

# CABINET

Tuesday, 19 March 2013  
(5:00 - 5:07 pm)

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

**Apologies:** Councillor R Gill, Councillor J L Alexander and Councillor H J Collins

## 104. Declaration of Members' Interests

There were no declarations of interest.

## 105. Finance Portfolio

The Leader advised that he had temporarily taken responsibility for the Finance Portfolio whilst the Deputy Leader was absent following the sad death of his father, Councillor Nirmal Singh Gill.

## 106. Minutes - 12 February 2013

The minutes of the meeting held on 12 February 2013 were confirmed as correct.

## 107. Budget Monitoring 2012/13 - April 2012 to January 2013

The Leader presented a report on the Council's revenue and capital budget position for 2012/13 financial year as January 2013 projected to the year end.

The General Fund position had continued to improve. At the end of January 2013 the total service expenditure for the full year was projected to be £174.7m, providing a projected under spend of £2.7m. This would result in the General Fund balance increasing to £17.0m. The Housing Revenue Account (HRA) continued to project an under spend of £200,000, increasing the HRA reserve to £8.5m.

The Capital Programme had been updated to reflect project roll-overs and changes previously agreed by Cabinet. At the end of January 2013 the budget stood at £110.937m, which equated to a projected variance of £20.319m, and it was noted that officers would ensure that all appropriate capitalisations occurred.

### Cabinet **agreed:**

- (i) To note the projected outturn position for 2012/13 of the Council's revenue budget at 31 January 2012, as detailed in paragraphs 2.3 to 2.11 and Appendix A of the report;
- (ii) To note progress against the 2012/13 savings targets at 31 January 2012, as detailed in paragraph 2.12 and Appendix B of the report;
- (iii) To note position for the HRA at 31 January 2012, as detailed in paragraph 2.13 and Appendix C of the report; and

- (iv) To note projected outturn position for 2012/13 of the Council's capital budget at 31 January 2012, as detailed in paragraph 2.14 and Appendices D and E of the report.

#### **108. Performance House - Quarter 3, 2012/13**

The Leader presented the corporate performance report for the third quarter period October to December 2012.

The report contained a summary of the wide range of performance monitored and managed across the Council and drew attention to Eastbrook and Eastbury secondary schools, which were both recently inspected under the tougher inspection framework introduced in January 2012, and both schools had now moved from 'satisfactory' to 'good'. This meant that eight of the nine secondary schools were now rated as good or better, which put the Borough's secondary school performance in the upper quartile position and above the England and London average of 66% and 79.5% respectively.

Cabinet **agreed** to note the corporate performance information for the third quarter of the 2012/13 financial year as set out in Appendices A to D of the report.

#### **109. Community Strategy 2013 - 2016 and Corporate Plan 2013/14**

The Leader presented a report on the Community Strategy 2013 to 2016 and Corporate Plan for 2013/14 which were developed by drawing together the priorities of the Council, as the community leader for the Borough, and its partners to form a vision for Barking and Dagenham.

The overall vision was to "Encourage growth and unlock the potential of Barking and Dagenham and its residents" which would be delivered via the five priorities:

- Ensure every child is valued so that they can succeed
- Reduce crime and the fear of crime
- Improve health and wellbeing through all stages of life
- Creating thriving communities by maintaining and investing in high quality homes
- Maximise growth opportunities and increase the income of borough residents

Cabinet **agreed to recommend the Assembly to approve:**

- (i) The draft Community Strategy 2013-16 attached at Appendix 1 to the report; and
- (ii) The draft Corporate Plan 2013/14 attached at Appendix 2 to the report.

#### **110. "Celebrating our past, looking forward with pride": A Heritage Strategy for Barking and Dagenham**

The Leader presented a report on the Borough's Heritage Strategy, the purpose of which was to provide a shared vision and a framework for the delivery and promotion of Heritage Services over the next three years.

The development of the draft strategy had been informed by presentations to the Safer and Stronger Community Select Committee and Assembly.

Cabinet **agreed** the Heritage Strategy 2013 to 2016, as attached at Appendix 1 to the report.

### **111. Helping Council Housing Tenants into Work**

Cabinet received the joint report of the Cabinet Members for Housing and Regeneration which sought approval to direct funding of up to £160,000 from the Housing Revenue Account (HRA) in 2013/14 to support Council tenants into paid employment.

The report explained that employment was the clearest route to raising household incomes and was central to the Government's welfare reforms of making work pay. It was proposed that a pilot 'payment by results' mechanism would be established during 2013/14 with the Job Shop service, facilitated by the Council's Regeneration Division. The £160,000 was based upon 200 tenants supported into employment at a cost of £800 each. It was intended that the pilot period would be used to assess impact and to develop a more sophisticated funding mechanism for future years.

Cabinet **agreed**:

- (i) Up to £160,000 in HRA monies be made available in 2013/14 on a pilot basis to support the Council's Job Shop service, based on evidencing 200 tenants into work; and
- (ii) A more detailed proposal for 2014/15 and future years be worked up over the pilot period and brought back before Cabinet which better reflected the level of difficulty in helping some groups of people into work and the need to keep people in employment.

### **112. Programme for the Acquisition of Market Housing**

(The Chair agreed that the report could be considered at the meeting as a matter of urgency under the provisions of Section 100(4)(b) of the Local Government Act 1972, in order to allow progress the street purchase programme, particularly in relation to the imminence of the Welfare Reform programme.)

The Cabinet received the joint report of the Leader and Cabinet Member for Housing on the programme to acquire housing from private market sources.

By Minute 3 (24 July 2012), the Cabinet established a £2.5m budget to fund a programme of buying existing street properties for the Council's Housing Revenue Account (HRA). The details in the report set out how that budget would be used over a two year period to:

- Purchase private market homes in the Borough,
- Focus on houses which had formerly been in Council ownership that were in poor condition and were causing or were likely to cause blight in a

neighbourhood, and

- Consider ways to extend choice to Council tenants in terms of options for moves to homes out of the Borough.

The funds would enable the exploration of options to provide a further supply of social rented / Council homes during the period before the steady stream of new Council housing and the homes being developed by Barking & Dagenham Reside were ready to let. It would also provide the added benefit of extended choice for local tenants seeking a transfer to alternative accommodation, particularly as a result in the upcoming changes to the benefit system.

It was noted that the programme was only part of the Council's new build housing investment programme of over £130m over 10 years and the Barking & Dagenham Reside build programme in excess of £70m. The Greater London Assembly had also indicated it would accept bids for grant under the Affordable Housing Programme 2011/15 in relation to market homes acquired by the Council. The GLA grant could be in the region of £24,000 per property but would not be available for purchases outside London.

**Cabinet agreed:**

- (i) To pursue the purchase of appropriate private market homes within the Borough within the programme of £2.5m;
- (ii) That officers further explore the options referred to in paragraphs 4.2 - 4.5 of the report and present a report to a future Cabinet meeting on a package of potential purchase or development opportunities in the selected areas; and
- (iii) To delegate authority to the Corporate Director of Housing and Environment in consultation with the Chief Financial Officer, the Head of Legal and Democratic Services and the Cabinet Member for Housing and on advice from the Council's Property Advisory Group, to agree terms and enter into all necessary legal documentation for purchasing properties under recommendation (i) above.

### **113. Merry Fiddlers Junction Improvements - Consultation Findings**

The Cabinet Member for Environment presented a report on the Merry Fiddlers Junction Improvements and consultation results.

By Minute 38 (28 September 2010), the Cabinet had approved the Local Implementation Plan Delivery Programme for 2011/12 - 2013/14 which included £1.1m, spread over the three years, for improvements to the Merry Fiddlers junction and several adjacent turnings, together with improvements to the local public realm (including the nearby shopping parades on Whalebone Lane and Becontree Avenue).

A total of 340 responses had been received from the public following consultation on a range of options for the improvement of the Merry Fiddlers junction. This had resulted in the proposed congestion reduction and road safety improvements, including improvements to the quality of the public realm and conditions for

pedestrians and cyclists. Apart from the proposal to ban the right hand turn from Whalebone Lane into Green Lane, all the proposals were supported by the public. However, it was not proposed to proceed with the option to open up the Broadway to allow traffic from Whalebone Lane to access the Broadway due to its impact on pedestrians and limited benefits to road users. The junction and associated improvements now formed part of the wider master plan proposals for the area.

It was noted that detailed designs would need to be drawn up for the junction and associated improvements and consultation commenced with a range of statutory undertakers to address any outstanding issues. It was anticipated that work could begin on site in May 2013 and would be phased to ensure that disruption to residents, car users and businesses was kept to a minimum.

**Cabinet agreed:**

- (i) To the implementation of the improvements to the Merry Fiddlers Junction and surrounds, as set out in Appendix 1 to the report, including:
  - Replace the paving around the junction.
  - Reduce the number of lanes on Wood Lane next to the leisure centre from 5 to 3.
  - Make the dangerous Wood Lane / Homestead Road junction safer.
  - Link the Becontree Leisure Centre and Morrisons car parks together.
  - Ban the dangerous right hand turns into and out of Althorne Way and out of Morrisons onto Wood Lane. Open up Stour Road to allow access from Althorne Way to Rainham Road North.
- (ii) To undertake a consultation on the nature and extent of a localised parking plan for the area, including the Stour Road area and the area outside the Merry Fiddlers shopping parade on Becontree Avenue; and
- (iii) To authorise the Chief Executive, in consultation with the Cabinet Members for Environment and Regeneration and the Valence and Heath Ward Members, to:
  - (a) agree and implement specific measures for the Wood Lane / Homestead Road junction, following consideration of the options to improve safety in that area,
  - (b) to undertake further investigative work to establish the feasibility of banning the right turn out of the Shell petrol station onto Wood Lane and changing the access into the Merry Fiddlers shopping parade from Wood Lane to Green Lane.

**114. Youth Offending Service: Proposed Joint Working Arrangements with the London Borough of Havering**

Cabinet received the report of the Cabinet Member for Crime, Justice and Communities on the progress made on the integrated service model between the Council and the London Borough of Havering and discussions that had taken place on the initial joint working arrangements of the two Youth Offending Services.

The initial joint arrangements had already been seen as beneficial to the London Borough of Havering and partners and its Cabinet had approved a report on direction of travel towards a joint Youth Offending Service at its meeting held on 13 February 2013.

Cabinet **agreed**:

- (i) To note that the pilot joint working arrangements had been successful;
- (ii) To develop the joint-working arrangements further with a view to formal merger of the two Youth Offending Services by March 2014; and
- (iii) To continue the consideration of the extension of the joint service arrangement to include other authorities in the event that it was considered to be in the Council's interest to do so.

### **115. Public Health Transfer Order**

The Cabinet Member for Health presented a report on the transition of staff, information and contracts to the Council upon it taking up the statutory duty to improve the health of people in the Borough from 1 April 2013.

It was noted that under the Social Care Act 2012, the Secretary of State would transfer assets, property, liabilities, contracts and staff from the former Primary Care Trust (PCT) to the Council by way of a Transfer Scheme, yet to be published by the Department of Health, and the Council would need to ensure that the necessary governance framework was in place to give effect to the directions of the Secretary of State. The flow of information up to the 31 March 2013 deadline would be a rapid and the Cabinet Member explained that there would be insufficient time to seek Cabinet instruction on the necessary decisions and actions to comply with the directions on the establishment of the public health function within the Council.

Cabinet **agreed**:

- (i) To delegate authority to the Corporate Director of Adult and Community Services, in consultation with the Cabinet Member for Health and the Head of Legal and Democratic Services, to approve and sign off on the Council's behalf all Transfer Schemes, grant such waivers of Council Contract Rules and approve or sign off, conclude and enter into all necessary negotiations, contracts, agreements and any other governance or ancillary transfer-related documentation and take all such other action as may be required under the Act or by law or otherwise to facilitate and implement the effective transfer of the public health functions (including any necessary contractual, staffing and service commitments) from NHS North East London & City cluster of Primary Care Trusts to the Council, and
- (ii) To authorise the Head of Legal and Democratic Services, or an authorised delegate on her behalf, to enter into and execute all contracts, agreements and legal documentation deemed necessary and appropriate to facilitate the transfer.

## **116. Urgent Action - Transfer of Contracts for Public Health Services**

Cabinet noted the following action taken by the Chief Executive under the urgency procedures contained within paragraph 17 of Article 1, Part B of the Council's Constitution:

- (i) To agree the proposals set out in the report at Appendix 1 and delegate authority to the Corporate Director of Adult and Community Services, working with the Director of Public Health and the Head of Legal and Democratic Services, to conclude all necessary contract negotiations for novation, extension, amendment and, where necessary, re-contracting of the services outlined and any others that relate to the need to maintain stable public health services and meet statutory duties through the transition of public health functions to local authority management; and
- (ii) To authorise the Head of Legal and Democratic Services or an authorised delegate on her behalf, to enter into and execute all contracts, agreements and legal documentation deemed necessary and appropriate to facilitate the necessary transfers.

## **117. Proposals for Further Shared Central Services**

The Chief Executive presented a report on the outcome of discussions with Thurrock Council and a number of its neighbouring authorities regarding the potential opportunities of shared central services.

The Chief Executive advised that his discussions with the Chief Executives of Basildon, Havering, Medway and Southend Councils regarding potential shared services covering communications and policy, performance and strategy had not resulted in any specific interest. However, a full options analysis had identified that there would be clear benefits in the sharing of those services with Thurrock Council.

Cabinet **agreed:**

- (i) That consultation commence with affected staff on proposals for shared communications and policy, performance and strategy functions with Thurrock Council; and
- (ii) To delegate authority to the Chief Executive, in consultation with the Leader of the Council, to agree and implement the proposed joint structure following the completion of formal consultation, to provide a shared service with Thurrock Council for communications and for policy, performance and strategy.

## **118. Betting Shops - Withdrawal of Permitted Development Rights**

Further to Minute 67 (19 December 2012), the Cabinet Member for Regeneration presented a report explaining the need to amend the resolution agreed at that meeting in order for the Council to withdraw permitted development rights for betting shops through the use of powers under the Town and Country Planning (General Permitted Development) Order 1995.

Cabinet **agreed** to the making of a non-immediate Article 4 Direction, covering the whole Borough, withdrawing permitted development rights for changes of use from Use Classes A3, A4 and A5 to Use Class A2 (betting office).

### **119. Children's Social Care Reviews**

The Cabinet Member for Children's Services presented a report on the significant operational service developments and inspections over the past 18 months relating to the Complex Needs and Social Care teams within Children's Services, together with proposals to revise corporate parenting arrangements.

The overall outcome of the inspections were:

- 'Outstanding' for the Fostering service
- 'Good' for the Adoption Agency
- 'Good' for Safeguarding
- 'Adequate' on a multi agency basis with regard to services for Looked After Children.

The Cabinet Member advised on the work of the Barking and Dagenham Safeguarding Children Board and other service improvements including the introduction of Triage and Assessment services and the implementation of the Borough's local Quality Assurance Strategy. Specific details regarding the Council's looked after children's population, including some key performance indicators linked to placement availability and performance targets for the future, were also set out in the report.

The Cabinet Member for Children's Services referred to the inspection recommendation that corporate parenting arrangements and strategic planning be strengthened to ensure that they properly reflected the Council's responsibilities to looked after children. As a result, the Corporate Parenting Group had been refreshed and governance arrangements had been revised leading to the establishment of a single portfolio lead for Children's Services and all Cabinet portfolio holders assuming a corporate parenting responsibility for their areas.

Cabinet **agreed**:

- (i) To note the service improvements contained within the review report and as described within the inspection reports;
- (ii) To note the outcomes from inspections over the past 18 months and actions taken so far in response to inspection findings; and
- (iii) To task the Members Corporate Parenting Group to co-ordinate, produce and monitor the Council's Corporate Parenting Strategy, which shall report annually to Cabinet and replace the need for individual reports on inspections as indicated within the report.

### **120. Debt Management Performance and Write-Offs 2012/13 (Quarter 3)**

The Leader presented the quarterly performance report for the period 1 October to 31 December 2012 in respect of the debt management function carried out by the



Revenues and Benefits Service within Elevate East London, together with details of the debts written-off as uncollectable during the period and comparable information from the previous financial year.

**Cabinet agreed:**

- (i) To note the contents of the report as it relates to the performance of the debt management function carried out by the Revenues and Benefits service operated by Elevate East London, including the performance of bailiffs; and
- (ii) To note the debt write-offs for the third quarter of 2012/13 and that a number of these debts will be publicised in accordance with the policy agreed by Cabinet.

#### **121. Abbey Road Creative Industries Quarter - Options Relating to the Acquisition of 138 Residential Units and Ancillary Commercial Space**

The Cabinet Member for Housing presented a report on the acquisition and management of the 138 new homes at Abbey Road Creative Industries Quarter (Phase 2) and advised that detailed discussion had been held with Bouygues UK Limited which has an agreement with the GLA to acquire and develop the site in two phases. The proposed terms were set out in the report.

The Cabinet Member for Housing commented that the Creative Industries Quarter area was an important regeneration priority for the Council and regeneration of the site would help in delivering the Barking Town Centre Strategy and also provide decant capacity for the Gascoigne Estate renewal programme. The acquisition of the units would need to be funded from existing recourses within the HRA, as additional borrowing cannot be undertaken by the HRA to purchase the units. The £18.3m affordable Housing Programme Grant from the Homes and Communities Agency to provide 763 affordable homes by 31 March 2015 could, in part, be used to support the acquisition of these units.

**Cabinet agreed:**

- (i) To the acquisition of the long leasehold of 138 homes and commercial space at the Abbey Road Phase 2 site directly by the Council as a new build scheme within the Housing Revenue Account under a fixed price contract of approximately £22.3m;
- (ii) To delegate authority to the Chief Executive, in consultation with the Corporate Director of Housing and Environment, the Head of Legal and Democratic Services, the Chief Financial Officer and the Cabinet Members for Finance and Housing, to negotiate terms and agree the contract documents to fully implement and effect the Project; and
- (iii) To authorise the Head of Legal and Democratic Services, or an authorised delegate on her behalf, to execute all of the legal agreements, contracts and other documents on behalf of the Council.

(The above matter was considered after a resolution had been passed to exclude the public and press from the meeting, by virtue of paragraph 3 of Part 1 of

Schedule 12A to the Local Government Act 1972 (as amended), as the report contained commercially sensitive information relating to the proposed developer.)

**122. Proposed Amendments to the Procurement Gain Share Arrangements for the Elevate Joint Venture with Agilisys**

Cabinet agreed to defer consideration of the report and adjourn the meeting until Tuesday 26 March 2013, in order to allow the Cabinet Member for Customer Services to be in attendance and present his report.