

MINUTES OF CABINET

Tuesday, 17 October 2023
(7:01 - 8:23 pm)

Present: Cllr Darren Rodwell (Chair), Cllr Saima Ashraf (Deputy Chair), Cllr Dominic Twomey (Deputy Chair), Cllr Sade Bright, Cllr Cameron Geddes, Cllr Syed Ghani, Cllr Kashif Haroon, Cllr Jane Jones, Cllr Elizabeth Kangethe and Cllr Maureen Worby; Cllr John Dulwich

43. Declaration of Members' Interests

There were no declarations of interest.

44. Minute's Silence

The Chair asked all those present to stand for a minute's silence to commemorate all those affected by the tragic events unfolding in the Middle East.

45. Minutes (19 September 2023)

The minutes of the meeting held on 19 September 2023 were confirmed as correct.

46. Revenue Budget Monitoring 2023/24 (Period 5, August 2023)

The Cabinet Member for Finance, Growth and Core Services introduced the Council's revenue budget monitoring report for the 2023/24 financial year as of 31 August 2023 (period 5).

The Council's General Fund revenue budget for 2023/24 was £199.002m and the forecast outturn position at the end of August projected a net overspend of £11.037m, which represented an improvement of £3.542m on the position reported at period 4. The Cabinet Member referred to the recent 'Star Chamber' process which helped to reduce expenditure levels and identify more efficient ways of delivering services. He stressed, however, that there was no room for complacency, particularly as rising demand for social care, inflation and other cost pressures showed no real signs of easing in the short term. The Cabinet Member also reiterated his call on the Government to properly fund local authority services, pointing out that in real terms the Council now received over £100m less Central Government funding compared to 10 years ago despite a significant growth in population and deprivation levels in the Borough. Reference was also made to the Council's Investment and Acquisition Strategy, the Council-owned companies and the level of borrowing.

It was further noted that the Housing Revenue Account (HRA) for 2023/24 showed a projected overspend of £6.899m, which represented an improvement of £0.581m on period 4, and efforts would continue to bring that overspend down by the year end.

Cabinet **resolved** to:

- (i) Note the projected £11.037m revenue overspend forecast at Period 5 for the General Fund for the 2023/24 financial year, as set out in sections 2 and 3 and Appendix A of the report;
- (ii) Note the projected £6.899m revenue overspend forecast for the Housing Revenue Account, as set out in section 4 and Appendix A of the report; and
- (iii) Note the projected returns for the Investment and Acquisition Strategy as set out in section 5 and Appendix A of the report.

47. Council Tax Support Scheme 2024/25 - Options and Consultation

Further to Minute 16 (12 July 2022), the Cabinet Member for Finance, Growth and Core Services introduced a report on the outcome of a detailed review of options for a new, statutory local Council Tax Support (CTS) scheme for working age recipients for 2024/25.

The Cabinet Member explained that the current CTS scheme retained many of the core components of the former means-tested national Council Tax Benefit scheme and was aligned with Housing Benefit (HB) administration. The Government's welfare reforms, which included the introduction of the Universal Credit (UC) system to replace HB, Income Support and other benefits / tax credits, meant that the current CTS scheme had become far less aligned with HB administration. The welfare reforms also meant that many more individuals became liable for paying towards their Council Tax and the amount of support given to local authorities, to help those on very low incomes with their Council Tax bill, had been cut by approximately 10% by Government.

The Cabinet Member referred to the detailed modelling of various options that had been considered for implementation from 2024/25 and advised that the preferred option continued to be an 'income banded discount' scheme, described as Model 1 in the report. Such a scheme would be more aligned with the new benefits regime, easier for the Council to administer and, most importantly, simpler for claimants to understand whilst being less reactive to changes to their individual circumstances.

The Cabinet Member advised that the next steps would include a comprehensive public consultation on the preferred model and alternative options, prior to the Assembly being asked to agree the final CTS scheme for implementation from 1 April 2024.

Speaking in support of the proposed new scheme, Members highlighted the importance of the public consultation being clear about the reasons for the transition and the Council's intentions to provide additional support measures to mitigate the impact for those disadvantaged by the new scheme.

Cabinet resolved to:

- (i) Endorse, subject to the outcome of recommendation (ii) below, the recommended 'income banded discount' CTS scheme (Model 1) as set out in sections 2.10 to 2.13 of the report, as the Council's draft proposed replacement CTS scheme for 2024/25;

- (ii) Agree to the commencement of public consultation on the proposals to replace the current CTS scheme for 2024/25 with an income banded discount scheme; and
- (iii) Note that following the public consultation, the final proposed CTS scheme for 2024/25 shall be determined by the Assembly in early 2024.

48. Gascoigne East Phase 3A (Block J) - Approval of Disposals, Head Lease and Loan Facility Agreement

Further to Minutes 8 (20 June 2023) and 24 (18 July 2023), the Cabinet Member for Regeneration and Economic Development introduced a report on proposals to progress the disposal of a further 124 new homes developed as part of the Gascoigne Estate Renewal Programme.

The Cabinet Member advised that, as with the previous reports, the properties within Gascoigne East Phase 3A Block J would be transferred, by way of long leases and associated loans, to the Barking and Dagenham Reside Regeneration Ltd (Reside) structure of companies following practical completion, due in November 2023. Block J consisted of 66 London Affordable Rent (LAR) and 58 Affordable Rent (AR) properties which the Cabinet Member confirmed would be available to those on the Council's housing waiting / transfer lists.

Cabinet **resolved** to:

- (i) Approve, in principle, the disposal of the scheme below by the granting of long leases to the appropriate Reside entity (either Barking and Dagenham Homes Ltd (company no. 12090374) or B&D Reside Weavers LLP (registered no. OC416198);

Gascoigne East Phase 3A Block J

- Farrimond House, 1 St Mary's, Barking, IG11 7SN
 - Farrimond House, 6 St Mary's, Barking, IG11 7PH
 - Farrimond House, 10 St Mary's, Barking, IG11 7PH
 - Farrimond House, 13 King Edwards Road, Barking, IG11 7ZZ
 - 2, 4, 6 and, 8 Fisherman Street, Barking, IG11 7AA
- (ii) Approve, in principle, the draft Heads of Terms and loans for Gascoigne East Phase 3A Block J to the appropriate Reside entity, as set out in section 2 of the report;
 - (iii) Delegate authority to the Strategic Director, Finance and Investment, in consultation with the Strategic Director, Inclusive Growth, to agree and finalise the terms of the loans, leases and any other associated documents, and to take any steps necessary to ensure compliance with s123 of the Local Government Act 1972 and the Subsidy Control Act 2022; and
 - (iv) Delegate authority to the Head of Legal Services, in consultation with the Strategic Director, Inclusive Growth, to execute all the legal agreements, contracts, and other documents on behalf of the Council in order to implement the arrangements.

49. **Parking Proposals - Amendment to Controlled Parking Zone (CPZ) Policy**

The Cabinet Member for Enforcement and Community Safety presented proposals to amend the Controlled Parking Zones (CPZ) decision-making criteria and other aspects relating to CPZs.

The Cabinet Member explained that the current CPZ decision-making criteria had been in place since May 2019. A recent review of arrangements suggested an improved, more transparent criteria and the introduction of thresholds would help local residents better understand how to influence the decision-making. The new decision-making criteria would apply a minimum response rate of 30% of all affected households and, subject to that threshold being achieved, a 2/3rds majority either in support or against would determine whether a scheme should be progressed or withdrawn. In the event of either of those thresholds not being met, the determining factors would continue to be identified need and ward councillors' feedback, although the feedback from residents would continue to be an influencing factor.

The Cabinet Member clarified that in cases where proposals for a CPZ scheme were based on other factors such as serious safety concerns, severe congestion and/or the concerns of the emergency services or Transport for London, those concerns would continue to take precedence over all other factors and the final determination would ultimately be made by the relevant Director in light of the Council's overall duty of care. The Cabinet Member cited concerns raised by the London Fire Brigade regarding obstructions caused by parked vehicles as an example of where the relevant Director may be responsible for determining a scheme.

The report also outlined plans to only review existing CPZ schemes in exceptional circumstances until at least the completion of the current CPZ roll-out programme, expected by Autumn 2025, as well as restrictions to the number of parking permits issued per household where parking was limited, to ensure that available spaces were shared out evenly.

Cabinet Members welcomed the improved clarity that the new CPZ decision-making would give to residents. Reference was also made to the improvements to the Borough's road network, both in terms of condition and safety, that the income from CPZ schemes had contributed to.

Cabinet **resolved** to:

- (i) Agree amendments to the CPZ decision-making criteria and, in particular, the Resident Feedback section of the Implementation of CPZ Residents Parking Policy, as set out in Appendix 1 to the report;
- (ii) Agree the revised arrangements regarding reviews of implemented CPZ schemes, as set out in section 2.3 of the report; and
- (iii) Agree the restrictions on parking permit issuance within a CPZ, as set out in section 2.4 of the report.

50. Adult Social Care - CQC Assurance and Improvement Update

The Cabinet Member for Adult Social Care and Health Integration presented a report on the preparations for an inspection of the Council's adult social care provision by the Care Quality Commission (CQC).

The Cabinet Member advised that the CQC was aiming to assess all local authorities in England over a two-year period, starting later this year, and at least two London Boroughs were expected to be included in the first tranche of inspections. The CQC inspection process would include a review of local authorities' documentation, interviews with Council officers, Members, partners, service users and other stakeholders, evidence collection and the tracking of a number of case studies.

As part of the Council's preparations, a detailed self-assessment of adult social care in the Borough had been completed, which was set out in Appendix 1 to the report alongside a three-page summary document. A draft Adult Social Care Improvement Plan had also been produced, explaining how the Council planned to address the core, systematic challenges in adult social care such as the significant funding pressures, the increasing complexity of individuals' needs and health inequalities in the Borough.

The Cabinet Member highlighted a number of the key points within the self-assessment documents and Improvement Plan and commended them as a very honest reflection of the strengths and areas for improvement within the service.

Cabinet colleagues expressed their gratitude to officers and the Cabinet Member for their significant efforts in producing the documentation and encouraged all Members of the Council to read through the documents, as the information could prove particularly helpful at ward surgeries. Reference was also made to the lack of Central Government funding for adult social care services and the hope that the CQC would take that into account in its inspection report.

Cabinet **resolved** to:

- (i) Agree the Adult Social Care full self-assessment and summary self-assessment, set out at Appendices 1 and 2 to the report respectively, as an accurate reflection of the Council's Adult Social Care service; and
- (ii) Agree the Adult Social Care Improvement Plan, as set out at Appendix 3 to the report.

51. Process and Governance of Allocation and Spend of Developer Contributions

The Cabinet Member for Regeneration and Economic Development introduced a report on plans to streamline the governance and working procedures in respect of the allocation of Community Infrastructure Levy (CIL) and Section 106 funding, which supported the delivery of infrastructure across the Borough as part of the Council's growth agenda.

The proposals included the creation of an officer sub-group which would meet

quarterly with external and internal stakeholders to consider strategic and service infrastructure needs. That sub-group would submit proposals to the Assets and Capital Board and a Member-level group, consisting of the portfolio holders for finance and regeneration and the Chair and Deputy Chair of the Planning Committee, every six months who, in turn, would recommend the allocation of CIL and s106 funds accordingly. The Cabinet Member confirmed that any proposed allocations over £200,000 would be presented to Cabinet for decision.

Cabinet **resolved** to agree the proposed governance and workflows for the allocation and spend of CIL and s106 developer contribution funding, as set out in section 2 of the report.

52. Sale of Front Garden Land at 10 Calverley Crescent, Dagenham

The Cabinet Member for Finance, Growth and Core Services introduced a report on the proposed sale of a small area of Council-owned amenity land at the front of 10 Calverley Crescent, Dagenham to the owner/occupier.

Cabinet **resolved** to:

- (i) Approve the sale of the Council-owned land at the front of 10 Calverley Crescent, as shown edged red in site plan 1 at Appendix 1 to the report, on the terms set out in Appendix 2 to the report;
- (ii) Delegate authority to the Strategic Director, My Place, in consultation with the Head of Legal Services and the Cabinet Member for Finance, Growth and Core Services, to agree the final terms and contract documentation to fully implement the sale of the site; and
- (iii) Authorise the Head of Legal Services, or an authorised delegate on her behalf, to execute all the legal agreements, contracts, and other documents on behalf of the Council.

53. Urgent Action - Participation in a Business Rates Retention Pool with Thurrock and Havering Councils

The Cabinet Member for Finance, Growth and Core Services reported on action recently taken by the Chief Executive regarding the entering into of a new Business Rates retention pooling arrangement with Thurrock Council and the London Borough of Havering.

The Cabinet Member explained that Barking and Dagenham was projected to benefit by at least £1m per annum under the arrangement and he also confirmed that the current financial circumstances of Havering and Thurrock Councils posed no risk to the arrangement.

Cabinet **resolved** to note the action taken by the Chief Executive, in accordance with the Urgent Action procedures set out in Part 2, Chapter 16, paragraph 4 and the Special Urgency provision under Part 2, Chapter 17, paragraph 15 of the Council Constitution, in relation to:

- (i) Agreeing that the Council enters into the Memorandum of Understanding

with Thurrock and Havering Councils, as set out in an appendix to the report, for the establishment of a three-borough Business Rates retention pool, and that the application be submitted to DLUHC by its deadline of 10 October 2023;

- (ii) Noting that the application does not commit the Council to the pool as there is a “cooling-off” period of 28 days from the announcement of the draft Local Government Financial Settlement for 2024/25 during which any of the parties can withdraw; and
- (iii) Delegating authority to the Strategic Director, Finance and Investment, in consultation with the Cabinet Member for Finance, Growth and Core Services, to make the final decision to enter the pooling arrangement in 2024/25 and subsequent years, prior to the expiry of the cooling off period, and to enter into all necessary or ancillary agreements to fully implement and effect the proposals.