

MINUTES OF CABINET

Tuesday, 15 September 2015
(7:05 - 9:45 pm)

Present: Cllr Darren Rodwell (Chair), Cllr Saima Ashraf (Deputy Chair), Cllr Dominic Twomey (Deputy Chair), Cllr Laila Butt, Cllr Evelyn Carpenter, Cllr Cameron Geddes, Cllr Lynda Rice, Cllr Bill Turner and Cllr Maureen Worby

32. Declaration of Members' Interests

There were no declarations of interest.

33. Minutes (21 July 2015)

The minutes of the meeting held on 21 July 2015 were confirmed as correct.

34. Budget Monitoring 2015/16 - April to July (Month 4)

The Cabinet Member for Finance presented a report on the Council's revenue and capital position for the four months to the end of July 2015, projected to the year end.

The General Fund expenditure for the full year was currently projected to be £157.4m against the budget of £151.4m. The projected overspend of £6.0m related to the ongoing pressures within Children's Services budgets and took account of the Cabinet decision under Minute 23(v) (21 July 2015) to transfer £1.2m from Central Expenses to the Children's Services directorate.

The projected year end overspend would reduce the General Fund balance to £20m at year end. The Budget Framework report to Assembly in February 2015 provided for a target of £15.0m for the General Fund balance and the revenue outturn for 2014/15 led to a General Fund balance of £26.0m. Taking into account the current projected overspend, together with the proposed use of the General Fund balance and other reserves to cover the implementation of savings proposals and budget gaps in 2015/16 and 2016/17, the remaining General Fund balance would be just above the target figure at £15.758m.

It was noted that significant work was in progress under the Social Care Efficiency Programme, supported with additional capacity created by the temporary recruitment of a Project Team, to address the pressures within Children's Services. The team was supporting the current mitigation projects and would assist the Corporate Director of Children's Services to put forward, by the end of September, the Business Case to reduce spend and demand over the next two years. One of the key factors for the overspend had been the increased use of agency staff and work was being undertaken with a range of recruitment specialists to significantly reduce agency staff numbers as part of an Invest to Save scheme.

The Housing Revenue Account (HRA) was projected to break-even, leaving the

HRA reserve at £8.7m. The Capital Programme budget stood at £137.0m, inclusive of the European Investment Bank (EIB) funded general fund housing schemes, with a forecast outturn of £138.9m (an overspend of £1.8m).

Cabinet **resolved** to:

- (i) Note the projected outturn position for 2015/16 of the Council's General Fund revenue budget at 31 July 2015, as detailed in paragraphs 2.1, 2.4 to 2.10 and Appendix A of the report;
- (ii) Note the progress against the agreed 2015/16 savings at 31 July 2015, as detailed in paragraph 2.11 and Appendix B of the report;
- (iii) Note the overall position for the HRA at 31 July 2015, as detailed in paragraph 2.12 and Appendix C of the report;
- (iv) Note the projected outturn position for 2015/16 of the Council's capital budget as at 31 July 2015, as detailed in paragraph 2.13 and Appendix D of the report;
- (v) Note that an additional cost pressure would be incurred to finance the Children's Services project team in the next quarter of the financial year, as detailed in paragraph 2.5 of the report; and
- (vi) Delegate authority, following the endorsement of the Corporate Procurement Board to the proposed procurement arrangements via an existing framework agreement, to the Corporate Director of Children's Services and the Chief Finance Officer, in consultation with relevant Cabinet Members, to appoint recruitment consultants to assist with a recruitment programme to reduce the use of agency staff within Children's Social Care.

35. Children's Social Care Annual Report 2014/15

The Cabinet Member for Children's Services and Social Care introduced a report that provided a review of operational service developments, peer reviews and inspections over the 2014/15 financial year within the Complex Needs and Social Care Division (CNSC) of Children's Services. The report also provided an overview of the local demand pressures and progress against the Ofsted single inspection improvement plan one year on.

It was noted that the predominant child protection issues the service was currently managing related to emotional abuse and the impact upon children where domestic violence was a factor within the household. The proportion of children subject to child protection plans due to emotional abuse was around 60% for 2014/15, which was a decline on the 69% reported for 2013/14 but still higher than previous years and higher than in other boroughs.

In 2014/15, referral rates for families with no access to public funds (NRPF) had averaged three per week and family profiles had averaged 3 to 4 children (with implications for accommodation requirements). As at 20 May 2015, there were 164 children allocated as NRPF cases for support. The Cabinet Member advised

that the continuing rate of referrals along with the length of time taken for the Home Office to resolve cases meant that the total number of allocated cases had increased whilst the number of cases closed had not kept pace.

The Cabinet Member also referred to issues including:

- The continued impact of case law when considering permanency for children, which had resulted in the number of children earmarked for adoption falling from 46 in 2013/14 to 14 in 2014/15;
- The impact of increased demand pressures in the past 12 months which had required the recruitment of additional agency staff. The Cabinet Member clarified that whilst the agency staff support had greatly assisted it was important to reduce the reliance on agency staff and recruit permanent staff to reduce costs, and would be a key project under the Social Care Programme.

The Cabinet Member for Education and Schools referred to a statement in the report that the proportion of children subject to child protection plans due to emotional abuse was around 60% in 2014/15, which was higher than other boroughs. The Cabinet Member for Children's Services and Social Care responded that he believed that it was related to the borough's high domestic violence rate, where children lived in an environment where they witnessed domestic violence directly or indirectly and were, as a result, likely to suffer from emotional abuse.

The Cabinet Member for Finance referred to data within the report which showed that the number of contacts fell in 2012/13 but the number of referrals had risen. The Cabinet Member for Children's Services and Social Care stated that there could be a variety of reasons why agencies felt there was a stronger need to refer children and work was being undertaken by the Multi Agency Safeguarding Hub (MASH) to ensure agencies were aware of the appropriate point to make referrals. The Corporate Director of Children's Services suggested further reasons for the increase such as the publication of serious case reviews impacting upon agencies' decisions to make referrals, the practices within certain agencies (for example the use of Police Protection powers in the borough in 2013/14) and the confidence held by agencies in Children's Services. She added that it was common for a spike in referrals to occur when a local authority introduced a MASH and the latest data suggested that the numbers had started to decrease.

The Corporate Director of Children's Services took on board the Cabinet Member's suggestion that sessions be set up to give all councillors the opportunity to obtain a more comprehensive understanding of the challenges faced by Children's Services and the successes achieved.

Cabinet **resolved** to:

- (i) Note the service improvement and challenges set out in the report, and the actions taken last year in response to local demand, the OFSTED inspections of services and the financial pressures experienced by the service;
- (ii) Note the following key priorities for 2015/16, determined after analysis and review of 2014/15:

- Improving services and outcomes for vulnerable children, young people and their families.
- Earlier intervention and prevention through the Prevention Service and via close operational relationships with colleagues providing targeted and universal support, to reduce the demand on social care and drive down referral rates and the need for child protection plans.
- Reducing the numbers of children in care and the cost of their provisions.
- Minimising the duration of Child Protection Plans.
- Strengthen means of engagement with young people and their families so that they can 'shape' future services to improve effectiveness and reduce the number of families needing social care support.

36. Corporate Delivery Plan 2015/16 - Quarter 1 Update

The Leader of the Council introduced a report providing an update on progress for the priority projects and performance indicators agreed as part of the Corporate Delivery Plan by Cabinet in October 2014 and commented that good progress had been made overall during the first quarter of the 2015/16 financial year.

The Leader highlighted improved performance in the number of Active Age memberships, which had continued to grow despite the introduction of a charge of £1 per week, and commended management for an increase in some key staff engagement and morale indicators. Satisfaction with working for the Council was at the highest level since it was introduced into the all staff survey in 2014.

Members discussed the decline in performance in the number of successful quitters aged 16 and over through the Smoking Cessation service. The Cabinet Member for Education and Schools questioned whether the strategy for improving performance was providing value for money and whether the use of e-cigarettes could help improve performance. The Cabinet Member for Adult Social Care and Health clarified that a person would not be counted as a 'quitter' if he/she switched to e-cigarettes and advised that, going forward, a bigger percentage of the budget would be dedicated to smoking prevention, which she hoped would mean fewer numbers of people starting smoking in the first place.

In response to a question from the Cabinet Member for Education and Schools, the Corporate Director for Adult and Community Services explained that the measure for determining the percentage of land with unacceptable levels of litter was not particularly meaningful but was continuing to be used as it was useful for observing trends.

The Cabinet Member for Adult Social Care and Health asked why, despite the improvement in staff engagement levels, the percentage of staff that believed change was managed well in the Council was not on target. The Chief Executive confirmed that he was looking at ways to improve in that area. The Cabinet Member for Children's Services and Social Care suggested that the poor perception of the Council's IT systems could be a key factor. The Chief Finance Officer acknowledged the point and advised that the IT improvements that had been introduced relatively recently would take time to be embedded. Further enhancements, aligned to the different ways services would need to be delivered

in the future, would be considered as part of the Ambition 2020 Programme and the new Strategic Director for Customer, Commercial and Service Delivery, who would have responsibility for IT services, would also provide a fresh outlook on the Council's IT services to ensure they were cost effective and met the needs of staff.

Cabinet **resolved** to note the performance for the priority projects and the key performance indicators for quarter 1 of the 2015/16 financial year.

37. Housing Allocations Policy

The Cabinet Member for Housing introduced a report on proposed amendments to the Council's Housing Allocations Policy.

The Cabinet Member explained that previous changes to the Housing Allocations Policy had resulted in the operation of different arrangements depending on whether applicants had joined the housing register before or after 3 November 2014, which was proving confusing for applicants and difficult for staff to administer and justify.

The Cabinet Member referred to the positive outcome of consultation with residents over a 12 week period on the plan to move to a single allocations policy and the arrangements for and implications of implementing the proposed arrangement. The other changes to the existing policy related to restricting the circumstances under which owner occupiers would be eligible to join the register and introducing a period of suspension from bidding for applicants that refused three reasonable offers of accommodation.

In noting that the move to a single allocations policy would significantly reduce the number of eligible applicants, the Cabinet Member for Children's Services and Social Care suggested that the move could have a negative impact on people's perception of the Council and lead to an increase in Members' casework. The Cabinet Member for Housing stated that whilst there would be a reputational risk of a reduced housing register, there was also the reputational risk of operating two allocations policies, which created inequality. The concept of social housing was that it should be for those in most need and those who did not have the financial means to acquire their own property and the proposals would help to better achieve that aim. The move to a more efficient system would also free up time for officers to work more proactively with applicants in a wide range of ways.

Members commented on the messages that should be conveyed to those affected by the proposed changes, the challenges also being faced by Housing Associations and the strong views held by the Labour Party's London Mayoral candidate on housing issues. In respect of the latter, the Leader stated that the most important factor when setting the Council's policies was to ensure that the Council did what was right for its residents.

Cabinet **resolved** to:

- (i) Agree that the current Housing Allocation Policy be retrospectively applied to all applications;
- (ii) Agree that the Housing Allocations Policy be amended as follows:

- (a) That owner occupiers be excluded from joining the housing register unless there are exceptional circumstances; and
- (b) To exercise the right to suspend applicants from bidding when they have refused three reasonable properties.

38. Re-Procurement of the Education and Built Environment Framework Agreement

The Cabinet Member for Finance presented a report seeking approval to proceed with the re-procurement of a Framework Agreement for capital construction works projects valued over £500,000 for education and built environment construction projects.

The Cabinet Member for Education and Schools spoke in support of the proposals, as they would assist the Council in delivering the additional school places that were required in the future, and referred to the need to ensure that all Council contracts stipulated requirements to ensure better development opportunities for local young people, such as apprenticeships. Cabinet Members concurred with that view and discussed steps to ensure that local opportunities were available even when contractors were of the view that the right level of skills was not fully available locally.

Cabinet **resolved** to:

- (i) Agree that the Council proceeds with the procurement of a Framework Agreement for the delivery of construction works in accordance with the strategy set out in the report; and
- (ii) Delegate authority to the Divisional Director of Regeneration to award the Framework Agreement to the successful bidder(s) once a compliant procurement tender exercise has been conducted, in accordance with the strategy set out in the report.

39. Procurement of Parking ICT System

The report was withdrawn.

40. Contract for the Provision of Liquid Fuel

The Cabinet Member for Environment introduced a report seeking approval to appoint a Liquid Fuel Supplier via an existing framework agreement compliant with European Procurement Regulations.

Cabinet **resolved** to:

- (i) Agree that the Council proceeds with the procurement of a contract for the provision of liquid fuel, delivered through an EU compliant framework contract in accordance with the strategy as set out in the report; and
- (ii) Delegate authority to the Corporate Director of Adult and Community Services, in consultation with the Cabinet Member for Environment, the

Chief Finance Officer and Head of Legal and Democratic Services, to conduct the procurement and award the contract to the successful bidder(s) in accordance with the strategy set out in the report.

41. Housing Transformation Programme

The Cabinet Member for Housing presented a report on the establishment of the Housing Transformation Programme designed to address some long standing and previously difficult customer service, performance and value for money issues in the Housing service.

The Housing Quality Network Landlord Health Check conducted in April and May 2014 found that performance across the core business processes that drove service delivery was generally below the average for London boroughs, highlighting the need for transformation. The Cabinet Member advised that the Housing Management Team had given a great deal of focus to the outcomes that would deliver service improvement and, with the support of staff, performance had improved across all Housing indicators during in the last 12 months.

The Leader of the Council commended the Cabinet Member for Housing, the Director of Housing and his staff for the improved performance of the service as a result of their efforts and vision for transformation.

Cabinet **resolved** to note the scope and timelines of the initial phase of the Housing Transformation Programme as outlined within the report.

42. Debt Management Performance and Write-Offs 2015/16 (Quarter 1)

The Cabinet Member for Finance and Central Services introduced the performance report for the first quarter period ending 30 June 2015 in respect of the debt management function carried out by the Revenues and Benefits Service within Elevate East London.

The Cabinet Member for Children's Services and Social Care questioned the policy agreed by Cabinet under Minute 52, 18 October 2011, to publicise the names of the top ten debt write-offs for the quarter period.

The Chief Executive stated that officers were currently developing a pilot project involving intensive early intervention work with families identified as at risk of falling into debt.

Cabinet resolved to:

- (i) Note the performance of the debt management function carried out by the Revenues and Benefits service operated by Elevate East London, including the performance of enforcement agents; and
- (ii) Note the debt write-offs for the first quarter of 2015/16 and that a number of the debts would be published in accordance with the policy agreed by Cabinet.

43. Call-In of Cabinet Decision - Housing Asset Management Strategy (Minute 27, 21 July 2015)

The Head of Legal and Democratic Services reported on the outcome of the Living and Working Select Committee's consideration at its meeting on 9 September 2015 of the call-in of Minute 27 of the Cabinet of 21 July 2015 in respect of the Housing Asset Management Strategy report.

The Select Committee had agreed to support the adoption of the Housing Asset Management Strategy but had asked to be consulted on the programmes within the Strategy as they were progressed and for further benchmarking to be undertaken.

Cabinet **resolved** to:

- (i) Note the outcome of the Living and Working Select Committee's consideration of the matter;
- (ii) Agree that the Select Committee be consulted on the programmes which would deliver the Housing Asset Management Strategy; and
- (iii) Agree that further benchmarking be undertaken on the Housing Asset Management Strategy.

44. Call-In of Cabinet Decision - Barking Housing Zone (Minute 26, 21 July 2015)

The Head of Legal and Democratic Services reported that the Living and Working Select Committee (LWSC) had met on 9 September 2015 to consider the call-in of Minute 26 of the Cabinet of 21 July 2015 in respect of the Barking Housing Zone report but had decided to defer full consideration of the matter to a later date.

The Head of Legal and Democratic Services referred to the advice given by the Democratic Services Officer at the LWSC meeting that the Council's Constitution made no provision to defer a call-in to another meeting. However, with the support of the Cabinet Member for Regeneration and senior officers the LWSC decided to defer the matter to enable further information to be provided.

Cabinet Members discussed the potential implications of further delaying the implementation of the Cabinet's original decision. Specifically, it was noted that delay in the Council entering an Overarching Borough Agreement with the Greater London Authority (GLA) would have a knock on effect on further agreements which would unlock the GLA's £42m Housing Zone funding for Barking. Furthermore, the Council and other partners would be committed to delivering schemes to a fixed timetable and the delay was causing uncertainty for partners, presenting a reputational risk to the Council in terms of the Council's ability to achieve housing delivery to agreed timescales.

With that in mind, Cabinet **resolved** that arrangements be made for the LWSC to fully consider the matter by no later than 30 September 2015 and for a special meeting of the Cabinet to be convened to consider the outcome of that meeting.

In the light of Cabinet Members' views on the way forward, the Leader also asked

that, in future, the Chair of the relevant Select Committee be invited to present the outcome of a call-in to the Cabinet, which would help to facilitate a two way discussion on any issues arising. He also asked the Head of Legal and Democratic Services to write to all the Chairs of the Select Committees reminding them that:

- (a) It was the responsibility of the Chairs of Select Committees to ensure that call-ins were dealt with promptly and referred back to the next meeting of Cabinet; and
- (b) A key role of Democratic Services Officers at meetings was to advise on procedural and constitutional matters and consequently that advice should be followed.

45. Private Business

Cabinet **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).

46. Becontree Heath Masterplan and Delivery - Appointment of Development Partner

Further to Minutes 143 (24 April 2012) and 48 (22 October 2013), the Cabinet Member for Regeneration presented a report seeking approval for the appointment of a development partner for the delivery of the Becontree Heath masterplan scheme following a competitive tender exercise.

In response to questions and comments from the Cabinet Member for Adult Social Care and Health, the Cabinet Member for Regeneration referred to the information in the report regarding the number of shared ownership and affordable homes proposed by the tenderers. He also clarified that the Council would have the option of acquiring some of the units for affordable rent (65%-80% of market rent) in lieu of part or all of the land receipt under the preferred tenderer's proposals.

Cabinet **resolved** to:

- (i) Agree the appointment of Countryside Properties as the Council's preferred development partner for the delivery of the Becontree Heath masterplan scheme;
- (ii) Agree that options 2 and 5 of Countryside Properties' submission be pursued as the Council's preferred options for determining the final scheme; and
- (iii) Delegate authority to the Chief Executive, in consultation with the Cabinet Members for Regeneration, Housing and Finance, the Chief Finance Officer and the Head of Legal and Democratic Services, to determine the preferred scheme, approve the final details and enter into all necessary agreements to enable the preferred scheme to be delivered.