

THE CABINET

Tuesday, 17 January 2012
(5:00 - 5:45 pm)

Present: Councillor L A Smith (Chair), Councillor R Gill (Deputy Chair), Councillor J L Alexander, Councillor C Geddes, Councillor M A McCarthy, Councillor L A Reason, Councillor P T Waker, Councillor J R White and Councillor M M Worby

Also Present: Councillor N S S Gill, Councillor G Letchford, Councillor J E McDermott and Councillor J Ogunbose

Apologies: Councillor H J Collins

85. Declaration of Members' Interests

Councillor White declared a personal interest in relation to the report "Approval of Transfer of Further Services to Elevate Joint Venture" as he was a Council-appointed representative to the Elevate East London LLP Board.

86. Minutes (14 December 2011)

The minutes of the Cabinet meeting on 14 December 2011 were confirmed as correct.

87. Budget Monitoring 2011/12 - April to November 2011

The Cabinet Member for Finance and Education presented a report on the Council's revenue and capital budget position for 2011/12 as at 30 November 2011.

The General Fund continued to show an improved position with a projected year-end overspend of £1.2m (before the planned £1.5m contribution to balances) compared to £1.8m as reported at the last meeting. The Cabinet Member commented on the ongoing steps to reduce the overspend as well as directorates' achievement against the savings targets for the current year and the steps being taken to mitigate the projected shortfalls in Adult and Community Services (£200,000), Children's Services (£174,000) and Housing and Environment (£716,000). In respect of the latter, it was proposed to transfer £307,000 from the Contingency Budget to offset the savings shortfall in relation to the delays in implementing revised staff terms and conditions (£190,000) and introducing staff parking permits (£117,000), and to also transfer £1.406m from the Contingency Budget to meet the ongoing budget issues experienced in the Revenues and Benefits division which had been referred to at the Cabinet meeting on 22 November 2011 (Minute 65 refers).

The Housing Revenue Account (HRA) showed a decline on the previous month's position, with a projected overspend of £45,000, and the Cabinet Member also referred to the current position in respect of the Capital Programme and proposals to adjust some capital budgets to reflect the current status of projects.

Cabinet agreed:-

- (i) To note the projected outturn position for 2011/12 of the Council's revenue budget as detailed in paragraphs 2.3 to 2.11 and Appendix A of the report;
- (ii) Note the progress against the 2011/12 savings targets as detailed in paragraph 2.12 and Appendix B of the report;
- (iii) Note the position for the HRA as detailed in paragraph 2.13 and Appendix C of the report;
- (iv) Note the projected outturn position for 2011/12 of the Council's capital budget as detailed in paragraph 2.14 and Appendix D of the report;
- (v) Approve transfers from the Contingency Budget of £307,000 to offset aspects of the savings shortfall in the Environment Division and £1.406m to address the ongoing budget issues experienced in the Revenues and Benefits service; and
- (vi) Approve the Capital Programme budget adjustments as set out in appendix E of the report.

88. Corporate Grants and Commissioning Programme 2012/13

The Cabinet Member for Crime, Justice and Communities presented a report on the Corporate Grants and Commissioning Programme for 2012/13 and the proposed review of the arrangements for 2013/14.

The Cabinet Member advised that as part of the Council's corporate savings exercise the budget for corporate grants and commissioning had reduced by £250,000 for 2012/13, with a similar reduction for 2013/14. The original approach to strengthening communities and maintaining an effective capacity building commissioning programme amongst the Borough's voluntary and community sector, as approved by the Cabinet last year (Minute 122, 15 March 2011 refers), had also assumed a considerable reduction in the contribution that the Council was obliged to make towards the London Councils Grants programme. The Cabinet Member advised that the anticipated reduction was not as large as had been projected which meant that the Council had to consider alternative options to ensure a balanced budget position. The Cabinet Member reported that the recommended approach would not affect the commissioning contracts during 2012/13 but would impact on the funding available through the Innovation and Pump Priming grants budgets. It was noted that a report would be submitted to Cabinet later in the year on the proposals for 2013/14 and possible longer term options in relation to the current London Councils grant programme arrangements.

Cabinet agreed:-

- (i) To note the adverse impact on the Council's intended Corporate Grants and Commissioning Programme of the required contribution to the London Councils grant programme, as shown in Appendix 2 to the report;
- (ii) A reduced budget of £26,690 for Innovation Fund grants and £7,700 for the Pump Priming Fund for 2012/13 in order to remain within budget;

- (iii) The allocation of grants from the Innovation Fund for 2012/13 as detailed in Appendix 1 to the report; and
- (iv) To note that a review of the Corporate Grants and Commissioning Programme for 2013/14 would be undertaken this year to address the current projected budget shortfall.

89. Housing Concierge and Estate Policing Proposal

The Cabinet Members for Housing and Crime, Justice and Communities presented a report on proposals to improve security and safety at a number of the Borough's housing estates through revised concierge and policing arrangements.

In respect of the new policing arrangements, the Cabinet Member for Crime, Justice and Communities advised that discussions with the Metropolitan Police had resulted in a proposal to appoint an additional 20 Police Officers to specifically tackle crime and anti-social behaviour on housing estates in the Borough. The costs would be shared equally by the Council and the Metropolitan Police, with management and tasking resting with the Metropolitan Police and objectives determined through the multi-agency VOLT (Victim, Offender, Location, Time) group. In response to an enquiry, it was confirmed that those officers would be a dedicated resource and only abstracted from the Borough to assist on major events, such as New Year's Eve celebrations in Central London and the Notting Hill Carnival, and major incidents / emergencies.

It was further noted that as part of the new joint arrangement, the Metropolitan Police would also provide an additional 20 Police Special Constables to support the work of the new, full-time Police Officers and the Council would consider further measures to deal with anti-social behaviour issues referred to in the report, including the possible funding from the Housing Revenue Account of up to two Family Intervention Officers on a trial basis.

With regard to the housing concierge arrangements, the Cabinet Member for Housing outlined the proposals for retendering the housing element of the corporate concierge and security contract to provide an improved service at a number of the high-rise flatted estates in the Borough. Initial consultation with affected residents had taken place, which indicated support for the proposals, and further formal consultation would take place on the detailed proposals.

Cabinet agreed:-

- (i) To note the outcome of the consultation on future concierge provision;
- (ii) The procurement arrangements for a contract for concierge and security services at residential housing blocks, as set out in the report; and
- (iii) That a contractual agreement be entered into with the Metropolitan Police Service in respect of the new estate policing proposals detailed in the report.

90. "Sporting Barking and Dagenham" - A Sport and Physical Activity Strategy for the Borough

The Cabinet received a report from the Cabinet Member for Culture, Leisure and Sport presenting the draft sport and physical activity strategy for the Borough entitled 'Sporting Barking and Dagenham'.

The Divisional Director of Culture and Sport explained that the primary purpose of the strategy was to get "more people, more active, more often" and he referred to the impact of the new Becontree Heath Leisure Centre which, in the last year, had encouraged 3,000 more adults to use the Borough's gyms and 1,000 more children to use its swimming pools. The Divisional Director outlined the main goals within the strategy and advised that the improvement action plan which formed part of the strategy would be reviewed annually to reflect changing needs and national and regional priorities.

In respect of the national position, the Divisional Director confirmed that Sport England had very recently published its new national sport strategy which indicated a significantly new approach to its priorities and funding support arrangements. With this in mind, the Divisional Director suggested that the Borough's Strategy should be reviewed in the light of the opportunities and implications that arose from the new national strategy prior to its finalisation and publication.

Cabinet agreed:-

- (i) The current draft strategy 'Sporting Barking and Dagenham' and its improvement action plan, as attached at Appendix 1 to the report; and
- (ii) To authorise the Corporate Director of Adult and Community Services, in consultation with the Cabinet Member for Culture, Leisure and Sport, to finalise and publish the Borough strategy and improvement action plan once the opportunities and issues presented by the new national strategy for sport had been taken into account.

91. Review of Responsibilities for Naming and Renaming of Roads and Buildings

Further to Minute 62 (29 September 2009), the Cabinet Member for Regeneration presented a report on proposed revisions to the current procedure for the naming and renaming of roads and buildings as a means of providing a more responsive and efficient service.

Cabinet agreed:-

- (i) The following arrangements for the naming and renaming of roads and buildings:
 - a) Cabinet be responsible for:
 - approving amendments to the Approved List of Names, apart from those delegated under Minute 62, 2009/10)
 - approving all proposals to rename roads and buildings

- b) The Corporate Director of Finance and Resources be responsible for:
- approving the use of names from the Approved List of Names
 - approving the use of names not on the Approved List of Names following consultation with the Leader of the Council, the Cabinet Member for Regeneration and relevant Ward Members

(ii) To note that the Council's Constitution would be amended accordingly.

92. Review of Legal Services and Future Proposals

Further to Minute 97 (25 January 2011), the Leader of the Council introduced a report on proposals to extend the current arrangements with Thurrock Council in respect of the shared Divisional Director of Legal and Democratic Services and Monitoring Officer post, together with arrangements to further enhance the joint working between the two boroughs' legal teams.

The Leader commented on the success of the new arrangements which had operated on a formal footing since 1 April 2011 and he welcomed the proposals for greater integration between the two teams under the second of a three phase approach to a shared service. It was noted that a report on the benefits of moving to a fully merged, shared service (phase three) would be the subject of a further report to Cabinet in early 2013.

Cabinet agreed:-

- (i) A 12 month extension of the secondment agreement between LBBDD and Thurrock regarding the sharing of the Divisional Director of Legal and Democratic Services and Monitoring Officer;
- (ii) That the current shared arrangements are progressed to phase two, as set out in the report, which would involve joined up legal teams between LBBDD and Thurrock; and
- (iii) That the Assembly be recommended to confirm the extension of the appointment of Tasnim Shawkat, Divisional Director Legal and Democratic Services, as this Council's Monitoring Officer.

93. Host Borough Employment and Skills Programme

The Cabinet Member for Regeneration presented a report on the availability of funding of approximately £950,000 over the three years 2011/12 - 2013/14 via the Olympic Host Borough Employment and Skills Programme to support further initiatives aimed at tackling worklessness in the Borough.

The Cabinet Member advised that the funding would primarily be aimed at the Borough's Job Shops but due to the sum involved and the restrictive eligibility criteria, discussions had already commenced regarding the possibility of work-related activities being undertaken in the Borough's Children's Centres. Further initiatives involving Jobcentre Plus, the Adult College of Barking and Dagenham and other potential partners were also being explored in order to maximise the opportunity to improve the job prospects and aspirations of the local community.

Cabinet agreed that a Deed of Variation be entered into with the London Borough

of Hackney, as the accountable body for the Host Borough Employment and Skills Programme, to allow for additional grant funding in the sum of £955,892.71 to be provided to the Council.

94. Adoption of Joint Waste Plan and Local Development Framework Proposals Map

The Cabinet Member for Regeneration presented a report on a Joint Waste Plan Development Plan Document (DPD) that had been produced by the Council and the neighbouring Councils of Havering, Newham and Redbridge, who made up the four boroughs within the auspices of the East London Waste Authority (ELWA).

The Cabinet Member explained that the main purpose of the Joint Waste Plan DPD was to establish a 10-year planning strategy for sustainable waste management which enabled the adequate provision of waste management facilities in appropriate locations across the ELWA area. The sites within the Joint Waste Plan DPD were included in the Proposals Map for the overall Local Development Framework, which was available at the meeting.

Cabinet agreed **to recommend the Assembly** to adopt the Joint Waste Plan Development Plan Document and revised Proposals Map, as part of the Barking and Dagenham Local Development Framework.

95. The Policies and Strategies of the Assurance and Risk Division

The Cabinet Member for Finance and Education introduced a report on a number of key policies in relation to fraud, corruption and other forms of financial crime as well as corporate policies for risk management and whistleblowing, all aimed at supporting the Council's zero tolerance to fraud. It was also proposed to update the Council's Risk Management Framework to make the role of the Cabinet in relation to risk management more explicit.

Cabinet **agreed**:-

- (i) To adopt the policies listed below, as attached at Appendices A - G to the report:
 - Fraud & Corruption Policy and Strategy
 - Fraud Prosecution Policy
 - Money Laundering Policy
 - Whistleblowing Policy
 - Policy and Code of Practice of The Regulation of Investigatory Powers Act 2000 (RIPA)
 - Bribery Act Policy
 - Risk Management Policy and Strategy
- (ii) An amendment to the Risk Management Framework in relation to the Cabinet's role in risk management as described in paragraph 1.8 of the report; and
- (iii) To note that the Leader had allocated the lead portfolio responsibility for risk management to the Cabinet Member for Finance and Education.

96. The Adult Social Care Local Account 2010/11

The Cabinet Member for Children and Adult Services introduced a report on the Adult Social Care Local Account for 2010/11, which represented the Council's assessment of its adult social care provision during the last financial year.

The annual 'Local Account' approach had replaced the assessment regime previously undertaken by the Care Quality Commission. The Cabinet Member advised that the structure and content of the report for 2011/12 would reflect the 'model' Local Account for all local authorities that was still being developed by the social care sector, in consultation with the Department of Health and the Local Government Association.

The Cabinet Member outlined the key aspects within the Local Account for 2010/11 against the seven principles contained within the Government's 'Vision for Adult Social Care' published in November 2010 of prevention, personalisation, partnership, plurality, protection, productivity and people.

Cabinet **agreed** the Local Account for 2010/11, as attached at Appendix B to the report, for publication.

97. Term Contract for Asbestos Analysis and Surveying in Council Properties

The Cabinet Member for Finance and Education presented a report on proposals to procure a new three-year term contract, with an option of a two-year extension subject to satisfactory performance, to undertake asbestos analysis and surveying in Council properties, to commence from 5 November 2012.

Cabinet **agreed**:-

- (i) The procurement of a Term Contract for Asbestos Analysis and Surveying in Council Properties on the terms detailed in the report;
- (ii) That Cabinet Members be kept informed of the progress of the procurement and the award of the contract; and
- (iii) To authorise the Corporate Director of Finance and Resources, in consultation with the Divisional Director of Legal and Democratic Services, to award the contract to the successful tenderer and effect the extension clause within the contract for up to two years, subject to satisfactory performance by the contractor during the initial term of the contract.

98. Term Contract for Asbestos Removal and Management in Council Properties

The Cabinet Member for Finance and Education presented a report on proposals to procure a new three-year term contract, with an option of a two-year extension subject to satisfactory performance, to undertake asbestos removal and management in Council properties, to commence from 20 May 2012.

Cabinet **agreed**:-

- (i) The procurement of a Term Contract for Asbestos Removal and

Management in Council Properties on the terms detailed in the report;

- (ii) That Cabinet Members be kept informed of the progress of the procurement and the award of the contract; and
- (iii) To authorise the Corporate Director of Finance and Resources, in consultation with the Divisional Director of Legal and Democratic Services, to award the contract to the successful tenderer and effect the extension clause within the contract for up to two years, subject to satisfactory performance by the contractor during the initial term of the contract.

99. 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).

100. Approval of Transfer of Further Services to Elevate Joint Venture

Further to Minute 75 (22 November 2011), the Cabinet Member for Customer Services and Human Resources presented a report setting out the Full Business Cases for the proposed transfer, with effect from 1 April 2012, of the following services to the Elevate East London partnership:

- HR Service Centre (transactions)
- Payroll Administration
- Property Services
- Facilities Management Contract Management at PFI Schools
- Technical Support and Help Desk Reception Team
- Revenues and Benefits Client Team

In line with the joint venture arrangements, Elevate East London had prepared Final Business Cases which detailed the services to transfer, the negotiated target cost and TUPE transfer arrangements for affected staff. In this latter respect, officers agreed to keep Cabinet Members informed of any issues that arose.

The Cabinet Member for Housing referred to matters that he had raised during consultation on the proposals regarding elements of the Property Services transfer, particularly in respect of the Council's current commercial property management contract. Officers outlined the rationale for progressing with the full transfer into Elevate East London and confirmed that Cabinet Members would be fully consulted and involved in the procurement of a new commercial property management contract. It was further suggested that provision be made in the transfer agreement for a review to be undertaken after 12 months of the new arrangements of those elements of the Property Services transfer related to the Housing service to assess whether any benefits could be achieved from the Housing service undertaking some of the work.

Cabinet **agreed**:-

- (i) The transfer of the services referred to above to Elevate East London on

the terms set out in the two Full Business Cases attached as Appendices 1 and 2 to the report, subject to the inclusion of an appropriate clause in the transfer agreement related to the 12-month review of the Housing elements of the Property Services function;

- (ii) To the TUPE transfer of up to 71 staff to Elevate East London in respect of the above services, made up of 35 posts in HR and Payroll Transactional Services and a further 36 posts in the Assets and Commercial Services Division; and
- (iii) The release of the £155,000 under-spend in the People Strategy budget to invest in the HR and Payroll modernisation programme.

(The Chair agreed that this item 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.)