

Decisions of the Business Management Overview and Scrutiny Committee

9 January 2012

Present:

- * Councillor Hugh Rayner (Chairman)
- * Councillor Brian Salinger (Vice-Chairman)

Councillors:

- * Maureen Braun
- * Dean Cohen
- * Jack Cohen
- * Brian Gordon
- * Kath McGuirk
- * Alison Moore
- * Barry Rawlings
- * Rowan Turner

*denotes Member present

Also in attendance:

- Councillor Daniel Thomas – Cabinet Member for Resources and Performance
- Councillor Brian Coleman – Cabinet Member for Environment
- Councillor Sachin Rajput – Cabinet Member for Adults
- Councillor Tom Davey – Cabinet Member for Housing
- Councillor John Marshall (for agenda item 11)

1. MINUTES (Agenda Item 1):

RESOLVED that the minutes of the meeting held on 16 November 2011 be approved.

2. ABSENCE OF MEMBERS (Agenda Item 2):

An apology for late arrival had been received from Councillor Rowan Turner.

3. DECLARATION OF MEMBERS' INTERESTS (Agenda Item 3):

Member:	Subject:	Interest Declared:
Councillor Brian Salinger	Agenda Item 6 (Call-ins – Ex Hendon Football Club)	Personal but non-prejudicial interest as members of the local campaign group were known to Councillor Salinger
Councillor Dean Cohen	Agenda Item 6 (Call-ins – Ex Hendon Football Club)	Personal but non-prejudicial interest as members of the local campaign group were known to Councillor Cohen

4. PUBLIC QUESTION TIME (Agenda Item 4)

None.

5. MEMBERS ITEMS (Agenda Item 5)

None.

The Chairman announced a variation to the order of the agenda. Agenda item 11 (Supply of Secondary School Places Overview and Scrutiny Panel) would be considered before agenda items 6b (Call-in: Award of Contract – Parking Enforcement and Related Services) and 6c (Call-in: Environment, Planning and Regeneration Fees and Charges for 2012/13).

6. MATTERS REFERRED BY MEMBERS OF THE COMMITTEE RELATING TO KEY DECISIONS (Agenda Item 6):

(A) Delegated Powers Report 1497, 25 November 2011:

The Committee received a public comment on the call-in from a local resident, Mr Gordon Kerr.

The Committee considered the following decision of the Commercial Director (in consultation with the Cabinet Member for Resources and Performance) dated 25 November 2011 and asked questions of officers and the Cabinet Member for Resources and Performance in respect of the following:

Delegated Powers Report No:	Subject:
1497	Report of the Commercial Director (in consultation with the Cabinet Member for Resources and Performance) Ex Hendon Football Club Ground and adjoining land in Claremont Road, Hendon – Sale of Freehold Interest to Montclare Developments Ltd

7. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 12A of the Act (as amended):

Exemption category

Ex Hendon Football Club Ground and adjoining land in Claremont Road, Hendon – Sale of Freehold Interest to Montclare Developments Ltd

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8. MATTERS REFERRED BY MEMBERS OF THE COMMITTEE RELATING TO KEY DECISIONS

The Committee considered the information set out in the exempt report relating to the Ex Hendon Football Club Ground and adjoining land in Claremont Road, Hendon – Sale of Freehold Interest to Montclare Developments Ltd.

RESOLVED that the exempt information be noted.

Following consideration of the exempt information at item 8 above, members of the public were readmitted to the meeting room.

9. MATTERS REFERRED BY MEMBERS OF THE COMMITTEE RELATING TO KEY DECISIONS (Agenda Item 6):

(A) Delegated Powers Report 1497, 25 November 2011:

Delegated Powers Report No:	Subject:
1497	Report of the Commercial Director (in consultation with the Cabinet Member for Resources and Performance) Ex Hendon Football Club Ground and adjoining land in Claremont Road, Hendon – Sale of Freehold Interest to Montclare Developments Ltd

RESOLVED that –

- (1) Delegated Powers Report 1497 (Ex Hendon Football Club Ground and adjoining land in Claremont Road, Hendon – Sale of Freehold Interest to Montclare Developments Ltd) be referred back to the Commercial Director (in consultation with the Cabinet Member for Resources & Performance) for reconsideration to investigate different uses for the land, taking into account the demand for local community use and retention of open space.**

During consideration of the item above, Councillor Turner entered the meeting at 7.48pm. Having been absent from the meeting room during the debate on the item above, Councillor Turner did not take part in the vote.

10. COUNCILLOR CALLS FOR ACTION (Agenda Item 7)

None.

11. SUPPLY OF SECONDARY SCHOOL PLACES OVERVIEW AND SCRUTINY PANEL (Agenda Item 11)

The Committee considered the final report of the Secondary School Places Overview

and Scrutiny Panel, presented by the Panel Chairman, Councillor John Marshall.

RESOLVED that –

- (1) the findings and recommendations of the Supply of Secondary School Places Overview and Scrutiny Panel be agreed by the Committee and forwarded to the meeting of the Cabinet on 20th February 2012 for consideration.**
- (2) the Supply of Secondary School Places Overview and Scrutiny Panel be recommended to reconvene one year after reporting to Cabinet to review progress made in implementing recommendations.**

12. MATTERS REFERRED BY MEMBERS OF THE COMMITTEE RELATING TO KEY DECISIONS (Agenda Item 6):

(B) Cabinet on 14 December 2011:

The Committee considered the following decision of the Cabinet meeting held on 14 December 2011 and asked questions of the Cabinet Member for Environment in respect of the following:

Decision Item No:	Subject:
12	Report of the Cabinet Member for Environment Award of Contract – Parking Enforcement and Related Services

The Committee decided not to refer the above matter back to the Cabinet for reconsideration.

(C) Cabinet on 14 December 2011:

The Committee considered the following decision of the Cabinet meeting held on 14 December 2011 and asked questions of the Cabinet Member for Environment in respect of the following:

Decision Item No:	Subject:
14	Report of the Cabinet Member for Environment Environment, Planning and Regeneration Fees and Charges for 2012/13

The Committee decided not to refer the above matter back to the Cabinet for reconsideration.

13. ONE BARNET – LOCAL AUTHORITY TRADING COMPANY BUSINESS CASE (Agenda Item 8)

The Cabinet Member for Adults and the Director of Adult Social Care and Health

presented the Adults In-House Service Review: The BarnetGroup Ltd Business Plan which included proposals to transfer Learning Disability and Physical and Sensory Impairment Adult Social Care service provision to a Local Authority Trading Company (LATC), "The BarnetGroup Ltd" and its subsidiary Your Choice (Barnet).

The Cabinet Member for Adults advised the Committee that a level of uncertainty remained around the corporation tax liability for the LATC and that this matter would not be fully resolved until the Company was established and trading. However, Members noted that another LATC, Essex Cares, had been exempted from corporation tax liability by HMRC and it was expected that this precedent would also apply to The BarnetGroup Ltd.

A Member commented that any substantial variations to the income and expenditure projections in the business plan might potentially result in the LATC operating at a loss, impacting on the viability of the company.

Members questioned whether the business plan, if fully delivered, would place at the risk the entitlement of the council to rely on the 'Teckal exemption' which, in the circumstances, negated the requirement for a full EU procurement exercise to be undertaken. The Director of Adult Social Care and Health advised the Committee that this was not anticipated to be an issue within the first three years of the Business Plan and had been reflected in the initial contract term of three years (with an optional two year extension). A three year review would allow the parties to consider the application of and reliance on the Teckal exemption.

The Committee sought reassurance that if Barnet Homes were to lose its Arms Length Management Organisation status, changes to VAT status would not have negative consequences for leaseholders and tenants. The Director of Adult Social Care and Health informed Members that this had been addressed within the Cabinet Resources Committee report and that Barnet Homes had undertaken a due diligence exercise regarding the implications for their VAT status.

Members requested that details be provided as to how the council's overview and scrutiny committees would scrutinise the performance of the LATC. The Director of Adult Social Care and Health undertook to investigate the development of appropriate arrangements and report back to the Committee.

The Committee requested that the Cabinet Resources Committee provide assurances regarding the continued active involvement of tenant and leaseholders on the Barnet Homes Board.

RESOLVED that:

- 1. the Business Management Overview and Scrutiny Committee endorse the proposals contained within the Cabinet Resources Committee report relating to the Adults In-House Service Review: The BarnetGroup Ltd Business Plan.**
- 2. the comments of the Business Management Overview and Scrutiny Committee, as set out above, be reported to the Cabinet Resources Committee on 16 January 2012.**

3. **the Cabinet Resources Committee be requested to provide a formal response to the comments set out above.**

14. ONE BARNET – FUTURE OF THE HOUSING SERVICE (Agenda Item 9)

The Cabinet Member for Housing and the Interim Director of Environment, Planning and Regeneration presented the Future of Housing Services in Barnet which detailed proposals to transfer the Housing Service to Barnet Homes. The Cabinet Member for Housing advised the Committee that Housing Needs Advice and Accommodation Services would be transferred to Barnet Homes, with a small number of staff being retained at the council to undertake a 'client' role.

The Committee identified that it was important for the Housing Advice service to remain independent and suggested that it should be retained by the council. The Cabinet Member for Housing clarified that the Housing Advice service was out of scope for the project and would not be transferred to Barnet Homes. It was emphasised that the Housing Advice service should also be providing advice to residents living in the private rented sector.

The Interim Director of Environment, Planning and Regeneration undertook to provide the Committee with details of proposed changes to leaseholder representation on the Barnet Homes Board.

The Committee sought assurance that possible changes to the VAT status of Barnet Homes would not have negative consequences for leaseholders and tenants.

RESOLVED that:

1. **the Business Management Overview and Scrutiny Committee endorse the proposals contained with the Cabinet Resources Committee report relating to the Future of Housing Services in Barnet.**
2. **the comments of the Business Management Overview and Scrutiny Committee, as set out above, be reported to the Cabinet Resources Committee on 16 January 2012.**
3. **the Cabinet Resources Committee be requested to provide a formal response to the comments set out above.**

15. TASK AND FINISH GROUPS / SCRUTINY PANELS – RECOMMENDATION TRACKING (Agenda Item 12)

The Chairman advised Members that this item had been deferred and would be presented to the next meeting of the Committee.

16. CABINET FORWARD PLAN (Agenda Item 13)

The Committee were requested to submit any comments or requests for pre-decision scrutiny arising from the Cabinet Forward Plan to the Chairman and Scrutiny Office.

17. BUSINESS MANAGEMENT OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME (Agenda Item 14)

The Committee were requested to submit any comments on the Forward Work Programme to the Chairman and Scrutiny Office.

18. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT (Agenda Item 15)

None.

The meeting finished at 9.59pm