

# MINUTES OF CABINET

Tuesday, 18 January 2022  
(7:00 - 8:31 pm)

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

**Apologies:** Cllr Sade Bright

## 67. Declaration of Members' Interests

There were no declarations of interest.

## 68. Minutes (14 December 2021)

The minutes of the meeting held on 14 December 2021 were confirmed as correct.

## 69. Revenue Budget Monitoring 2021/22 (Period 8, November 2021)

The Cabinet Member for Finance, Performance and Core Services presented a report on the Council's revenue budget monitoring position for the 2021/22 financial year as at 30 November 2021 (period 8).

The Council's General Fund revenue budget for 2021/22 was £173.614m and the forecast outturn position at the end of November projected a net overspend of £7.408m once income had been taken into account, which represented an improvement of £1.843m compared to the previous month. It was noted that the specific Budget Support reserve of £11.433m would cover that overspend and leave approximately £4m to be carried forward into 2022/23. The Cabinet Member also referred to the ongoing pressures on service budgets due to increased demand and the latest position regarding the Housing Revenue Account and in-year savings.

Issues were raised relating to the arboriculture service having just one full-time equivalent member of staff, given the Council's major tree planting and monitoring programme, and the challenges faced by the Barking and Dagenham Trading Partnership which were impacting on its ability to make dividend payments to the Council.

Cabinet **resolved** to:

- (i) Note the projected revenue outturn forecast for the 2021/22 financial year as set out in sections 2 and 3 and Appendix A of the report; and
- (ii) Note the update on savings and commercial income, as set out in section 4 of the report.

## 70. Corporate Plan 2020-22 - Quarters 1 and 2 2021/22 Performance Reporting

The Cabinet Member for Finance, Performance and Core Services introduced a report which summarised performance in quarters one and two of 2021/22 against the numerous metrics and deliverables contained in the Council's Corporate Plan 2020-22.

Each Cabinet Member spoke on the key priorities, achievements and challenges within their respective portfolios and referenced a wide range of initiatives aimed at enhancing the Borough and improving the lives of the local community that had been launched or were in the pipeline.

Cabinet **resolved** to note the performance highlights and areas of improvement relating to quarters 1 and 2 of the 2021/22 financial year, as set out in Appendix 1 to the report.

## 71. LBBD Statement of Licensing Policy 2022-2027

The Cabinet Member for Enforcement and Community Safety introduced the draft Statement of Licensing Policy for the period 2022-2027 which had been subject to public consultation and was due to be submitted to the Assembly later in the month for adoption.

The Cabinet Member advised that the updated policy set out how the Council intended to discharge its responsibilities, as a licensing authority, in relation to the sale of alcohol, regulated entertainment and late-night refreshment. A number of changes were proposed to the Council's existing policy, which included new sections on entitlement to work in the UK, illegal working and the responsibilities of operators, 'Safe for All', COVID-19 and security and terrorism, as well as updates in relation to the use of outside areas and noise control, Public Spaces Protection Orders and licence fee payment arrangements.

With regard to 'Safe for All', the Cabinet Member explained that the Council was committed to ensuring that venues in the Borough were safe and inclusive and that operators and their staff were able to identify and deal with cases of harassment, sexual violence, discrimination and hate crime. The Council was, therefore, promoting the Mayor of London's Women's Safety Charter, as well as other initiatives such as 'Ask for Angela', allowing people to discreetly indicate to venue staff that they felt vulnerable or threatened, 'Ask for Clive', which promoted inclusion and welcoming environments for the LGBT+ community, and the Council's own Safe Haven campaign. Operators would be encouraged to sign up to those initiatives and, in return, would benefit from training support.

Cabinet **resolved** to:

- (i) Endorse the main changes to the policy, as set out in section 4 of the report; and
- (ii) Recommend the Assembly to adopt the London Borough of Barking and Dagenham Statement of Licensing Policy 2022-2027, as set out at Appendix A to the report.

## 72. East London Joint Resources and Waste Strategy 2027-2057 Update

Further to Minute 27 (13 July 2021), the Cabinet Member for Public Realm presented the draft East London Joint Resources and Waste Strategy (ELJRWS) 2027-2057 for adoption, following an eight-week consultation with stakeholders and the local communities of the four constituent Boroughs within the East London Waste Authority (ELWA).

The Cabinet Member advised that the draft ELJRWS had been subject to some minor changes following the public consultation. The Mayor of London's office had also commented that the lower floor recycling targets for controlled waste should not become the de facto targets for the respective Boroughs.

Cabinet Members commended the draft ELJRWS and drew attention to the need for recycling initiatives to be accessible to all types of housing tenure, particularly flats. Reference was also made to the need for ELWA to ensure that its next long-term waste disposal contract met the specific needs and requirements of the constituent Boroughs.

Cabinet **resolved** to adopt the East London Joint Resources and Waste Strategy 2027-2057, as set out at Appendix 1 to the report.

## 73. Electric Vehicle Charge-Points Pilot Scheme

The Cabinet Member for Finance, Performance and Core Services presented a report on a proposed pilot project to install 250 electric vehicle (EV) charge-points across the Borough, as part of the Council's commitment to Barking and Dagenham being recognised as the 'Green Capital of the Capital'.

The Cabinet Member advised that detailed discussions had taken place with Connected Kerb, a UK-based privately owned company that had already established itself as a market leader in charge-point innovation and design. The Connected Kerb proposal would utilise existing street furniture to house a future-proofed 'smart cities system', with a power and data pack sunk beneath the pavement in a protective steel box and a socket positioned directly above ground. As well as minimising additional street clutter and the visual impact often associated with standard EV charging points, the above-ground sockets could be easily replaced if damaged and the system could support an array of different hardware and software products such as environmental and air quality management sensors, parking management sensors and telco solutions such as wifi or small cell 5G. The system would also intelligently manage power across the charging network, to minimise stress on the local grid and simultaneously reduce the cost of charging to residents, as already demonstrated in a similar project in Hackney.

The Cabinet Member confirmed that the pilot project would only proceed if the Council was successful with a funding bid of £900,000 from the Government's Office for Zero Emission Vehicles (OZEV), which represented 75% of the estimated total cost of £1.2m. The remaining 25% (£300,000) and on-going operational costs would be met directly by Connected Kerb and any agreement would also include the potential for the Council to benefit from gainshare in later years.

Cabinet **resolved** to:

- (i) Approve the delivery of 250 electric vehicle charge-points fitted with air quality sensors tracking NOx, PM and CO2 emissions with future-proof capability to provide neutral hosting for 5G telecom networks across Council-owned public realm in 2022, subject to funding being secured from the Office for Zero Emission Vehicles;
- (ii) Approve, subject to the endorsement of the Procurement Board, the use of the Kent Commercial Services Framework to directly award to Connected Kerb to deliver the pilot scheme on the basis that the goods and services provided are unique; and
- (iii) Delegate authority to the Strategic Director, Inclusive Growth, in consultation with the Cabinet Member for Finance, Performance and Core Services and the Strategic Director, Law and Governance, to enter into contracts and all other necessary or ancillary agreements, including grant applications / awards, in accordance with the strategy set out in the report.

#### **74. Review of the Council's Procurement Governance Arrangements**

The Cabinet Member for Finance, Performance and Core Services introduced a report on proposals relating to a new, streamlined governance framework for the Council's procurement activities.

Following the return of the Council's procurement service from Elevate East London in 2020, officers had commenced a review of the Council's approach to procurement. Stemming from that work, a range of improvements had been identified which included the simplification of the multi-layered thresholds and multi-service oversight arrangements, particularly for low level spend, as a means of aiding compliance and enhancing procurement outcomes. The Cabinet Member explained that the eight existing procurement thresholds would be refined to just three, namely Bronze (up to £25,000), Silver (£25,000 to circa £190,000 (the Public Contracts Regulations 2015 threshold for supply and services contracts)) and Gold (above PCR 2015 threshold).

It was noted that the new procurement thresholds would not alter the requirement for all contracts with a value over £500,000 to be presented to the Cabinet for prior approval.

Cabinet **resolved** to:

- (i) Endorse the new approach to the Council's procurement governance arrangements, as set out in the report; and
- (ii) Note that the Assembly shall be asked to approve the new procurement governance arrangements and subsequent amendments to the Council's Contract Rules at its meeting on 2 March 2022, for implementation with effect from 1 April 2022.

## **75. Council Tax Support Scheme 2022/23**

The Cabinet Member for Finance, Performance and Core Services introduced a report on the local Council Tax Support Scheme (CTSS) for 2022/23, which the Council had a statutory duty to review annually.

The Cabinet Member advised that the Council had made a number of improvements to its scheme over recent years to bring it into line with other welfare benefits, such as Universal Credit, and to enhance accessibility for the most vulnerable in the community. He added that without additional funding from Government it was not possible to further enhance the scheme on offer by, for example, reducing the current 'minimum payment' threshold of 25% for working age claimants. Therefore, it was proposed to retain the scheme that was agreed for 2021/22, subject to any amendments that may become necessary as a consequence of new regulations relating to the pension age scheme.

Cabinet **resolved** to recommend the Assembly to:

- (i) Agree that the Council Tax Support Scheme implemented for 2021/22 remain unchanged and implemented for 2022/23; and
- (ii) Note that any changes to the prescribed requirements for the pension age scheme shall be incorporated into the CTSS before publication.

## **76. Contract for Short Term / Spot Hire Vehicle Requirements**

The Cabinet Member for Public Realm introduced a report on proposals relating to the procurement of the Council's short term / spot hire vehicle requirements through the Commercial Services Kent Limited (CSKL) Vehicle Rental Framework via The Procurement Partnership Limited (TPPL).

The Cabinet Member advised that the previous contract had expired on 14 June 2021. In order to maintain service delivery, the CSKL framework had been used since that time and, therefore, the proposed four-year term of the new contract would apply from that date until 14 June 2025.

Cabinet **resolved** to:

- (i) Agree the use of the Commercial Services Kent Limited Vehicle Rental Framework via The Procurement Partnership Limited for the Council's short-term and spot hire vehicle requirements for the four-year period 15 June 2021 to 14 June 2025, in accordance with the strategy set out in the report; and
- (ii) Delegate authority to the Strategic Director, My Place, in consultation with the Cabinet Member for Public Realm and the Strategic Director, Law and Governance, to enter into the contract and all other necessary or ancillary agreements.

## **77. Calculation and Setting of Council Tax Base 2022/23**

The Cabinet Member for Finance, Performance and Core Services introduced the

annual Council Tax Base report for the 2022/23 financial year, which must be set by 31 January each year in accordance with Section 67 of the Local Government Finance Act 1992.

The Cabinet Member referred to the prescribed method of calculation of the Council Tax Base and advised that the debt provision for losses on collection had been reduced from 3% to 2%, due to improved collection procedures.

Cabinet **resolved** to agree that, in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by the London Borough of Barking and Dagenham Council as its Tax Base for 2022/23 shall be 52,079.16 Band 'D' properties.

#### **78. Confirmation of Article 4 Direction - Permitted Development Rights Allowing Upwards Extensions to Certain Buildings**

Further to Minute 67 (19 January 2021), the Cabinet Member for Regeneration and Economic Development reported on the proposed confirmation of the non-immediate Article 4 Direction, in relation to permitted development regulations.

The Cabinet Member reminded colleagues that the Government had introduced new permitted development regulations, effective from August 2020, that granted rights to extend various buildings upwards through the prior approval process, without the need for a planning application. The permitted development process afforded local authorities limited criteria against which to examine proposals and only allowed limited contributions to mitigate any negative impacts. Therefore, it was felt necessary to progress an Article 4 Directive in order to protect local communities from eyesore extensions and so as not to undermine the Council's ambitions for improving the design quality of new developments within the Borough.

Cabinet **resolved** to confirm the Article 4 Direction, under the Town and Country Planning (General Permitted Development) (England) Order 2015, covering the whole borough except designated industrial land, withdrawing permitted development rights for additional storeys above existing residential and commercial properties, to come into force on 22 February 2022.

#### **79. Amendments to the Funding Agreement for Be First Developments (Muller) Limited and Resolution to Dispose of the Muller Dairy Site on Shareholders Terms**

Further to Minute 109 (11 February 2020), the Cabinet Member for Finance, Performance and Core Services presented a report on a proposal to dispose of the former Muller dairy site, Selinas Lane, Chadwell Heath, that had been acquired in July 2020.

The Cabinet Member advised that the site had always been intended for onward sale to a private developer in the medium-term. The acquisition of the designated Locally Significant Industrial Site meant that the Council would benefit from any uplift in value while Be First progressed plans for the promotion of the site as a major mixed residential and employment development space. However, strong demand for commercial space in east London had resulted in a number of

unsolicited offers from major industrial / mixed use developers during the past 12 months, ahead of the planned disposal schedule. In view of the significant interest and the values of the unsolicited offers, Be First carried out a formal marketing exercise which had resulted in three Best and Final Offers (BFOs) being received.

The Cabinet Member alluded to the evaluation of the BFOs, the details of which were included in an exempt appendix to the report, and the options appraisal which supported the proposed sale to the preferred bidder, as it would achieve a profit in excess of earlier estimations and represented the best scheme in terms of employment and design. It was further noted that the net profit from the sale would be paid back to the Council as dividends and accounted for as revenue income, to be used to support the Council's Medium Term Financial Strategy.

The Cabinet Member also referred to updated legal advice in respect of public subsidy rules and advised that, should the sale of the site not be completed by the end of the current financial year, it would be appropriate to convert the 0% element of the Public Works Loan Board funding used to purchase the site from a loan to equity (in the form of shares).

**Cabinet resolved to:**

- (i) Agree that the Council, in its capacity as the Shareholder of Be First Developments (Muller) Limited, approves the disposal of the site shown edged red in Appendix 1 to the report to the preferred bidder on an unconditional basis, in accordance with the terms set out in Appendix 2 to the report;
- (ii) Agree that the Council authorises, as Shareholder of Be First Developments (Muller) and in conjunction with the Directors of the Company, the conversion of the zero percent element of the loan to equity by issuing new share capital in the event of the sale not being completed by 31 March 2022;
- (iii) Authorise the Managing Director, in consultation with the Strategic Director, Law and Governance, to repatriate any profits issued by Be First Developments (Muller) Ltd back to the Council;
- (iv) Authorise the Managing Director to undertake any action or execute any legal documents required to wind up/liquidate the company; and
- (v) Delegate authority to the Managing Director, in consultation with the Strategic Director, Law and Governance, to agree and enter into any legal agreements and contract documents to fully implement the above proposals.