

DECISIONS OF THE CABINET RESOURCES COMMITTEE

27 SEPTEMBER 2011

COMMITTEE:

*Councillor Daniel Thomas (Chairman)

Councillors

* Brian Coleman
* Andrew Harper
* Robert Rams

* Richard Cornelius
* Sachin Rajput

*denotes Member present

1. MINUTES:

The minutes of the meeting held on 28 July 2011 were approved as a correct record.

2. ABSENCE OF MEMBERS:

None

3. DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS:

None.

4. PUBLIC QUESTIONS:

The following questions were received from John Dix on the following item;

- Agenda Item 10 - Replacement of cremators, building works, renovations and compliance with mercury abatement legislation at Hendon Cemetery & Crematorium.
- Agenda Item 15 - Leisure Contract Review.

ITEM 10 - Replacement of cremators, building works, renovations and compliance with mercury abatement legislation at Hendon Cemetery & Crematorium.

- A.** At 9.9 the report states "an in house delivery with the required investment would be most attractive from a financial perspective". If that is the case why is this Committee approving this investment only to hand it over to a private company. Surely if the desire is to achieve best value you would either make the investment and operate the facility with an in house team as identified by the options appraisal or get a private operator in now to fund and run the facilities. Surely this recommendation is the worst of all options.

Reply by the Chairman of the Cabinet Resources Committee

Paragraph 4.5 of the report states, "The operations at Hendon Cemetery & Crematorium are currently included in the One Barnet Development and Regulatory Services (DRS) project and could potentially be run by another operator from early 2013. It is unlikely that the existing cremators will last long enough for any new organisation to carry out the replacement once any new organisation is appointed".

The procurement process to find a potential new provider to operate the facility is not compatible with the timeframe for complying with the mercury abatement legislation and due to the age of the cremators there would be a risk to the business if replacement was delayed until any contract was in place.

The procurement process for the Cemetery & Crematorium will only continue if it shows best value for the council can be achieved by entering into a contract with another provider. Consideration of any investment by either party will be a matter which will be dealt with in the detail of any contract drawn up.

ITEM 15 - Leisure Contract Review

- B.** Why is the contract with GLL being terminated before the outcome of the strategic leisure review is known?

Reply by the Chairman of the Cabinet Resources Committee

The report asks for approval to negotiate and agree the terms of a termination, these terms would be reported back to CRC for approval and this wouldn't be done until after the Strategic Review has been completed and only if it is necessary in order to move forward with the preferred option. As we cannot predict the outcomes of the Review this is just to be sure all the relevant information is available in order to inform the Options Appraisal.

- C.** Has anyone assessed the risk that there may be a period after GLL's contract is terminated when no one is running leisure in Barnet?

Reply by the Chairman of the Cabinet Resources Committee

As noted above this would not be the case. Should a termination to the contract be required in order to proceed it would be planned to reduce any effect on services.

- D.** Are the cabinet completely satisfied that the financial risk of challenge from tenderers who were unsuccessful when the contract was tendered previously, significantly outweighs the cost of terminating the contract with GLL.

Reply by the Chairman of the Cabinet Resources Committee

The advice provided by Bevan Brittan to the Council was very clear that a challenge could come from the previous unsuccessful tenderers and or others currently in the Leisure market as the Leisure Market is very competitive.

- E.** Which of the proposed contract changes meet the criteria identified by the European Courts of Justice in the case of *presstext Nachrichtenagentur GmbH v Republik Österreich (Bund) and others (Case C-454/06)*, as representing a "material change", given that the report suggests the changes represent **a reduction** in scope and potentially a shift in the economic balance in **favour of the council**.

Reply by the Chairman of the Cabinet Resources Committee

The external lawyers took account of the full extent of the proposed changes in coming to a view as to whether they were likely to amount to a 'material' change

Mr Dix asked supplementary questions to all the above questions.

5. GRANT OF NEW LEASES FOR ALLOTMENT SITES (Report of the Cabinet Member for Resources and Performance/Cabinet Member for Environment – Agenda Item 5):

For the reasons set out in the Cabinet Member's report, the Committee

RESOLVED

- (1) That leases be granted to organisations of allotment plot holders for terms of up to 38 years as set out in section 9 of the report. Officers will seek consent from the Department of Communities and Local Government for the grant of these leases should the value of the interests fail to comply with the Local Government Act 1972: General Disposal Consent (England) 2003.

6. PURCHASE OF LEASEHOLD INTEREST IN LAND AT GRAHAME PARK WAY NW7 (Report of the Cabinet Member for Resources and Performance – Agenda Item 6)

For the reasons set out in the Cabinet Member's report, the Committee

RESOLVED –

- (1) To accept a surrender of the lease of the premises from RFL Mill Hill Limited or any other company in whom the subject property may be vested, on the terms set out in the accompanying exempt report.

7. PERMANENT EXPANSION OF PRIMARY SCHOOL PROVISION IN THE COLINDALE AREA (Report of the Cabinet Member for Education, Children and Families – Agenda Item 7)

For the reasons set out in the Cabinet Member's report, the Committee

RESOLVED –

- (1) That Members agree to commission the permanent expansion of primary school provision in the Colindale area as set out in this report, using £15.725m from the Children's Capital Programme (urgent primary places permanent unallocated) which is funded by Basic Needs Grant, subject to statutory consultation and proposals.
- (2) That Members agree to the commissioning of the permanent expansion through the Strategic Partnering Agreement with Kier London, subject to the demonstration of value for money.
- (3) That Members agree to the provision of temporary accommodation at the current Orion site, subject to planning, and give approval for quotations to be sought and funded by £150,000 from the Children's Capital Programme (urgent primary places permanent unallocated) which is funded by Basic Needs Grant.
- (4) That Members note the continuing pressure on primary school provision and note that further expansion proposals will be brought forward for approval as they are developed.

8. EARLY INTERVENTION AND PREVENTION COMMISSIONED CONTRACTS (Report of the Cabinet Member for Education, Children and Families – Agenda Item 8)

For the reasons set out in the Cabinet Member's report, the Committee

RESOLVED –

- (1) The Committee approved the award of contracts to the value of £1,429,720.
- (2) The Committee approved a waiver of Contract Procedure Rules (rule 5.6.1.2) to enable a further extension of the contracts currently commissioned for existing

targeted services (that are currently commissioned and currently in an extension period) if successful for the new contracts are allowed a further extension (to 31 October 2011) to enable continuity for the reasons set out in paragraph 8.4 of the report.

9. QUARTER 1 MONITORING 2011/12 (Report of the Cabinet Member for Resources and Performance – Agenda Item 9)

An amendment was circulated updating recommendations 1.4, 1.5 and 1.6. For the reasons set out in the amendment and the Cabinet Member's report, the Committee

RESOLVED –

- (1) That Directors take appropriate action to ensure costs are kept within budget and income targets are met. (Paragraph 9.1.2)
- (2) That Directors take appropriate action to improve performance against those corporate performance, Human Resources (HR), project, and risk measures where quarter one performance remains a challenge (Sections 9.3, 9.10, and Appendix A).
- (3) The following virements were approved:
 - A virement for £4.961m is requested within the Environment, Planning and Regeneration Directorate to re-align the budget across a number of cost centres. (Paragraph 9.4.2)
 - A virement for £0.420m is requested between services to achieve the consolidation of customer service functions. The proposals were approved in Delegated Powers Report No 1311- Consolidation of customer service functions from across the council into Customer Services. (Paragraph 9.4.3)
 - A virement for £0.945m from Adult Social Care & Health to Housing in respect of services previously funded through the SP programme which would best be commissioned directly by Housing. (Paragraph 9.4.4)
- (4) The following one off transfer to contingency for this financial year only were approved:
 - £0.500m one off transfer from Contingency to the Deputy Chief Executive directorate to fund temporary workers in Revenue and Benefits to cover the back log following the implementation of the new system. (Paragraph 9.5.2)
- (5) The following transfer from contingency for this financial year and ongoing were approved:
 - £0.400m on-going transfer from Contingency to the Deputy Chief Executive for 2011/12 for future years to fund court costs. (Paragraph 9.5.4)
 - £0.868m ongoing transfer to Contingency from the Deputy Chief Executive directorate invest to save – Pericles system (Paragraph 9.5.3)
- (6) The following transfers from contingency for inflation for this financial year and ongoing were approved (Paragraph 9.5.5):
 - £1.568m for Adult Social Services;
 - £0.251m for Children's Service;
 - £0.661m for Commercial Services; and
 - £0.334m for Environment, Planning and Regeneration.
- (7) That the Agency Costs for the first quarter be noted. (Paragraph 9.6.1)
- (8) That Directors ensure that those capital projects in their services are managed closely to ensure they are delivered within budget and in accordance with the agreed timeframe. (Paragraph 9.7.1)
- (9) That the proposed Capital additions/deletions totalling £1.939m and slippage of £3.934m as set out in Appendix C and the related funding implications summarised in table 6 be approved.

10. REPLACEMENT OF CREMATORS, BUILDING WORKS, RENOVATIONS AND COMPLIANCE WITH MERCURY ABATEMENT LEGISLATION AT HENDON CEMETERY & CREMATORIUM (Report of the Cabinet Member for Housing – Agenda Item 10)

For the reasons set out in the Cabinet Member's report, the Committee

RESOLVED –

- (1) That the amount of £1,743,734 funded by capital receipts is approved as part of the Capital Programme for Phase 1 of the scheme.
- (2) That the Interim Director for Environment Planning & Regeneration takes the necessary actions to implement Phase 1 of the scheme.

11. EXTENSION OF CURRENT HOUSING ADVICE CONTRACT AND FOUNDATION SERVICE CONTRACT AND PERMISSION TO RE-TENDER SERVICES (Report of the Cabinet Member for Housing – Agenda Item 11)

For the reasons set out in the Cabinet Member's report, the Committee

RESOLVED –

- (1) That, in variation of the Council's Contract Procedure Rules (on the basis of paragraph 5.8.4 of the report) and subject to the completion of all necessary legal and other documentation, (i) the Housing Advice and Foundation Service contracts be retrospectively further extended from 1 January 2011 until 31 January 2012 and (ii) authority be obtained to commence the joint re-tendering exercise for a new combined contract of both services, the new contract to commence on 1 February 2012.

12. THE INTRODUCTION OF ENHANCED HOUSING MANAGEMENT CHARGES FOR SHELTERED HOUSING (Report of the Cabinet Member for Housing – Agenda Item 12)

For the reasons set out in the Cabinet Member's report, the Committee

RESOLVED –

- (1) The service charges for enhanced housing management of sheltered housing and for sheltered plus at Gadsbury Close NW9 as set out in appendix 2 to the report be approved; to be reviewed annually along with rents and other service charges.
- (2) The Interim Director of Environment Planning and Regeneration is authorised to agree a revised management fee with Barnet Homes as set out in 6.4 below.
- (3) Protection from the enhanced housing management service charge and the alarm charge should continue to be funded from the Housing Revenue Account as set out in appendix 3 to the report.

13. CONTRACT AWARD FOR LEAD PROVIDERS HOME AND COMMUNITY SUPPORT (CONTRACT REFERENCE: 50254) (Report of the Cabinet Member for Adults – Agenda Item 13)

For the reasons set out in the Cabinet Member's report, the Committee

RESOLVED –

- (1) That a four year framework contract for three lead providers for Home and Community Support commencing 1 November 2011 be awarded to :
 - Enara;
 - Personnel and Care Bank;
 - London Care Plc.

- (2) To authorise a six month extension to the current framework contracts for Home and Community Support for the eleven providers currently providing these services for the Council.

14. BARNET INTEGRATED LEARNING DISABILITY SERVICE - CONTRACTS WITH CENTRAL LONDON COMMUNITY HEALTH NHS TRUST AND BARNET, ENFIELD & HARINGEY NHS MENTAL HEALTH TRUST (Report of the Cabinet Member for Resources and Performance/Cabinet Member for Adults – Agenda Item 14)

For the reasons set out in the Cabinet Member's report, the Committee

RESOLVED –

- (1) That the Committee authorises the Council as the Lead Commissioner for learning disability services across health and social care to enter into contract with NHS providers, Central London Community Healthcare NHS Trust and Barnet, Enfield and Haringey NHS Mental Health Trust, for the provision of specialist learning disability health services commencing 1 November 2011, for a 2 year term with the option for a further 1-year extension.
- (2) That the Committee authorises waivers the Contract Procedure Rules to allow the appointment of Central London Community Healthcare NHS Trust and Barnet, Enfield and Haringey NHS Mental Health Trust, for

15. LEISURE CONTRACT REVIEW (Reports of the Cabinet Member for Customer Access & Partnerships – Agenda Item 15)

For the reasons set out in the Cabinet Member's report, the Committee

RESOLVED –

- (1) That approval is granted to negotiate termination of the current leisure contract with Greenwich Leisure Limited ("GLL"), such negotiations being subject to final approval by this Committee;
- (2) That the, proposed, terms for termination of the contract be reported back to CRC for approval prior to final agreement, with GLL.

16. TRANSFORMING PASSENGER TRANSPORT SERVICES (Reports of the Cabinet Member for Customer Access & Partnerships – Agenda Item 16)

For the reasons set out in the Cabinet Member's report, the Committee

RESOLVED –

- (1) the Committee approved the recommendation as set out in paragraphs 6.7 to 6.9 of the report to become full members of the West London Alliance (WLA) Transport Efficiency Programme to participate in the procurement of a framework contract led by London Borough of Brent to replace our current contract extended until February 2012.
- (2) The Committee approved the recommendation as set out in paragraphs 6.7 to 6.9 of the report to become full members of the West London Alliance (WLA) Transport Efficiency Programme, stage 1, to participate in the set up and operation of the Transport Bureau led by London Borough of Hounslow, to deliver passenger transport for vulnerable adults and children via the WLA Transport Bureau.
- (3) That the Adult Social Care and Health Directorate through the West London Alliance Transport Project develop a 'Door to Door' Transport Policy for Vulnerable Adults which is subject to Public Consultation for implementation from 1st April 2012 as described in paragraph 9.8 of the report.

- (4) The Committee approved the transformation of the Passenger Transport Service as set out in paragraph 6.11 of the report to achieve the identified savings through the management and transformation of the in-house operation until Stage 2 of the WLA Transport Efficiency Programme.
- (6) That the committee approve the deployment of the £742,000 social care capital allocation for the purchase of London Emission Zone compliant vehicles by the Passenger Transport Service as detailed in paragraph 6.12 of the report.

The Chairman Councillor Daniel Thomas, duly seconded, proposed an additional recommendation.

RESOLVED –

- (7) That the savings and categorisation of where the savings have come from are reported back to the Cabinet Resources Committee.

17. TREASURY MANAGEMENT OUTTURN FOR QUARTER ENDED 30 JUNE 2011(Report of the Cabinet Member for Resources and Performance – Agenda Item 17)

For the reasons set out in the Cabinet Member’s report, the Committee

RESOLVED –

- (1) The Treasury Management activity and position for first quarter ended June 2011 was noted.
- (2) The Committee considered any areas on which it would like to receive further information.
- (3) The Committee noted the Council’s response to recent market uncertainty set out in sections 9.1.4 and 9.9 of the report.

18. 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 involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006):

**Agenda Subject
Item**

X1	Exempt information relating to item 6 in public session – Purchase of leasehold interest in land at Grahame Park Way NW7
X2	Exempt information relating to item 8 in public session – Early Intervention and Prevention Commissioned Contracts
X3	Exempt information relating to item 13 in public session – Contract Award for Lead Providers Home and Community Support (contract reference: 50254)
X4	Exempt information relating to item 15 in public session - Leisure Contract Review

19. EXEMPT INFORMATION RELATING TO ITEM 6 IN PUBLIC SESSION – PURCHASE OF LEASEHOLD INTEREST IN LAND AT GRAHAME PARK WAY NW7 (Report of the Cabinet Member for Resources and Performance – Agenda Item X1):

RESOLVED – That the exempt information be noted.

20. EXEMPT INFORMATION RELATING TO ITEM 8 IN PUBLIC SESSION – EARLY INTERVENTION AND PREVENTION COMMISSIONED CONTRACTS (Report of the Cabinet Member for Education, Children and Families – Agenda Item X2):

RESOLVED – That the exempt information be noted.

21. **EXEMPT INFORMATION RELATING TO ITEM 13 IN PUBLIC SESSION – CONTRACT AWARD FOR LEAD PROVIDERS HOME AND COMMUNITY SUPPORT (CONTRACT REFERENCE: 50254) (Report of the Cabinet Member for Adults– Agenda Item X3):**
RESOLVED – That the exempt information be noted.

22. **EXEMPT INFORMATION RELATING TO ITEM 15 IN PUBLIC SESSION - LEISURE CONTRACT REVIEW (Reports of the Cabinet Member for Customer Access & Partnerships – Agenda Item X4)**
RESOLVED – That the exempt information be noted.

The meeting finished at 7.35pm.