

Decisions of the Cabinet Resources Committee

18 October 2012

Members Present:-

Councillor Daniel Thomas (Chairman)

Councillor Richard Cornelius Councillor Sachin Rajput
Councillor Tom Davey Councillor Robert Rams
Councillor Andrew Harper

1. MINUTES

RESOLVED - The minutes of the meeting held on 1st August 2012 were agreed.

2. ABSENCE OF MEMBERS

All Members were present.

3. DECLARATIONS OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS

None were declared.

4. PUBLIC QUESTION TIME (IF ANY)

The following questions were received from Ms Reema Patel.

Question

1. At 4.5 the document states:-
"There is a risk that entering into a partnership contract to commission and or provide neighbourhood services directly with the BPG could result in challenge (s) being brought against the council. This risk has been mitigated by requiring the provider group to undertake a process since the last cabinet report that has enabled the council to test the strength of the provider proposal and also putting in additional support to all of the existing provider groups to ensure that they understand the nature of the relationship between individual organisations and Age UK Barnet in a lead provider model..."

Can the Council say:

- What exactly the risk is (publishing the risk register) of challenges being brought against the Council?
- How exactly the risk has been mitigated - including the process that has been undertaken to 'test the strength of the provider proposal'?
- How the provider proposal has been assessed?
- What the 'wider market implications' of this model will be?

Response

- Section 4 ‘risk management issues’ is a standard heading in all CRC reports; where potential risks are identified and considered, and the subsequent mitigations documented. The risk of challenge is that we have sought a waiver to not use competitive tendering ; the rationale for this is described in sections 4.9 and 4.10 of the report. For the avoidance of doubt, there has been no challenge to the council.
- Sections 4.4, 4.5, 4.6 of the report outlines how the council has engaged and worked with the Barnet Provider group and other stakeholders, over a period of time, in drawing up the proposals for the neighbourhood service, and ensuring a thorough consultation. This will also serve to minimise risks of discontinuity in service provision.
- Section 10.5 and 10.7 of the report describes how the neighbourhood proposal was tested; presentations were made to stakeholder panels, which undertook an evaluation and reached the conclusion that the proposals were sufficiently viable to put to CRC.
- Section 4.4 and 4.7 and 4.10 describes the work undertaken, such as the appointment of a critical friend, to ensure the providers fully understand the implications for their organisation of signing up to the proposal; including market implications. For example, the shift for voluntary organisations will include them working together, potentially sharing buildings, and back office resources etc. At the expiry of the contract the council is likely to put the neighbourhood model out to competitive tender.

Question

2. At 4.11 it is stated that there is a risk that the partnership will not offer value for money. How is value for money to be defined and is there a financial threshold set by the Council for determining that the partnership does or does not offer VfM after the three year period for the contract expires?

Response

Section 4.13 explains that providers will be measured against a detailed outcome specification and section 6.8 describes the measures that will be put in place to ensure value for money is obtained and volunteers retained. A baseline measurement will be used to monitor progress; and progress against this will be measured over the 3 years.

Item 15 - Sport and Physical Activity Review – Strategic Outline Case

Question

3. “What is the Council doing to secure a legacy for disabled people in light of the recent success celebrated across London by the Paralympic Games?”

Response

The review will be looking at the current and future participation rates of key target groups in the borough, one of which is those residents which have a disability. The review will provide recommendations as to how best to increase sport and physical activity participation and also how best to utilise the Councils existing resources for residents to achieve healthier and more active lifestyles.

There were supplementary questions as Ms Patel was not present at the meeting.

5. RE-SHAPING DAY OPPORTUNITIES FOR OLDER PEOPLE IN BARNET: IMPLEMENTATION PLAN

Councillor Sachin Rajput, in relation to recommendation 1.4 assured the Committee that there was no suggestion or intention that Members voting in favour of the report would result in the implementation being retrospective.

He informed the Committee that the date of 1st October 2012 had originally been inserted in Recommendation 1.4 on the assumption that this report would go to a meeting of the Committee scheduled to take place on 27th September 2012, a date that was subsequently vacated. He therefore further informed the Committee that the date of 1st October 2012 at this part of the report (and to be taken to mean at any part of the report) should be assumed to mean a date after the decision in made, perhaps 19th October 2012, given that the meeting was taking place on 18th October 2012.

Councillor Rajput further moved the following amendments to the report;

Page 3, paragraph 3.2

As the Health and Well Being Strategy (HWBS) has been agreed the word 'draft' should be struck out.

Page 13, paragraph 8.12

Change Cabinet to Cabinet Resources Committee

Page 16, paragraph 10.13

Change October 12 to October 2012

For the reasons set out in the Cabinet Member's report and the above amendments referred to, the Committee

RESOLVED –

1. That Cabinet Resources Committee agree the implementation plan and timescales developed with local providers for implementation for the neighbourhood model:
2. That the Barnet Provider Group (BPG) led by Age-UK Barnet be commissioned to operate a neighbourhood service for an initial 3 years (option to extend to 5) for £550,000 per year prior to competitive procurement of a new contract to commence at the end of the period.
3. That the requirements of Contract Procedure Rule 6 and Table 6-1 be waived in relation to the neighbourhood model as set out in paragraph 6.2 (below)
4. That Cabinet Resources Committee approve the commencement of competitive procurement for Later Life Planners and Practical Support Services, to start on 19 October 2012 for commencement of services by 1 April 2013, for £215,000 per year.
2. That Cabinet Resources Committee gives full consideration to the Equalities Plan at Appendix 1 of the report.

6. BARNET CENTRE FOR INDEPENDENT LIVING - EXTENSION OF CONTRACT TO DELIVER A PEER SUPPORT BROKERAGE SERVICE

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

RESOLVED - That a waiver of the Contract Procedure Rules be authorised to allow the contract with Barnet Centre for Independent Living, for delivery of a Peer Support Brokerage service (previously branded as Advantage Agent Service) to be extended from 31 December 2012 until 31 March 2014.

7. GRANVILLE ROAD NW2, NEW HOUSING DEVELOPMENT

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

RESOLVED -

1. That in exercise of the Council's general power of competence under Section 1 of Chapter 1 of the Localism Act 2011, and the other statutory powers referred to in the Legal Issues Section of this report and all other relevant powers, authority be granted to:
 - (i) appoint Mulalley/One Housing Consortium comprising of Mulalley & Co Limited, CHA Ventures Limited and, as guarantor with CHA Ventures Limited, Sherrygreen Limited (Bidder B) (as detailed in the Exempt Report) as the Council's preferred development partner to take forward their Option 1 for the Granville Road, NW2, New Housing Development Scheme.
 - (ii) approve the selection of the Countryside/Metropolitan Housing Consortium comprising of Countryside Properties (UK) Limited and Metropolitan Housing Partnership and, as guarantor, Countryside Properties plc (Bidder C) as detailed in the Exempt report to be the Council's reserve development partner for the Granville Road, NW2 New Housing Development Scheme
2. That authority be delegated to the Deputy Chief Executive in consultation with the Leader of the Council to finalise any outstanding matters and the New Housing Development Agreement for the Granville Road Estate, NW2 and any other related legal agreements with Bidder B (or with Bidder C if in their opinion it is not feasible to reach a timely agreement on outstanding matters with Bidder B).
3. That the Council shall enter into the New Housing Development Agreement for the Granville Road Estate, NW2 and any other related legal agreements with Bidder B (or Bidder C if applicable under paragraph 1.2) subject to the Deputy Chief Executive being satisfied as to the terms of such agreements and the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service, or authorised delegate, being satisfied as to the form of such agreements.
4. That authority be delegated to the Deputy Chief Executive in consultation with the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service, to decide whether:
 - (a) to rely upon one or more of the General Housing Consents 2012; or

- (b) subject to the authorisation of the full Council to make a specific application for the consent of the Secretary of State for Communities and Local Government for the Council to dispose of land to Bidder B (or Bidder C if applicable under paragraph 1.2) in the Granville Road, NW2 development site which it holds under Part II of the Housing Act 1985.
- 5. That authority be delegated to the Deputy Chief Executive in consultation with the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service, to decide whether:
 - (a) the Council is not required to seek the consent of the Secretary of State for Communities and Local Government; or
 - (b) to rely on the General Consent (Circular 06/03: The Local Government Act 1972 general disposal consent (England) 2003); or
 - (c) to make a specific application to the Secretary of State for his consent; for the Council to dispose of land to Bidder B (or Bidder C if applicable under paragraph 1.2) in the Granville Road, NW2 development site which it holds other than under Part II of the Housing Act 1985.
- 6. That authority be delegated to the Deputy Chief Executive in consultation with the London Borough of Harrow Head of Legal/Practice Director Joint Legal Service, to decide whether:
 - (a) Council is providing financial assistance in respect of the new housing development at Granville Road, NW2 as described in Section 24 of the Local Government Act 1988; and if so whether:
 - (i) to rely on one or more of the general consents under Section 25 of the Local Government Act 1988 (Local Authority assistance for privately let housing) 2010; or
 - (ii) to make a specific application to the Secretary of State for his consent under Sections 25 and 26 of the Local Government Act 1988;

in connection with the proposed new housing development at Granville Road, NW2.
- 7. That authorisation be given (granted) to the Interim Director for Planning, Environment and Regeneration to notify secure tenants affected by the proposed new housing development of Granville Road, NW2 and enable the same to make representations to the Council in accordance with the requirements of Part V of schedule 2 of the Housing Act 1985.
- 8. That authority is delegated to the Interim Director for Planning, Environment and Regeneration in consultation with the Leader of the Council to consider any representations made by secure tenants received under the process set out in paragraph 1.7, and if as a consequence of such representations, she believes it appropriate, to seek relevant changes to the proposed new housing development at Granville Road, NW2.
- 9. That approval is given to make of discretionary payments for home loss and disturbance payments, to secure tenants who transfer from the Beech Court to alternative accommodation to facilitate redevelopment.

10. That, subject to undertaking the actions required under paragraphs 1.7 and 1.8 authority is delegated to the Interim Director for Planning, Environment and Regeneration to apply for the Secretary of State's approval for the proposed new build housing development and disposal of identified land at the Granville Road Estate, NW2 for the purposes of ground 10 A in Part II of Schedule 2 of the Housing Act 1985.
11. That, subject to the prior grant of the planning permission for the regeneration of the Granville Road, NW2 development area ("Development Area"), the appropriate Chief Officers be authorised to (1) advertise the Council's intention of appropriating open space lands within the Development Area pursuant to Section 122(2A) of Local Government Act 1972 and to report to a future meeting of the Committee if any representations are made and (2) subject to any relevant consents of the Secretary of States being obtained, to appropriate to planning purposes, the Housing land in the Development Area and any land held for any other purpose of the Council, within the Development Area, prior to the disposal of such lands.

8. THE SALE OF THE FREEHOLD INTEREST IN THE FORMER WATLING BOYS CLUB, DRYFIELD ROAD, BURNT OAK, HA8 9JU

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

RESOLVED – That the Cabinet Resources Committee take into account the information contained in the public and the exempt reports and agree that authority be given to complete the sale of the Council's freehold interest in this site to Turnhold Properties Limited.

9. WATLING AVENUE CAR PARK AND ADJACENT LAND AND PROPERTIES

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

RESOLVED – That the Cabinet Resources Committee accepts the conditional offer from Tesco Stores Limited to acquire the freehold interest of the Watling Avenue Car Park and other adjoining lands and properties as detailed in this and the exempt report .

10. 99 YEAR LEASE OF LAND AND GARAGES TO THE REAR OF 7 VICTORIA AVENUE FINCHLEY, N3

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

RESOLVED - That the Council grant a 99 year lease to the Rocking Horse Nursery for a capital premium of £50,000 for the area shown edged in red on drawing no.24206 comprising land and garages to the rear of 7 Victoria Avenue, Finchley N3.

11. TREASURY MANAGEMENT OUTTURN TO 30 JUNE 2012

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

RESOLVED –

1. That the Treasury Management activity and position for the first quarter ended 30 June 2012 be noted.
2. That the Committee notes the Council's response to continuing market uncertainty which is set out in sections 9.1.4 and 9.5.

12. QUARTER 1 MONITORING AND PERFORMANCE REPORT 2012/13

For the reasons set out in 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, 9.14, and Appendix A).
3. That the following virements for this financial year and on-going be approved:
 - £0.023m is requested within the Environment, Planning & Regeneration Directorate to re-align the budget across Traffic Development to ensure the budgets reflect the costs and nature of this service provision. There is a nil impact on the service's budget. (Paragraph 9.4.1)
 - £0.005m is requested within the Environment, Planning & Regeneration Directorate to re-align the Highways income budget to ensure it reflects the costs and nature of this service provision. There is a nil impact on the service's budget. (Paragraph 9.4.1)
 - £0.654m is requested to re-align employee insurance budgets within the Environment, Planning & Regeneration Directorate to reflect current staffing structures. There is a nil impact on the service's budget. (Paragraph 9.4.1)
 - £0.631m is requested within the Environment, Planning & Regeneration Directorate to re-align the Highways Inspection/Maintenance budgets. There is a nil impact on the service's budget. (Paragraph 9.4.1)
 - £0.171m is requested within the Chief Executive Directorate for 2012/13 (£0.187m full year effect from 2013/14 onwards) to re-align the budget across Customer Services to ensure the budgets reflect the costs and nature of this service provision. There is a nil impact on the service's budget. (Paragraph 9.4.1)
 - £0.722m is requested as part of the customer services transformation programme for 2012/13 (£0.963 full year effect for 2013/14 onwards) to transfer a number of functions, and the associated budgets, from the Revenues & Benefits Service into the Customer Services team. (Paragraph 9.4.1)

4. That the following transfer from contingency for this financial year and on-going be approved:
 - £0.500m on-going transfer from Contingency to Environment, Planning and Regeneration for 2012/13 and future years to fund pressures on planning and building control income. (Paragraph 9.5.1)
5. That the following transfers from contingency for inflation for this financial year and on-going be approved (Paragraph 9.5.2):
 - £1.311m for Adult Social Care
 - £0.014 for Chief Executive
 - £0.502m for Children's Service
 - £0.329m for Commercial Services
 - £0.747m for Environment, Planning and Regeneration
6. That the Agency Costs for the first quarter be noted. (Paragraph 9.6.1)
7. That the write off of debts for:
 - Council Tax of £0.206m; and
 - Business Rates debts of £0.839m approved under the Chief Finance Officer's authority be noted. (Paragraphs 9.7.2)
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 9.8.1)
9. That the proposed 2012/13 capital additions/deletions totalling £1.423m and slippage of £1.970m as set out in Table 5 and Appendix C and the related funding implications summarised in table 6 be approved.
10. That the proposed 2013/14 capital additions/deletions totalling £0.894m and related funding implications as set out in table 7 and appendix C be approved.
11. That the Corporate Risk Register at Appendix G be noted.
12. That the following proposed drawdowns from the Transformation Reserves are approved:
 - £0.627m to fund the increased costs of Wave 1 Projects. (Paragraph 9.13.1)
 - £0.227m to fund the development of Strategic Outline Case for the Early Intervention Project. (Paragraph 9.13.3)
 - £0.232m to fund the development of Outline Business Case for the Strategic Review of Sports and Physical Activity. (Paragraph 9.13.4)

13. INFORMATION SYSTEMS - LOGICA SAP SERVICES FOR THE BARNET GROUP

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

RESOLVED - That, in response to identified One Barnet change projects, the Committee authorise a waiver of Contract Procedure Rules to enable purchases to be made with Logica, who currently provide the Council with Managed Services for SAP, for The

Barnet Group up to a value of £100,000 to the annual contract of £1.2m. The annual contract due to expire July 2013 with this additional work being concluded by 1 April 2013.

14. INFORMATION SYSTEMS - INFRASTRUCTURE MANAGED SERVICE CONTRACT

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

RESOLVED – That, in response to identified Council risks and One Barnet change projects, the Committee authorise a waiver of Contract Procedure Rules to enable purchases to be made with 2e2 UK Limited, the council's Managed Service for IT Infrastructure provider, the additional annual cost for 2012/13 being £710,000. The annual contract cost of £836,000 and is due to expire 21 June 2013.

15. SPORT AND PHYSICAL ACTIVITY REVIEW - STRATEGIC OUTLINE CASE

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

RESOLVED:-

1. That the Committee approves the work to undertake an Outline Business Case including an Options Appraisal on the future of sport and physical activity provision across the borough.
2. That the Outline Business Case on the future of sport and physical activity provision returns to Cabinet Resources Committee for approval prior to implementation.

16. EARLY INTERVENTION AND PREVENTION - STRATEGIC OUTLINE CASE

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

RESOLVED –

1. That Cabinet Resources Committee approves the Strategic Outline Case for the Early Intervention and Prevention project.
2. That Cabinet Resources Committee approves the budget for this stage, as set out in paragraph 6.3 of the report.

17. FUTURE PROVISION OF MUSIC SERVICE

For the reasons set out in the report of the Director of Adult Social Care and Interim Director of Children's Service, the Committee;

RESOLVED –

1. That the Director of Adult Social Care and Interim Director of Children's Service be authorised to commence activities to create a new corporate entity that is able to register as a charitable organisation and deliver Music Service activities as Barnet's Music Hub.
2. That the Director of Adult Social Care and Interim Director of Children's Service be authorised to commence activities to transfer the provision of the Council's Music Service to the new corporate entity in 1

3. Subject to final approval by the Chief Finance Officer of the terms of such guarantee, that the Council guarantees the liabilities of the new corporate entity to the Teachers' Pension Scheme and (if so required by the administering authority of the Fund) to the Local Government Pension Scheme, initially for a three year period, and then subject to review (see section 4.5).
4. That the Chief Finance Officer be authorised to approve the terms of the guarantee referred to in 3 (see section 4.6).
5. That the Director of Children's Service or his/ her nominee will be the nominated Council member on the Board of Trustees for the new corporate entity.

18. AWARD OF THE CONTRACT FOR THE REPLACEMENT OF CREMATORS AT HENDON CEMETERY AND CREMATORIUM

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

RESOLVED – That the contract for the design, supply and installation of abated cremators and ancillary equipment at Hendon Cemetery & Crematorium be awarded to Facultatieve Technologies Ltd as part of the Capital Programme.

18a. PROVISION OF INDEMNITY FOR LEGAL COSTS

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

RESOLVED:- The Committee agreed to increase the level of indemnity for the Member and authorised the amount as fully invoiced, as an upper limit. It is understood that the Member concerned paid a personal deposit up front in the amount of £1,500 to his legal representatives to secure their services. The Committee agreed that this should be reimbursed if it is not part of the amount invoiced.

19. 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 Category 3 of Part 1 of Schedule 12A of the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006):

20. GRANVILLE ROAD NW2, NEW HOUSING DEVELOPMENT

RESOLVED – That the Committee note the exempt information relating to agenda item 7 in public session.

21. THE SALE OF THE FREEHOLD INTEREST IN THE FORMER WATLING BOYS CLUB, DRYFIELD ROAD, BURNT OAK, HA8 9JU

RESOLVED – That the Committee note the exempt information relating to agenda item 8 in public session.

22. WATLING AVENUE CAR PARK AND ADJACENT LAND AND PROPERTIES

RESOLVED – That the Committee note the exempt information relating to agenda item 9 in public session.

23. 99 YEAR LEASE OF LAND AND GARAGES TO THE REAR OF 7 VICTORIA AVENUE FINCHLEY N3

RESOLVED – That the Committee note the exempt information relating to agenda item 10 in public session.

24. AWARD OF THE CONTRACT FOR THE REPLACEMENT OF CREMATORS AT HENDON CEMETERY AND CREMATORIUM

RESOLVED – That the Committee note the exempt information relating to agenda item 18 in public session.

The meeting finished at 7.00 pm