in (if appropriate)	N/a

Contact for further information: Bathsheba Mall, Overview and Scrutiny Officer, 020 83597034

1. RECOMMENDATIONS

- 1.1 The Overview and Scrutiny Committee is asked to consider the contents of this report and the addendum which will follow (paragraph 9.8 refers) and to make recommendations as appropriate to the Council regarding this Council's participation in the London – wide Joint Overview and Scrutiny Committee.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

3.1 Strong and healthy

A thriving sense of community and a healthy lifestyle, supported by quality health services, makes a huge difference to the well-being of our residents.

4. RISK MANAGEMENT ISSUES

- 4.1 it is important that any issues involving the healthcare received by Barnet residents are carefully considered.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The health services are available for all.

6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 6.1 None arising from this report. If as a result of the meeting referred to in paragraph 9.8 there are implications, these will be outlined in detail in the addendum.

7. LEGAL ISSUES

- 7.1 None

8. CONSTITUTIONAL POWERS

- 8.1 Article 11.02(a) sets out the Council's powers to establish joint arrangements with one or more local authorities ... to exercise functions which are not Executive functions in any of the participating authorities, or advising the Council. These arrangements may involve the appointment of a joint committee with these other local authorities.

- 8.2 The Terms of Reference of this Overview and Scrutiny Committee include:

“To perform the Overview and Scrutiny role in relation to:

- 1. Community care services for older people and vulnerable adults including those who have physical disabilities, sensory impairment, learning disabilities, mental health needs or other special needs, and such preventative, advice and advocacy (including welfare rights), transport, respite and other services as may be needed to help people remain independent in their own homes;**

2. **The promotion of effective partnerships with health and other agencies in the public, private and voluntary sectors to support the above. “**
3. **“Any other issues relevant to supporting vulnerable adults in the community or promoting good health in Barnet, directly or in partnership with others. “**

9. BACKGROUND INFORMATION

- 9.1 In 2006 NHS London commissioned a London wide review of the provision healthcare services. The review was conducted by Professor Ara Darzi, a leading clinician who was given the brief of looking at current provision and the way in which future services could be reconfigured with a view to providing Londoners with a range of services delivered and managed in the most effective way. In doing this he identifies five core principles which include localised, integrated care where possible, focusing on individual needs and choice and a greater focus on health inequalities and diversity.
- 9.2 The review document, “Healthcare for London - A Framework for Action”, was published in July 2007 and provided models of healthcare provision which have become widely regarded by both clinicians and policymakers as providing a blueprint for how healthcare services should be formulated. Focusing on primary care and secondary care as starting points, Prof. Darzi identifies a need to provide localised community based care and primary care services at a level delivered between GP practices and local hospitals. In parallel with this, more specialist hospitals also need to be developed. A further model that is identified and supported by Professor Darzi is the development of polyclinics.

9.3 Issues to Consider

- 9.4 NHS London have now issued guidance to London Primary Care Trusts and has said that the document will be put to consultation which will begin on 29th October and will run for 14 weeks. The primary issue for the council to consider is the way in which the consultation document will be scrutinised. Under the “Overview and Scrutiny of Health Department of Health Guidance, published July 2003, regulation 10 enables the secretary of state to make directions to authorities requiring the establishment of joint committees. Direction will be made to establish joint committees to respond to consultations on any proposal to substantially develop or vary services where those services are provided to areas that span more than one overview and scrutiny committee.
- 9.5 The council will therefore be required to take a view as to whether to participate in a London wide joint health scrutiny committee. All local authorities whose residents receive services provided or commissioned by the NHS body proposing the change may participate in the joint committee. Only the joint committee, not individual overview and scrutiny committees may then comment back to the NHS. During the consultation, the NHS is under a duty to respond to enquires and requests for information from the joint committee.
- 9.6 **How will a London wide Joint Overview and Scrutiny Committee (JOSC) Operate?**

- 9.7 The London Boroughs will need to take a view as to whether they wish to participate in a JOSC and some may elect not to participate. It must be understood that only the JOSC has the statutory power to request information on the subject matter of the consultation, in this case, Healthcare for London - A Framework for Action. The NHS London as the consulting body has a single responsibility to respond to the JOSC and is under no obligation to respond to individual overview and scrutiny committees.
- 9.8 London Councils is facilitating a meeting of scrutiny officers which is taking place on 10 September. The issues being considered include the number of members which might be appointed, the use of resources, terms of reference and the constitutional appointment process that each borough will be subject to, in accordance with their own constitutions. The possible timeframe for the establishment of the JOSC and the extent to which it will run has been proposed as November 2007 to February or March 2008. **A further addendum to this report will be made available, following this meeting reporting on any additional issues.**
- 9.9 Barnet Council has experience of joint health committees and is currently participating in the Barnet, Enfield and Haringey Clinical Strategy, Joint Health Scrutiny Committee. This is due to end on the 19 October, coinciding with end of the consultation period for the strategy.
- 9.10 This policy document encapsulates profound changes in which London residents receive healthcare services.

10. LIST OF BACKGROUND PAPERS

- 10.1 Health and Social Care Act 2001, Overview and Scrutiny of Health Department of Health Guidance, July 2003.
- 10.2 Anyone wishing to inspect this document should contact Bathsheba Mall, on 020 83597034.

LS: MM

Having considered their recommendation contained in the report of the Supporting the Vulnerable in Our Community and Overview Scrutiny Committee and the additional information as set out in item 13.1.7 of the Democratic Services Manager's report

RESOLVED

- (1) **That this additional information as contained in the Report of the Democratic Services Manager be noted**
- (2) **That, the Terms of Reference as set out in the Appendix A to this report be approved in principle, subject to the Council's representatives and the relevant officers being satisfied that the Council's position is safeguarded.**

- (3) That when considering the appointment of representatives, the Council bear in mind the proposition that authorities be represented by one Member and one Substitute Member and subject to Group Secretaries confirming nominations for substitutes, as set out in Recommendation (3) of the Report of the Supporting the Vulnerable in Our Community O and S Committee, the Council make the appointments.
- (4) That the remaining Recommendations set out in the Report of the Supporting the Vulnerable in Our Community be approved and adopted.

Debate ensued. Upon being put to the vote it was

RESOLVED – That the Report of the Supporting the Vulnerable in Our Community dated 19 September be approved and adopted.

95. CHANGES IN COMMITTEE MEMBERSHIPS (Report of the Democratic Services Manager – Agenda Item 13.1.1 and 13.1.8)

RESOLVED - that the following change in Committee Memberships be approved:

- **Councillor Andreas Tambourides to replace Councillor Daniel Thomas as a member of the Planning and Environment Committee.**
- **Councillor Daniel Thomas to replace Councillor Christopher Harris as Substitute Member of the Planning and Environment Committee.**

96. REVISED CONSTITUTION OF THE CORPORATE JOINT NEGOTIATION AND CONSULTATION COMMITTEE (HEALTH, SAFETY AND WELFARE) (Report of the Democratic Services Manager – Agenda Item 13.1.2)

RESOLVED - That the revised Constitution for Corporate Joint Negotiation and Consultation Committee (Health, Safety and Welfare) be inserted into the Council’s Constitution at Appendix A.

97. REPORTS EXEMPT FROM THE CALL-IN PROCESS BECAUSE THEY ARE URGENT (Report of the Democratic Services Manager – Agenda Item 13.1.3)

In accordance with the Constitution the Democratic Services Manager report the following decision.

The Cabinet Member for Transport and Environment approved the Aerodrome Road Bridge Replacement - Highways works authorisation – date of decision 2 October 2007. Following grand authorisation from the London Development Agency, authorisation was sought to extend current works contract with Norwest Holst to deliver the associated Highways element. The report was exempted for call-in as the process would have delayed the instruction to the contractor by a period of approximately five weeks and the next meeting of the Cabinet Overview and Scrutiny Committee was not until the 5 November 2007. Therefore resulting in delays and additional costs to the project.

The Chairman of the Cabinet Overview and Scrutiny Committee agreed that the decision was reasonable in all the circumstances, that they

should be treated as a matter of urgency and consequently exempted from the call – in process.

98. LONDON LOCAL AUTHORITIES BILL (Report of the Democratic Services Manager – Agenda Item 13.1.4)

RESOLVED - (1) That the Council approves the inclusion in a bill or bills to be promoted by Westminster City Council or, as the case may be in a bill or bills to be promoted jointly by Westminster City Council and any other person as appropriate, of provisions effecting all or some of the following purposes -

(a) to make provision about the decriminalisation of offences relating to public health, highways and road traffic and making contravention of the relevant legislation subject to a civil penalty charge regime; the introduction of a local levy, administered by London borough councils, on the provision of disposable shopping bags or to introduce a prohibition on the provision of disposable shopping bags; the introduction of a local levy administered by the London borough councils on the sale of chewing gum; an extension of the type of premises in respect of which a street litter control notice can be issued under the Environmental Protection Act 1990 to include a wider range of non-domestic premises; to enable councils to better control the feeding of wild birds; to enable borough councils to make charges for the use of urinals; to make further provision about the control of the placing of items on the highway; altering London borough councils' powers to fix signs and apparatus to buildings; amending London borough councils' powers to charge for the provision of amenities on highways under Part VIIA of the Highways Act 1980; controlling the placing of household waste in street litter bins; to enable London borough councils to recover costs incurred by them in rectifying damage caused by them when removing unlawful advertisements; to enable London borough councils, as local housing authorities, to take enforcement action and recover costs in cases where there has been a failure to comply with a duty imposed in relation to the management of houses in multiple occupation under regulations made under Section 234 of the Housing Act 2004; imposing a requirement in respect of food premises which are subject to inspection by London borough councils under the Food Safety Act 1990 to display copies of inspection notices or summaries thereof on the premises; to impose a new licensing regime for social clubs; to alter the requirements relating to the service of documents under the City of Westminster Act 1996, which deals with sex establishments; to enable London borough councils to exert better control over the licensing of premises which, but for the Licensing Act 2003 would be required to be licensed as sex encounter establishments; to enable London borough councils to delegate their functions under existing street trading legislation and enable other bodies to manage street markets; to alter the street trading legislation in the City of Westminster so as to enable Westminster City Council, without a court order, to dispose of articles seized under the Act; to make further alterations to street trading legislation in London; to control the distribution of free refreshments on the highway and in other public open places; to enable the highway authority to recover traffic management and street cleansing costs incurred as a result of public events and to have the power to close or

manage traffic for certain special events; to enable the highway authority to provide charging points for electric vehicles in the highway; to enable local planning authorities to require that a deposit is provided prior to commencement of development, to be offset against costs arising from making good damage to the highway caused by the construction of the development; to enable action to be taken against persons who interfere with gates placed in pursuance of powers under road traffic legislation; to enable councils to better control pedicabs; to enable councils to serve penalty charge notices by post where there has been a parking contravention, and where service was prevented by the vehicle driving away; to allow decriminalised enforcement in respect of advanced stopping areas for cyclists at traffic lights; to allow decriminalised enforcement in respect of the use of mobile phones whilst driving; to enable London borough councils to vary fixed penalty levels for cycling on the footway; to enable the better control of the depositing of builders' skips on the highway; and to provide for a decriminalised regime of enforcement in relation to the driving of abnormal vehicles on the highway;

(b) to enact any additional, supplemental and consequential provisions that may appear to be necessary or convenient.

(2) That the Chief Executive be instructed to inform Westminster City Council and the London Council's Leader Committee of the foregoing, in the manner prescribed by the London Council's Leader Committee.

99. DESIGNATION OF CHIEF OFFICER POST: COMMUNICATION AND CONSULTATION DIRECTOR (Report of the Democratic Services Manager – Agenda Item 13.1.5)

RESOLVED -

(1) That the post of Communication and Consultation Director be designated a Chief Officer post with immediate effect.

(2) That the Democratic Services Manager be instructed to make the appropriate amendments to Article 12 of the Council's Constitution.

100. COMMENTS RELATING TO THE WORK OF CABINET (Agenda Items 14 and 13.1.6)

Comment: Councillor Duncan MacDonald

In view of the report that the Council representatives have left the Board of AHET, is the Cabinet satisfied at the make-up of the Board of Trustees of AHET and the difficulty of local residents becoming members of the Trust; the Avenue House lease being held on a property bequeathed for the people of Finchley. When the long lease was granted there was reason to believe that the lease as drawn up would be to a trust managed broadly as agreed with the Council. Some residents have queried the current situation which appears to be no Councillors, no elected representatives, except those remaining in power. Any elections can, as I understand it, only take place by the 26 members of AHET. People asking to join have been told that they can only do so by appointment by the Trust. Avenue House was left for the people of Finchley, our lessees have apparently turned the Trust into an exclusive body with limited voting membership. I would like to ask the relevant

Cabinet Member publicly the administration's view on this. Clearly members of the public are concerned and should be answered publicly.

Response: Councillor Mike Freer, Leader of the Council

Actually it is not a matter for the Cabinet, it is a matter for the Council, it is the Council that appoints on outside bodies but in any case I have my personal view which I made plain to the Trustees of Avenue House, that I thought it was a retrograde step to remove the Councillors. I urged them to withdraw their suggestion but on legal advice, I was told we had no legal powers to intervene, the governance of the Trust is down to the Trustees and the Charity Commissioners. Sad but true.

Comment: Councillor Ansuya Sodha

It is a matter of grave concern to the residents of West Hendon that this Tory administration has now reneged on the one pledge given to them only a year ago. Residents are now told that this Tory administration cannot guarantee this pledge. Can this Tory administration be trusted to keep any pledge? No. People of West Hendon are being treated like chattels. When people settle in one area for generations, they build up a network and support of friends and families. How awful then to be moved somewhere else, possibly outside the borough, and after a few years to be moved back. I cannot believe that the Tories in Barnet can even think of this because these are people we are talking about, not some items of furniture that you can move around as and when you like. Madam Mayor, it is not easy to move out of your structure of family and friends, because I've done that myself and it takes years and even after more than 30 years in this country, I still miss my old friends and family. It is not an easy thing to do, it is something that this administration has to think very very carefully.

Response: Councillor Anthony Finn

I speak as a resident of West Hendon, and I don't feel myself under privileged, and as Councillor Sodha seems to explain every resident of West Hendon is. Councillor Sodha ignores a part of West Hendon, a major part of West Hendon, which she never sets foot in. All she's interested in is her little domain at the top of West Hendon. Us in West Hendon, which will be Conservative at the next election, are a different breed to hers. Madam Mayor, Barratts Metropolitan have put to us proposals. Nothing has yet been decided, we are looking at their proposals. We are discussing with them their proposals. We are trying to make sure that the interests of the Council are maintained. We are trying to make sure that Barratts can put to their Board of Directors a scheme, which will be sustainable, which will start, and which they will complete, that is what we're interested in. And even more so, we are interested that the residents of West Hendon are satisfied by the new proposals. Once we have all these three factors in place, we will tell you what the scheme is, we will tell you what the phasing is, and I am sure you will be well satisfied by it.

Comment: Councillor Hugh Rayner

As an ex-serviceman I am very concerned about the life of the Officers' Mess at Mill Hill Barracks. Would the Cabinet Member please confirm Barnet's policy in regard to the continued existence of the Officers' Mess at Mill Hill Barracks and can I request please, please, please that the Council uses its best endeavours to ensure that the Mess is not allowed to become derelict when the Army does actually leave and while the people are deciding on its future, please.

Response: Councillor Melvin Cohen

The Member will know that the preferred options report for the AAP for Mill Hill East is out for consultation at the present time. Now, that report does advocate that the locally listed Officers' Mess building should be retained on site and it is envisaged that it could be converted for community, commercial, residential or other suitable uses. The preferred options report specifically advocates that the ground floor should have publicly accessible uses. So we have to watch this space.

Comment: Councillor Lisa Rutter

I am sure the Cabinet Member is pleased at the excellent result Barnet achieved in the recent physical and sensory impairment inspection. I trust Councillor Lynne Hillan will join me in congratulating Miss Kate Kennally and her officers for all the hard work that contributed to this achievement.

Response: Councillor Lynne Hillan

Thank you very much Councillor Rutter, I am sure that this Council will all wish to congratulate the Officers in this particular service. But you know Adult Social Services is going forward in leaps and bounds now so we're expecting some excellent results from all of the services.

The meeting finished at 10.29pm

**Council Questions to Cabinet Members
6 November 2007
Questions and Responses**

Question No. 1**Councillor Duncan Macdonald**

Has the Council considered placing recycling bins outside the Boroughs rail and tube stations to enable passengers to recycle the large number of free newspapers that are regularly left on the tube?

Answer by Councillor Matthew Offord

Yes – it is one of the items that are being considered for inclusion in the new Recycling Services Contract, which will commence in October 2008.

Question No. 2**Councillor Richard Weider**

Please could the Cabinet Member advise what is being done to ensure McDonalds and other traders assist with the removal of litter generated by their premises in Stonegrove, Edgware?

Answer by Councillor Matthew Offord

Stonegrove, classed as a 'hot-spot', is litter picked each week including weekends. Both Enforcement Officers and the Street Cleansing manager have spoken to managers of McDonalds and Tesco Express to maintain their forecourts litter free. Subsequent inspections have noticed a marked improvement.

Question No. 3**Councillor Alison Moore**

The cost of postage, printing and room hire for the Burnt Oak Leader Listens event was about £1,140. 2230 people were invited but only 9 people showed up, making the cost per attendee £126.66. Does the Leader really believe that this represents good value for money?

Answer by Councillor Mike Freer, Leader of the Council

Yes.

Question No. 4**Councillor Duncan Macdonald**

Has the Council looked at using environmentally friendly road salt during the winter? I believe that a trial was undertaken in Wales but ran into problems with sheep eating it. Presumably not such a problem in Barnet.

Answer by Councillor Matthew Offord

We are aware of the trial and at an appropriate time will investigate the potential for its use in Barnet. Existing contractual arrangements are in place where salt is provided through a Consortium of London Boroughs. This arrangement does not expire until 2009. The alternative product is only available in limited quantities and there will be a cost premium, however at the appropriate time an options appraisal will be conducted.

Question No. 5**Councillor Hugh Rayner**

Please could the Cabinet Member confirm how many town keepers we now have in situ?

Answer by Councillor Matthew Offord

Of the 20 town centres in Barnet, there are 19 town keepers in 'situ' and one being trained at present to be in post in Colindale Avenue mid November.

Question No. 6**Councillor Alan Schneiderman**

Why is the Council giving back £570,000 in Sure Start / Children's Centres grant while at the same time moaning it does not receive enough money?

Answer by Councillor John Marshall

For 2006-2008, the Council was allocated an indicative sum of £6.4m sure start funding for capital projects to develop the Surestart Children's Centre programme in Barnet. This allocation is a maximum limit within which we must contain our programme and money is drawn down to the Council as we get each scheme agreed and approved by DCSF and incur the building costs. The schemes listed in Appendix H of the Monitoring Report represent the schemes approved to date and the capital spend forecast for the year, which totals some £5.8m. This currently leaves £570,000 of the allocation not earmarked to specific schemes. We are striving to make use of all of this allocation but it is ringfenced for specific use on Children's Centre developments. Since this monitoring report was collated, there has been a request for an additional £200,000 to be allocated to fund further works on the programme. This reduces the residual amount to £370,000.

It is disappointing that the member seems unaware that ring-fenced grants can not be used at will.

Question No. 7**Councillor Brian Gordon**

How has the Borough benefited from the voluntary services provided by Church Way Neighbourhood Watch to remove graffiti free of charge from both Council and private property? What sort of support has the Council given this organisation for its efforts and are there any other organisations in the Borough carrying out such voluntary work?

Answer by Councillor Matthew Offord

Church Way Neighbourhood Watch are one of a number of organisations supporting the drive for a Cleaner, Greener, Safer Barnet. Their contribution has included engaging its members in the cleaning or repainting of surfaces defaced by graffiti in their immediate area. We have supported them in this work by providing free graffiti removal kits and, where available, recycled paint.

In the last four years, the Council has supplied approximately 400 graffiti removal kits free of charge to such groups or individuals.

Question No. 8**Councillor Julie Johnson**

Will the Lead Member update me on the latest decisions regarding the phasing of the West Hendon Estate regeneration, including the current arrangements as to when and where residents in each road will be decanted?

Answer by Councillor Anthony Finn

No decisions have yet been taken regarding the phasing. Barratt Metropolitan has advised the Council that it considers the original phasing to be no longer viable. A new phasing proposal has been put to the Council, which would mean the original decanting promises would need to be changed for many of the residents. Barratt Metropolitan has been asked to undertake a major consultation exercise with all residents. When this has been completed, the Council will be in a position to consider what can be agreed.

Question No. 9**Councillor John Hart**

Would the Leader please comment on any progress being made in negotiations to resolve the impasse between the Trustees of Avenue House and Finchley Arts Centre Trust over the Bothy?

Answer by Councillor Mike Freer, Leader of the Council

Council Officers and external specialists have finalised their inspection and compiled a draft report. The Financial evaluation of the business plan underpinning The Bothy project has been held up by a delay in obtaining some financial information. This has now been received and the provisional findings will be presented to the Trustees of FACT shortly.

Question No. 10

Councillor Ross Houston

Following on from his comment that the Safer Transport Teams were little better than “a sticking plaster” will the Cabinet Member finally recognise the work of these teams in reducing crime by up to 64% in the last 12 weeks, and admit that more transport police are a good thing?

Answer by Councillor Brian Coleman

There are lies, damned lies and TfL statistics. If there were not gangs of youths roaming wild on some of our bus routes due to the unlimited free travel to all under 16s whatever time of the day or night there would not be the crime in the first place.

Question No. 11

Councillor Brian Gordon

Are we satisfied that the new Resident Forum structure, running on a constituency basis is proving more effective than the previous Area Forum arrangement where smaller areas were covered?

Answer by Councillor Mike Freer, Leader of the Council

Yes.

Question No. 12

Councillor Alison Moore

Crossrail will open up access to 200,000 jobs in central and east London, and bring much needed additional transport infrastructure for all users of London Transport, including those many residents traveling to jobs in the centre of London from Barnet. Will the Leader and the Cabinet Member for Crime and Community reconsider their opposition to this vital scheme for the future of the London economy and join the City of London, Canary Wharf and London First in supporting Crossrail?

Answer by Councillor Mike Freer, Leader of the Council

Councillor Moore is mistaken. I have never opposed Crossrail and indeed have publicly welcomed it. What I have condemned is the shoddy financial deal done with the City of London Corporation and the Government which will, yet again, leave Barnet Tax payers with a huge bill and no prospect for Government funding for transport infrastructure in the North London / Northampton growth corridor.

Question No. 13

Councillor John Hart

In view of the destruction of much of the hedge fronting the Annington Homes development on Frith Lane, part of the Mill Hill East Redevelopment, would the Cabinet Member for Planning and Development reconsider the need to protect hedges, especially those enclosing the Barracks site?

Answer by Councillor Melvin Cohen

The removal of the hedge on Frith Lane was required as part of section 278 works to widen the road to enable a right hand turn lane to be provided to provide safe access to the site. The hedge was not protected but following negotiations with Countryside / Annington and the Council's Highway Group the minimum length of hedge necessary to facilitate the works was removed. Furthermore, the landscaping scheme for the site proposes replacement planting of hedgerow along this strip upon completion of the building works.

The emerging Area Action Plan for the site advocates the need to retain the green boundary treatment along Frith Lane and Partingdale Lane. As the Area Action Plan will provide the framework for the consideration of any future planning applications for the site. The need to retain this landscaping will be a material planning consideration.

Question No. 14

Councillor Anne Hutton

South Friern Library closed on 16 December 2006. In bidding, the contractor gave a construction time of 18 months and anticipated the Library opening in June 2008. However, a sign up at the library now publicises the opening to be Spring 2009. Can the Cabinet Member advise the reason for the delay and how much money the administration has saved in revenue costs by the delay?

Answer by Councillor John Marshall

I am pleased to tell the Councillor that I will be laying the Foundation Stone of the new Library on Thursday 8th November. The local Councillors will be invited to this Ceremony. Although is later than we would have wanted the timescale was determined by our partners Acorn Homes who are building the Library as part of their acquisition of the site. Local residents will be happy to enjoy a new state of the art library which will serve them for many generations.

Question No. 15

Councillor Daniel Webb

Please could the Cabinet Member for Investment in Learning give a timescale for the rebuilding of Whittings Hill School in my ward?

Answer by Councillor John Marshall

I should like to thank Councillor Webb for his continued interest in this important project which is leading the PSCIP programme forward. Potential contractors have produced innovative designs. We hope to obtain planning consent next June/July. That will enable a start to be made almost immediately with the objective of opening the new school in September 2009.

Question No. 16

Councillor Barry Rawlings

Given that the changes in PSCIP phasing are based on financial considerations rather than educational need, can the Cabinet Member say how many staff and pupils will continue to suffer sub-standard accommodation in schools dropped from the programme as a result of this decision?

Answer by Councillor John Marshall

The Councillor would have served the Borough better if his remarks had been addressed to Ed Balls' team who have continued to short change Barnet and his group leader who failed to tackle this issue when she had the ability to do so. The question I had hoped he would ask is: 'how many pupils and staff will soon be benefiting from the Council's innovative and ambitious programme of primary school modernisation'. Councillor Rawlings should also stop scare mongering. The very ambitious time scale has been changed. The schools will still be modernised. We are determined to reverse the awful legacy left us by Councillor Rawlings and his colleagues.

Question No. 17**Councillor Wendy Prentice**

Please could the Cabinet Member give an outline and timescale of the work to upgrade Chipping Barnet Library in my ward?

Answer by Councillor John Marshall

I should like to thank the Councillor for her continued interest and that of Councillor Perry in the library. The modernisation of the Library was the subject of a public exhibition in the Library and in the Spires Shopping Centre. Work will start in late January and will last some 2 months.

The mobile library service will be available during this time. I have instructed that work will start only after work has finished at Edgware as we do not want two libraries closed at the same time. The new library will be capable of using RFID. Changes to the Hyde Room being planned by the Resources Service will enable Committee meeting to take place there bringing the Council to the people. Libraries elsewhere also serve the Registrar's service. I hope that Chipping Barnet will do so as well.

Question No. 18**Councillor Ansuya Sodha**

Will the Leader welcome the free dial-a-ride concession for disabled and elderly residents recently announced by the Mayor of London, and say what the Council will do to promote this benefit to ensure that disabled and elderly residents with mobility problems in Barnet have equal access to transport?

Answer by Councillor Mike Freer, Leader of the Council

Yes. Our staff working with the relevant care group will be made aware of the initiative.

Question No. 19**Councillor Joan Scannell**

Please could the Cabinet Member outline the work being done and the timetable thereof to upgrade Edgware Library in my ward?

Answer by Councillor John Marshall

I should like to thank the Councillor for her continued interest in the Library. I know that she and Councillor Helena Hart have been campaigning for improvements for some time as has Councillor Weider since his election last year. The work will start in January. The entrance will be refurbished. A new unisex disabled access toilet will be introduced. New carpeting will be provided. RFID will be introduced. I would hope that the saving this will generate might enable the Council to look again at opening hours at this Library.

Question No. 20**Councillor Claire Farrier**

Local Safer Neighbourhood Teams are keen to assist the Council in dealing with enviro-crime and anti-social behaviour by issuing Fixed Penalty Notices. At the last Council meeting, the Cabinet Member for Crime said he would not consider putting in place a formal agreement between the Council and the Metropolitan Police in Barnet to allow PCSO's to issue Fixed Penalty Notice – will he now re-consider his answer and broker this agreement?

Answer by Councillor Brian Coleman

No, unlike the Labour Party I refuse to persecute the citizenry of this Borough.

Question No. 21**Councillor Brian Salinger**

The London Local Authorities Act 2007 received royal assent in July. Which of the new powers in the Act does the Council plan to implement?

Answer by Councillor Mike Freer, Leader of the Council

The London Local Authorities Act 2007 came into force (in the main) on 19 September 2007. The provisions under the Act are therefore in force, in the main, for the Council to enforce against.

Barnet are working with London Councils who are leading on this matter to enable full implementation. Matters include:

- To develop and approve a Code of Practice on dealing with unauthorised advertising.
- To develop and approve a Code of Practice on the due diligence provisions relating to notices requiring the removal of waste.
- To define the level of bonds required in connection with nuisance and abandoned vehicle.
- To development and approve a scheme of penalty charges and provision for appeals.

Until these actions have been completed sections 11, 12 (railway undertakers, provisions for the purpose of section 11), and 19 (placing of receptacles for household waste) to 25, will have no effect and the powers available under sections 26 (civic, amenity sites) and 28 (designation procedure for enforcement action zones) will be limited. We await the relevant codes of practice from London Councils.

In addition the planning service will use their new powers against illegal advertisements to prosecute repeat offenders.

Question No. 22

Councillor Ansuya Sodha

Can the Leader tell me if Single Status has been implemented fully with regard to bonuses and allowances for men and women carrying out the same work?

Answer by Councillor Mike Freer, Leader of the Council

The 1997 single status agreement was introduced to harmonise the conditions of service for manual and non manual workers, and reduce the pay gaps between men and women doing primarily similar skilled roles. As a result of single table bargaining an integrated pay spine backed by a new job evaluation scheme (the GLPC scheme) was introduced in 1999. The agreement also included:

- The reduction of the working week to 36 hour week by April 2004.
- A single pay spine for all manual and non manual employees.
- Local determination on a grading structure, allocation of jobs to grade, whether to use incremental scales, the consolidation of the London allowance into a single pay spine and extending the NJC pay spine from a maximum of SCP 49 to SCP 70.
- Barnet has implemented the requirements of Single Status Agreement as reported at General Functions Committee on 25 September. Bonuses and allowances did not form part of the implementation of single status and are related to the subsequent Green Book on National Terms and conditions where Councils were required to locally agree bonuses and allowances and the requirement to undertake pay and grading review which has been completed.

Question No. 23

Councillor Brian Gordon

Please let us have the latest information on the excellent plans intended for the improvement of facilities at Burnt Oak library.

Answer by Councillor John Marshall

A project manager has been appointed. Our plans are in place for the creation of a co-located Leading Library and Customer Service Centre. This will benefit many local residents. We will of course keep the disruption to a minimum but hope that the new facility will be open by next summer. I am sure that Councillor Gordon will welcome the chance to meet constituents there.

Question No. 24

Councillor Zakia Zubairi

The Graham Park Youth Centre behind Barnet College has no signage to speak of in the local area, and local young people do not widely know of its existence. Given the administration's stated desire to promote youth activities and better health, will the Cabinet Member agree to install proper signage so people know that it is there and are able to find it more easily?

Answer by Councillor Fiona Bulmer

The Youth Service has identified the need to improve signage at Grahame Park Youth Centre. The service is consulting the young people who serve on Barnet Youth Bank on developing new signs for the centre.

Question No. 25

Councillor Dean Cohen

What support does the Children's Service provide for children under five with autistic spectrum conditions?

Answer by Councillor Fiona Bulmer

Barnet has an excellent record of support for children with autistic spectrum conditions. That support has just been extended with the launch of a pioneering new service, BEAM (Barnet Early Autism Model), launch that provides specialist, intensive support to pre school children. Another scheme, known as Tracker, provides regular input from a pre-school teacher, speech and language therapist and occupational therapist in the family home. Both services are extremely popular with parents and underline the Council's commitment to providing high quality, individual support to disabled children in Barnet.

Question No. 26

Councillor Andrew McNeil

East Finchley Library's National Lottery bid has not been successful. Will the Cabinet Member confirm that funding for refurbishment and improvements to East Finchley Library will be met by the Council?

Answer by Councillor John Marshall

I should like to thank all of those who worked so hard on this bid. It is unfortunate the Big Lottery Fund was not quite big enough. I cannot guarantee that the Council will have large enough capital programme to do what the Big Lottery Fund was unwilling to fund. I would suggest that Councillor McNeil lobbies his Ministerial friends so that the government gives Barnet a realistic settlement.

Question No. 27

Councillor Robert Rams

Please could the Leader set out the progress LBB has made in reducing back office costs?

Answer by Councillor Mike Freer, Leader of the Council

Barnet has a strong track record of delivering good services in an efficient manner. In our Direction of Travel Statement the Audit Commission formally recognised that Barnet's Value for money has improved, with savings, efficiencies and clear links between investment in priorities and results.

The 'use of resources' judgment from the Audit Commission, assesses how well local authorities manage their finances and provide value for money. The Council received a 'three' (performing well) which was an improvement on our previous standing.

The Corporate Plan is key in the delivery of the organisational strategy, driving service delivery towards the vision for the future shape of the London Borough of Barnet as one of:

"A smaller entity with a smaller, but more efficient, corporate support function and a greater concentration of resources on outcomes."

The Medium Term Financial Strategy has embedded delivering efficiencies and value for money in our financial, performance and service planning.

Success will result in spend on support services in 2010 being no greater than spend on support services in 2007. In addition to restricting spend levels, customer satisfaction with service delivery will rise significantly from 2007 to 2010.

Investment in core systems has allowed services to think innovatively about streamlining service based back office support functions. Budgeted savings of approximately £5m are recorded for 2006/07 and 2007/08. Total savings projections through investment in core systems amount to £18.5m (cumulative) by 2012/13.

The Audit Commission value for money profiles present Barnet as the London Borough with the lowest cost per head for central services at £39.15. The next lowest cost for a London Council is £53.63 and the highest cost for a London Council is more than £300 per head.

Number of Authorities	Central Services Costs £
1	>300
4	151 – 300
5	101 – 150
21	50 – 100
Barnet London Borough Council	39.15

We are happy that the work being undertaken to reduce back office costs has not resulted in reduced service quality. The corporate assessment of how the Council is run, which considers what the Council, together with its partners, is trying to achieve resulted in a 'three' (performing well).

Question No. 28

Councillor Agnes Slocombe

Will the Cabinet Member tell me why the playground on the Hyde Estate has been closed, why local Councillors and residents were not consulted on the closure, and when it will be re-opening?

Answer by Councillor Matthew Offord

Based on the information provided we believe this is in Brent.

Question No. 29**Councillor Kate Salinger**

Please could the Cabinet Member outline Barnet's schools' performance in the OFSTED inspections carried out over the past year?

Answer by Councillor Fiona Bulmer

30 % of Barnet schools were judged outstanding in the past academic year compared with 14% nationally. 55% of schools were judged good compared with 47% nationally and 11% judged satisfactory compared with 33% nationally. Two schools (5%) were judged inadequate.

Question No. 30**Councillor Linda McFadyen**

Will the Cabinet Member tell me how the new Supporting People contracts are going to be monitored to ensure that there is equality of service?

Answer by Councillor Lynne Hillan

As is the case with all services and contracts, we have a comprehensive and robust Performance Monitoring system in place for all existing and future contracts. The key areas are Access to Services, Quality of Services and Outcome of Services. Performance is measured against national standards and is reported back through the Supporting People Commissioning Board.

Question No. 31**Councillor Dan Thomas**

Please could the Leader outline progress on the Barnet Financing Plan?

Answer by Councillor Mike Freer, Leader of the Council

Following the successful launch of the Barnet Financing Plan ("Barnet Bond") proposal in September, we are now working on the next stage of the proposal this will involve a detailed feasibility study of one of the infrastructure schemes in order to show how it can be delivered; how financed; and what the governance arrangements will be.

In order to prepare for this next stage of work, which I have asked senior officers to have a series of paving meetings with key government officials in particular the treasury, CLG and I myself will be meeting with John Healy the minister. We are also having a series of meetings with the GLA family partners to make sure they continue to be supportive of the Barnet Bond proposals.

Question No. 32**Councillor Julie Johnson**

Will the Cabinet Member tell me what plans there are for the installation of CCTV in West Hendon, and whether any impact assessments have been carried out at crime hotspots in the ward?

Answer by Councillor Brian Coleman

There are currently 6 CCTV cameras in the West Hendon Ward – 5 on the A5 between Goldsmith Avenue and Cool Oak Lane and one on Station Road at the junction with A41 Watford Way.

Since April this year, cameras along the A5 in West Hendon Ward have been used in 23 incidents resulting in 10 arrests. Thanks to the actions of this Administration crime continues to fall in West Hendon Ward.

Question No. 33**Councillor Geof Cooke**

The Council's highways and transport department has received 6,948 complaints since 2004. Will the Cabinet Member give me a breakdown of what these complaints were by issue, and how many were resolved at the first stage without being escalated?

Answer by Councillor Matthew Offord

Environment & Transport Complaints 2004-2007

Issue	Stage 1	Stage 2	Stage 3	Total
Street Cleansing	723	2	0	725
Waste	3671	2	0	3673
Highways and Street lighting	703	3	0	706
Recycling	219	0	0	219
Parking Design, Road Safety, Developers	44	0	0	44
Greenspaces	110	0	0	110
Parking Enforcement/Control	66	1	0	67
Trees	121	1	0	122
Request for Service not Delivered	24	0	0	24
Street Enforcement	1256	2	0	1258
Totals	6937	11	0	6948
	99.84%	0.16%		

6,937 (99.84%) were resolved without being escalated.

Question No. 34

Councillor Colin Rogers

There has been a recent proliferation of advertising hoarding boards around East Finchley (one near the junction of East Finchley High Road and the North Circular, and two on the North Circular by Glebelands). Can the Cabinet Member say whether these hoardings have planning consent and if not, what enforcement action is being taken to get them removed?

Answer by Councillor Melvin Cohen

The planning enforcement team investigate all alleged breaches of planning control and where a breach of planning control has occurred and harm is being caused then planning enforcement action is taken.

The planning enforcement team is currently taking enforcement action against two unauthorised hoardings located outside the Yellow Box Storage at 385-401 East Finchley High Road. These advertisements are also subject to an appeal against the Council's decision to refuse advertisement consent.

There are no other registered complaints relating to advertising hoardings around the East Finchley part of the North Circular. However, this matter will be investigated and if it is found that unauthorised advertisement hoardings have been erected and they are causing harm, then either prosecution action or direct action will be taken in order to ensure that the offending advertisements are removed.

Question No. 35

Councillor Anita Campbell

The cost of replacing a Council wheelie rubbish bin is £48, which local residents have to pay if their bin is stolen or vandalized. To what extent is the replacement cost of stolen and vandalised bins subsidised by the Council – particularly for vulnerable residents and those on low incomes?

Answer by Councillor Matthew Offord

The cost of replacement of lost wheeled bins through theft or vandalism is not subsidised by the Council. As to the vulnerable and those on low income, a clean second hand bin is supplied free of charge in these circumstances.

Question No. 36

Councillor Barry Rawlings

What percentage of pupils receiving free school meals attained 5 or more, good GCSE results compared with other pupils this year?

Answer by Councillor Fiona Bulmer

The table below outlines the 5+ A*-C GCSE grades performance of pupils receiving free school meals (FSM) in 2007 and 2006. There is national data for 2006 but that data is not yet available for 2007.

	5+ A*-C			
	2006		2007	2007-2006
	Barnet	National	Barnet	Improvement
Entitled to FSM	41%	33%	48%	7%
Not entitled to FSM	69%	61%	73%	4%
Gap	28%	28%	25%	-3%

The table below outlines the 5+ A*-C including English and Maths GCSE grades performance of pupils receiving free school meals (FSM).

	5+ A*-C incl Eng & maths			
	2006		2007	2007-2006
	Barnet	National	Barnet	Improvement
Entitled to FSM	27%	20%	35%	8%
Not entitled to FSM	60%	48%	63%	3%
Gap	33%	28%	28%	-5%

Question No. 37

Councillor Julie Johnson

Will the Lead Member tell me what free parking facilities there are for users of Hendon Library in the nearby vicinity of the library?

Answer by Councillor John Marshall

As the Councillor knows the Hendon Library is situated by the Town Hall and Middlesex University both of which generate considerable demand for parking facilities. In addition it is quite close to Hendon Central Tube Station. Any all day free spaces would in all probability be used by commuters. There is free parking in Egerton Gardens and St Joseph's Grove after 5pm and on Sundays. The Pay and Display street parking in St Joseph's Grove means that there is a good turnover of parking spaces. The Library is also served by Public Transport. That is why it is so well used by local residents.

I am always willing to listen to Councillors' ideas and I look forward to hearing any positive proposals Councillor Johnson has.

Question No. 38

Councillor Colin Rogers

There are 8 London Plane trees outside the Yellow Box Storage at 385-401 East Finchley High Road – 6 of which have had their tree pits covered with a non-porous material. Can the Cabinet Member advise:

- A) If the Council is responsible for this vandalism?
- B) If so, why have these trees been condemned in this way?
- C) If the Council is not responsible, what action will be taken to protect trees in the Borough against this practice, and apprehend / punish the culprits?

Answer by Councillor Matthew Offord

These works were not carried out by the Council but by the developer as part of the offsite highway works associated with this development. Due to the narrowness of the footpath and in order to prevent the trees having to be removed, the developer applied a proprietary porous resin and stone based material around the base of the trees to provide a level walking surface. The material is specifically designed to allow water to percolate to the tree roots.

Therefore it is not “vandalism” and the trees have not been “condemned”.

However, the material has been applied too close to the trunks of the trees and Council officers are liaising with the developer and our own tree specialists to resolve the problem. In future we will seek that the developer applies the material in accordance with the manufacturer’s guidelines.

Question No. 39

Councillor Ansuya Sodha

How many staff in the IT department have been made redundant as a result of so-called modernization?

Answer by Councillor Mike Freer, Leader of the Council

21 employees left the Council in 2006 as a result of the Resources restructure where modernising our IT infrastructure and systems reduced the requirements for IT staff. Of these 2 were compulsory redundancies.

Question No. 40

Councillor Barry Rawlings

What are the procedures to avoid fraud on school admissions to secondary schools and what plans are there to strengthen anti-fraud measures in this area?

Answer by Councillor Fiona Bulmer

The School Organisation and Admissions Team (SOAT) ensures that school admissions criteria are applied fairly.

Parents applying for a school place must use the address where the child is permanently resident. SOAT check addresses against the addresses held by primary schools. Where a discrepancy is noted, in most cases, SOAT is able to resolve the matter with parents, but where there is a discrepancy that SOAT cannot resolve, cases can be referred to and investigated by the Council's Corporate Anti-Fraud Team (CAFT). CAFT have access to a wide range of publicly available information, such as the electoral roll, which they can check where this is relevant. A range of other measures are in place to prevent fraud, where parents have changed address within the two years leading up to the application for a school place.

This information is set out clearly in the admissions handbook provided for all parents and is in line with the strategies used by other London boroughs involved in the PAN London process for co-ordinated school admissions. The Council is confident that its processes are robust and can identify fraudulent applications but the admissions process is kept under review to ensure that all possible steps are taken to prevent fraud.

**CONSTITUTION OF THE CORPORATE HEALTH AND SAFETY JOINT
NEGOTIATION AND CONSULTATION COMMITTEE**

1. Title

- 1.1 The committee shall be called the "Corporate Health and Safety Joint Negotiation and Consultation Committee".

2. Representation

- 2.1 The committee will cover all employees in the employment of the Council of the London Borough of Barnet ("the Employers"). The Trade Union Side will represent trade unions and non trade union employees for the purpose of consultation as specified by the Safety Representatives and Safety Committee Regulations 1997 and the Health and Safety (Consultation with Employees) Regulations 1996.

3. Objectives

- 3.1 To promote a healthy and safe working environment for all members of staff employed by the Council and to protect the public from any risk of danger that may arise as a result of the Council's activities.
- 3.2 To monitor the welfare arrangements (facilities for eating, drinking, first aid and toilets etc) provided for employees.
- 3.3 To provide a forum for consultation and as necessary, negotiation on proposals put forward by management and the trade unions.
- 3.4 To change the way in which work is performed by the introduction of safe systems of work, procedures and arrangements, including those for the training of staff.

4. Constitution

- 4.1 The Chairman of the Committee shall be appointed by the Council and Vice-Chairman shall be appointed by the trade unions.
- 4.2 The Council Side (the Employer's) and the Trade Union Side shall each appoint a secretary and such secretaries shall be Joint Secretaries of the Committee.

- 4.3 The Democratic Services Manager shall appoint a Clerk to the Committee, who shall be a member of Democratic Services. The Clerk will be responsible for securing the agreement of agenda items between the Joint Secretaries of the Trade Union Side and the Employer Side; the distribution of agenda, the drafting of minutes.
- 4.4 If a member of the committee ceases to be a member or an employee of the Local Authority they shall thereupon cease to be a member of the committee. Any vacancy shall be filled by the Council or by the appropriate employee organisation as the case may be.
- 4.5 The quorum of the committee shall be three members of the Council Side and three members of the Trade Union Side.

Trade Union Side of the Committee

- 4.6 The representation of the Trade Union Side shall be drawn from those Safety Representatives who are appointed by recognised unions for designated work areas of the council. Trade Union Safety Representatives are entitled to time off for trade union duties under the terms of the Facilities Agreement which is set out in the HR Procedures located on the Council's Intranet site.
- 4.7 The composition of the Trade Union Side shall be notified to the Clerk to the Committee at the beginning of each Municipal year.

The number of representatives of the Trade Union Side of the Committee shall be 10 at any one meeting including the Trade Union Side Vice-Chairman.

The representatives who may be available to serve at any time during the year shall be appointed by the appropriate trade union branches.

The normal distribution of seats will as closely as possible be proportionate to the number of Safety Representatives. Employee Side representatives of the Local Authority are to be appointed annually, but in any event to include,

- three teacher representatives, (including representation for head teachers) and
- seven representatives from all other areas of council work.

The Chairman of the Trade Union Side (Vice-Chairman of the Committee) shall normally be the main spokesperson for that side and shall be

nominated by and from amongst those eligible to serve the Trade Union Side in the committee's affairs.

The Clerk to the Committee shall maintain an up to date record of recognised Safety Representatives and unions eligible for participation of the Committee.

The Secretary of the Trade Union side will be responsible for updating Committee's records as necessary.

Employer's Side of Committee

- 4.8 The Committee shall comprise six Members of the Council of the London Borough of Barnet to be appointed annually by the Council.
- 4.9 The Council's Health and Safety Strategist shall also attend meetings of the Committee. The Head of HR Strategy and the Health and Safety Manager will attend the meetings as and when necessary.
- 4.10 The Chief Officer or their representative shall attend when the report of that service area is before the committee.

5. Substitute Members

- 5.1 In addition to the members appointed to each side of the committee, five substitute members for the Employer's Side and four for the Trade Union Side shall be appointed. In the event of any member of the committee being unable to attend a meeting they shall notify the clerk to the Committee at least two days before the meeting, when a substitute member shall then be entitled to attend the meeting, take part in the discussion and vote. Trade Union substitute members will be Safety Representatives.

6. Joint Secretaries' Responsibilities

- 6.1 The Joint Secretaries will meet to consider the agenda items for the Committee meeting prior to the agenda being circulated.
- 6.2 They will advise the Clerk to the Committee, where appropriate, of any changes to the membership of the committee at least one day before the meeting.
- 6.3 The Joint Secretaries will attempt to resolve any issues relating to health and, safety matters between the meetings of the committee. If issues cannot be resolved, they will be referred to the next meeting of the Committee.

- 6.4 The Joint Secretaries will conciliate or advise on any local health and safety issues as requested by the Area Joint Negotiation and Consultative Committees (JNCC) resolutions.

7. Procedure

- 7.1 Meetings of the committee shall be held at least quarterly or as often as may be necessary, provided that when the Chairman and Vice-Chairman are satisfied that the amount of business does not justify the convening of any such meeting, they may authorise its cancellation.
- 7.2 An emergency meeting of the committee shall be held within 10 working days of a written request being received by the Clerk to the Committee from the Chairman or Vice-Chairman.
- 7.3 Items for consideration at any meeting of the committee may be submitted by either side and should be received by the Clerk to the Committee at least 10 working days before the meeting, except in the case of an emergency meeting.
- 7.4 The agenda of business shall be circulated by the Clerk to the Committee to each member of the Committee at least 7 working days before a meeting, except in the case of emergency meetings.
- 7.5 No business other than that appearing on the agenda shall be transacted at any meeting unless both sides agree to its introduction.
- 7.6 Reasonable facilities shall be provided for meetings of both sides. The administrative expenses of the committee shall be paid by the Employer's Side.
- 7.7 Minutes of meetings of the Committee and the preparation of official agendas shall be the responsibility of the Clerk. Copies of the minutes of the committee shall be circulated to all members of the committee.
- 7.8 Minutes of any meeting of the Committee shall be signed by the Chairman (or their representative), and the Vice-Chairman (or their representative).
- 7.9 Decisions shall be arrived at only by agreement between the two sides of the Committee. In the event of the Committee being unable to arrive at an agreement on a motion, the matters will be referred to the General Functions Committee who may make such recommendation to the Council as they think appropriate. They may refer the matter back to the Committee with the views or recommendations of the General Functions Committee.

7.10 The minutes of the meeting will record any decisions reached, the essence of discussions which do not require agreement and any formal failure to agree may be referred to the General Functions Committee for consideration.

8. Terms of reference

The terms of reference of the Committee shall be:

- 8.1 The examination of accident statistics and trends.
- 8.2 The examination of any reported notifiable diseases.
- 8.3 Examination of safety audit reports.
- 8.4 To receive and consider reports and factual information provided by Health and Safety Executive Inspectors appointed under the Health and Safety at Work, etc, Act 1974.
- 8.5 Subject to their submission to the appropriate Area JNCC in the first instance, consideration of reports which safety representatives may wish to submit together with the views of the appropriate Area JNCC.
- 8.6 Advice on the development of safe systems of work.
- 8.7 Approval of Council Health and Safety Arrangements.
- 8.8 Monitoring the adequacy of the safety content of employee training.
- 8.9 Monitoring the adequacy of safety and health communication and publicity in the workplace.
- 8.10 To maintain a link with the appropriate inspectorate of the enforcing authority.
- 8.11 Consideration of annual reports from the service areas.

