

MINUTES OF CABINET

Tuesday, 16 July 2019
(7:00 - 9:06 pm)

Present: Cllr Darren Rodwell (Chair), Cllr Saima Ashraf (Deputy Chair), Cllr Dominic Twomey (Deputy Chair), Cllr Sade Bright, Cllr Evelyn Carpenter, Cllr Cameron Geddes, Cllr Syed Ghani, Cllr Margaret Mullane, Cllr Lynda Rice and Cllr Maureen Worby

28. Declaration of Members' Interests

There were no declarations of interest.

29. Minutes - 18 June 2019

The minutes of the meeting held on 18 June 2019 were confirmed as correct.

30. Medium Term Financial Strategy and Reserves Policy 2019/20 to 2023/24

The Cabinet Member for Finance, Performance and Core Services presented a report on the Medium Term Financial Strategy and Reserves Policy from 2019/20 to 2023/24 for key Council services, which offered a framework to close the budget gap whilst ensuring resources were aligned to the Borough Manifesto and Corporate Plan.

The Cabinet Member set out the context around the Strategy and Policy, referring to the real term reduction in funding from the Government, which had impacted across Council services and particularly, children and adult social care services. He stated that the two percent overspend on the Council's budget for 2018/19 should be considered an achievement in light of those challenges and against the backdrop of the significant increase in the Borough's population.

The Cabinet Member referred to a number of factors that created uncertainty around the Council's financial position, including:

- Whether the Government's next three-year Spending Review from 2020/21 would go ahead as planned, or whether a one-year position would be put forward instead;
- The Government's 'Fair Funding review' which focussed on how resources were distributed between local authorities; rather than providing additional funding; and
- The Government's intention to phase out core funding and transfer new responsibilities to local authorities as part of its rollout of the 75% business rate retention scheme.

The Cabinet Member emphasised that an overall adequate level of reserves formed the bedrock of financial health, providing a buffer to deal with any shocks that may arise. The core General Fund balance remained at £17m, which was a testament of the hard work of officers and the resilience of the Council to deliver excellent services in an extremely difficult financial climate.

The Cabinet Member highlighted the innovative commercial approach taken by the Council in attempting to replace lost income. As part of that work, the Council would be creating a new Investment Risk reserve as a proportionate safeguard against the risks associated with the Council's Investment and Acquisition Strategy.

Cabinet Members expressed support for the Strategy and Policy, referring particularly to the positive visual representations of the Borough in the Strategy document and the principles underpinning it, such as 'taking the community with us' and 'no one left behind'. The Cabinet Member for Public Realm also felt that the Council's priority to encourage civic pride and social responsibility was important when considering how to bring down costs, for example, the Council should continue to raise awareness amongst residents of the importance of producing less waste, due to the significant cost to the Council. Members recognised that delivering a balanced budget when faced with the highest demand levels in the country was a significant achievement.

Cabinet **resolved** to approve the Medium-Term Financial Strategy and Reserves Policy 2019/20 to 2023/24 as set out in Appendix A to the report and the approach proposed to ensure the financial health of the Council over the medium term.

31. Adults' Care and Support Charging Policy

The Cabinet Member for Social Care and Health Integration presented a report on the proposed Adults' Care and Support Charging Policy, which would ensure that individuals who were receiving community-based services from the Council paid a fair contribution towards the cost of their care.

The Cabinet Member stated that the Council had learnt from mistakes it made around implementation and clarity when the policy was initially introduced in 2011. Thorough public consultation had taken place on the new Policy and improvements in the clarity of the policy itself were welcomed by all attendees at the service user consultation events. Furthermore, there was support for the clearer route proposed for disagreeing with the financial assessment. However, there was also a clear margin of opinion against a number of the proposals put forward, albeit that margin was variable with no proposal receiving universal opposition. The Cabinet Member also confirmed that the changes would raise additional income to support the demand pressures across the service.

The Cabinet Member explained that allowances could be made for the costs incurred by someone as a direct result of their disability. Statutory guidance required the local authority to make an assessment and allow the person to keep enough benefit to pay for necessary disability-related expenditure to meet any needs which were not being met by the local authority. As this was a complex process, it was proposed that a Disability Related Expenditure Policy and a Guidance Note be developed to come into force from April 2020.

Cabinet **resolved** to:

- (i) Agree the proposed final Adults' Care and Support Charging Policy at Appendix 2 of the report;

- (ii) Delegate authority to the Director of People and Resilience, in consultation with the Cabinet Member for Social Care and Health Integration, to further approve any minor alterations to the proposed final Adults' Care and Support Charging Policy at Appendix 2 of the report; and
- (iii) Delegate authority to the Director of People and Resilience, in consultation with the Cabinet Member for Social Care and Health Integration, to approve a Disability Related Expenditure Policy and a related Guidance Note for the Council.

32. Care Leavers Local Offer

The Cabinet Member for Social Care and Health Integration presented a report on the Care leavers' Local Offer, which reflected the support the Council had in place for young people leaving the Council's care.

The Cabinet Member stated that the current Local Offer met the statutory minimum requirements; however, internal reviews and an external inspection had recognised that the Council could do more to improve its offer to care leavers. The report put forward a number of initiatives to be included in the new Local Offer, which fell into the three categories of:

- Additional support already offered that was not reflected in the current Local Offer document;
- Lower cost initiatives that could be included in an updated Local Offer, to be further considered by the Cabinet Member for Social Care and Health Integration; and
- Higher cost initiatives with a longer implementation time frame to be considered.

Cabinet Members welcomed the report, referring particularly to the support offered by the NEET Panel to support young people into education, employment and training, and the Council's strong, ongoing commitment to develop services that reflected care leavers' voices.

Cabinet **resolved** to:

- (i) Agree the updated version of the Care Leavers' Local Offer at Appendix 1 of the report;
- (ii) Agree to recommend to Assembly that it endorses LBBB Care Leavers resident in the Borough to be exempted from Council Tax up to the age of 25, effective from April 2020;
- (iii) Agree that officers, in consultation with the Cabinet Member for Social Care and Health Integration, develop a 'saving for independence' scheme for LBBB Care leavers aged 21 to 25 based on a sum equivalent to 50% of the Council Tax exemption; and
- (iv) Agree to delegate authority to the Director of People and Resilience, in consultation with the Cabinet Member for Social Care and Health

Integration, to develop and approve a bespoke Local Offer for Unaccompanied Asylum-Seeking Children as outlined in section 7.3 of the report.

33. Refurbishment and Change of Use of Grays Court Hospital

The Cabinet Member for Regeneration and Social Housing presented a report on the proposed refurbishment and change of use of the predominantly vacant Grays Court Community Hospital site.

The Cabinet Member explained that there was significant demand for emergency temporary accommodation for families in the borough. In response to that demand and to reduce the need to procure more expensive private sector accommodation, it was proposed that Grays Court Community Hospital be refurbished to provide approximately 56 family temporary accommodation units. It was also proposed that support services provided by the Community Solutions Team currently from John Smith House be relocated to the Grays Court site. This would provide a number of benefits to residents, including:

- Training and employment opportunities;
- Support to live healthier lifestyles; and
- Family support, such as play and speech sessions for children, and family counselling.

The Cabinet Member stated that Grays Court Hospital could also act as a community hub, providing access to facilities and services for the wider community such as:

- A Community Food Club;
- Cooking school and meal sharing offer;
- Education and training offer;
- A family learning offer;
- Careers fairs and job clubs; and
- The continuation of the out of hours GP service from this building.

The refurbishment of Grays Court Hospital would allow the temporary accommodation currently provided at Brocklebank Lodge, which was in poor condition, to be decommissioned. Options for the future use of the Brocklebank Lodge site would be developed and taken through the Council's governance process in due course.

Cabinet Members welcomed the proposals as a means of providing wide-ranging support to families who had been let-down by the Government's failure to provide adequate family accommodation, as well as providing benefits to the wider community.

Cabinet **resolved** to:

- (i) Approve the refurbishment of Grays Court Community Hospital to provide c. 56 temporary accommodation units and ancillary office space for the relocation of the Community Solutions Team;

- (ii) Agree funding up to £3,951,000 within the Capital Programme to finance the refurbishment of Grays Court Hospital, to cover the total development costs to deliver the scheme;
- (iii) Delegate authority to the Director of Inclusive Growth, in consultation with the Director of Law and Governance and the Chief Operating Officer, to negotiate terms and agree the contract documents to fully implement and effect the project; and
- (iv) Authorise the Director of Law and Governance, or an authorised delegate on her behalf, to execute all the legal agreements, contracts and other documents on behalf of the Council.

34. Children's Care and Support Improvement Programme

The Cabinet Member for Social Care and Health Integration presented a report on the Children's Improvement Programme, which had been developed in response to several emergent factors over the past 12 months, including the findings of an OFSTED inspection in February 2019 where children's services was judged as 'Requires Improvement'.

The Cabinet Member referred to the key aspects within the Improvement Plan and confirmed that in order to support its delivery, £1.095m in transformation funding would be required. Whilst the implementation of the Plan would require a draw down from the Council's reserves, it would contribute to the mitigation and reduction of cost pressures in the provision of children's services over time.

Cabinet Members asked whether the local NHS and Police were prepared to make a financial contribution to support the children's services improvement agenda. The Cabinet Member for Social Care and Health Integration stated that when previously asked about such contributions, the organisations acknowledged that they had a key role to play but cited their own financial challenges in coming to the view that they would not be in a position to make significant contributions.

Cabinet Members expressed their confidence in the leadership of the service to deliver the Programme and noted that OFSTED had recognised that the service was already aware of what needed to improve, that the plans for doing so were sound and, in a number of cases, already making a difference.

Cabinet **resolved** to agree the Children's Care and Support Improvement Programme at Appendix 1 of the report and note the inherent commitment to the set of standards and prerequisites as set out in section 3.3 of the report.

35. Gascoigne West and Sebastian Court Development Proposals - Use of CPO and Appropriation Powers

Further to Minute 120 (25 April 2017), the Cabinet Member for Regeneration and Social Housing presented a report which provided an update on the redevelopment of part of the Gascoigne West Estate (Phase 2).

The Cabinet Member drew attention to the main aspects of the project and explained that confirmation was being sought of the approval of the use of the

Council's compulsory purchase powers to acquire those interests in land and property, which fell outside of the Council's ownership, and which were required in order to bring forward the redevelopment of the estate.

Cabinet **resolved** to:

- (i) Agree, subject to consideration of the matters set out in the report, to make a Compulsory Purchase Order ("CPO" / "the Order") pursuant to Section 17 Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of land and new rights in respect of the area identified as Phase 2 in Appendix 1 of the report, "draft CPO Plan" and the Schedule, to facilitate delivery of the Gascoigne West Estate regeneration proposals set out in the report;
- (ii) Delegate authority to the Director of Inclusive Growth to approve the Statement of Reasons supporting the CPO;
- (iii) Delegate authority to the Director of Law and Governance, in consultation with the Director of Inclusive Growth, to:
 - (a) agree minor amendments to the CPO Plan and CPO Schedule before the making of the CPO if required;
 - (b) take all steps to secure the making, confirmation and implementation of the CPO including the publication and service of all notices and the promotion of the Council's case at any public inquiry;
 - (c) negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of blight notices and/or the withdrawal of objections to the Order and/or undertakings not to enforce the Order on specified terms, including (but not limited to) where appropriate seeking the exclusion of land or rights from the Order, making provision for the payment of compensation and/or relocation;
 - (d) in the event the Order is confirmed by the Secretary of State, to advertise and give notice of confirmation and thereafter to take all steps to implement the Order including to execute General Vesting Declarations and/or to serve Notices to Treat and Notices of Entry in respect of interests and rights in the Order Land;
 - (e) take all steps in relation to any legal proceedings relating to the Order including defending or settling claims referred to the Upper Tribunal and/or applications to the courts and any appeals;
- (iv) Agree that, where required to assist in the delivery of the Gascoigne West Estate regeneration proposals, the Council shall appropriate land for planning purposes pursuant to Section 122 of the Local Government Act 1972 to enable Section 203 of the Housing and Planning Act 2016 to be utilised to override any third-party rights;
- (v) Agree the appropriation of the land at Gascoigne West Phase 1 under Section 122 of the Local Government Act 1972 from the Housing Revenue Account to the General Fund, following completion of the decanting and demolition of each block, as shown edged in red in Appendix 1 of the report; and

- (vi) Agree the appropriation of the land at Sebastian Court under Section 122 of the Local Government Act 1972 from the Housing Revenue Account to the General Fund, following completion of the decanting and demolition of each block, as shown edged in red in Appendix 2 of the report.

36. Review of School Places and Capital Investment - Update June 2019

Further to Minute 81 (22 January 2019), the Cabinet Member for Educational Attainment and School Improvement presented a report on the Review of School Places and Capital Investment.

The Cabinet Member referred specifically to the pupil numbers and capacity for September 2019 and the anticipation that there would be a surplus of places in reception year, above the standard operating spare capacity, which was down to the fall in birth numbers in 2014/15. However, the position in Barking around the Abbey, Eastbury and Gascoigne wards continued to cause concern, particularly for primary school provision, due to the planned development of new homes.

The Cabinet Member also referred to tracked information showing a progressive rise in children with SEND in the Borough and a review which had been undertaken on the current forecasting model to make it more sophisticated. The outcomes from the review underpinned the need for a school to support pupils with social emotional, mental health (SEMH) difficulties. This provision was initiated last September 2018 with the intention to build a new SEMH school for up to 90 pupils on a new site in Dagenham by the start of the 2022 academic year. The second aspect revealed by the review was the need for a further provision to support up to 160 pupils with severe learning difficulties and autism, over the next five years. Currently, officers in the Council were working with the DfE to identify suitable sites in the Borough as a matter of urgency.

Cabinet Members spoke in support of the report and queried whether there were plans for highway improvements around schools. It was noted that the Cabinet Member for Enforcement and Community Safety was in the process of developing a Parking Strategy around schools which would include wider aims of promoting walking to school and road safety and reducing air pollution around schools.

Cabinet **resolved** to:

- (i) Approve the Strategy for Ensuring Sufficient School Places and School Modernisation to 2027, and the Future Planning Programme to meet Basic Need (including SEN places) 2019 to 2027 (revised June 2019) as set out in section 8.3 and Appendices 1 and 2 of the report;
- (ii) Note the urgent work being undertaken by officers regarding additional primary school provision in the Abbey, Eastbury and Gascoigne areas of the Borough as referred to in paragraph 2.4 of the report;
- (iii) Note the work being undertaken by officers in relation to provision of school places for children with Special Educational Needs and Disabilities as detailed in paragraph 2.7 of the report, including discussions with the Department for Education regarding suitable sites for a new school to

support pupils with severe learning difficulties and autism;

- (iv) Approve the inclusion in the Capital Programme of the DfE grant allocations for 2019/20 as detailed in section 3 of the report;
- (v) Note the delay by the Department for Education in announcing Basic Need funding allocations for 2021/22 to support the development of new school places as set out in section 4 of the report;
- (vi) Approve the various projects and associated changes to the Capital Programme as set out in Section 6 and summarised in Section 7 of the report;
- (vii) Delegate authority to the Director of People and Resilience, as advised by the Procurement Board, to consider and approve the final procurement strategies for each project; and
- (viii) Delegate authority to the Director of People and Resilience, in consultation with the Cabinet Member for Education Attainment and School Improvement, the Chief Operating Officer and the Director of Law and Governance, to conduct the procurements and award the respective project contracts.

37. Adoption of Gambling Licensing Policy 2019 - 2022

The Cabinet Member for Enforcement and Community Safety presented a report on the Council's Gambling Licensing Policy 2019 - 2022.

The Cabinet Member advised that the Council, as the local licensing authority for gaming and betting, was required to have in place a statement of the principles (a 'policy') which must be reviewed in accordance with a statutory three-year cycle. Given that the Council's Statement of Gambling Licensing Policy was the subject of a full detailed mid-term review in 2017, only minimal changes were proposed in the new Policy in order to reflect the latest developments in gambling licensing law and guidance.

The proposed changes to the Policy included the maximum stake permissible in category B2 machines being reduced from £100 to £2, and the number of these machines being restricted to a maximum of four per shop. The other changes being proposed related to the level of detail in premises' plans and risk assessments submitted with new applications, to reflect best practice, as recommended by the Gambling Commission.

Cabinet Members noted the Council's role in supporting Newham Council lobby the Government to introduce a maximum £2 stake in category B2 machines and were pleased that this had led to a successful outcome. They spoke in support of the proposed amendments to the Policy, recognising the significant negative impact gambling addiction often had on individuals and their families, the wider community (as premises often attracted anti-social behaviour) and the cost to society in terms of imprisonment, unemployment and homelessness.

Cabinet **resolved** to recommend the Assembly to adopt the revised Statement of

Gambling Licensing Policy 2019-2022, as set out in Appendix A of the report.

38. London Counter Fraud Hub

The Cabinet Member for Finance, Performance and Core Services presented a report proposing the Council's participation in the London Counter Fraud Hub, which would enable more collaborative and smarter working through data sharing to provide a powerful fraud detection solution.

The Cabinet Member confirmed that the hub had passed the initial 'proof of concept' stage, with the involvement of four pilot authorities, and was being prepared for roll out to all London Councils. Unlike the National Fraud Initiative (NFI), it did not have a statutory basis that required all authorities to provide their data, so a decision on whether to become a member of the hub was required from each Council. The report outlined the fraud prevention and detection opportunities that membership would bring and gave an indication of the additional resources needed to realise the benefits of being a member.

Cabinet **resolved** to:

- (i) Approve the Council's participation in the London Counter Fraud Hub as a participating authority through the collaborative contract let by the London Borough of Ealing and awarded to CIPFA Business Ltd, on the terms set out in the report;
- (ii) Authorise the Chief Operating Officer, in consultation with Cabinet Member for Finance, Performance and Core Services and the Director of Law and Governance, to enter into the contract and all other necessary or ancillary agreements including any future project expansion arrangements; and
- (iii) Authorise the provision of council data extracts to CIPFA for the purposes of preventing and detecting fraudulent or erroneous activity.

39. Procurement of Parking Noticing and Cashless Parking Systems

The Cabinet Member for Enforcement and Community Safety presented a report on the proposed procurement of cashless parking and a parking noticing system from a single supplier.

It was noted that the Council's cashless parking contract had expired, and the parking noticing system could be replaced without penalties being incurred under the contract. In view of the enhancements in technology since the existing arrangements were commissioned, officers had reviewed the options for an alternative IT system(s) and the proposal was to use a single supplier for both cashless parking and a parking noticing system, bringing the advantage of two closely integrated systems and a potential cost saving.

Cabinet **resolved** to:

- (i) Agree the procurement of a cashless parking and a parking noticing system from a single supplier via the Traffic Management Technology 2 (RM1089) LOT 15 Crown Commercial Service G-Cloud framework, in accordance with

the strategy set out in the report; and

- (ii) Authorise the Operational Director of Enforcement and Community Safety, in consultation with the Cabinet Member for Enforcement and Community Safety, the Director of Law and Governance and the Chief Operating Officer, to approve the final procurement strategy, conduct the procurement and award and enter into the contract(s) and all other necessary or ancillary agreements with the successful bidder(s), in accordance with the strategy set out in the report.

40. Procurement of Traffic Enforcement Cameras

The Cabinet Member for Enforcement and Community Safety presented a report on the proposed procurement of traffic enforcement cameras.

The Cabinet Member advised that traffic enforcement cameras had been purchased outright by the Council; however, there was currently no contract in place to purchase new cameras which meant that they were being purchased on an ad-hoc basis. The Council was also not in an annual maintenance agreement with the current supplier. Parking services had soft market tested with potential suppliers and found that the existing cameras could be replaced and maintained, within the cost that the Council paid the current supplier.

Cabinet **resolved** to:

- (i) Agree the procurement of a traffic enforcement camera system via the ESPO framework in accordance with the strategy set out in the report; and
- (ii) Authorise the Operational Director of Enforcement and Community Safety, in consultation with the Cabinet Member for Enforcement and Community Safety, the Director of Law and Governance and the Chief Operating Officer, to approve the final procurement strategy, conduct the procurement and award and enter into the contract(s) and all other necessary or ancillary agreements with the successful bidder(s), in accordance with the strategy set out in the report.