

# MINUTES

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET  
held at Barnet House, N20 0EJ, on Tuesday, 3 March 2009.

## PRESENT:

- \*The Worshipful the Mayor (Councillor John Marshall)
- \*The Deputy Mayor (Councillor Mukesh Depala)

## COUNCILLORS:

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

\*denotes Member present

**168. PRAYER (Agenda Item 1.1)**

The Mayor's Chaplain offered prayer.

**169. APOLOGIES FOR ABSENCE (Agenda Item 1.2)**

Apologies for lateness were received for Jeremy Davies and for absence for Councillor Kate Salinger and Councillor Anita Campbell.

**170. MINUTES OF MEETING HELD ON 27 JANUARY 2009 (Agenda Item 1.3)**

- **RESOLVED – That the decision of the meeting held 27 January 2009 be approved.**

**171. SUSPENSION OF COUNCIL PROCEDURE RULES**

The Worshipful the Mayor, duly seconded, moved, under the provisions of Council Procedure Rule 14, that Council Procedure Rule 3.2 be suspended to allow 30 minutes for Part 1 business, as this included the election of the Mayor Designate for the year 2009/10.

Upon being put to the vote, the motion was declared carried.

**RESOLVED – That Council Procedure Rule 3.2 be suspended to allow 30 minutes for Part 1 business as this included the election of the Mayor Designate for the year 2009/10.**

**173. OFFICIAL ANNOUNCEMENTS (Agenda Item 1.4)**

The Worshipful the Mayor expressed his sorrow in formally announcing the death of former Councillor Malcolm Passingham. Mr Passingham was a ward Member for Brunswick Park and served on Barnet Council for its inception in 1964 until 1968.

The Worshipful the Mayor was also sorry to announce the death in January of Mr Ed Prentice, husband to Councillor Wendy Prentice. When Councillor Prentice served as Mayor of the London Borough Barnet from 2004/05, Mr Prentice was the Mayor's escort. The Worshipful the Mayor described Mr Prentice as a man of great charm and a true gentleman. The Worshipful the Mayor, on behalf of the Council, expressed sympathy to Councillor Prentice and her family at this sad time.

The Council paid a standing tribute to Mr Passingham and to Mr Prentice, the late husband of Councillor Wendy Prentice.

**174. DECLARATIONS OF PERSONAL AND PREJUDICIAL INTERESTS (Agenda Item 1.5)**

The following personal and non – prejudicial interests were declared, relating to Agenda Item 5.1, Report of Cabinet held on 23 February 2009 – Council Budget and Council Tax 2009/10, with the Members concerned participating in the discussions and vote:

- Councillor Brian Coleman as he is a Member of the Greater London Assembly which had set the Mayor's precept which would form part of the local Council Tax.
- Councillor Mukesh Depala whose son is a client of the Council's Children's Social Services Department.
- Councillor Lynne Hillan whose mother is in sheltered housing and in receipt of a high cost care package from the Council's Adult Social Services Department.

- Councillor Joan Scannell whose mother in sheltered housing and is in receipt of a care package from the Council's Social Services Department.

The following personal and prejudicial interests were declared relating to Agenda Item 5.1, Report of Cabinet held on 23 February 2009 – Council Budget and Council Tax 2009/10, with the Member concerned leaving the chamber and not taking part in the discussions and vote in respect of the Grants element of the Budget:

- Councillor Barry Rawlings as he works for a charity that could apply for a Council grant.
- Councillors Brian Salinger whose son is a client of the Council's Adult Social Services Department.
- Councillor Brian Salinger also declared a personal but non prejudicial interest as his son in law is a senior member of staff involved in drawing up the budget.

**175. BUSINESS REMAINING FROM LAST MEETING (Agenda Item 1.6)**

None.

**176. MAYOR DESIGNATE 2009/2010 (Agenda Item 1.7)**

Upon the Mayor calling for nominations for election of Mayor of the London Borough of Barnet for 2009/10:

Councillor Mike Freer, duly seconded by Councillor Richard Cornelius moved that Councillor Brian Coleman be proposed for the appointment as Mayor of the London Borough of Barnet at the Annual Meeting of the Council on 19 May 2009.

Councillor Claire Farrier, duly seconded by Councillor Kath McGuirk moved that Councillor Linda McFadyen be proposed for the appointment as Mayor for the London Borough of Barnet at the Annual Meeting of the Council on 19 May 2009.

Upon being put to the vote, the nomination for Councillor Linda McFadyen was declared lost. Upon being put to the vote the nomination in the name of Councillor Brian Coleman declared carried.

**RESOLVED – That Councillor Brian Coleman be formally proposed and seconded at the Annual Meeting of the Council on 19 May 2009 for appointment as Mayor.**

Councillor Coleman thanked those present for the confidence shown him and undertook to do his very best in his term of office as Mayor of the London Borough of Barnet. He announced that Councillor Hugh Rayner had consented to be his deputy.

**177. SUSPENSION OF COUNCIL PROCEDURE RULES**

The Worshipful the Mayor, duly seconded, moved, under the provisions of Council Procedure Rule 14, that Council Procedure Rules 45, 46 and 48 be suspended to permit the Leader of the Council, Councillors Alison Moore, Jack Cohen and Matthew Offord to speak for a time in excess of five minutes, and four minutes in the case of Councillor Offord, on the motion for the reception of the report of Cabinet held on 23 February, 2009 (Agenda Item 5.1, Council Budget and Council Tax 2009/10) and the amendments at Agenda Item 5.4.3 of

the Supplemental Report of the Democratic Services Manager. Upon being put to the vote, the motion was declared carried.

**RESOLVED – That Council Procedure Rules 45, 46 and 48 be suspended to permit The Leader of the Council, to speak for up to 25 minutes, Councillor Alison Moore to speak for up to 20 minutes, Councillor Jack Cohen to speak for up to 15 minutes and Councillor Matthew Offord to speak for up to 10 minutes on Agenda Items 5.1 and 5.4.3**

**178. REPORT OF CABINET, 23 FEBRUARY, 2009 – COUNCIL BUDGET AND COUNCIL TAX 2009/10 (Agenda items 5.1 and 5.4.3):**

The report of the Cabinet meeting held on 23 February 2009, with the following recommendations, was received:

**RESOLVED TO RECOMMEND -**

- 1. That Council agrees to the prudential borrowing as set out in Appendix B**
- 2. That the minimum level of General Fund balances should be £15m after taking account of all matters set out in the Chief Finance Officer's report on reserves and balances (paragraphs 9.38 to 9.73).**

Revenue Budget and Council Tax

- 3. That the forecast revenue outturn for the year 2008/09 and the estimates of income and expenditure for 2009/10 be approved.**
- 4. That it be noted that the Chief Finance Officer under his delegated powers has calculated the amount of 136,605 (band D equivalents) as the Council Tax base for the year 2009/10 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992.**
- 5. That the following amounts be now calculated by the Council for the year 2009/10 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-**
  - (a) £855,621,400 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;**
  - (b) £610,844,490 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act;**
  - (c) £244,776,910 being the amount by which the aggregate at 5(a) above exceeds the aggregate at 5(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;**
  - (d) £92,708,066 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant or additional grant increased or reduced (as appropriate) by the amount of the sums which the Council estimates will be transferred in the year from:- its collection fund to its general fund and;
    - (i) its collection fund to its general fund and;****

(ii) its general fund to its collection in accordance with Sections 97(3) and (4) and 98(4) and (5) respectively of the Local Government Finance Act 1988;

(e) £1,113.20 being the amount at 5 above less the amount at 5(d) above, all divided by the amount at 4 above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year 2009/2010;

**London Borough of Barnet Valuation Bands (£)**

A	B	C	D	E	F	G	H
742.13	865.82	989.51	1,113.20	1,360.58	1,607.96	1,855.33	2,226.40

being the amounts given by multiplying the amount at 5(e) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which is in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

6. That it be noted that for the year 2009/10 the Greater London Authority has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

**Greater London Authority Valuation Bands (£)**

A	B	C	D	E	F	G	H
206.55	240.97	275.40	309.82	378.67	447.52	516.37	619.64

7. That, having calculated the aggregate in each case of the amounts at 5(e) and 6 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2009/10 for each of the categories dwellings shown below: -

**Council Tax for Area (£)**

A	B	C	D	E	F	G	H
948.68	1,106.79	1,264.91	1,423.02	1,739.25	2,055.48	2,371.70	2,846.04

8. (i) That in accordance with Section 38(2) of the Act the Chief Executive be instructed to place a notice in the local press of the amounts set under recommendation 7 above pursuant to Section 30 of the Local Government Finance Act 1992 within a period of 21 days following the Council's decision.

**Housing Revenue Account and Rents**

1.9 That the Housing Revenue Account estimates for 2009/10 be approved.

10. That, with effect from 1 April 2009:-
- (a) The rent of all Council dwellings, with the exception of those included under Recommendation 11, be changed in line with the proposals outlined in this report, producing an average increase of 6.2%
  - (b) That the rents of all properties relet for whatever reason be moved upwards to the formula rent. Where formula rent is below actual rent no reduction will be made.
  - (c) That service charges for all tenants of all flats and maisonettes based on the services they receive be increased to the following charges (per week, 48 week basis):-
 

Caretaking	£5.44
Caretaking Plus	£7.03
Block Lighting	£0.87
Grounds Maintenance	£0.56
Quarterly Caretaking	£1.09
  - (d) That a new service charge of £0.72 per week (48 week basis) be introduced for all tenants of flats and maisonettes who receive communal digital TV services be introduced, subject to the results of consultation
  - (e) That there is an increase of 5% on the charge for space and water heating.
11. That, with effect from 1 April 2009: -
- (a) The basic rents of dwellings in the Council's equity sharing scheme at Moorlands Avenue, NW7 be amended in line with rent restructuring
  - (b) The net rents of dwellings in the equity share scheme at Friern Hospital be amended in line with rent restructuring.
- The maximum increase in (a) and (b) above will be 5.5% plus £2 (pro rata to the rented share).
12. That, with effect from 1 April 2009, the rents of Council garages be increased by 4%.
13. That the Chief Executive be instructed to take the necessary action including the service of the appropriate Notices.

Treasury Management, Capital Prudential Code and Borrowing Limits

14. The Prudential Indicators set out in Appendix C to the Leader's report be recommended for approval to Council and that the Chief Finance Officer be authorised to raise loans, as required, up to such borrowing limits as the Council may from time to time determine and to finance capital expenditure from financing and operating leases subject to:
- (i) the appropriate provision having been made in the estimates for 2009/10;

- (ii) authorisation (where necessary) of the expenditure by the appropriate Government Department;
- 15. Agree the Annual Minimum Revenue Provision as set out and recommended in Appendix C to the Leader's report.
- 16. To note that deposits with major UK banks will not be protected by the Credit Guarantee Scheme.

#### Capital

- 17. That the capital programmes be approved, and that the Chief Officers be authorised to take all necessary action to implement them.
- 18. The Chief Finance Officer be authorised to adjust capital project budgets in 2009/10 throughout the capital programme after the 2008/09 accounts are closed and the amounts of slippage and budget carry forward required are known.
- 19. That where slippage results in the loss of external funding and a new pressure being placed on prudential borrowing, the relevant Director report on options for offsetting this impact by adjusting other capital projects.

#### Contracts

- 20. That authorisation be given to allow tenders to be sought for contracts listed in Appendix G to the Leader's report.

#### Medium Term Financial Strategy (MTFS)

- 21. That it be noted that the current annual level of prudential borrowing cannot be sustained long term, and that Cabinet must also seriously consider using significant capital receipts generated in future years to repay borrowing rather than fund further expansion of the capital programme (paragraph 9.112).
- 22. Cabinet is asked to approve the following: -

#### Consultation on changes to the fairer Charging Policy

That a public consultation be carried out on the changes to the fairer charging policy as proposed below:

- a) Increasing the current charge for Homecare from £13.70 (2008/09 price) to £16.00 per hour.
- b) Removing the maximum charge ceiling for Homecare currently £342.50 (2008/09 price).
- c) To cap the Disability Related Expenditure allowance at £20.00 per week except in exceptional circumstances.
- d) To revise the basis for charging for Respite Care as per residential accommodation.
- e) To introduce charging for the Homecare element of Supported Living Packages.

- f) **The introduction of charging against a personal (individualised) budget which is set following a Community Care Assessment for people assessed as not requiring residential or nursing care. The charge against the personal budget will include all community support and services i.e. including Day Care and not be just set against those listed as separate chargeable services.**

Amendments in the names of Councillor Alison Moore and Councillor Jack Cohen were moved and duly seconded. Debate ensued. During the debate of this item Councillor Mike Freer, moved that the question now be put (to the vote), this was duly seconded by Councillor Brian Coleman. Upon being put to the vote the motion was carried.

**RESOLVED – That the question now be put (to the vote). Councillor Freer exercised his right to reply according to the Constitution.**

Upon being put to the vote, the amendment in the name of Councillor Alison Moore was declared lost.

Upon being put to the vote, the amendment in the name of Councillor Jack Cohen was declared lost.

Councillor Brian Salinger moved a Motion that the elements of the budget relating to Adult Social Services be take separately. Upon being to the vote the motion was declared lost.

**RESOLVED – That the report and the recommendation of Cabinet, February 2009, be approved, with the inclusion of the Adult Social Services elements of the Budget.**

Councillor Brian Salinger left the meeting.

The Mayor indicated that he would take a separate vote on those elements of the budget that related to Grants. Upon the substantive motion being put to the vote it was:

**RESOLVED –**

- (i) **That the report and the recommendations of the Cabinet be approved, with the exception of the Grants.**

Councillor Barry Rawlings left the meeting.

- (ii) **That the grants element of the budget be approved.**

**179. REPORT OF THE CHIEF OFFICER APPOINTMENT PANEL – CHIEF EXECUTIVE – 13 FEBRUARY 2009 (Agenda Item 5.3.1)**

**RESOLVED – That the appointment of Mr Nick Walkley as Head of Paid Service be confirmed.**

**180. MEMBERS' ALLOWANCES SCHEME 2009/10 (Report of the Democratic Services Manager – Agenda Item 5.4.1)**

**RESOLVED –**

- (i) **That, having regard to the recommendation of the Independent Remuneration Panel, the Members' Allowance Scheme for the year 2009/10 be approved for the period 1 April 2009 to 31 March 2010.**

- (ii) **That the Democratic Services Manger make the appropriate amendments to the Council's Constitution that will cover the travel allowances for this year and the scheme next year.**



**181. MISCONDUCT PROCEDURE – CONSEQUENTIAL AMENDS TO THE APPEALS COMMITTEE FUNCTIONS (Agenda Item 5.4.2)**

**RESOLVED - That the Democratic Services Manager be instructed to arrange for that part of the Council's Constitution setting out the Appeals Committee's responsibilities (Part 3- Responsibility for Functions) to be amended by the deletion, of bullet point 3 referring to staffing appeals.**

**182. OBSERVER STATUS FOR CHIEF EXECUTIVE OF BARNET PRIMARY CARE TRUST AT EXECUTIVE MEETINGS (Agenda Item 5.4.4)**

**RESOLVED - That the Democratic Services Manager be instructed to arrange for Article 7 of the Council's Constitution to be added to provide for the arrangements as set out above.**

The Meeting Closed at 9.01p.m.