

MINUTES OF CABINET

Tuesday, 17 July 2018
(7:00 - 8:36 pm)

Present: Cllr Darren Rodwell (Chair), Cllr Saima Ashraf (Deputy Chair), Cllr Dominic Twomey (Deputy Chair), Cllr Sade Bright, Cllr Evelyn Carpenter, Cllr Cameron Geddes, Cllr Syed Ghani, Cllr Margaret Mullane and Cllr Maureen Worby

Apologies: Cllr Lynda Rice

14. Declaration of Members' Interests

There were no declarations of interest.

15. Minutes (19 June 2018)

The minutes of the meeting held on 19 June 2018 were confirmed as correct.

16. Vicarage Field Development Proposals - Use of CPO Powers

Further to Minute 111 (20 March 2018), the Cabinet received a progress report on the potential use of the Council's statutory compulsory purchase order (CPO) powers to support and facilitate the redevelopment of the Vicarage Field site in Barking Town Centre.

Prior to the presentation of the report, the Cabinet received questions from four members of the local community who had registered to speak on the item. The questions covered the following issues:

- a) The Council's consideration of the long-term effect that a CPO would have on traders within the shopping centre as the proposals would reduce retail space in the Town Centre at a time when more shopping facilities were needed, rather than high density and often unaffordable housing;
- b) The negative impact that the Vicarage Field redevelopment proposals were already having on existing businesses and the support to be offered to those businesses to ensure that they were no worse off as a result of the Council's plans;
- c) Concerns that the negative impact and suffering caused by previous CPO plans relating to Vicarage Field in 1982 would again be felt by long-standing, committed business people in the area; and
- d) Whether existing businesses that had their own plans to expand / redevelop could be allowed to do so separately from the main project.

In response to the questions, the Cabinet Member for Regeneration and Social Housing commented that:

- The Vicarage Field redevelopment was aimed at securing the long-term future of the Town Centre area;
- Extensive public consultation had been undertaken as part of the planning

approval process for the redevelopment and the overwhelming majority of almost 1,300 respondents were in favour of a 'modern retail, restaurant and leisure offer with more choice and variety' which the plans would deliver together with a new school and improvements to the local environment;

- There would be a short-term loss of retail space while the redevelopment took place but the final scheme would still provide 25,000 sq.ft. of space which would hopefully offer a much wider choice to customers;
- High-density housing in Town Centre areas was the way forward and while the current plans for the redevelopment only included 10% 'affordable' homes, the Council would monitor the situation and may press for a greater percentage as the project progressed;
- The Council was committed to negotiations with affected businesses and residents and the CPO powers would only be used as a last resort should those negotiations fail to achieve a satisfactory outcome. To that end, the Cabinet Member invited the speakers to contact David Harley, Head of Regeneration at Be First, to discuss their specific cases;
- The CPO process was based on the principle of 'equivalence' to ensure that affected businesses and residents were no worse off in financial terms after an acquisition than they would have been before, which would ultimately be determined by the independent Lands Tribunal;
- The Council would meet the reasonable costs of professional independent advice sought by the affected parties during the negotiation / CPO processes;
- There was no mechanism for properties within the redevelopment area to be dealt with on a piecemeal basis. The Cabinet Member added that to attempt to do so would very likely be counterproductive to the delivery of the comprehensive scheme to transform the area, which had been an aspiration within the Council's Town Centre Area Action Plan since 2011.

In line with the public participation procedures, the four speakers were invited to ask a supplementary question stemming from their original question and the Cabinet Member's reply. The points made and the response from the Cabinet Member included the following:

- A requirement for only 10% of affordable properties as part of the redevelopment would mean many local people would be forced to move out of the area. The Cabinet Member acknowledged that some local residents would be displaced as a result of the redevelopment but he alluded to the Council's new social housing programme across the Borough which meant that more new homes were now being built than were being lost through the Right To Buy scheme;
- A phased approach to the redevelopment would enable existing businesses to stay within the Town Centre. The Cabinet Member suggested that phasing would undermine the feasibility of the project although there was potential for 'pop-up' premises to be established to enable some businesses to maintain their presence during the delivery of the project;
- As the outline planning consent included proposals for a new hotel there was an opportunity, with slight modifications to the existing planning consent, to include the Barking Hotel in the scheme and for the proprietors to join the redevelopment team discussions. The Cabinet Member advised that it was unlikely that the planning consent would be revisited, although he invited the representatives of the Barking Hotel to submit proposals to Mr Harley for consideration.

The Chair thanked the speakers for their contributions and invited the Cabinet Member for Regeneration and Social Housing to present the report.

The Cabinet Member advised that outline planning approval for the mixed-use scheme was granted in April 2017 and included plans for 855 homes, retail and office space, a hotel, a primary school, new healthcare facilities and leisure uses, with the redevelopment due to commence in early 2020. He reiterated that the use of CPO powers by the Council would be the last resort and every effort would be made by the Council, Be First and Lagmar (Barking) Limited, the development company, to reach satisfactory agreements with land and property owners.

The statutory provisions relating to the use of CPO powers under the Town and Country Planning Act 1990 (as amended) required the Council to demonstrate that a proposal was “likely to contribute to the achievement or the promotion or improvement of the social, economic and / or environmental wellbeing of the area” and the Cabinet Member referred to the perceived benefits of the project to the regeneration of Barking Town Centre and the wider economy. The Cabinet Member pointed to the specific provisions, as set out in paragraph 2.20 of the report, which must be demonstrated before CPO powers could be used and he expressed his confidence that the Vicarage Field redevelopment scheme would fulfil those requirements.

Cabinet Members spoke in support of the proposals, commenting on the improved retail offer that the new development was expected to bring, the visual and environmental improvements to the area and the new, modern health, education and leisure facilities that formed part of the overall scheme. Members also conveyed their sympathy to those who would be negatively impacted by the redevelopment and explained that the Council had to look at the wider benefits that such a development could bring to the Borough and to realise the aspirations that underpinned the Growth Commission report from 2016 and the recent Borough Manifesto. The Cabinet Member for Regeneration and Social Housing was also urged to ensure that the new employment opportunities associated with the redevelopment were targeted towards Borough residents.

The Cabinet **resolved** to:

- (i) Agree, subject to consideration of the matters set out in the report and the prior completion of the proposed Compulsory Purchase Order Indemnity Agreement (“CPOIA”), to make a Compulsory Purchase Order (CPO) pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of land and new rights in respect of the area identified in Appendix 1 to the report "draft CPO Plan" and the Schedule, to facilitate delivery of the Vicarage Field regeneration proposals detailed in the report;
- (ii) Note that a full Statement of Reasons supporting the CPO had been substantially progressed and to delegate authority for its final approval to the Director of Inclusive Growth.
- (iii) Delegate authority to the Director of Law and Governance, in consultation

with the Director of Inclusive Growth, to:

- (a) agree minor amendments to the CPO Plan and CPO Schedule before the making of the CPO (if required);
 - (b) take all steps to secure the making, confirmation and implementation of the Compulsory Purchase Order (“Order”) including the publication and service of all notices and the promotion of the Council’s case at any public inquiry;
 - (c) negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of blight notices and/or the withdrawal of objections to the Order and/or undertakings not to enforce the Order on specified terms, including (but not limited to) where appropriate seeking the exclusion of land or rights from the Order, making provision for the payment of compensation and/or relocation;
 - (d) in the event the Order is confirmed by the Secretary of State, to advertise and give notice of confirmation and thereafter to take all steps to implement the Order including, as applicable in accordance with the CPO Indemnity Agreement to execute General Vesting Declarations and/or to serve Notices to Treat and Notices of Entry in respect of interests and rights in the Order Land;
 - (e) take all steps in relation to any legal proceedings relating to the Order including defending or settling claims referred to the Upper Tribunal and/or applications to the courts and any appeals.
- (iv) Agree that, where required to assist in the delivery of the Vicarage Field regeneration proposals, the Council shall appropriate land for planning purposes pursuant to Section 122 of the Local Government Act 1972 to enable Section 203 of the Housing and Planning Act 2016 to be utilised to override any third-party rights; and
 - (v) Agree that the making of the CPO be conditional upon the terms for the land agreement(s) between the Council and Lagmar (Barking) Ltd. being in accordance with the arrangements set out in paragraph 2.48 of the report and subject to the approval of the Cabinet at a future meeting.

17. Medium Term Financial Strategy Update 2018/19 to 2020/21

The Cabinet Member for Finance, Performance and Core Services presented an update report on the Council’s Medium Term Financial Strategy for 2018/19 to 2020/21.

The Cabinet Member referred to the issues that had helped to reduce the projected budget gap for 2018/19 and 2019/20 and the ongoing challenges faced by the Council in setting a balanced annual budget. Members also noted the risk matrix in respect of the planned £41.5m Transformation Programme savings up to 2020/21.

The Cabinet **resolved** to:

- (i) Note the budget gap between 2018/19 to 2020/21 which had decreased from £15.616m, as reported in February 2018, to £11.505m in July 2018;
- (ii) Note the budget gap for 2019/20 was now £4.62m; and
- (iii) Note the process for closing the 2018/19 budget gap as set out in section 6 of the report.

18. Review of School Places and Capital Investment - Update June 2018

Further to Minute 69 (12 December 2017), the Cabinet Member for Educational Attainment and School Improvement presented an update report in respect of the various school expansion and improvement projects aimed at addressing the current and future demand for places in the Borough, as well as the latest funding issues.

The Cabinet Member referred to the projected pupil numbers at primary and secondary level and confirmed that there was expected to be a slight surplus of places in Reception Year 2018/19 and 2019/20 as a result of the slowing of the birth rate in the Borough around 2014. The longer-term plans for new school provision included three new primary schools, 1 secondary school and two special schools and those projects would be brought forward only when the demand for new places was confirmed.

The Cabinet Member outlined the latest funding announcements to support investment in the Borough's schools, which included a £369,673 allocation via the Healthy Schools initiative for capital works at Local Authority Maintained schools in the Borough. The Cabinet Member for Social Care and Health Integration welcomed the funding but criticised the Government's 'command and control' approach to how funding from the Healthy Schools initiative must be spent by Local Authorities who were much better placed to understand the priorities for their area.

The Cabinet Member for Educational Attainment and School Improvement also referred to the need for funding to support Special Educational Need (SEN) provision in the Borough, particularly revenue funding, and welcomed the support of Jon Cruddas MP who was expected to raise a question on the issue in Parliament.

The Cabinet **resolved** to:

- (i) Approve the strategy for Ensuring Sufficient School Places and School Modernisation to 2027, and the Future Planning Programme to meet Basic Need (including SEN places) 2017 to 2027 (amended June 2018) as set out in section 9 and Appendices 1 and 2 of the report;
- (ii) Approve the inclusion in the Capital Programme of the DfE grant allocations for 2018/19 as detailed in section 3 of the report;
- (iii) Approve the inclusion in the Capital Programme of the DfE grant allocated to support the provision of new school places as set out in section 4 of the

report.

- (iv) Approve the various projects and associated changes to the Capital Programme as set out in section 6 and summarised in Section 7 of the report;
- (v) Delegate authority to the Procurement Board in accordance with the Council's Contract Rules subject to the Director of People and Resilience approving the final procurement strategies for each project; and
- (vi) Delegate authority to the Director of People and Resilience, in consultation with the Cabinet Member for Educational Attainment and School Improvement, the Chief Operating Officer and the Director of Law and Governance, to award the respective project contracts.

19. Review of Parking Fees and Charges

Further to Minute 51 (18 October 2016), the Cabinet Member for Enforcement and Community Safety presented a report on a range of measures aimed at reducing air pollution in the Borough through a safer, fairer, consistent and transparent parking service, in line with the principles of the Council's Parking Strategy 2016 - 2021.

The Cabinet Member commented that the rapidly changing nature of the Borough meant that issues of traffic congestion, pressures on parking for residents, accessibility for businesses and, in particular, safety around schools were growing concerns for the local community. The London Mayor's Air Quality Strategy also highlighted the major impact that air quality and pollution was having on people's health in the capital.

In response to those issues, the Cabinet Member referred to the 11 specific proposals that were detailed in the report. The proposals included a revised charging structure for residents' parking permits in controlled parking zones (CPZs) as well as an additional charge for diesel vehicles that did not meet the Euro 6d emission standard, further restrictions on heavy goods vehicles, changes to staff and other permit charging arrangements, new parking enforcement measures around the Borough's schools, a Borough-wide review of CPZs and the development of a footway parking policy.

Cabinet Members spoke in support of the range of measures and especially the arrangements to improve safety and air quality around schools. With regard to the proposed phased expansion of CPZs to cover all the Borough's 63 schools, the Cabinet Member confirmed that the current plans were fluid and she invited her colleagues to contact her if it was felt that any of the projects in the later phases of the programme should be brought forward.

Other points that were raised during the discussions included:

- The projected additional income that would be generated as a result of the proposals, although it was acknowledged that the behavioural change that would hopefully stem from more effective publicity and enforcement would reduce the number of fines issued;

- Further discussions were to take place regarding virtual permits for visitor parking and Members would be kept informed; and
- That the new measures would help to enhance the Borough's reputation as "the green capital of the capital".

The Cabinet **resolved** to:

- (i) Approve the revised banding structure and charges for resident parking permits in CPZs based on vehicle CO2 emissions as follows, to be effective from 1 September 2018:

Proposed Bands w.e.f. 01.09.18	Emissions (CO2)	Price / permit (£)
Band 1	0 – 50	0
Band 2	51 – 100	18
Band 3	101 – 140	36
Band 4	141 – 160	45
Band 5	161 – 180	51
Band 6	181 – 255	80
Band 7	Over 256	140

- (ii) Agree that the charge for permits for those with three or more vehicles per household be increased by 25% for the third vehicle, 50% for the fourth vehicle and 75% for the fifth or subsequent vehicles, based on the CO2 emission banding and subject to the permit charge for a third vehicle in any household being at a minimum level of £45 regardless of the emission level;
- (iii) Agree that an additional charge of £50 from 1 September 2018, rising to £75 from 1 April 2019, be applied to all resident and business parking permits for diesel vehicles that do not meet Euro 6d emission standards;
- (iv) Agree the parking and access restrictions on heavy goods vehicles (HGVs) and large transport vehicles, as detailed in paragraphs 3.20 to 3.23 of the report;
- (v) Agree to discontinue the free permit arrangements for members of the Council's Faith Forum with immediate effect;
- (vi) Agree to increase the charge for those using the staff parking fob system from £1.60 to £2.00 for a full day (pro-rata) with effect from 1 September 2018 and to £3.00 for a full day (pro-rata) with effect from 1 April 2019;
- (vii) Agree the inclusion of Pondfield Depot, Wantz Road, Dagenham in the schedule of sites subject to staff parking charges with effect from 1 September 2018;
- (viii) Agree that organisations confirmed as providing direct priority care work for Borough residents and other organisations directly delivering a service on behalf of the Council, including sub-contractors, be eligible for permits and parking charges in line with the scheme offered to Council staff until 31 December 2020 and at an additional charge of 20% from 1 January 2021;

- (ix) Agree the arrangements for the enforcement of parking around schools, as set out in paragraphs 3.51 to 3.54 of the report;
- (x) Agree the arrangements for a three-year, phased review of CPZs across the Borough, as detailed in paragraphs 3.56 to 3.59 of the report; and
- (xi) Note that a proposed Borough-wide policy regarding parking on footways shall be presented to the Cabinet early next year.

20. Waiver Request for the Provision of Temporary Accommodation for Families with No Recourse to Public Funds

The Cabinet Member for Social Care and Health Integration introduced a report in respect of temporary accommodation arrangements for those families with no recourse to public funds.

The Cabinet Member explained that families subject to immigration control had no entitlement to benefits or public housing but could apply to their local authority for support, as Councils had statutory duties under the Children Act 1989 to meet certain needs of children and care leavers. To meet the statutory duty to provide a child with somewhere safe to live, the Council had arrangements in place with three housing providers and approval was being sought to formalise those arrangements by entering into interim contracts up to 31 March 2019, while plans for a joint procurement with Community Solutions were being developed.

The Cabinet **resolved** to:

- (i) Waive the requirements to advertise and tender for the provision of temporary accommodation for families with no recourse to public funds in accordance with the Council's Contract Procurement Rules;
- (ii) Agree the retrospective award of three contracts to the Griha Group, FineFair and N.K.B and Associates (formerly known as Harrison Property Associates) for the period 1 November 2017 to 31 March 2019 in accordance with the strategy set out in the report; and
- (iii) Authorise the Director of People and Resilience, in consultation with the Cabinet Member for Social Care and Health Integration, the Chief Operating Officer and the Director of Law and Governance, to enter into the contracts with the three providers.

21. Procurement Strategy for the Replacement of the Council's Vehicle Fleet

The Cabinet Member for Public Realm presented a report on the proposed procurement arrangements for the replacement of the Council's leased vehicle fleet.

The Cabinet Member advised that 189 new vehicles would be procured over the next five years, covering 18 different service areas. The procurement would be split into lots, with the procurement strategy for each lot seeking to achieve the best possible terms available in the market at the time. It was noted that the overall procurement could achieve savings of up to £1.1m with the move away

from short-term, high-cost vehicle spot hire arrangements and the Cabinet Member also confirmed that the Council would be seeking to reduce its carbon footprint through the use of electric and other types of lower emission vehicles.

The Cabinet **resolved** to:

- (i) Agree that, subject to approval of the procurement strategies by the Procurement Board, the Council proceeds with the procurement of the vehicle fleet contracts as detailed in Appendix 1 to the report;
- (ii) Delegate authority to the Director of My Place, following endorsement by the Procurement Board, to approve the final procurement strategies for the various fleet contracts referred to within the report; and
- (iii) Delegate authority to the Director of My Place, in consultation with the Cabinet Member of Public Realm and the Director of Law and Governance, to conduct the procurement and award and enter into the contracts and all other necessary or ancillary agreements with the successful bidder(s).