

THE CABINET

Tuesday, 15 March 2011
(5:00 - 6:50 pm)

Present: Councillor R Gill (Deputy Chair in the Chair), 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 N S S Gill, Councillor J E McDermott, Councillor L Rice, Councillor D Rodwell and Councillor D Twomey

Apologies: Councillor L A Smith, Councillor J L Alexander and Councillor H J Collins

117. Declaration of Members' Interests

There were no declarations of interest.

118. Minutes (15 February 2011)

Agreed.

119. Smoking Cessation Scrutiny Review

The Lead Member of the Health and Adult Services Select Committee, Councillor Twomey, presented the Select Committee's final report of its in-depth review of the impact of smoking within the Borough.

The Lead Member stated that smoking as a childhood addiction which carries on into adulthood and, with that in mind, many of the Select Committee's 16 recommendations are aimed at discouraging smoking amongst youngsters, and particularly young girls. He referred to the need for a change in the general perception that smoking is the socially norm and commented on the good progress being made by the Barking and Dagenham Partnership which has developed and implemented a Tobacco Strategy and other local and national initiatives, such as the FRESH project in the North-east of England, which are establishing best practice. The Lead Member added that although the issue of smoking cannot be solved purely by money it is important that the Barking and Dagenham Tobacco Alliance, which is currently funded by Government grant that supports the employment of a Tobacco Enforcement Officer and via NHS Barking and Dagenham which supports the employment of a Tobacco Control Co-ordinator, is able to maintain the excellent work that it is doing in the local community.

In respect of the report's recommendations the following issues were also raised:

- **Recommendation 16 relating to the Council's pension fund investment strategy** - The Cabinet Member for Finance, Revenues and Benefits acknowledged that the Council should lead by example and advised that the Pensions Panel has asked for a report on the issue of ethical investments

which will include companies that have an association with tobacco, but he also stressed that the underlying objective of the fund is to operate in the best interests of its members.

- **Recommendations 6 and 7 relating to schools and governing bodies** - The Chair particularly welcomed the proposals for greater peer-led interventions in schools and stressed the importance of the role of Councillors who are members of school governing bodies in this respect, and suggested that future Member Development sessions should address these issues.
- **Recommendation 10 relating to adult proxy purchasing** - The Cabinet Member for Customer Services and Human Resources highlighted the need for shopkeepers to be reminded of their obligations regarding the sale of tobacco products to children and educated on adult proxy purchasing and ways to prevent it.
- **Recommendation 9 regarding tobacco vending machines in licensed premises** - In response to an issue raised by the Cabinet Member for Environment, the Lead Member referred to research by the British Heart Foundation's which indicates that the majority of retailers would be prepared to remove tobacco vending machines from their premises.
- **Recommendation 8 relating to the Youth Stop Smoking Service** - The Cabinet Member for Regeneration suggested that the dangers of smoking should be conveyed by Youth Workers as strongly as the messages regarding drink and drugs and commented on the links between bullying for money and smoking.

The Chair placed on record the Cabinet's appreciation to the Select Committee for the very interesting and detailed work that it has undertaken and it was noted that the Cabinet's comments will be considered alongside the Select Committee's report at the meeting of the Assembly on 30 March 2011.

The Lead Member thanked the Cabinet for its support and also expressed the Select Committee's appreciation for the support and guidance given by the Corporate Director of Adult and Community Services and the Overview and Scrutiny Officer in the Committee's first year.

120. Community Cohesion Scrutiny Review

The Lead Member of the Safer and Stronger Community Select Committee, Councillor Rodwell, presented the Select Committee's final report of its review of community cohesion issues in the Borough and, in particular, how the Council can support the voluntary and community sector in building community cohesion.

The Lead Member conveyed his appreciation for the excellent support that the Select Committee received from officers and the voluntary / community groups throughout the review. He stated that the report's 21 recommendations build upon the positive work already underway in the Borough and that he sees the report as just the first stage of an on-going process of review.

In respect of the report's recommendations the following issues were raised:

- **Recommendation 2 relating to funding issues** - The Cabinet Member for Housing stated that he could not support the use of Housing Revenue Account (HRA) funding in the manner proposed for community cohesion initiatives as the HRA is intended directly for housing-related matters. He added that focussing HRA funds on improvements to the housing stock and estate areas will, in turn, improve people's perception of their local area and help to build a greater sense of community cohesion as a result. The Lead Member clarified that the intention is to use the current services that are directly funded by the HRA, such as Tenant Participation, in a more joined up way and not to seek new funding.
- **Recommendation 9 relating to parking issues for Faith Ministers** - The Cabinet Member for Regeneration suggested that in the current financial climate the Council should not provide free parking permits but that permits should be purchased from congregation funds where necessary. The Lead Member clarified that the proposal is only for Faith Ministers that are registered with the Borough's Faith Forum to be eligible for a parking permit, which currently represents only approximately 25% of the known number of ministries. He added that the intention is to enable those who require the services and comfort of a minister, often in urgent circumstances, to be able to do so without the burden of having to make special arrangements for the visit, as well as supporting the work of the Faith Forum.

The Lead Member commented that Barking and Dagenham has a high number of religious meeting places but is also recognised as having the lowest community cohesion rating nationally. The Cabinet Member for Customer Services and Human Resources suggested that the national questionnaire used to derive that assessment may have been too direct and should have included more generic questions about people's friendships, the facilities they use etc.. He also asked whether the pace of demographic change in more recent years and the fact that many residents are new to the Borough are key factors in the poor rating. The Lead Member acknowledged the points but added that he believed that it is a fair reflection of how people feel at present and the Select Committee's proposals on behalf of the Council, which has a civic duty to promote cohesion within its community, and the work being undertaken by all agencies, including the voluntary and community sector, are directed at achieving this aim.

The Chair thanked the Lead Member on behalf of the Cabinet for the work of the Select Committee and it was noted that the Cabinet's comments will be considered alongside the Select Committee's report at the meeting of the Assembly on 30 March 2011.

(The Cabinet Member for Housing, Councillor Waker, left the meeting at 5.50pm during consideration of this item).

121. Child Protection Practices and Policies in Schools Scrutiny Review

The Lead Member of the Children's Services Select Committee, Councillor L Rice, presented the Select Committee's final report following its review of child protection practices and policies within the Borough's schools.

The Select Committee has made a total of 30 recommendations which are

intended to build on the recent improvements that it recognises have been made in the area of children's services across the Borough. The Lead Member added that a key aim which underlies many of the recommendations is to encourage better working and understanding between all of the agencies involved, such as the Council, Police, Governing Bodies and school staff.

In respect of the report's recommendations the following issues were raised:

- **Recommendations 26 and 27 relating to the risk of knife crime** - The Select Committee proposes the random use of knife arches within schools to act as a deterrent to pupils who may think of carrying knives or other metal weapons. The Cabinet Member for Regeneration, Councillor McCarthy, suggested that the installation of knife arches would portray an inaccurate message that the carrying of knives is prevalent within the Borough's schools and he sought clarification of the evidence on which this recommendation had been based. The Lead Member confirmed that information provided to her by the Police indicated that there were 15 weapon incidents recorded for the 12 month period to January 2011, although not all necessarily involving knives. In addition, she had personally visited five of the Borough's nine secondary schools where she had spoken to teaching staff, Child Protection Co-ordinators and Police Officers based on-site. The Cabinet Member for Regeneration also sought clarification of the statement in the report that the Lead Member had been "informed by some school staff that not all incidents are reported to the police, so the true figure may be higher" and asked what steps the Lead Member had taken in this regard. The Lead Member stated that she had been shocked by the allegations but believed them to be true as those that she had spoken to had been very open and honest, and the Select Committee had responded by making the recommendation as a means of promoting a zero tolerance policy.

The Cabinet Member for Finance, Revenues and Benefits expressed the view that the proposal regarding knife arches should not be adopted until consultation had been undertaken with all secondary school governing bodies, in order that consideration can be given to the full and wider implications.

- **Recommendation 8 relating to the investigation of possible cases of child abuse** - In response to an enquiry regarding the process that should be followed by school staff including Child Protection Co-ordinators, the Lead Member referred to the Level 2 and Level 3 referral routes and stated that as school staff are not professionally trained in the field of social work, all cases should be directed to the Children's Safeguarding and Rights division within the Children's Services department.
- **Recommendation 11 relating to penalty notices** - The Chair sought clarification of the effectiveness of issuing penalty notices to parents / carers for failing to ensure children's attendance at school, particularly in view of the current economic situation and the number that have remained unpaid. The Lead Member stressed that parents / carers have a statutory duty to ensure their children's attendance and penalty notices are issued as a last resort and only after considerable contact by the school and, where attendance has not improved, the issuing of warnings to parents / carers of the possible issuing of a penalty notice. The Lead Member added that she felt it was important for there to be such a deterrent in view of the legal obligation and that similarly it

was important for the Council to pursue payment where possible.

- **Recommendation 30 relating to the sharing of good practice** - The Cabinet Member for Regeneration stated that he particularly welcomed the Select Committee's recommendations regarding the sharing of best practice with, and amongst, schools. The Lead Member gave as an example the need for greater awareness of cultural issues such as female genital mutilation.
- **Recommendations 13 to 17** - The Lead Member stated that she was concerned that school staff have stated that they experience difficulties in their liaison with Children's Services social work staff.

The Council's Head of Integrated Family Services thanked the Select Committee for its report and advised that Project SAFE, which was initiated in response to recommendations arising from an Ofsted inspection carried out in November 2009, has already resulted in a number of improvements to procedures and practices within the service. With particular reference to several of the points referred to during this meeting, she confirmed that there is a comprehensive package of training available to all school staff, including Child Protection Co-ordinators, and the Multi-Agency Locality Teams that are now located at school sites across the Borough are proving to be a very effective means of liaison for all those involved in children's safeguarding.

The Chair placed on record the Cabinet's appreciation to the Lead Member for her presentation and to the Select Committee for its report and asked that the Director of Children's Services should produce a response to the Select Committee's recommendations, to be circulated to the Assembly, and also that officers compile the Cabinet's response to the recommendations, which will be considered alongside the Select Committee's report at the meeting of the Assembly on 30 March 2011.

122. Corporate Grants Programme 2011/12 and Commissioning Programme 2011-14

Further to Minute 32 (28 September 2010), received a report from the Cabinet Member for Crime, Justice and Communities on the corporate grants programme for 2011/12 and the commissioning programme for the three year period 2011-14.

The programmes reflect a revised approach to corporate grants and commissioning agreed by Cabinet last year, the importance placed by the Council on the work of the voluntary sector, full consideration of equalities impacts, the impact of known and projected reductions in funding as well as the changes to the London Councils grants programme.

Agreed, in order to support the Community Priorities "Fair and Respectful" and "Prosperous", to:

- (i) The award of commissions to provide capacity building services for 2011/12 - June 2014 to a total value of £425,000, as outlined in Appendix 2 to the report;
- (ii) The award of commissions to provide strengthening community services for 2011/12 - June 2014 to a total value of £156,000 as outlined in Appendix 2 to

- the report;
- (iii) Delegate authority to the Corporate Director for Adult and Community Services, in consultation with the Cabinet Member for Crime, Justice and Communities, to award the contract for Strengthening Communities at a total value in 2011/12 of £52,000, as detailed in paragraphs 2.2 and 3.11 of the report;
 - (iv) The award of grants from the Innovation Fund for 2011/12 to a total value of £60,000 as outlined in Appendix 3 to the report;
 - (v) Delegate authority to the Corporate Director for Adult and Community Services, in consultation with the Cabinet Member, to allocate the small grants from the Pump Priming budget of £5,000 in 2011/12;
 - (vi) The virement of £10,000 from the Community Cohesion divisional budget to the Leisure and Arts divisional budget to provide grants for talented and gifted young people;
 - (vii) The allocation of an additional £170,000 to support the appropriate recommissioning of services previously commissioned by London Councils Grants, and delegate authority to the Corporate Director for Adult and Community Services, in consultation with the Cabinet Member and relevant Directors, to allocate that funding as appropriate in full or part funding of such recommissioning;
 - (viii) Delegate authority to the Corporate Director Adult and Community Services, in consultation with the Portfolio Holder, to undertake an annual review of the corporate grants and commissioning programme contract values and grant awards, in light of the current level of uncertainty in this area and to enable adjustment to contract values where required; and
 - (ix) Delegate authority to the Corporate Director Adult and Community Services, in consultation with the Cabinet Member, to award the re-advertised contracts for the LGBT Forum and the Disability Forum, and for the Volunteering Support commission, as detailed in paragraphs 3.9 and 3.10 of the report.

123. Towards a Fairer Contributions Policy for Adult Social Care

The Cabinet Member for Health and Adult Services presented a report on proposals for an extensive consultation on proposals to revise the current charging arrangements for adult social care services.

The Cabinet Member advised that the Council has a proud history of heavily subsidising social care services but new Government guidance requiring substantial changes to existing charging and contributions policies for non-residential care, as well as demographic pressures and the financial challenges for public sector services, has led to the need to develop a new approach in order for the Council to continue to provide quality social care services that meet the needs of its residents.

The 'Fairer Contributions Policy for Adult Social Care' has been designed to offer fair and equitable services that take account of the level of income in Barking and

Dagenham. The Cabinet Member outlined the key aspects of the policy and explained that financial modelling shows that over half of users would continue to receive free services, pay less or pay the same as at present.

The Cabinet Member explained that the intention is for the local community, key organisations and other stakeholders to be consulted over the coming months, with a further report presented to the Cabinet in the summer and the new arrangements coming into effect from 1 October 2011.

Agreed, in order to accord with Department of Health guidance and support the Community Priorities “Safe”, “Healthy” and “Fair and Respectful”, to:

- (i) Endorse the proposals for a fair and equitable adult social care charging policy as detailed in section 2 of the report;
- (ii) Approve the “Fairer Contributions Policy” consultation document at Appendix 5 to the report;
- (iii) Receive a further report in the summer on the outcome of the consultation and final proposals.

124. Adoption of Borough-wide Development Policies Development Plan Document

Further to Minute 5 (20 May 2008), the Cabinet Member for Regeneration presented a report on the outcome of the consultation on the Borough-wide Development Policies Development Plan Document (DPD) which is focused on the delivery of the Core Strategy adopted by the Assembly on 21 July 2010.

The DPD sets out the criteria against which future planning applications for the development and use of land and buildings would be considered and includes policies which, for example, set internal space standards for new homes, resist the loss of family houses, protect the borough’s heritage and ensure the right balance of retail and non retail uses in the borough’s town centres.

The Cabinet Member advised that the proposals have been subject to three statutory stages of consultation followed by a hearing by an independent Planning Inspector. The Inspector has confirmed that the policies are sound and legally compliant and has recommended a number of changes which do not raise any issues of principle for the Council and are considered to strengthen the document.

Agreed, in order to support the delivery of all of the Community Priorities, to:

- (i) Support the material changes to the draft Borough-wide Development Policies DPD proposed by the independent Planning Inspector, as outlined in paragraph 1.2 of the report; and
- (ii) **Recommend the Assembly** to adopt the Borough-wide Development Policies DPD as appended to the report.

125. Withdrawal of Permitted Development Rights for Houses in Multiple Occupation

The Cabinet Member for Regeneration presented a report on the proposal to withdraw permitted development rights for the change of use of dwelling houses (Class C3) to houses in multiple occupation (Class C4).

The Cabinet Member advised that using powers available under the Town and Country Planning (General Permitted Development) Order 1995, the Secretary of State issued directions that with effect from 1 October 2010 planning permission is no longer required to convert a dwelling house into a small home in multiple occupation (HMO). This Council's Unitary Development Plan, adopted in 1995, includes policies to control HMOs in view of the particular concerns regarding the number of family homes being lost to conversions and the new Borough-wide Development Policies DPD contains similar provisions to address this on-going concern.

Article 4 of the Order enables local authorities to issue a direction withdrawing permitted development rights where they would undermine local objectives to create or maintain mixed communities, thereby requiring appropriate planning consent to be obtained from the local authority for any such developments. The Cabinet Member also drew attention to the arrangements for issuing either an immediate or non-immediate direction.

Agreed, in order to support the Community Priority "Prosperous", to **recommend to the Assembly** the making of a non-immediate Article 4 Direction, covering the whole borough, withdrawing permitted development rights for changes of use from use class C3 (dwelling house) to use class C4 (house in multiple occupation).

126. Calendar of Meetings 2011/12

Received a report from the Leader of the Council on the proposed principles for the Calendar of Meetings for the forthcoming municipal year 2011/12.

The report proposed no changes to the arrangements that were in place for the 2010/11 municipal year. The Cabinet Member for Regeneration advised that he had held discussions with officers from Planning and Democratic Services and he proposed a move to a monthly cycle of meetings for the Development Control Board.

Agreed, in accordance with the requirements of the Council Constitution, that the principal meeting arrangements for the 2011/12 municipal year remain unchanged, subject to officers considering the proposal for the Development Control Board to move to a monthly cycle of meetings.

127. Urgent Action - Future Management of Thames View Community Centre

Further to Minute 76 (21 December 2010), received and noted a report from the Chief Executive on the action taken under the urgency procedures contained within paragraph 17 of Article 1, Part B of the Council's Constitution in approving the inclusion of the Thames View Community Centre in the list of Centres to be transferred under lease and management agreements to the respective Community Associations, and the related delegations to officers.

The Head of Community Cohesion and Equalities also gave an update on the progress of the transfers to the Community Associations.

128. 2010/11 Budget Monitoring - April 2010 to January 2011

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 January 2011.

The projected service overspends, taking account of in-year savings, have decreased from £2.2m to £1.7m since the last report as a result of continued reductions across departments and particularly within the Children's Services department. As a result, the General Fund balance is now projected to be £9.3m at the year end, compared to a planned level of £10m, and the Contingency Fund balance is currently at £6.6m, although it was stressed that this should be considered in relation to the projected departmental overspends and the assumption that all the in-year savings are delivered. The Cabinet Member also gave a verbal update on the overspend position which indicated further improvement towards a year end balanced budget position.

The Housing Revenue Account (HRA) has maintained its position with a projected underspend of £1m, which would result in a final balance of £4.4m. In respect of the Capital Programme the Cabinet Member reported on the proposed re-profiling of a number of further schemes, with current projections suggesting a £9.248m slippage against the overall revised budget of £116m.

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 budgets as detailed in paragraphs 3 and 5 and Appendices A and C to the report,
- (ii) Note the position of the HRA as detailed in paragraph 4 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) The re-profiling of schemes within the Capital Programme as detailed in Appendix D to the report.

129. Grievance Resolution Procedure and Home-Working Policy

The Cabinet Member for Customer Services and Human Resources advised that this report has been deferred to the next meeting.