

## **CABINET**

Tuesday, 24 July 2012  
(5:00 - 5:35 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 P T Waker, Councillor J R White and Councillor M M Worby

**Also Present:** Councillor J E McDermott

### **21. Apologies for Absence**

An apology for absence was submitted on behalf of Councillor McCarthy.

The Deputy Leader advised that the Leader of the Council would be joining the meeting late. The Leader of the Council arrived at 5.14pm (at the conclusion of the Budget Monitoring 2012/13 item) but the Deputy Leader retained the chair until he left the meeting at 5.33pm due to his interest in the item relating to 66 Hulse Avenue, at which point the Leader assumed the chair.

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

Councillor Waker declared a personal interest in relation to item 11a (Supplementary Report to 11 July 2012 Cabinet paper "Proposed Amalgamation of William Ford Church of England (Voluntary Aided) Junior School and Village Infant School") as he was a Council-appointed Governor of Village Infant School.

Councillor Gill declared a prejudicial interest in relation to item 13a (Disposal of Land Adjoining 66 Hulse Avenue, Barking) as he was related to a partner in the legal firm acting on behalf of the occupiers of the property.

### **23. \* Minutes (11 July 2012)**

The minutes of the meeting held on 11 July 2012 were confirmed as correct.

### **24. \* Supplementary Report to 11 July 2012 Cabinet Paper "Proposed Amalgamation of William Ford Church of England Junior School and Village Infant School"**

Further to Minute 20 of the last meeting, the Cabinet Member for Finance and Education presented a report on the decision by the Governing Body of William Ford Church of England Junior School at its meeting on 17 July 2012 not to proceed with the proposal to amalgamate with Village Infant School.

The Cabinet Member referred to the successful amalgamations that had occurred with other infant and junior schools in the Borough and advised that both the Council and the Diocese of Chelmsford remained committed to the benefits of the proposed amalgamation of William Ford Church of England Junior School and Village Infant School. He added, however, that it was important to respect the decision of the William Ford Church of England Junior School Governing Body

and, to that end, outlined the arrangements that would need to be made to revoke the Cabinet's previous decision.

**Cabinet agreed:**

- (i) To resolve that the Council intends to revoke the decision under Minute 20 of the last meeting in the light of the decision by the William Ford Church of England Junior School Governing Body, at its meeting on 17 July 2012, not to proceed with the proposal to amalgamate William Ford Church of England Junior School and Village Infant School to become an all-through Church of England Voluntary Aided Primary School with effect from 1 September 2012 via the closure of the existing infant school and expansion of the age range of the existing junior school;
- (ii) That the Council publishes the relevant revocation notices, as detailed in the report; and
- (iii) To note that a further report would be presented to the Cabinet meeting on 18 September 2012 seeking formal confirmation of the decision to revoke the amalgamation proposals.

## **25. Budget Monitoring 2012/13 - April to May 2012**

The Cabinet Member for Finance and Education presented a report on the Council's revenue and capital budget position for 2012/13 as at 31 May 2012.

The Cabinet Member referred to the two areas of overspend, within the Housing and Environment and Finance and Resources directorates, totalling £1.1m and stressed the need for Cabinet Members to ensure that appropriate plans were put in place to bring those areas, and any other future projected overspends, back into a balanced budget position.

In respect of the Housing Revenue Account (HRA) which showed a projected year-end overspend of £197,000, the Corporate Director of Finance and Resources clarified the basis for the projected overspend and responded to points made by the Cabinet Member for Housing regarding the new HRA financing arrangements.

The Cabinet Member also advised on proposed transfers totalling £400,000 from the Contingency budget.

**Cabinet agreed:**

- (i) To note the projected outturn position for 2012/13 of the Council's revenue budget at 31 May 2012, as detailed in paragraphs 2.3 to 2.11 and Appendix A of the report;
- (ii) To note the progress against the 2012/13 savings targets at 31 May 2012, as detailed in paragraph 2.12 and Appendix B of the report;
- (iii) To note the position of the HRA at 31 May 2012, as detailed in paragraph 2.13 and Appendix C of the report;

- (iv) To note the projected outturn position for 2012/13 of the Council's capital budget at 31 May 2012, as detailed in paragraph 2.14 and Appendices D and E of the report;
- (v) The following transfers from the Contingency Budget as detailed in paragraph 2.15 of the report:
  - a). A one-off transfer of £100,000 to meet the shortfall in savings within Housing and Environment caused by the delay in implementing controlled parking zones (CPZs);
  - b). A one-off transfer of £100,000 to meet the shortfall in savings within Housing and Environment caused by the delay in obtaining approval to replace orange recycling bags with wheelie bins;
  - c). A recurring transfer of £200,000 to Finance and Resources to reflect the cessation of the rebate system under the Council's former contract with Matrix.

## **26. Performance House - Quarter 4 2011/12**

The Cabinet received the Performance House report for the fourth quarter of 2011/12 covering the period 1 January to 31 March 2012.

The Performance House report covered the full set of the Council's performance indicators and highlighted the 19 'top priority' indicators as well as those areas where performance had deteriorated. The report also contained information on customer complaints and Members' enquiries and it was noted that the Cabinet Member for Crime, Justice and Communities was working with officers to address the poor response rates.

Cabinet **agreed** to note the performance during quarter 4 of the 2011/12 financial year (January to March 2012) and, in particular, the analysis of deteriorating performance as detailed in Appendix A to the report.

## **27. Adult Social Care Local Account 2011/12**

The Cabinet Member for Children and Adult Services introduced the draft Adult Social Care Local Account for 2011/12, which represented the Council's assessment of its adult social care provision over the past financial year.

The Cabinet Member advised that the content and design of the Local Account had been enhanced in the light of feedback on last year's inaugural publication and now contained a fuller, more robust assessment of services in line with Member and public priorities.

Cabinet **agreed** the Adult Social Care Local Account 2011/12 attached at Appendix 1 to the report for publication and placed on record its appreciation to the officers responsible for its production.

## **28. Carbon Management Plan 2011/12 - 2015/16**

The Cabinet Member for Finance and Education presented the draft Carbon Management Plan for 2011/12 - 2015/16 which outlined the Council's proposed approach and plans for reducing carbon emissions, including a flexible programme

of projects to enable the Council to achieve a carbon reduction target of 20% over the life of the Plan.

The Cabinet Member explained that the proposed Plan would enable the Council to meet its Carbon Reduction Commitment Energy Efficiency Scheme (CRC EES) obligations and the Corporate Director of Finance and Resources referred to the importance of achieving the 20% carbon reduction target from a financial viewpoint.

Cabinet **agreed**:

- (i) The Carbon Management Plan 2011/12 - 2015/16 attached at Appendix 2 to the report as the Council's approach to carbon management of its own activities;
- (ii) To reduce emissions and associated consumption from corporate properties (excluding schools which would be addressed via the Collaborative Low Carbon Schools Service (CLCSS) scheme) by 20% over the life of the plan, through the indicative programme of projects in Year 1 of the programme and future projects as identified;
- (iii) The continued assessment of future projects to bring forward in later phases of the Plan, subject to funding availability; and
- (iv) To delegate authority to the Corporate Director of Finance and Resources to approve the final version of the Carbon Management Plan for publication.

## **29. Term Contract for Building Maintenance in Public and School Buildings**

The Cabinet Member for Finance and Education presented a report on proposals relating to the procurement of a new term contract for Building Maintenance in Public and School buildings and Housing properties (where required), consisting of a framework of locally based small businesses utilising local based labour.

The Cabinet Member advised that the proposed contract would be for a two-year term commencing 3 September 2013 with the provision for yearly extensions up to a maximum of two years subject to satisfactory performance of the appointed contractors. For the interim period, it was also proposed to access Braintree District Council's Framework Agreement for building maintenance services.

Cabinet **agreed**:

- (i) The procurement of a new two-year term contract, divided into Building Lots, for the provision of Building Maintenance in Public and School buildings and Housing properties (where required) services commencing 3 September 2013, with the possibility of extending on a yearly basis up to a maximum of two years subject to satisfactory performance of the appointed contractors, on the terms detailed in the report;
- (ii) That Cabinet Members be kept informed of progress of the procurement and that the decision to award the contract be taken by the Cabinet; and
- (iii) That for the interim period (a maximum of 15 months), the Council access

and select a provider from Braintree District Council's current Framework Agreement to ensure continuity of service supply pending completion of the procurement and award of the new term contract.

### **30. Urgent Action - Procurement of Automotive Fuel and Fuel Oil**

Cabinet **noted** the following action taken by the Chief Executive under the urgency procedures of paragraph 17 of Article 1, Part B of the Council's Constitution:

- (i) That the Council enters into an agreement with the Government Procurement Service (GPS) for the provision of automotive fuel and fuel oil through Framework RM683 for a period of two years commencing 1 August 2012, as detailed in the report attached at Appendix A; and
- (ii) To authorise the Corporate Director of Finance and Resources, in consultation with the Divisional Director of Legal and Democratic Services, to enter into the contract on behalf of the Council.

With regard to the Council's carbon commitment referred to earlier in the meeting, Councillor McDermott asked whether the use of alternative fuels such as liquid petroleum gas (LPG) had been considered. The Corporate Director of Housing and Environment advised that significant fuel efficiencies had been achieved through the renewal of much of the Council's vehicle fleet but he acknowledged that LPG could have additional environmental benefits. With that in mind, the Corporate Director was asked to discuss the matter in more detail with Councillor McDermott and, if appropriate, to refer the issue to the Living and Working Select Committee for its consideration.

### **31. \* Housing Capital Investment Programme 2012 - 2017**

Further to Minute 120 (20 March 2012), the Cabinet Member for Housing presented a report on the proposed levels of capital investment over the next five years in relation to the Council's current housing stock refurbishment, new build and estate renewal programmes.

The Cabinet Member advised that the capital investment programme reflected the Council's ambitious plans for improving and enhancing social housing in the Borough, which was now possible under the new Housing Revenue Account (HRA) self-financing arrangements. The programme would include major investment to bring current housing stock up to Decent Homes standards, comprehensive stock condition surveys to circa 5,000 properties identified as requiring the greatest degree of 'key element' replacements such as windows, roofs, kitchens and bathrooms, the purchase of non-Council properties to assist in decant programmes, improvements to the management and refurbishment of void properties as well as the major estate renewal projects in the Gascoigne, Goresbrook and Leys areas, the cumulative effect being the delivery of over 1,200 new affordable homes for the local community.

The Divisional Director of Housing Strategy explained that the capital investment programme complemented the HRA Business Plan previously approved by Cabinet and that future investment proposals would be based on the best principles of asset management.

**Cabinet agreed:**

- (i) To note the progress made in delivering the capital investment programme as set out in Appendix 1 to the report;
- (ii) The resource allocation for the rolling housing investment programme as detailed in paragraph 3.1 of the report, in line with the strategic investment priorities set out in the report and in the HRA Business Plan;
- (iii) That investment resources identified in paragraph 3.1 of the report may be moved within the strategic investment priorities to fund schemes identified within the report, to make best use of resources and to take advantage of procurement opportunities as they arose;
- (iv) The development of a detailed investment programme of the schemes covering the roads set out in Appendix 2 to the report, and to delegate authority to the Corporate Director of Housing and Environment, in consultation with the Cabinet Member for Housing; the Corporate Director of Finance and Resources, the Divisional Director for Legal and Democratic Services and with reference to the arrangements set out in paragraph 1.3 of the report, to agree terms and award relevant and appropriate contracts in respect of each scheme;
- (v) The tendering for suitable contractors to undertake 100% surveys of the schemes identified within Appendix 2 of the report, to determine the scope and priority of works in preparation of contract procurement;
- (vi) To note that the Council had entered the Decent Homes Backlog Grant Funding Delivery Contract with the Greater London Authority, as referred to in the report;
- (vii) To note the extended new build programme as set out in Appendix 3 to the report;
- (viii) The serving of Initial Demolition Notices on all secure tenants in order to suspend the requirement for the Council to complete Right-to-Buy applications for as long as the Notices remained in force across the area of the Gascoigne estate within the Estate Renewal Programme Areas, in consultation with the Divisional Director for Legal and Democratic Services;
- (ix) The acquisition of any leasehold interests in the extended Estate Renewal Programme where owners were either willing or wanting to sell prior to the formal acquisition programme being in place and serving of Compulsory Purchase Orders;
- (x) To establish a budget of £2.5m to fund a programme of existing property purchases as set in paragraph 5.2 of the report, and to delegate authority to the Corporate Director of Housing and Environment, in consultation with the Corporate Director of Finance and Resources, the Divisional Director for Legal and Democratic Services and the Lead Member for Housing, to agree acquisition terms; and
- (xi) To authorise the use by the Council of its compulsory purchase powers

pursuant to section 17 of the Housing Act 1985 (as amended) to secure the making, confirmation and implementation of a Compulsory Purchase Order to facilitate the acquisition of any outstanding leasehold interests and delivery of the Estate Renewal Programme.

### **32. 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) and paragraph 21(1)(a) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

### **33. \* OFSTED Inspection of Safeguarding and Looked After Children Services**

The Cabinet Member for Children and Adult Services introduced the draft findings of the Ofsted Inspection of Safeguarding and Looked After Children's Services together with the multi-agency draft Action Plan which responded to the recommendations from the inspection. It was noted that the documentation was embargoed until 27 July 2012 when Ofsted would publish its final report.

The Cabinet Member commented on the inspection report and the main areas of improvement that had been identified within the Action Plan.

Cabinet **agreed**:

- (i) To note the findings of the draft Ofsted Inspection of Safeguarding and Looked After Children Services Report attached at Appendix 1 to the report;
- (ii) To note the Corporate Director of Children's Services Factual Accuracy Letter dated 13 July attached at Appendix 2 to the report;
- (iii) The draft multi-agency Action Plan, developed to address the recommendations from the Ofsted report to ensure that all provision improved to at least "good" within six months, as attached at Appendix 3 to the report subject to minor alterations in final documentation; and
- (iv) To note the arrangements, as detailed in paragraph 2.5 of the report, to ensure that the Cabinet and other relevant committees / bodies were kept informed of progress against Ofsted's recommendations and the multi-agency draft Action Plan.

### **34. \* Disposal of Land Adjoining 66 Hulse Avenue, Barking**

The Corporate Director of Children's Services introduced a report on the proposed disposal of an area of land adjoining 66 Hulse Avenue, Barking, in the light of protracted discussions between Council officers and the owners of the property regarding the ownership and use of the land since the Council closed a section of Hulse Avenue between Eastbury Comprehensive School and the Faircross Community Centre as part of the redevelopment of the school site.

Cabinet **agreed** the disposal of the Council's freehold interest in the area of land

shown edged red on the plans at Appendices A and B to the owners of 66 Hulse Avenue, Barking, on the terms set out in the report.

(\* The Chair agreed that these matters 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.)