

## THE CABINET

Tuesday, 25 January 2011  
(5:00 - 5:25 pm)

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

**Also Present:** Councillor I S Jamu and Councillor J E McDermott

**Apologies:** Councillor M A McCarthy

### 88. Declaration of Members' Interests

There were no declarations of interest.

### 89. Minutes (21 December 2010)

**Agreed.**

### 90. 2010/11 Budget Monitoring - April to November 2010

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

The projected service overspends, taking account of in-year savings, have decreased from £3.5m (and not £3.9m as published) to £2.7m since the last report, the main reason being continued reductions in the projected overspends in the Customer Services and Children's Services departments. The Cabinet Member advised that he has held meetings with the Corporate Directors of those departments and will meet with them further as part of the efforts to achieve a year-end balanced budget.

With regard to the General Fund balance, this is now projected to be £8.3m at the year end rather than the planned £10m. In response to a question, the Corporate Director of Finance and Resources advised that accounting standards recommend that reserves should typically equate to approximately 3% of net expenditure or 5% of gross expenditure (whichever is the most prudent) although this should be considered in the light of the level of risks, which is an issue for this Council.

The position of the Housing Revenue Account (HRA) is largely unchanged, with the projected deficit now at £38,000. In respect of the Capital Programme, the Cabinet Member reported on the proposed re-profiling of a number of schemes to reflect the impact of delays in Government funding decisions. As a consequence, the Capital Programme is projecting slippage in budgeted expenditure of £7.6m.

**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 paragraphs 3 and 5 of and Appendices A and C to the report;
- (ii) Note the position of the HRA as detailed in paragraph 4 of and Appendix B to the report;
  - (iii) Note the position of the Contingency Fund as detailed in paragraph 3.1.5 of the report; and
  - (iv) Approve the changes to capital budgets as detailed in paragraph 6 of and Appendix D to the report.

## **91. Network Management Plan and the London Permit Scheme**

Received a report from the Cabinet Member for Environment on a draft Network Management Plan (NMP) for the Borough and the introduction of a Permit Scheme for works on the public highway.

Under the Traffic Management Act 2004 all local authorities have a duty to publish a NMP, setting out their plans to tackle congestion and disruption on the highway network, improving accessibility, offering improved transport choices and reliable journey times and improving air quality. The draft NMP sets out, in broad terms, the Council's current position and plans and, once implemented, will be updated and modified to reflect the emerging direction and decisions regarding transport issues.

The Act also provides for local authorities to incorporate a scheme whereby agencies wishing to undertake works to the highway require a permit, with the main aims being to ensure safety and minimise inconvenience to people using the highway. A permit will prescribe the activities allowed, commencement date and duration of works. The London Permit Scheme for Road Works and Street Works (LoPS) is already being operated by 18 London councils and all London councils are expected to have introduced the scheme within the next two years.

The Cabinet Member confirmed that the LoPS will be self-financing, with implementation and operating costs being recouped from the charges for permits, and inclusion in the scheme is subject to approval from the Secretary of State for Transport.

**Agreed**, in order for the Council to meet its statutory responsibilities and assist in achieving its Community Priorities "Safe", "Clean" and "Prosperous", to:-

- (i) Approve the draft Network Management Plan as set out at Appendix A to the report;
- (ii) All works on the Borough's roads and footpaths taking full account of the Council's current Network Management Plan and the requirements of the Traffic Management Act 2004;
- (iii) Application being made to the Secretary of State for Transport for consent for inclusion in the London Permit Scheme for Road Works and Street Works;
- (iv) The allocation of £100,000 to fund implementation costs, on the basis that

this funding and ongoing revenue costs will be recovered from income generated from the scheme; and

- (v) Authorise the Corporate Director of Customer Services, in consultation with the appropriate Cabinet Members, to establish the precise details of the allowable activities within the Permit Scheme.

## **92. Local Development Framework - Adoption of Barking Town Centre Area Action Plan**

Further to Minute 56 (8 September 2009), received a report from the Cabinet Member for Regeneration on the outcome of the public consultation and inspection process in respect of the Barking Town Centre Area Action Plan (BTC AAP), which provides town centre specific policies in line with the strategic policies set out in the Council's Local Development Framework Core Strategy.

Noted that a number of changes have been made to the BTC AAP to take on board issues raised by the independent Inspector.

**Agreed**, in order to assist the Council to deliver all the Community Plan priorities for Barking Town Centre, to **recommend the Assembly** to adopt the Barking Town Centre Area Action Plan, as contained in the appendix to the report, which will form part of the Barking and Dagenham Local Development Framework.

## **93. Contract for the Provision of a Parks Safer Neighbourhood Team by the Metropolitan Police**

Further to Minute 125(ii) (16 February 2010), received a report from the Cabinet Member for Crime, Justice and Communities on proposals to formalise the arrangement with the Metropolitan Police regarding the provision of a Parks Safer Neighbourhood Team service.

As part of the budgetary considerations for 2010/11, a review was undertaken into how the Council keeps its parks and open spaces safe. Arising from this, a team comprising a Sergeant and five Police Constables has been providing the service since July 2010 at a cost to the Council of £240,000 per annum, which represents a considerable saving on the previous service provision. The Cabinet Member advised that in view of the success of the new arrangements it is proposed to enter into a formal two-year contract with the Metropolitan Police for this service.

**Agreed**, in order to assist the Council to achieve its Community Priority "Safe", to:-

- (i) Authorise the Corporate Director of Adult and Community Services to enter into a two-year contract with the Metropolitan Police Authority, under section 92 of the Police Act 1996, on the terms set out in the report; and
- (ii) Waive the requirement to tender in accordance with the Council's Contract Rule 4.2.2.1, as the services to be provided under the contract with the Metropolitan Police are of a specialist or proprietary nature.

## **94. Tender for Youth Crime Prevention Project**

Received a report from the Cabinet Member for Crime, Justice and Communities

on proposals for the retendering of the contract for the delivery of a youth crime prevention service (Youth Inclusion Project), the current contract for which is due to expire on 31 March 2011.

The Cabinet Member referred to the successes that have been achieved under the current service and advised that a review, as part of the preparations for the new contract, has identified further improvements that can be realised through, for example, basing the service within the Multi-Agency Locality Teams (MALTs) which would improve access for key target groups of young people from across the Borough.

It was also noted that the new contract will contain relevant break clauses in the event that the external funding which supports the project is not forthcoming beyond 2011/12.

**Agreed**, in order to assist the Council to achieve its Community Priorities “Safe”, “Fair and Respectful”, “Prosperous” and “Inspired and Successful”, to authorise the Corporate Director of Adult and Community Services to procure and award an initial three-year term contract for the provision of Youth Inclusion Project services on the terms detailed in the report.

#### **95. Barking & Dagenham Safeguarding Children Board, Annual Report 2009/10**

The Corporate Director of Children’s Services introduced the Barking and Dagenham Safeguarding Children Board’s Annual Report for 2009/10, which outlined the achievements of the Board over the past year and its priorities for the next 12 months.

#### **96. Barking Enterprise Centre: Tender for Management**

Further to Minute 147 (16 March 2010), received a report from the Cabinet Member for Regeneration on proposals to tender for the management of the Barking Enterprise Centre (previously referred to as the Barking Business Centre) which is due to open in October 2011.

The Head of Regeneration and Economic Development outlined the key services to be provided under the contract and also explained the main differences between the Barking Enterprise Centre and the Centre being developed at Frizlands Lane, Dagenham, as well as other new business opportunities in the Dagenham Dock and Dagenham East areas.

**Agreed**, in order to assist the Council to achieve its Community Priority “Prosperous”, to authorise the Corporate Director of Finance and Resources to procure and award an initial three-year contract for the Barking Enterprise Centre management through the Accelerated OJEU Restricted Procurement Procedure, on the terms set out in the report.

#### **97. Review of Legal Services and Future Proposals**

Received a report from the Leader of the Council on the outcome of an initial review of the Council’s Legal Service recently undertaken by the Head of Legal and Democratic Services at Thurrock Council, following discussions between the respective Chief Executives.

The initial review focussed on the following objectives:

- The effectiveness of the current arrangements within the Legal Service compared with the expectations of the review carried out by Rockpools in 2007
- The future requirements for the Legal Service
- Options for providing the future service given the need to make significant savings

Four options for the future delivery of the Legal Service were identified, namely (a) possible wholesale merger of Legal and Democratic Services at LBBD and Thurrock; (b) shared legal services between the two authorities but with separate heads of service; (c) a shared head of service between the two authorities with sharing of services where feasible; and (d) separate services with separate heads of service.

The Leader advised that option C is preferred as it would allow the idea of a shared head of service to be piloted at the same time as proceeding with an early, full review of the service and the implementation of a changed structure during the first half of 2011/12. The arrangement would not involve any formal merger of services but would allow any opportunities for the sharing of services to be explored. At the same time a restructure of the Legal Service at Barking and Dagenham would be implemented which, in particular, would see a reduction in the number of managers in order to make savings of approximately 20%, previously agreed as part of the budget considerations for 2011/12. This option would also give the flexibility to decide towards the end of 2011 on whether to have a permanent shared head of service and Monitoring Officer.

**Agreed**, in order to assist the Council to achieve the revenue savings targets identified as part of the 2011/12 budget process and to ensure that the Council has an effective and efficient legal service, to:-

- (i) Pursue option C as detailed in the report, under which Barking and Dagenham would second from Thurrock for the period 1 April 2011 to 31 March 2012, on a part-time basis, their Head of Legal and Democratic Services to jointly fulfil the role as head of service and Monitoring Officer for both authorities on a shared basis;
- (ii) Authorise the Chief Executive to negotiate and finalise the arrangements, which will be subject to the approval of Thurrock Council;
- (iii) Note that the relevant JNC Assembly Panel(s) will be asked to consider any relevant issues, and that the Assembly will be required to make the final decision in terms of the appointment of the individual concerned as Monitoring Officer; and
- (iv) The situation being reviewed after six to nine months by the Chief Executive in consultation with the Corporate Management Team, Legal Service managers and Thurrock colleagues, and reported back to the Cabinet by the end of 2011 in order that a final decision can be taken on future arrangements.

**98. Revised London Local Authority 'Gold' Resolution and Mutual Aid Arrangements**

(The Chair agreed that this item 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.)

Received a report from the Cabinet Member for Environment on proposed updates to the Local Authority 'Gold' Resolution and the formalisation of mutual aid arrangements between London local authorities.

The Local Authority Gold arrangements provide a robust and joined-up approach to dealing with major emergency situations across London. The current resolution has been successful in assisting the pan-London response to major incidents such as the London Bombings. The proposed changes are intended to build on the arrangements for what are known as "slow burn" emergency situations, such as the flu pandemic and severe weather situations.

The London Resilience Local Authority Panel has also developed a set of guidelines, in the form of a Memorandum of Understanding, to firm up the current informal arrangements that exist between London's local authorities for providing mutual aid, whereby one or more authorities provide staff or equipment to deal with an emergency situation in another borough.

**Agreed**, in order to assist the Council to achieve its Community Priority "Safe", to:-

- (i) Approve the Addendum to the Local Authority 'Gold' Resolution as set out at Appendix A to the report; and
- (ii) Adopt the Memorandum on Mutual Aid as set out at Appendix B.

**99. 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).

**100. Update on Remodelling and Tendering of Residential Care Services for People with Learning Disabilities**

Further to Minute 57 (2 November 2010), received a report from the Cabinet Member for Health and Adult Services on the progress of remodelling of residential care services for people with learning disabilities.

The Cabinet Member outlined the reasons why the approach that was agreed by Minute 57 cannot now be progressed and presented revised arrangements which involve further interim measures while a competitive tendering exercise is undertaken.

**Agreed**, in order for the Council to continue to meet its statutory obligations and to provide cost effective and value for money services, to:-

- (i) Authorise the Corporate Director of Adult and Community Services to procure and award contracts to provide residential services for people with learning disabilities as detailed in the report; and
- (ii) Extend on current terms the purchase of residential care from Outlook Care up to 31 July 2011.