

## THE CABINET

Tuesday, 28 September 2010  
(5:00 - 6:45 pm)

**Present:** Councillor L A Smith (Chair), Councillor R Gill (Deputy Chair), Councillor J L Alexander, Councillor H J Collins, Councillor C Geddes, Councillor M A McCarthy, Councillor L A Reason, Councillor G M Vincent, Councillor P T Waker and Councillor J R White

**Also Present:** Councillor R Douglas, Councillor I S Jamu, Councillor J E McDermott and Councillor A Salam

### **27. Declaration of Members' Interests**

Councillor Smith declared a personal interest in respect of the Building Schools for the Future report (item 20 on the agenda) as he is a Governor of Dagenham Park Church of England School.

### **28. Minutes (6 July 2010)**

**Agreed.**

### **29. Barking and Dagenham Safeguarding Adults Board Annual Report April 2009 - March 2010**

The Cabinet Member for Health and Adult Services presented the annual report of the Barking and Dagenham Safeguarding Adults Board for 2009/10 and outlined the key achievements during the year against the seven priority areas identified by the Board. The Cabinet Member also referred to the future actions which will help build on the extensive progress made over the last year in raising the level of reporting with regard to adult safeguarding.

Noted the report and placed on record our recognition of the work undertaken by the Board and the Council's Adult Safeguarding team.

### **30. Barking and Dagenham Response to the H1N1 Pandemic Flu 2009/10 Final Report**

The Cabinet Member for Health and Adult Services presented the Barking and Dagenham Response to the H1N1 Pandemic Flu 2009/10 Final Report which highlighted the robustness of the multi-agency plans that were in place and which enabled the borough to successfully respond to last year's outbreak.

A number of additional arrangements are to be put in place in response to the findings of the review and the Corporate Director of Adult and Community Services also outlined the preparations for this year's winter flu vaccinations.

### **31. 2010/11 Budget Monitoring - April to July 2010**

The Cabinet Member for Finance, Revenues and Benefits presented a report on the Council's revenue and capital position for 2010/11 as at the end of July 2010.

The projected service overspends (not taking account of any in-year savings required) have increased from £2.1m to £3.9m since June 2010, the main reasons being additional projected overspends in the Children's and Customer Services departments. In respect of the Customer Services department it has also been necessary to undertake a review of the original 2010/11 savings target of £3.15m to reflect a more deliverable programme of savings.

The Housing Revenue Account (HRA) is projected to incur a year-end deficit of £102,000. The Acting Corporate Director of Customer Services confirmed that HRA income is currently above forecast levels but that increased staffing costs are responsible for the current projected overspend. The Capital Programme is projected to be on budget, although a number of changes in the form of transfers, re-profiles and budget adjustments are proposed to better reflect the current position.

**Agreed**, as a matter of good financial practice, to:

- (i) Note the current projected outturn position for 2010/11 of the Council's revenue and capital budget as detailed in Appendices A and C to the report;
- (ii) Note the position for the HRA as detailed in Appendix B to the report;
- (iii) Note the actions already in place to control spend and tackle the in-year reduced funding;
- (iv) Approve the budget changes proposed to the Customer Services' original savings programme as set out in paragraph 3.1.3 of the report;
- (v) Approve the capital transfers, re-profiles and budget adjustments as detailed in Appendices D (i), (ii) and (iii) to the report;
- (vi) Approve the proposed in-year savings detailed in Appendix E to the report;
- (vii) Authorise the Corporate Directors of Finance and Resources and Customer Services, in consultation with relevant Cabinet Members, to implement any future Customer Services budget transfers to assist in achieving the in-year savings target shortfall of £554,000; and
- (viii) Authorise the Corporate Director of Finance and Resources, in consultation with relevant Cabinet Members, to allocate and implement the £3m targeted savings within Finance and Resources as they become identified.

### **32. Review of the Strategic Grants Programme**

The Cabinet Member for Crime, Justice and Communities presented a report on the outcome of a strategic review of the corporate grants programme which was conducted between November 2009 and July this year.

The focus of the review has been to ensure that the limited future funds are targeted to where they will be most effective, while at the same time continuing to develop the environment for a thriving third sector in the borough. The new model proposes the division of available funding under three main streams of Strategic Commissions, an Innovation fund and small grants, with specific funding for the Open Farm and Victims of Crime initiatives being transferred from the grants budget to the relevant service departments. In respect of the Strategic Commissions, there are two themes of 'infrastructure' and 'strengthening communities' and within the former is a proposal for the procurement of a Local Infrastructure Organisation. It was also noted that the outcome of the London Councils grants programme review, to which Barking and Dagenham currently contributes £584,000, is expected to be known by the end of 2010.

The Head of Community Cohesion and Equalities also reported on the views expressed by the Safer and Stronger Select Committee following its consideration of the report last week, which were noted.

**Agreed**, in order to assist the Council to achieve the Community Priority "Fair and Respectful", to:

- (i) The adjusted model for the corporate grants programme as set out in the report;
- (ii) That a further report be presented in March 2011 which will make proposals for the allocation of funding under this programme prepared in response to latest information about funding available at that time;
- (iii) The procurement strategy for a three year contract for the provision of Local Infrastructure Organisation support, as detailed in the report; and
- (iv) The virement of the following funds from the Community Cohesion divisional budget:
  - a) £25,000 in respect of an Open Farm, to the Leisure and Arts division
  - b) £31,500 in respect of support to victims of crime, to the Community Safety and Neighbourhood Services division.

### **33. Future Operation of Wood Lane Sports Centre**

The Cabinet Member for Culture and Sport presented a report on the future of Wood Lane Sports Centre together with proposals to acquire small pieces of land adjacent to the new Becontree Heath Leisure Centre in order to enhance the public realm in the area.

The new Becontree Heath Leisure Centre is due to open in 2011 and an in principle decision was made at the Cabinet meeting on 17 November 2009 (Minute 94) to demolish and decommission Wood Lane Sports Centre following the new Centre's opening, subject to a further report on alternative options and associated planning issues. The Cabinet Member confirmed that the options appraisal has not identified any future operational use for the building by the Council and it is therefore proposed that the site be sold on the open market. It was noted that as the site is within designated green belt land, which restricts future use, it is now

intended that the building be secured following its vacation and sold as part of the site, and not demolished as originally proposed.

The Head of Leisure and Arts confirmed that the vast majority of sports and other services currently provided at Wood Lane Sports Centre will continue to be available at the new Centre. The exceptions are five-a-side football which have been relocated nearby and the shooting club, which officers are continuing to seek to identify an alternative location within the borough.

**Agreed**, in order to assist the Council to achieve the Community Priority "Healthy", to:

- (i) The sale of the Wood Lane Sports Centre and associated facilities on the open market in line with the Council's disposals procedure following the opening of the new Becontree Heath Leisure Centre and once voluntary organisations have had the opportunity to freely acquire surplus equipment;
- (ii) A report being presented to Cabinet at the appropriate time seeking approval to the terms of any land disposal;
- (iii) The provisional sum identified in the Becontree Heath Leisure Centre capital budget for the demolition of the Wood Lane Sports Centre instead being utilised to protect the building from damage once it has been vacated and prior to its sale;
- (iv) The acquisition and future maintenance of two small parcels of land adjacent to the Becontree Heath Leisure Centre, shown hatched in red in the plan at Appendix A to the report, in order to bring the public realm to a suitable standard in this area; and
- (v) The Council undertaking the future maintenance of the small parcel of land shown hatched in black in the plan at Appendix A which will remain in private ownership.

#### **34. "Helping You Live the Life You Want" - Older People's Strategy 2010 -2013**

The Cabinet Member for Health and Adult Services presented the Older People's Strategy for 2010 - 2013 entitled "Helping You Live the Life You Want".

The Strategy outlines the key priorities that the older people of the Borough have identified as most important to them, highlights the achievements so far and sets out in a series of action plans as to how the Council intends to deliver further improvements. The Strategy also recognises the leadership role the Council has in ensuring older people can live independently and actively, with a good quality of life for as long as possible.

**Agreed**, in order to assist the Council to achieve all of its Community Priorities, to:

- (i) Adopt the Older People's Strategy for 2010 - 2013; and
- (ii) Endorse the improvement action plans which will be the subject of quarterly monitoring and an annual progress report.

### 35. Single Equality Scheme

The Cabinet Member for Crime, Justice and Communities presented a report on the development of the Council's first Single Equality Scheme (SES) which builds on the three previous equality schemes of race, gender and disability and covers additionally a range of other equality issues identified in the new Equality Act 2010.

Implementation of the SES will enable the Council to continue to meet its legal duties and deliver further real improvements in equality for people living and working in the borough. The SES draws on best practice and has been developed through a process of consultation with the local community. It is also proposed that the work will form the basis of the development over the next year of a SES that encompasses the work of all the partners within the Borough Local Strategic Partnership.

**Agreed**, in order to assist the Council to meet its legislative duties and achieve the Community Priorities "Fair and Respectful", to:

- (i) Adopt the Single Equality Scheme as set out in Appendix A to the report; and
- (ii) Authorise officers to work with statutory partners to develop a Single Equality Scheme for the Local Strategic Partnership

### 36. Procurement of Drug Treatment Services

The Cabinet Member for Health and Adult Services presented a report on proposals for the re-tendering of two contracts that provide drug treatment and support services to substance misusers and their families.

In response to issues raised, officers clarified the following:

- That clear protocols are in place to ensure that the children of parents who are referred through the service are identified and all necessary steps taken to protect their wellbeing.
- The projected number of substance misusers in the borough that are not currently registered, based on national comparators.
- That appropriate break clauses will be included within the contracts to protect the Council's interests in the event that external funding for these services is withdrawn.

**Agreed**, in order to assist the Council in achieving its Community Priorities of "Healthy", "Fair and Respectful", "Prosperous" and "Inspired and Successful", to:

- (i) The procurement of contracts on the terms detailed in the report in respect of the following:
  - a) Structured Day Programme and Structured Counselling for Drug Users and Family and Carer Services
  - b) A Specialist Prescribing Service, which includes Dual Diagnosis and Blood Borne Virus Services
- (ii) Authorise the Corporate Director of Adult and Community Services, in

consultation with the Legal Partner, to award the contracts to the successful tenderers.

### **37. Health and Wellbeing Strategy**

The Cabinet Member for Health and Adult Services presented the Barking and Dagenham Partnership Health and Wellbeing Strategy which is being presented for adoption to all constituent organisations within the Partnership.

The Health and Wellbeing Strategy establishes ten health and wellbeing priorities for the next three years which are aimed at addressing the health inequalities of borough residents. The Cabinet Member explained that while there have been improvements over the past decade, for example in relation to the life expectancy of borough residents, there continues to be a disparity with the UK average in a number of areas.

Issues raised during the discussions included:-

- The need for the Council's licensing and planning policies to support the aims of the Strategy. In respect of licensing, reference was made to the increase in the number of licensed premises in the borough and their hours of opening. It was noted that a review of the Council's Licensing Policy was currently being undertaken and would be the subject of a future report to Cabinet.
- The need for more effective advertising, with the example given of men's health adverts being sited in toilets across Council and commercial premises. The Corporate Director of Adult and Community Services undertook to take this matter forward.
- The importance of physical activity. The Leader referred to the popularity of the Council's 'Summer Sorted' project for children and the range of other community activities available.
- The reduction in the level of repeat domestic violence incidents as a result of new initiatives such as the Domestic Violence Advocacy Service.
- The importance of retaining local control over local health spending which the Corporate Director confirmed would be the subject of further reports.
- The need to learn lessons from previously unsuccessful initiatives and strategies.
- The need to promote healthy workplaces and the issuing and monitoring of sick notes issued by GPs.
- The steps being taken to promote a consistent food labelling regime on a national level.
- The importance of ensuring that the relevant agencies are promoting breast feeding.

**Agreed**, in order to assist the Council and its partners in achieving the Community Priority "Healthy", to:

- (i) Adopt the Health and Wellbeing Strategy appended to the report; and
- (ii) Note that the Health and Wellbeing Board will monitor progress against action plans and key performance indicators.

### **38. Local Implementation Plan (Borough Transport Strategy) Funding Submission 2011/12**

The Cabinet Member for Regeneration presented a report on the Council's 2011/12 Local Implementation Plan (LIP) funding bid to Transport for London and the indicative delivery programme for 2012/13 and 2013/14.

The LIP represents the borough transport strategy and the Council has been provisionally earmarked £2.3m for each of the next three years, with the funding split into the three categories of maintenance, corridors / neighbourhoods and smarter travel. The proposed projects and initiatives include a mix of road safety, traffic management, highways maintenance, cycling and walking and travel awareness schemes and are spread over the whole borough.

The Cabinet Member also referred to the major schemes of the Barking Station Forecourt and Merry Fiddlers junction improvements and it was noted that a report on the formal three-year LIP will be presented to cabinet later this year.

**Agreed**, in order to support the implementation of a range of transport improvement schemes in the borough, to:

- (i) The Council's 2011/12 LIP submission to Transport for London as detailed in Appendix 1 to the report; and
- (ii) The indicative delivery programme for 2012/13 – 2013/14 as set out in the report.

### **39. Revised Planning Advice Note on Religious Meeting Places**

Further to Minute 11 (12 June 2007), the Cabinet Member for Regeneration presented a report on proposed revisions to the Council's existing Planning Advice Note Guidance on Religious Meeting Places which aims to identify suitable sites to accommodate the increase in demand for such venues while at the same time minimise issues around increased noise, disturbance, parking problems and loss of amenities for the local community as a whole.

The Cabinet Member explained that the revisions to the Guidance introduce more clarity on what are considered to be the preferred locations for religious meeting places and the following four locations have been identified where applications for religious meeting places will be dealt with favourably:

- Thames Road within the River Road Employment Area
- South Dagenham West (Site Specific Allocation SSA SM2)
- South Dagenham East (Site Specific Allocation SSA SM4)
- Ripple Road within the Rippleside Employment Area

**Agreed**, in order to assist the Council to achieve its Community Priorities of "Fair and Respectful" and "Prosperous", to approve the revised Planning Advice Note on Religious Meeting Places as set out at Appendix 1 to the report.

#### **40. Local Development Framework - Adoption of Site Specific Allocations Development Plan Document**

The Cabinet Member for Regeneration presented a report on the Site Specific Allocations Development Plan Document (DPD) which focuses on the delivery of the Local Development Framework Core Strategy adopted by the Assembly on 21 July 2010 (Minute 14).

The Cabinet Member advised that the purpose of the Site Specific Allocations DPD is to resolve the land use implications of the Core Strategy and to consider the future of sites across the borough, not only those sites that may have some development potential but also sites which may need protecting.

The Site Specific Allocations DPD has been subject to extensive consultation and has been approved by the Planning Inspectorate as sound and legally compliant following a number of minor amendments and clarifications as well as some more significant changes which were noted.

Agreed, in order to assist the Council to deliver all of its Community Priorities, to **recommend** the Assembly to approve the Barking and Dagenham Local Development Framework Site Specific Allocations Development Plan Document.

#### **41. Private Business**

**Agreed** to exclude the public and press for the remainder of the meeting by reason of the nature of the business to be discussed which included information exempt from publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

#### **42. London Road / North Street Regeneration**

Further to Minute 34 (14 July 2009), the Cabinet Member for Regeneration presented a progress report on the development proposals for the London Road / North Street area of Barking Town Centre.

Following a successful procurement process for a development partner, Bouygues Development has been identified as the Preferred Bidder for the project. The Cabinet Member advised on the key aspects of the development proposals which include a major foodstore with residential units above and car parking below and a market square, to be accompanied by improvements to public access and the public realm. The Cabinet Member also outlined the financial implications for the Council of the various aspects of the project, which will include acquiring non-Council owned land in the area, and confirmed that the overall project will represent over £100m of investment in Barking Town Centre.

In relation to the residential units, the Cabinet Member explained why these have been earmarked for private sale and confirmed that the other residential development proposals in the Barking Town Centre area will reflect the Council's overall vision for a mix of private and social housing. The Head of Regeneration and Economic Development also advised that as this site is included in the Borough Investment Plan it may be possible to attract future funding from the Mayor of London, in which case there may be scope to include social housing within this particular project. Other issues raised included the need to ensure that



the developer meets its obligations regarding local employment and the impact on the Housing Revenue Account of the loss of revenue from commercial properties in the area and officers agreed to respond accordingly on these issues.

**Agreed**, in order to assist the Council in achieving all of its Community Priorities, to:

- (i) Appoint Bouygues Development as the preferred Development Partner for phase 2 of the London Road / North Street site subject to the agreement of a minimum capital receipt.
- (ii) Authorise the Corporate Director of Finance and Resources, in consultation with the Legal Partner, to enter into the following with Bouygues Development subject to the agreement of the minimum capital receipt:
  - a Development Agreement ;
  - a 153 year Lease and Building Lease;
  - Compulsory Purchase Order (CPO) Indemnity Agreement;
  - Car Park Management Agreement and
  - Overage Deed
- (iii) The components and development parameters associated with the proposed Scheme submitted by Bouygues Development whilst noting that the detailed Scheme will be subject to a formal planning application and the decision of the Development Control Board and LTGDC Planning Committee at a future date;
- (iv) Authorise the provision of £2,238,000 within the Council's capital budgets in order to front fund the acquisition of residual properties necessary to deliver the Scheme during the financial year 2011/12, noting that the upfront costs will be reimbursed when the Development Agreement becomes unconditional on or before 31 March 2012;
- (v) Authorise the use by the Council of its Compulsory Purchase Order (CPO) making powers pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 for the acquisition of the land and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of new rights over land (shown shaded on Appendix 1) for the purposes of securing, retail, residential, and leisure uses as part of the London Road / North Street Scheme;
- (vi) Authorise the Corporate Director of Finance and Resources, in consultation with the Legal Partner, to:
  - a) take all necessary steps to secure the making, confirmation and implementation of a Compulsory Purchase Order including the publication and service of all Notices and the presentation of the Council's case at any public inquiry following the making of the Compulsory Purchase Order for the land shown shaded on the plan attached as Appendix 1;
  - b) approve agreements with landowners setting out the terms for

withdrawal of objections to the Compulsory Purchase Order, including, where appropriate, seeking exclusion of land or new rights from the Compulsory Purchase Order and/or making arrangements for the relocation of occupiers;

- (vii) Authorise the appropriation of the land owned by the Council (the area within the red line shown on the Plan at Appendix 1 to the report) for the purpose of bringing forward the London Road / North Street Scheme in accordance with Section 122 of the Local Government Act 1972.

#### **43. Internal Audit and Anti-Fraud Service Contract**

The Cabinet Member for Finance, Revenues and Benefits presented a report in respect of the contract for the provision of internal audit and anti-fraud service support.

The service is currently provided under the London Audit and Anti-Fraud Partnership (LAAP) framework contract, for which Croydon Council is the lead authority, and the current arrangement is due to expire shortly. A detailed options review has identified the LAAP as the preferred route for the Council on the basis that it:

- Provides best value for money for the Council
- Offers maximum flexibility, having a “call down contract”
- Supports the delivery of the Council’s Audit and Anti-Fraud Strategies and Audit Plan
- Ensures the Councils Assurance Function is delivered by a tailored mixed economy approach

**Agreed**, in order to assist the Council in providing robust, value for money services, to:

- (i) The entering into of a contract, under the provisions of paragraph 4.1.3 of the Council’s Contract Rules (Exceptions to Tendering Requirements), with Croydon Council under the London Audit and Anti-Fraud Partnership (LAAP) framework agreement for the provision of internal audit and anti-fraud service support for the period 1 October 2010 to 31 March 2015 as detailed in the report;
- (ii) Authorise the Corporate Director of Finance and Resources, in consultation with Legal Partners, to extend the term of the contract in the event that Croydon’s contract with the service provider is extended beyond its existing contract term; and
- (iii) The contract with Croydon Council containing a no-fault break clause in our favour which would allow the Council an opportunity (in September of each year) to terminate the agreement should it wish to do so.

#### **44. Building Schools for the Future - Sample Schools Final Business Case Approval**

Further to Minutes 15 and 17 (8 and 14 June 2010), the Cabinet Member for

Children and Education presented a report on the current position with regards to the Local Education Partnership (LEP) and Information and Communications Technology (ICT) strands of the Council's Building Schools for the Future (BSF) programme.

On 24 July 2010, the Secretary of State for Education cancelled the national BSF programme. Following successful lobbying by the Council and its MPs, approval was given for the Borough's two sample schemes (Dagenham Park Church of England School and Sydney Russell Comprehensive School) to progress under the LEP procurement. Funding was also allocated for the ICT project but as it fell short of the amount required by the ICT financial model it has been necessary to undertake further work and negotiations, which it was noted will be the subject of a future report to Cabinet.

The Cabinet Member introduced the Final Business Case, which requires the approval of Partnerships for Schools and the Department for Education in order for the necessary funding to be released, and outlined the formal steps to be taken to secure the necessary agreements with the various parties. The Cabinet Member also advised that planning approval for the Dagenham Park project had been granted at last evening's Development Control Board.

**Agreed**, in order to assist the Council in achieving its Community Priority "Inspired and Successful", to:

- (i) Approve the Final Business Case attached at Appendix 1 to the report for submission to Partnerships for Schools and the Department for Education ;
- (ii) The formation of the Local Education Partnership and entering into of the following Project Documents and other associated legal documentation:
  - a) the Shareholders' Agreement to form the LEP;
  - b) the Strategic Partnering Agreement with the LEP;
  - c) the Private Finance Initiative (PFI) contract Project Agreement and the Funders Direct Agreement for Dagenham Park Church of England School;
  - d) the Design & Build contract for Sydney Russell Comprehensive School subject to the Agreement of the Governing Body;
  - e) the Facilities Management Agreement for Sydney Russell Comprehensive School subject to the Agreement of the Governing Body.
- (iii) The financial commitments entailed in the LEP and Special Purpose Vehicle formation.

#### **45. Business Case and Appointment of Preferred Bidder for Joint Venture Strategic Partnership**

Further to Minutes 21 (7 July 2009) and 3 (8 June 2010), the Cabinet Member for Customer Services and Human Resources presented a report on the final business case which supports the recommendation to enter into a joint venture and Partnership Agreement and the outcome of the tender evaluation to select the Preferred Bidder.

The Cabinet Member outlined the key benefits of the joint venture proposals and advised that savings of up to £10m per year were anticipated over the course of the seven year agreement which will enable the Council to continue to deliver essential front-line services to the local community. The Chief Executive also referred to the innovative nature of the joint venture and reassured Members as to the merits of the proposals.

**Agreed**, in order to assist the Council to achieve all of its Community Priorities and the delivery of the Medium Term Financial Strategy, to:

- (i) The appointment of the Preferred Bidder, as recommended by the Main Evaluation Panel and named in the private and confidential section of the report, as the Joint Venture Strategic Partner to deliver the following services under Phase 1:
  - ICT
  - Procurement & Accounts Payable
  - Revenues and Benefits services
  - B&D Direct
- (ii) The Council entering into a legally binding Joint Venture and Partnering Agreement with the Preferred Bidder;
- (iii) The Council entering into a legally binding Services Contract with the Preferred Bidder and associated legal documentation; and
- (iv) The Corporate Director of Finance and Resources putting in place appropriate internal arrangements for the proper monitoring and management of the Joint Venture and Partnering Agreement and the Services Contract through a new Commercial Services Unit.

(The Chair agreed that this report could be considered at the meeting as a matter of urgency under the provisions of Section 100B(4)(b) of the Local Government Act 1972.)