

MINUTES OF THE MEETING OF THE COUNCIL HELD ON WEDNESDAY, 28 MARCH 2012

COUNCILLORS

PRESENT

Christiana During (Mayor), Kate Anolue (Deputy Mayor), Ali Bakir, Caitriona Bearryman, Chris Bond, Yasemin Brett, Jayne Buckland, Alev Cazimoglu, Lee Chamberlain, Bambos Charalambous, Yusuf Cicek, Christopher Cole, Andreas Constantinides, Ingrid Cranfield, Christopher Deacon, Dogan Delman, Marcus East, Patricia Ekechi, Achilleas Georgiou, Del Goddard, Jonas Hall, Christine Hamilton, Ahmet Hasan, Elaine Hayward, Robert Hayward, Denise Headley, Ertan Hurer, Tahsin Ibrahim, Chris Joannides, Eric Jukes, Jon Kaye, Nneka Keazor, Joanne Laban, Henry Lamprecht, Michael Lavender, Derek Levy, Simon Maynard, Donald McGowan, Ayfer Orhan, Ahmet Oykenen, Anne-Marie Pearce, Daniel Pearce, Martin Prescott, Geoffrey Robinson, Michael Rye OBE, George Savva MBE, Rohini Simbodyal, Toby Simon, Alan Sitkin, Andrew Stafford, Doug Taylor, Glynis Vince, Ozzie Uzoanya, Tom Waterhouse and Lionel Zetter

ABSENT

Chaudhury Anwar MBE, Alan Barker, Dino Lemonides, Paul McCannah, Chris Murphy, Terence Neville OBE JP, Edward Smith and Ann Zinkin

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ELECTION (IF REQUIRED) OF THE CHAIRMAN/DEPUTY CHAIRMAN OF THE MEETING

The election of a Chairman/Deputy Chairman of the meeting was not required.

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MAYOR'S CHAPLAIN TO GIVE A BLESSING

Reverend Stephen Taylor from St Michael's Church, Gordon Hill gave the blessing.

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MAYOR'S ANNOUNCEMENTS (IF ANY) IN CONNECTION WITH THE ORDINARY COUNCIL BUSINESS

The Mayor made the following announcements:

- She thanked Reverend Taylor for offering the prayers.

As this was her final ordinary Council business meeting as Mayor, she provided a review of her year in office highlighting the following for particular attention:

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- The year had been filled with many wonderful experiences and had given her the opportunity to meet people from all walks of life and to visit parts of the borough that she had never had the time to see. She felt Enfield was the most beautiful borough in London and the country.
- She had presented a Mayors Award for public speaking to schools during the year in recognition of the debating skills of pupils in the borough, both secondary and primary. The skills witnessed were second to none and could, she felt, teach members a thing or two. As part of this she was keen to not only recognise the efforts of the pupils but also the schools, teachers and other staff involved in their development.
- The need to praise the efforts of young people in the borough was also highlighted with the rich talents displayed across the borough in singing and the playing of musical instruments recognised through the Mayors Choral award for secondary schools. The Mayor advised that it had been a pleasure to have watched the faces of proud parents and friends at the concerts, shows and festivals she had attended when their children had been providing the entertainment.
- The Mayor had particularly enjoyed attending both the primary and secondary schools "Say it Like it Is" Events. One of these events had engaged young people in a debate on the subject of gangs and knife crime and it was felt events like these created an important opportunity for the voices of young people to be heard and valued.
- The Mayor had also attended the London Youth Games and the Mayors Charity Fun Run and had welcomed the opportunity to meet many of the borough's sports stars and wished them every success in the forthcoming Olympics. Another highlight of the year had been the presentation of a Mayors Award for Athletics.
- The Mayor advised she was also proud to recognise the work of the hundreds of volunteers she had met as they did so much work for those in need. A particular pleasure during her year in office had been the opportunity to honour them by presenting the 100 Hours Volunteering Awards.
- The Mayors Charity Appeal for the year had covered the health and wellbeing of all the population of Enfield. The Mayor had pledged to work with all community, voluntary and charitable groups to give everyone the best quality of life, through improved health provision for all. She was delighted to announce that her charity appeal currently stood at £24,000, but was hopeful that this may rise further.
- The Mayor was particularly keen to thank her Mayoress Dee and Mayor's Escort Seton for attending engagements with her. She also thanked Kate Anolue, as Deputy Mayor for the support she had provided over the year and took the opportunity to wish her every success for her impending year in office.

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- Thanks were also given to all the officers who had looked after and supported her so well during the year, including John Austin, Asmat Hussain and James Kinsella (for their support and guidance on Council). Special thanks were also given to the team in the Mayoral office – Melanie, Rhoda, Norman and Steve for their support over the year.
- Finally the Mayor took the opportunity to thank members from both sides for their support over her year in office.

Councillor Lamprecht, Deputy Leader of the Opposition, responded to highlight how much the work undertaken by Councillor During in her role as Mayor and “First Citizen of the Borough”; style she had brought to the role and impartial way she had conducted Council meetings had been appreciated by all members.

Councillor Taylor, Leader of the Council, also took the opportunity to thank and praise Councillor During for the tremendous work undertaken as Mayor, and way she had conducted herself in the role over the year.

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GUIDANCE ON PURDAH

Before moving on to consider the remainder of business on the agenda, John Austin (Assistant Director Corporate Governance) reminded members that the Council was currently in the election period for the GLA and London Mayoral elections in May, commonly know as “purdah”.

Members were reminded that they had received detailed guidance relating to this period on 24 February 2012. Whilst Council business could proceed as normal, including the business to be dealt with on the Council agenda, members would need to refrain from referring during the meeting to:

- candidates in the election either directly or indirectly; or
- promoting their political parties.

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MINUTES

AGREED that the minutes of the Council meeting held on 29 February 2012 be confirmed and signed as a correct record.

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APOLOGIES

Apologies for absence were received from Councillors Chaudhury Anwar MBE, Alan Barker, Dinos Lemonides, Paul McCannah, Chris Murphy, Terence Neville OBE JP, Edward Smith, Ann Zinkin. Apologies for lateness were

received from Councillors Michael Lavender & Simon Maynard and from Rob Leak (Chief Executive).

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DECLARATION OF INTERESTS

Councillors Elaine Hayward and Robert Hayward declared a personal & prejudicial interest in item 16.5 – Motion in the name of Councillor Lavender (Management of the Council's property interests in the Green Belt) as the owner of a property within the Green Belt.

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PETITION - SPITTING BAN

RECEIVED a report from the Director of Finance, Resources and Customer Services (No.226) detailing a petition that had been submitted seeking a public ban on spitting in the borough.

Council was advised that the petition had been referred for debate at Council under the Council's Petition scheme, as it contained more than 2,750 signatures.

In accordance with the Petition scheme, the Mayor invited the lead petitioner Monty Meth (Over 50's Forum) to formally present the petition to Council for consideration. The following issues were highlighted as part of the presentation:

- Thanks were expressed on behalf of the Over 50's Forum for the time provided to present the petition.
- The wide level of public and cross political party support for the petition, with more than 4,000 signatures having been received by the time the petition was closed.
- The public health issues associated with spitting, with potential links identified to the transfer of TB bacteria and the reported increase in cases of TB across London by the Health Protection Agency.
- The national interest in the petition and campaign to ban spitting in public spaces.
- Subject to approval by Council, the strong level of support towards a ban on spitting would need to be demonstrated as part of the next stage in the process. This would involve seeking approval from the Department for Communities & Local Government for a bye-law to enforce any ban
- Council was being requested to formally support the petition requesting a ban on spitting in public places and the imposing of fines along with making of a bye-law for this purpose.

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In accordance with the Petition scheme, Council was then given an opportunity to debate the petition before considering its response. The following issues were noted:

1. Thanks were expressed to the Over 50's Forum for taking the lead on the petition and to all Members & Council officers involved in promotion of the anti-spitting campaign. This had now been picked up at national level, with Enfield as the lead authority.
2. In addition to public health, spitting (unless on medical grounds) was also regarded as a problem of anti-social behaviour. The need to increase education on this issue and encourage sports stars, as role models, to support the ban was also highlighted.
3. The petition had also been considered by the Overview & Scrutiny Committee (OSC) (26 January 2012) who had unanimously supported the proposed ban on spitting in public places. As a result of a request made by OSC the Cabinet member for Environment had also written to the three local Members of Parliament (MPs) and Mayor for London seeking their support for the required bye-law.
4. The need, if successful, for any ban on spitting to be accompanied by a heavy fine as part of any enforcement activity.
5. DCLG had previously indicated that it did not consider a ban on spitting to be something that should be addressed through a bye-law, so there would be a need to demonstrate a high level of support to seek a change in this view, which the petition would form a key part towards addressing.
6. The legal process needing to be followed in seeking a bye-law, as detailed in section 5 of the report. The first stage in the process would involve the making of a provisional application for the draft bye-law, which had been submitted to DCLG.

Following the debate the recommendation in the report was agreed unanimously without a vote.

AGREED in response to the petition, to approve a ban on spitting in public places and the imposing of fines and to endorse the request made to the Department of Communities and Local Government for the making of a bye-law for this purpose.

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CHANGE IN THE ORDER OF BUSINESS

Councillor Brett moved and Councillor Georgiou seconded a proposal to change the order of business on the agenda under paragraph 2.2 (page 4-5) of the Council's procedure rules to enable the meeting to take the following (in the order listed) as the next items of business:

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- Item 16.2: Motion in the name of Councillor Stafford (Arrangements for delivery of Universal Credit)
- Item 16.4: Motion in the name of Councillor Cazimoglu (Impact of economic changes on women of Enfield)
- Item 16.3: Motion in the name of Councillor Sitkin (Budget implications on Enfield)
- Item 16.1: Motion in the name of Councillor Taylor (Boundary Commission proposals)

This was agreed by the Council. Please note the minutes reflect the order in which the items were dealt with at the meeting.

140 MOTIONS

1.1 Councillor Stafford moved and Councillor Georgiou seconded the following motion:

“Enfield Council notes that, starting in October 2013, Universal Credit will begin to replace Income Support, Job Seekers Allowance, Employment and Support Allowance, Housing Benefit, Working Tax Credit, Child Tax Credit and Support for Mortgage Interest.

The Council recognises that Universal Credit is a household benefit and that the income from Universal Credit will therefore be critical to the household incomes of thousands of its residents who are both in and out of work.

The Council therefore believes that the quality of the Universal Credit “service” will be important to the lives of its citizens and that the planned reliance on a web based delivery model backed up by remote call centres without the inclusion of a local, easily accessible, face to face service element puts the successful introduction of Universal Credit at significant risk.

The Council therefore resolves to approach DWP and raise its concerns to develop jointly with DWP local arrangements for the delivery of Universal Credit and to report back on progress to full Council later in 2012 specifically addressing the resources required and responses to the following basic questions:

- How will someone apply locally?
- Where will they apply locally?
- Where will they take required documents locally?
- Where will the local “Universal Credit” office be and what office accommodation will be required?
- How will the skills and experiences of existing benefit staff be utilised and how many staff will be needed?
- How does an individual citizen get face to face advice and help if they have a problem?”

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During the debate Councillor Rye moved and Councillor Headley seconded the following amendment:

To be added after the final bullet point in the motion listed above

“The Council congratulates the Government and Iain Duncan Smith for introducing the Universal Credit to support people into work.”

Following a lengthy debate Councillor Bond moved and Councillor Hamilton seconded that the amendment to the motion be put to the vote. This was agreed with the following result

For: 29
Against: 19
Abstention: 0

The amendment was then put to the vote, with the following result.

For: 22
Against: 30
Abstention: 0

The amendment was not agreed and the debate then continued on the substantive motion. At the end of the debate the substantive motion was put to the vote and unanimously agreed.

1.2 Councillor Cazimoglu moved and Councillor Hamilton seconded the following motion:

“Women are being hit hardest by this Government's economic policies - losing twice as much as men from tax credits, pay, pensions and benefit changes. We urge the Tory-led government to assess the cumulative impact of their policy and funding changes to women's lives and safety. We therefore ask for a full report on how these legislative changes will impact upon the women of Enfield.”

During the debate Councillor Pearce moved and Councillor Vince seconded the following amendment:

To be added at the end of the motion listed above

“This Council also asks for a further report to identify what powers Enfield Council has to address the impact upon the women of Enfield. This will include a time-bound, costed action plan to implement the measure needed to address the identified impact on the women of Enfield.”

In order to allow consideration of the tabled amendment the Council meeting was adjourned for a period of 10 minutes.

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Once the meeting had reconvened Councillor Brett moved and Councillor Cazimoglu seconded a further amendment to the tabled amendment under consideration:

To add at the end of the tabled amendment:

“The Council also agrees that the Government should meet any costs required through a special grant.”

Following advice provided by John Austin (Assistant Director Corporate Governance) the Mayor ruled (under Council Procedure Rule 12.7b) that both amendments could be discussed together, in order to assist the Council’s business.

The additional amendment moved by Councillor Brett was agreed without a vote and after a brief debate the combined amendment was also agreed.

Following a further debate Councillor Brett moved and Councillor Taylor seconded that the substantive motion (as amended) be put to the vote. This was agreed with the following vote:

For: 30
Abstention: 20
Against: 0

The substantive motion (as amended) was then put to the vote and agreed with the following result:

For: 31
Abstention: 20
Against: 0

**141
CHANGE IN THE ORDER OF BUSINESS**

Councillor Brett moved and Councillor Lavender seconded a proposal to change the order of business on the agenda under paragraph 2.2 (page 4-5) of the Council’s procedure rules to enable the following to be taken as the next items of business, in advance of Item 16.3:

- Item 16.1: Motion in the name of Councillor Taylor (Boundary Commission proposals)

This was agreed by the Council. Please note the minutes reflect the order in which the items were dealt with at the meeting.

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MOTIONS

- 1.1 Councillor Taylor moved and Councillor Rye seconded the following motion, which had, with the consent of the meeting (in accordance with Council Procedure Rule 12.8 a), been altered to read:

“This Council notes the brief second stage of consultation on responses to the proposed interim Parliamentary Boundaries which began on Tuesday 6th March and will conclude on Tuesday 3rd April. Over 4,000 individuals and organisations responded to the initial consultation which closed in December. The Boundary Commission are now requesting responses commenting on the submissions from the first stage of consultation.

In view of the imminent end of the second stage of consultation, the L B of Enfield empowers the Leader of the Council to co-ordinate and submit a response highlighting local opposition to the proposals and calling for the Boundary Commission to reconsider its interim proposals in order to better reflect the needs of the local area.”

Following a debate, Councillor Georgiou moved and Councillor Brett seconded that the motion be put to the vote. This was agreed with the following result

For: 48
Against: 1
Abstention: 0

The motion was then put to the vote and agreed with the following result:

For: 48
Against: 1
Abstention: 0

In approving the motion Council also agreed that the Leader of the Opposition would be consulted on the draft final letter.

- 1.2 Councillor Sitkin moved and Councillor Taylor seconded the following motion:

“Council notes the implications of the Government budget on Enfield residents”

During the debate Councillor Maynard moved and Councillor Chamberlain seconded the following amendment:

To be added as a further paragraph

“Council applauds the budget, which prioritised tax cuts for people on low and middle incomes, cutting taxes for 24 million families and lifting 840,000 people

out of income tax altogether, whilst ensuring Britain's global competitiveness and continuing to deal with Labour's crippling debt mountain."

After further debate, the Assistant Director Corporate Governance advised the Council that the time available for the meeting had now elapsed. Members did not wish to extend the meeting for an additional period and so the motion was dealt with in accordance with the expedited procedure, under Council Procedure Rule 8 (page 4.8 – Part 4).

The amendment to the motion was put to the vote without further debate and was not approved, with the following result:

For: 19
Against: 31
Abstentions: 0

The substantive motion was then put to the vote without further debate and was approved, with the following result:

For: 31
Against: 19
Abstentions: 0

**143
COUNCIL PROCEDURE RULE 8 - DURATION OF COUNCIL MEETING**

NOTED that in accordance with Council Procedure Rule 8 (page 4-8 – Part 4), the remaining items of business on the Council agenda were considered without debate, as the time available for the meeting had elapsed.

**144
ADOPTION OF STATUTORY PAY POLICY STATEMENT**

RECEIVED the report of the Chief Executive (No.227) presenting the Council's Statutory Pay Policy Statement for consideration and approval.

NOTED that the draft statement had been considered and approved for recommendation onto Council by the Remuneration Sub Committee on 15 February 2012.

AGREED to adopt the Statutory Pay Policy Statement, attached as an appendix to the report.

**145
PROPOSALS FOR THE ADOPTION OF LICENSING POLICIES IN RELATION TO CUMULATIVE IMPACT, SEXUAL ENTERTAINMENT VENUES AND THE OLYMPICS & PARALYMPIC GAMES.**

RECEIVED the report of the Director of Environment (No.228) setting out proposals for the adoption of new licensing policies in relation to the

cumulative impact of licensed premises, to restrict licensed premises from holding live displays or performances involving nudity and licensed events during the Olympic and Paralympic Games.

NOTED that the recommendations had been considered and approved for recommendation to Council by the Licensing Committee on 23 January 2012.

AGREED to

- (1) adopt a Cumulative Impact Policy within the Licensing Policy Statement (under the Licensing Act 2003), as detailed in Annex 1 of the report.
- (2) refuse to adopt the Sexual Entertainment Venues provisions (under the Policing and Crime Act 2009), as detailed in Annex 2 of the report.
- (3) adopt an Olympics & Paralympics Policy within the Licensing Policy Statement (under the Licensing Act 2003), as detailed in Annex 3 of the report.

146

THE LOCALISM ACT 2011 - REPLACING THE STANDARDS REGIME

RECEIVED the report of the Director of Finance, Resources & Customer Services (No.205A) setting out proposed changes to the Standards regime arising from the Localism Act 2011.

NOTED

1. The proposals had been considered and approved for recommendation onto Council by the Standards Committee (5 March 2012) and Members & Democratic Services Group (6 March 2012).
2. The amendment to section 3.2 (a) of the report by the replacement of the wording "As stated above, this will require the unanimous approval of Council" in the 2nd paragraph (page 68 of agenda pack) with "As stated above, this will require no member at a Council meeting voting against."

AGREED

- (1) To the setting up of a Councillor Conduct Committee (to replace the current Standards Committee) to deal with policy, complaints against councillors and issues concerning the members' Code of Conduct. This committee would:
 - (a) comprise 4 councillors – both group whips and one more councillor from each side. Council will therefore be asked at the Annual Council meeting to agree to this being exempt from the proportionality rules;
 - (b) have its membership appointed at the Annual Council meeting, with the chairman and vice-chairman coming from each of the political groups;
 - (c) The Independent Person(s) and the Monitoring Officer (MO) will be asked to attend the meetings to offer advice and support;

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- (d) Calendar meetings on a quarterly basis but only to meet if there was business to be transacted
- (2) To retain the following 3 principles currently underpinning the current Code of Conduct within the Council's new Code:
 - Respect for others;
 - Duty to uphold the law;
 - Stewardship
- (3) To instruct the MO to draft the Council's new Code of Conduct to provide for the registration and disclosure for those interests which would (in the current code) amount to personal and/or prejudicial interests, but only require withdrawal as required by the new Act for Disclosable Pecuniary Interests (as detailed in section 4.4 of the report).
- (4) To instruct the MO to propose a much more streamlined process for dealing with complaints for consideration at the Council meeting in July; with the MO being given delegated powers under the new arrangements to deal with such matters particularly with regard to:
 - (a) the filtering out of complaints and deciding whether they require investigation (or other form of alternative resolution) – with accountability to the proposed Councillor Conduct Committee for decisions taken (as detailed in section 5.3 – 5.4 of the report);
 - (b) considering requests from complainants for re-consideration where an initial finding has been no evidence of failure to comply with the Code of Conduct with no further action to be taken. This could be where new evidence is produced. The MO will have the power to refer matters to the Councillor Conduct Committee if considered appropriate (as detailed in section 5.5 of the report).
 - (c) the local resolution of complaints without the need for a hearing. Local resolution should only be agreed after consultation with the Independent Person, where the complainant is satisfied with the outcome, and where a summary report will be made to the Councillor Conduct Committee for information (as detailed in sections 5.6 – 5.7 of the report).
- (5) The range of possible sanctions available to the new Councillor Conduct Committee (as detailed in section 5.8 of the report).
- (6) To note that there will be an appeals process contained within the Council's new process – the detail to be decided once statutory regulations are available (as detailed in sections 5.9 – 5.10 of the report).
- (7) The role of the 'Independent Person' (IP) and at the appropriate time proceed to recruit 2 IPs, who should be invited to attend the Councillor Conduct Committee as appropriate (as detailed in sections 6.1 – 6.6 of the report).
- (8) Members continue to refresh their register of interests at least annually even though this will no longer be a statutory requirement (as detailed in section 7.4 of the report).

- (9) To include in the new Code a requirement for members to declare 'Disclosable Pecuniary Interests' at meetings even though they may have included them on the register or have notifications pending (as detailed in sections 8.1 - 8.2 of the report).
- (10) The Monitoring Officer be given the power to grant dispensations, as set out in sections 11.3 (a) and (b) of the report.

147

AMENDMENTS TO THE CONSTITUTION - TERMS OF REFERENCE FOR THE SCHOOLS FORUM

RECEIVED the report from the Director of Schools & Children's Services (No.229) setting out proposed amendments to the Terms of Reference for the Schools Forum.

NOTED that the proposed amendments had been considered and approved for recommendation onto Council by the Members and Democratic Services Group (6 March 2012).

AGREED that the Terms of Reference for the Schools Forum be amended, as detailed in section 3 and Appendix A of the report

148

ENFIELD RESIDENTS PRIORITY FUND - UPDATE OF GUIDANCE AND CRITERIA FOR 2012/13

RECEIVED the report of the Chief Executive (No.213) seeking approval to the updated guidance for the Enfield Residents Priority Fund.

NOTED that Cabinet (21 March 2012) had agreed to recommend approval of the revised Enfield Residents Priority Fund guidance onto Council.

AGREED that the revised Enfield Residents Priority Fund Guidance be approved, as detailed in Appendix A of the report.

149

ENFIELD JOINT END OF LIFE CARE STRATEGY 2012-2016

RECEIVED the report of the Director of Health, Housing & Adult Social Care (No.214) seeking approval of a five year commissioning strategy and costed implementation plan for End of Life Care, jointly with NHS Enfield.

NOTED that Cabinet (21 March 2012) had agreed to recommend onto Council approval of the Enfield Joint End of Life Care Strategy and Implementation Plan (2012-16).

AGREED that

- (1) The Enfield Joint End of Life Care Strategy (2012-16) be approved.
- (2) The Enfield Joint End of Life Care Strategy (2012-16) Implementation Plan be approved.

150

FREEDOM OF THE BOROUGH

AGREED that a special meeting of the Council be convened at 7pm on Thursday 24 May 2012 in order to confer Honorary Freedom of the Borough on local citizens.

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COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)

1.1 Urgent Questions

None received.

1.2 Questions by Councillors

NOTED the thirty eight questions on the Council's agenda which had received a written reply from the relevant Cabinet Member or Scrutiny Panel Chairman.

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MOTIONS

The remaining motion listed on the agenda, as set out below, lapsed due to lack of time:

1.1 In the name of Councillor Lavender

This Council recognises the important role played by the Green Belt in

- (i) providing passive open space;
- (ii) providing publicly accessible recreation (particularly enjoyed by those who otherwise do not have access to private gardens);
- (iii) maintaining a sustainable environment for wildlife;
- (iv) inhibiting inappropriate development and arresting climate change; and
- (v) preserving a sense of history and identity to Enfield, Edmonton and Southgate.

This Council recognises that its ability to maintain, preserve and provide such facilities and/or attributes is enhanced when its powers as planning authority are combined with the proper exercise of its power as landlord.

This Council notes the uproar and concern caused by recent decisions of the Labour Council to dispose of interests in the Green Belt within the London Borough of Enfield.

This Council therefore resolves not to make any further decision to dispose of any property interest within the Green Belt applicable to any land within the boundaries of the London Borough of Enfield

- (i) without a full impact assessment being published in relation to the above issues; and
- (ii) unless such decision is made by cabinet and is not subject to delegation to members or officers.”

**153
MEMBERSHIPS**

AGREED the following changes to committee memberships

Commission on Worklessness – 1 member from Opposition Group (Councillor Prescott)

**154
NOMINATIONS TO OUTSIDE BODIES**

AGREED the following changes to the membership of outside bodies:

Barnet Enfield & Haringey Mental Health Trust Foundation – Councillor Savva

**155
CALLED IN DECISIONS**

None received.

**156
DATE OF NEXT MEETING**

NOTED the next meeting of the Council would be held at 7:00pm on Wednesday 9 May 2012 at the Civic Centre. This would be the Annual Council meeting.