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Decisions of the Cabinet Resources Committee

24 June 2013

Members Present:-

Councillor Daniel Thomas (Chairman)

Councillor Richard Cornelius
Councillor David Longstaff

Councillor Sachin Rajput
Councillor Robert Rams

Also in attendance
Councillor Dean Cohen

Apologies for Absence
Councillor Tom Davey

1. MINUTES OF THE PREVIOUS MEETING

RESOLVED –

That the minutes of the meeting held on 18 April 2013 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies for absence were received from Councillor Tom Davey.

3. DECLARATIONS OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

There were none.

4. PUBLIC QUESTION TIME (IF ANY)

The following public questions were received and the answers given as set out below. Those members of the public who had asked the questions and who were present asked supplementary questions, to which the answers were given.

**Item 7: OUTTURN AND PERFORMANCE REPORT
From Mr John Dix**

- 1. At paragraph 1.14 the report states that the spend so far on the One Barnet Implementation partner to the end of April is £7.138 million yet the suppliers payments list suggest the spend is only £6.555m. Does this mean that almost £600,000 of invoices have withheld from the supplier payments system list and if so why?**

The figure of £7.1m includes spend from the start of the Agilisys contract (2010) through to the end of 2012/13. The £500 reports on the Council's website are currently for 2011/12, 2012/13 and 2013/14. Approximately £600k of the spend on the Agilisys contract was in the 2010/11 financial year, which accounts for the difference between the two figures.

- 2. At appendix G Corporate risk register it notes a risk of "Failure to engage properly with Residents" has a moderate impact and a possible probability which you suggest will reduce to an unlikely probability. Given that the failure to engage with residents has led to the judicial review do you think that this rating is somewhat over optimistic?**

The risk register includes a range of risks ranging from concerns around continuation of service delivery and future government funding cuts impacting on the Council's financial position, and the rating of these risks reflects the probability and impact of these range of risks.

From Mrs Barbara Jacobson

- 1. The virement of £0.305m re Electoral Registration from NSCSO to the Assurance Directorate. (Paragraph 9.15.1): Since this virement is coming up for approval now, it couldn't have been included in the NSCSO contract with Capita, so how does it affect that proposed contract?**

Electoral registrations was originally part of the NSCSO contract with Capita, it is now not included within the scope.

- 2. While we may note the spend of £7.183m on Agilisys / Impower, how do you explain that it is more than three times the original estimate of £2m?**
 - How much has been paid to Agilisys / Impower since the end of April 2013?**
 - How much will continue to be paid to Agilisys / Impower in the coming months?**
 - And exactly, precisely, specifically what are they doing for this money?**

Agilisys/Impower have been employed to support a range of projects alongside the Council and the scope of this has been extended significantly since they were originally contracted in 2010.

Agilisys/Impower were paid £240k in May 2013.

We will update the Cabinet Resources Committee on spend in respect of Agilisys/Impower over the forthcoming months.

3. **‘a shortfall in income in Legal Services’:**
- **What was the amount of this shortfall?**
 - **Why was there a shortfall?**
 - **Does the shortfall indicate that the assumptions on which the generation of income are based are flawed? What is being done to try to ensure there is no shortfall in the next financial year?**

A written response will follow.

4. **‘underspends ... in the Children’s Services (£0.838m) ... is primarily due to vacancies, reduced staffing costs and planned savings for 2013/14 being achieved early’ . How were the staffing costs reduced, and what is the amount of money thus saved? What monitoring and safeguards have there been to ensure that reducing costs in this way and by leaving vacancies unfilled has not had any negative affect on the quality of services delivered?**

The underspend in the Children’s Service was achieved in part, as set out above, by holding vacancies within the service. It was also achieved by the early achievement of savings on transport related costs.

The quality of services delivered is monitored regularly by the Council in response to its statutory obligations, and the performance indicators in respect of Children’s Services are also included within quarterly monitoring reports to ensure that service quality is monitored alongside the financial information.

5. **‘In Adult Social Care and Health, over 56% of service users felt they have choice and control influencing decisions that affect them meeting the target in quarter 4.’**
- **How many service users are there?**

During 2012/13 Adult Social Care and Health provided support to 13222 people- 5459 people were dealt with at the point of contact and 7763 received a care management service. As at 31 March 2013, 5341 service users were being supported through Barnet Council’s care management service.

Surveys are sent to service users who have had direct contact with us in that quarter. In 2012/13 255 were returned, of these 145 reported that they had choice and control influencing decisions that affect them.

6. **Surveys**

- **Why was the target set at 56%?**

The information for this performance indicator is based on a survey developed by Adult Social Care and Health which asks a sample of service users each quarter for their views on their experience of Adult Social Care in Barnet. This type of local intelligence is not captured in any of the National Surveys that relate to Adult Social Care. Therefore, a pilot survey was carried out in Q4 of 2011/12 to establish a baseline, this baseline was 54.5% and a subsequent target of 56% was set.

7. **What is being done about the fact that 44% of service users don’t feel they have choice and control influencing decisions that affect them?**

In relation to those who responded to the survey a sample of respondents were followed up by telephone to establish exact reasons for dissatisfaction, an action plan was put in place for any issues identified.

Within Adult Social Care work is ongoing with both service users and carers to increase the level of choice and control they have throughout the planning and decision making process. This is supported by the recent introduction of further multi-disciplinary working aligned to changes to organisational structures, processes and strategies within the Council and our partners.

There is a focus on user-led community development work, encouraging and supporting people to participate in the wider community in order to help promote independence. This includes new projects around community focused information and advice initiatives supported and run by the local volunteers as well as further support around later life planning.

Information and Advice and Advocacy and Peer Support Brokerage is also available through the Barnet Centre for Independent Living which provides support to enable choice and control and provides an alternative for service users in relation to who they work with to develop their support plan. In 2012/13 2536 people benefitted (total enquiries – information, advice, advocacy & brokerage) from the services provided by BCIL.

8. What exactly were the ‘teething problems with the new contracts’, how did they cause or contribute to the slippage, and what was the slippage and in what works?

A written answer will follow

9. Table 14 shows bad debt is £28.905m. Why do these debts arise, what steps have been taken to collect the debt, and why have those steps failed?

These debts arise for a number of reasons. Adults social care debt is primarily in respect of social care services provided to residents who are assessed as needing to fund their own care costs. Environment, Planning and Regulation debts are primarily in respect of parking charges, for example where a ticket has been issued but it has either been issued in error or has been successfully appealed. Collection Fund debt is in respect of Council Tax. The Council will take all necessary steps to recover debt and will only write off debts where all avenues for collection have been exhausted.

10.9.18.3 ‘The overall costs to deliver the projects contained within Wave 1 are projected to be £1.734m above the original budget.’ Are you saying that the first budget for ‘costs to deliver the projects’ was set in October 2012?

- **If not, what was the date of the original budget and what was the figure in that budget for these costs?**

9.18.1 and 9.18.2 answers the question.

11.9.18.4 What accounts for the projection of higher savings of £53m, e.g. were the initial projections wrong or have other ways been found to make savings and, if so, what are they?

The additional savings noted in the report are as a result of the final bids in respect of DRS and NSCSO being better than the projections in the original business cases. The business cases took a prudent view of the opportunity for additional income and/or cost savings resulting from the procurements, and the final bids set out a greater financial benefit.

12.9.18.8 What would have been the approximate cost of the consultation required by law, which the Council failed to undertake?

The Council has fulfilled its requirement to consult in line with legislative requirements.

13.9.18.9 Why is this information repeated at 9.18.15?

9.18.9 explains the position, and 9.18.15 recommends the funding source to Cabinet.

ITEM 9: HENDON FOOTBALL CLUB

From Mr David Hersh

1. In reaching their decision about which bid was the highest, was the school's latest increased bid submitted in June, taken into account.

Full and final offers were requested from both parties and consequently the Council is not obliged to take the late bid made on 13 June into consideration as it is outside of the process. However we did ask the Independent Valuer to consider whether the late bid makes any difference to the outcome of the recommendation to the Committee and his advice on the matter has not changed.

2. If not, why not, bearing in mind the ruling handed down by Justice Mitting in February 2013, and I quote:

I cannot of course exclude the possibility that the claimant or for that matter a third party may at the eleventh hour come up with a bid that trumps that of MontClare. If that happens then in the fulfilment of its duty under Section 123 Barnet will have to give proper consideration to the bid.

Please see the Answer to Question 1. We would add that Lord Justice Mitting ruled "*that on the facts of the case, the Council's decision in relation to its Section 123 duty was unquestionably lawful and the Council will be in breach of its duty not to sell to Montclare*".

3. Why does the council not consider the provision of land for local schools important enough to make sure that a sale is made to the school even at a lower price if need be, under the Local Government Act 1972: General Disposal Consent 2003, which allows the council to do so as long as the sum offered is within £2m of the highest bid.

The Council does consider the provision of land for local schools important and in fact have sold or are currently selling sites for exactly that purpose. In any event these sales were on the basis of best consideration and I should point out solely for education use. The proposals for the HFC site are primarily for residential and we have therefore used best consideration approach.

4. Why has Councillor Thomas refused me permission to speak at the CRC meeting on 24th June 2013?

The factual information relating to both bids in the public and exempt reports is sufficient for the Committee to make a decision on this matter. Both bids have been subject to independent evaluations and members of the Committee are aware of these. At a previous meeting of this Committee, where the decision to sell on this basis was made, a number of representations were made on the school's behalf. The school has therefore had the opportunity to address Committee on their proposals on previous occasions. Further oral representation from either bidder is not required for the Committee to make a decision.

ITEM 15 : CATALYST CONTRACT RENEGOTIATION – THE FUTURE ROLE OF FREMANTLE TRUST IN CARE PROVISION

From Mrs Barbara Jacobson

1. Ref 2.11, 2.12. What was the final cost of legal services for this arbitration and what was the financial outcome (i.e. how much money was paid to whom)?

As reported to CRC on 2 March 2011 the costs in terms of the arbitration were:

Final Award to Catalyst (incl interest and costs)	£8.674m
Council's final (estimated) legal costs	£2.000m
Outstanding issues (land swaps)	£0.110m
Total cost	£10.784m

2. Ref 4.4. Since anyone using a care home for themselves or their loved ones would like to be certain of the health and safety procedures of such an organization, and especially an organisation previously found to be seriously deficient in these respects, why are the details about Fremantle's assurances 'exempt' from public scrutiny?

This information constitutes business information held by the Fremantle Trust. It was withheld at the request of Trust as it may be utilised by their legal team during the forthcoming court case and they do not want to prejudice that case.

3. Ref 4.5. What is the range of 'a reasonable timescale'?

A reasonable timetable would be determined by both parties subject to the offer being accepted by the Council and Fremantle. 'Reasonable' would include consideration of realistic timescales for implementation of the offer details, subject to legal or procedural requirements and ensuring continuity of care and support for Fremantle residents and service users. We would expect to conclude this by 31st December 2013.

4. Ref 6.8. Why is it seen as a good thing to reduce the number of 'public' beds in order to increase the number of private beds at a time when the council acknowledges a growing ageing population?

The revised proposal reduces the number of residential beds purchased by the Council under a block arrangement with Fremantle. It does not reduce the number

of residential care beds available to Barnet residents who are eligible for public funding of their social care needs. A block arrangement means that the Council buys the same number of beds, whether or not service users choose to use them. Whilst many people will continue to choose a Fremantle home, reducing what the Council spends on block purchasing arrangements means that the Council can offer more choice from the wide range of residential care homes in Barnet.

Questions From Ms Tirsa Waisel

- 1. Item 15, paragraph 1 (p. 235) - Recommendations, and to 4.4 (p. 238) – within Risk Management Issues.**

Since anyone using a care home for themselves or their loved ones would like to be certain of the health and safety procedures of such an organization, and especially an organisation previously found to be seriously deficient in these respects, why are the details about Fremantle's assurances 'exempt' from public scrutiny?

This information constitutes business information held by the Fremantle Trust. It was withheld at the request of Trust as it may be utilised by their legal team during the forthcoming court case and they do not want to prejudice that case.

- 2. Does the 'incident at Dellfield Court' refer to the death of the service user, as reported in Barnet & Whetstone Press 18 June 2013?**

Answer: Yes

- 3. Can you clarify who is correct – your report that says 'Both the Police and the Health and Safety Executive decided not to prosecute' [my highlighting] or the reporter Daniel O'Brien: '...the case to be heard at Willesden Magistrates' Court on June 25. ' - i.e. tomorrow?**

The CPS decided not to prosecute following a manslaughter investigation. The matter was then submitted to Barnet Council, as the health and safety enforcement authority for privately run care homes. Health and safety enforcement is split between the HSE and local authorities based on the type of operation. Barnet Council Environmental Health investigated this matter and commenced the prosecution. The matter is due to be heard on 9 July 2013 at Willesden Magistrates Court, having been adjourned from 25 June at the request of the Defendant.

- 4. How do you explain your definition of the risk as per your report, only as 'a risk of adverse publicity'? Can you identify any further risks following this "incidental" death? Perhaps, for example, a risk to the health and safety, not to say to the life of Barnet residents who use Fremantle facilities?**

The risk of adverse publicity refers specifically to the ongoing court case. At no point has the Council referred to the tragic death of this lady as "incidental". Council officers supported the police in their preliminary investigation and following the decision of the CPS, took over responsibility for the investigation, which led to criminal proceedings being commenced. The criminal case relates to alleged historic failures in relation to health and safety responsibilities.

The Fremantle Trust has reviewed its policies and procedures as a result of the investigation and the Council is not aware of an ongoing health and safety risk. However, in view of the serious consequences of the alleged breaches, it was felt in the public interest to prosecute.

5. How does Barnet council propose to implement its duty of care towards its vulnerable residents who need care homes in light of this “incident” and the “incident” of the Legionella bacteria found in the water resources of care homes managed by the same Fremantle not long ago?

All providers of care homes who employ staff have duties under the Health and Safety at Work etc. Act 1974. By both working with operators and in appropriate circumstances taking enforcement action in the event of failings, the importance of compliance with such legislation is highlighted to ensure that it is given a high priority and best practice is followed. In particular, there is guidance and advice on compliance with health and safety legislation for care home providers on the HSE website.

Regarding Legionella, the new service provider will be required to ensure the safety of those who use the buildings in respect of Legionnaire’s Disease by complying with The Approved Code of Practice and Guidance L8 (Legionnaire’s Disease – The Control of Legionella Bacteria in Water Systems) as published on behalf of the HSE .

The local authority as a commissioner of care has a comprehensive approach to quality assurance in care homes as part of its contracting mechanisms. These were described in a report to Safeguarding Overview and Scrutiny Committee in July 2012. The local authority includes safeguarding standards in its contracts, undertakes performance and contract monitoring with its providers, reviews CQC inspection reports, carries out regular information sharing with CQC and about concerns and has a process for suspending placements in homes if there are serious quality concerns. The council has recently established a new Quality in Care homes teams which will do improvement work and provide support for all care homes in the borough. Jointly with Barnet CCG, the council has established an integrated project working with care homes to improve the quality of care provided in care homes.

6. Were there any casualties caused by the Legionella “incident”? Was any resident infected by Legionnaires’ Disease and if there were – did all survive it?

Answer: No resident contracted the disease.

7. What was the outcome of the Notice of Improvement served on Fremantle by LBB?

We believe this may refer to a Notice served by the Care Quality Commission in 2010 as the Council has not served the Notice referred to. We are informed by Fremantle that Notice was served by CQC requiring Fremantle to improve the quality of record keeping in respect of medication at one of its care homes. This was rectified; CQC then re-inspected and removed the Notice.

8. Whose responsibility is it to keep the H&S in Fremantle homes, or for that matter, in any outsourced social care facilities?

Health and safety responsibilities for organisations that employ staff or contractors are set out in the Health and Safety at Work etc. Act 1974 and associated regulations. The responsibilities relate to both staff and members of the public who use the service. The Fremantle Trust have responsibility for health and safety matters relating to its own organisation. The Council monitors a wide range of quality matters as part of its contracting arrangements which includes consideration of an organisation's management of health and safety.

9. Please explain to us how come you even consider renewing this outsourcing contract with an organisation who had proved in deeds more than once that it puts Barnet residents in a very real risk?

The current enforcement action relates to alleged historic failings in relation to health and safety. All organisations are expected to record accidents and health and safety issues to ensure that gaps in processes and possible improvements are identified to prevent similar incidents happening in the future. Review and monitoring of compliance by an organisation is an essential part of compliance with health and safety legislation. The Fremantle Trust reviewed its policies and procedures following the tragic death in 2011 and made changes to its systems as a result. In forming this recommendation, the council has undertaken due diligence of the actions Fremantle have taken in respect of health and safety following the incident, Fremantle's health and safety record, service quality, safeguarding and user/carer satisfaction in respect of Fremantle.

5. INITIATIVES TO CONTRIBUTE TO THE SAFER COMMUNITIES STRATEGY

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

RESOLVED

1. That the Committee approve the Outline Business Case for partnership initiatives to enhance delivery of the Safer Communities Strategy and that the four proposed initiatives are implemented.
2. That the Committee approve a budget of £118,300 from the One Barnet Transformation Reserve to implement the Community Coaches initiative.
3. That the Committee approve that implementation of each initiative be subject to approval of an implementation plan by the Safer Communities Partnership Board.

6. LOCAL AUTHORITY NEW BUILD PROGRAMME

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

RESOLVED

1. That the Committee approve an addition to the capital programme of £567,000 to build three new affordable homes for rent on the land at Alexandra Road, N10 shown edged in red on the plan in Appendix 1.
2. That the Committee agree that the land at Alexandra Road shown edged in red on the plan in Appendix 1 is no longer required for the purpose for which it is currently held and is appropriated for planning purposes to facilitate the building of the new homes in accordance with the planning permission.
3. That the Committee approve an addition to the capital programme of £7,093,000 to build a further 38 affordable homes on the 4 sites identified in Appendix 2.
4. That the Committee delegate authority to the Director of Place, in consultation with the Cabinet Member for Housing, to agree other schemes not named in 1.1 (iii) should any of the schemes fail and subject to the costs not exceeding £7,093,000 for the delivery of 38 homes.

7. FINAL OUTTURN AND PERFORMANCE REPORT

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

RESOLVED

1. That the 2012/13 performance report, revenue budget and capital outturn position be noted.
2. That the capital approvals and slippage of £20.168m as outlined in tables 9 and 10 be approved.
3. That Directors take appropriate action to improve performance against those corporate performance, Human Resources (HR), project and risk measures where Quarter 4 performance remains a challenge (Sections 9.3, 9.4, 9.10 and Appendix A).
4. That the earmarked reserves and provisions contained in table 7 be approved.
5. That provision for bad debt position contained in table 14 be approved.
6. That the final Special Parking Account, as set out in Appendix E, be noted.
7. That the Corporate Risk Register be noted in Appendix G.
8. That the Barnet Homes leaseholder contributions in table 13 be noted.
9. That the agency staff costs for the financial year 2012/13 in table 15 be noted.
10. That the proposed 2012/13 capital additions and deletions totalling £0.165m as set out in Appendix D and the related funding implications in 2012/13 as set out in table 11 be approved.

11. That the proposed 2013/14 capital additions totalling £2.446m as set out in Appendix D and the related funding implications in 2013/14 as set out in table 12 be approved.
12. That the following virements in 2013/14 and on-going be approved:
 - £0.305m is requested to move Electoral Registration from NSCSO to the Assurance Directorate. (Paragraph 9.15.1)
 - £0.360m is requested between Grants Awarded and Adults (Voluntary Organisations) in relation to the Barnet Community Advice Bureau contract. (Paragraph 9.15.1)
 - £0.328m is requested within Adults to transfer from non-employee costs to employee costs. There is a nil impact within the Adults Directorate. (Paragraph 9.15.1)
 - £0.086m is requested within Insurance in order to carry out a budget realignment following the restructure as set out in DPR No 1984 "People Changes for Commissioning Group". (Paragraph 9.15.1)
13. That the following debt write offs should be noted:
 - Housing debts of £0.493m and £0.303m for Housing Revenue Accounts and General Fund respectively have been written off by the Head of Customer Service and Head of Finance at Barnet Homes Ltd. (Paragraph 9.16.1)
 - Private Sector Tenancy Scheme's unrecoverable rent and deposits individually under £0.005m and totalling £1.738m have been written off under Delegated Powers (DPR ref 2060). (Paragraph 9.16.2) Special Parking Account debt write offs of £3.841m have been written off under Delegated Powers (DPR ref 2065). (Paragraph 9.16.3)
14. That the following inflation transfers from contingency for 2013/14 and on-going be approved (Paragraph 9.17.1):
 - £0.066m for DRS
 - £0.329 for NSCSO
15. That the spend of £7.183m on the contract with the One Barnet Implementation Partner (Agilisys / Impower) for the period up to the end of April 2013 be noted.
16. That the following transfers to and from the Transformation reserve be approved:
 - £1.734m from the Transformation Reserve to fund the additional expenditure on 'Wave 1' of the One Barnet Transformation Programme. (Paragraph 9.18.13)
 - £1.000m from the Health and Social Care Integration Project to the Transformation Reserve. (Paragraph 9.18.13)
17. That the re-allocation of £0.447m of One Barnet projected underspends to fund additional budget on the corporate restructure, community safety, Registration & Nationality Service Review, mortuary service review, and a One Barnet Wave 2 Contingency sum to be allocated by the One Barnet Programme Board during the life of the programme be approved. (Paragraph 9.18.13)
18. That the following transfer from the Risk reserve be approved:
 - £0.500m to fund the legal costs associated with resisting the Judicial Review legal challenge against the awarding of the NSCSO contract. (Paragraph 9.18.15)

- Approve reporting of equalities measures in 2013/14 (as set out in Appendix I).

8. EXTENSION OF CONTRACTS TO COVER THE TRANSITION PERIOD TO DRS, EXTENSION OF CONTRACTS/CONTINUATION OF STREETSCENE SERVICES UNTIL FORMALISED THROUGH PROCUREMENT AND A FORWARD PLAN OF PROCUREMENT ACTIVITY FOR STREETSCENE 2013/14

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

RESOLVED

1. That the Contract Procedure Rules relating to extensions and variations be waived to allow:
2. The regularisation and continuation of appointments for the consultants and legal advisors for the relevant regeneration schemes:

AECOM - Dollis Valley
 CBRE - Mill Hill
 CBRE - Brent X & Cricklewood
 CBRE - Dollis Valley
 DLA Piper
 Eversheds
 Paul McDermott
 Turner & Townsend
 Urban Practitioners
 Renassi
 Paul Winter & Co
 Nabarro

3. The continuation of arrangements for services to the Hendon Cemetery and crematorium as detailed in Appendix A, table 1, until transition to new DRS provider.
4. To authorise time extension for the contracts listed in Appendix B, Table 1, until superseded by new contract arrangements.
5. To authorise the continued use of the two contractors listed in Appendix B, Table 2 until superseded by contract.
6. To authorise the purchase of bespoke park and street furniture for the purpose of design continuity, until the agreements are formalised.
7. That approval be given for Officers to proceed with the Streetscene contract procurement activity for the 2013/14 financial year as set out in Appendix C of this report, subject to budget availability.

9. THE SALE OF THE COUNCIL'S FREEHOLD INTEREST IN THE FORMER HENDON FOOTBALL CLUB GROUND AND ADJOINING LAND AT CLAREMONT ROAD, HENDON NW2 1AE

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

RESOLVED

That the Committee takes into account the information contained in the public and the exempt reports, including the additional report, and authorises the sale of the Council's freehold interest in this site to Montclare Limited on the terms set out in the exempt report.

10. PROCUREMENT OF HIGHWAY WORKS THROUGH THE LONDON HIGHWAYS ALLIANCE CONTRACT

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

RESOLVED

The Committee delegate authority to The Director of Place to:

1. Adopt the Transport for London's (TfL) Highways Alliance Contract (LoHAC) as a method for delivering the highways maintenance services currently provided through the existing maintenance contracts, at the earliest opportunity.
2. Award a "call off" LoHAC contract with Conway AECOM for the highway maintenance services and activities listed in Appendix 3 of this report for a period up to 8 years, ending on 31 March 2021.
3. Consult with the Cabinet Member for Environment finalize the terms of the call off contract including all agreements, details of the contract, the contract Bond, Notices, Certificates, Letters and other documents.
4. Set up a dedicated contract team to coordinate all LoHAC works and provide a consistent approach to contract administration, performance management and training and ensure the expected efficiencies are delivered.
5. Terminate the current two highway maintenance contracts before their expiry on 31 March 2014, with effect from 31st December 2013.

11. CHILDREN'S SERVICE CONTRACT REGULARISATION AND PERMISSION TO SPEND ON CATERING GOODS AND SERVICES AND ON WORKFORCE DEVELOPMENT PROGRAMMES

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

RESOLVED

That the Committee:

1. authorise the extension of separate contracts with suppliers in categories A and B (identified in the table at 6.1.1 of the report) to allow sufficient time for procurement activity to be completed;

2. authorise waivers of Contract Procedure Rules to enable regularisation of contracts and extension of contracts for a second time, referred to at paragraph 1 above;
3. authorise two competitive tender exercises in 2013/14 for the provision of specialist coffee supplies and soups and smoothies to the values of £60,000 and £37,500 respectively over three years, from 1 December 2013, as outlined in category C and paragraphs 9.5 and 9.6 of the report;
4. authorise expenditure on a call-off contract from a Framework Agreement procured via ESPO for the provision of Kosher and Halal provisions for a period of two years from 1 October 2013 – 30 September 2015 with a further possible two year extension, as outlined in category C;
5. regularise and extend the use of call-off contracts from: (i) a Framework Agreement let by the LCSG for specialist frozen foods from 1 January 2013 – 31 December 2016, (ii) the ESPO Catering Disposables Framework Agreement from 1 October 2011 – 30 October 2015; and (iii) the ESPO Framework Agreement for catering equipment and cleaning materials from 1 April 2013 – 30 March 2015, as outlined in category D;
6. authorise expenditure and regularise existing arrangements on the purchase of a range of miscellaneous catering equipment for a period of up to two years from 1 April 2013 – 30 March 2015 as set out in category E;
7. authorise expenditure on and accept single source suppliers for a period up to two years from 1 April 2013 – 30 March 2015 as set out in category F;
8. authorise expenditure on learning and development from approved core budget allocation and central government grant funding streams as set out in table 6.1.2.

12. ARRANGEMENTS FOR THE PROVISION OF SEMI-INDEPENDENT ACCOMMODATION TO YOUNG PEOPLE

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

RESOLVED

That the Committee:

1. Waive Contract Procedure Rules to enable the contracts identified in section 6.10 of this report to be extended for a period of 8 months;
2. Authorise a further 6 month extension of the contracts identified in 6.10 from 1 April 2014 to 30 September 2014, if required, to enable sufficient time to develop suitable alternative arrangements;
3. Authorise that the Council enter into new contractual arrangements with three providers of semi-independent accommodation for a period of 8 months, with authorisation for a further 6 month extension from 1 April 2014 to 30 September 2014, if required, to enable sufficient time to develop suitable alternative arrangements;

4. Authorise that the Council procure a framework for accommodation for children in care and young people leaving care in 2013/14 financial year up to the value of £6,000,000;
5. Authorise that the Council enter into a new contractual arrangement with one provider of residential placements for children in care for a period of 3 years.

13. AWARD FOR CONTRACT: YOUNG PEOPLE DRUGS & ALCOHOL SERVICE

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

RESOLVED

That the Committee approve the award of the Young People's Drug and Alcohol contract to The Tavistock and Portman NHS Foundation Trust subject to the completion of all necessary legal and other documentation, for 33 months, commencing from 1 July 2013 to the value of £600,435.

14. WEST LONDON ALLIANCE FRAMEWORK FOR INDEPENDENT FOSTERING AGENCY (IFA) PLACEMENTS TO CHILDREN IN CARE

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

RESOLVED

That the Committee:

1. Accept and provide authority to call off the jointly commissioned West London Alliance framework for IFA placements, led by London Borough of Hillingdon, for a period of 4 years.
2. Authorise that London Borough of Barnet enter into an access agreement with London Borough of Hillingdon to enable this.
3. Authorise the variation of any relevant existing contracts needed to comply with the requirements of this framework.

15. CATALYST CONTRACT RENEGOTIATION - THE FUTURE ROLE OF FREMANTLE TRUST IN CARE PROVISION

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

RESOLVED:

1. That the proposal from The Fremantle Trust, dated 6 May 2013, in respect of the future operation of the residential and day care contract is accepted and in this regard that the Council:

- a) Enters in to a contract with The Fremantle Trust which reflects the content of their proposal. The contract to be for a minimum period of 10 years with an option to extend up to the termination of the leases on each care home.
- b) By mutual agreement with The Fremantle Trust terminates the novated care contract on the same date the new contract is entered into.
- c) Accepts the surrender of the existing sub-leases, previously granted to The Fremantle Trust, and enters into new sub-leases with The Fremantle Trust, the terms of the new sub-leases to include a term requiring the Fremantle Trust to comply with repairing obligations which have been imposed upon the Council pursuant to the headlease between Catalyst and the Council.
- d) Works with The Fremantle Trust and current day care service users to facilitate the development of a range of services which meet the needs of those users.
- e) Makes provision within the revised contract to enable other service developments to be progressed to meet the changing needs of users and the Council.

16. DEMENTIA CAFÉ- REPORT OF WAIVER

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

RESOLVED

That the Committee note the action of the Adults and Communities, Director under Delegated Powers, to waive Contract Procedure Rule 6 and Table 6-1 (pursuant to Contract Procedure Rules 5.7 and 5.8) with respect to the requirement for two (2) quotations to be returned and to award a contract to the Alzheimer's Society (Barnet & Haringey) to operate a dementia café and peer support service.

17. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

18. INTERIM MEASURE FOR CONTINUATION OF CRITICAL SERVICES

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

RESOLVED

That the Committee authorise a waiver of the Contract Procedure Rules and approve the Council entering into an interim contract with Capita up to a value of £14.7m to secure the business critical activities detailed in Section 9 of the report in order that the Council can continue to provide effective services. The arrangement will be in place until 31st January 2014 or until the outcome of the appeal is known when the interim contract will either be replaced by the full NSCSO contract with Capita or a review carried out to ascertain future options will be undertaken.

19. INFORMATION SYSTEMS CONTRACT EXTENSIONS

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

RESOLVED

That the Committee approve the extensions to the existing contracts as identified in Appendix A, valued at cost £2,125,264.

20. 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 Paragraph 9 of part 1 of Schedule 12A of the Act (as amended).

21. LOCAL AUTHORITY NEW BUILD PROGRAMME

RESOLVED

That the exempt information set out that relates to the item for consideration at the meeting in public session be noted.

22. THE SALE OF THE COUNCIL'S FREEHOLD INTEREST IN THE FORMER HENDON FOOTBALL CLUB GROUND AND ADJOINING LAND AT CLAREMONT ROAD, HENDON NW2 1AE

RESOLVED

That the exempt information, including the addendum in supplementary papers, set out that relates to the item for consideration at the meeting in public session be noted.

23. PROCUREMENT OF HIGHWAY WORKS THROUGH THE LONDON HIGHWAYS ALLIANCE CONTRACT

RESOLVED

That the exempt information set out that relates to the item for consideration at the meeting in public session be noted.

24. AWARD FOR CONTRACT: YOUNG PEOPLE DRUGS & ALCOHOL SERVICE

RESOLVED

That the exempt information set out that relates to the item for consideration at the meeting in public session be noted.

25. CATALYST CONTRACT RENEGOTIATION- THE FUTURE ROLE OF FREMANTLE TRUST IN CARE PROVISION

RESOLVED

That the exempt information set out that relates to the item for consideration at the meeting in public session be noted.

26. ANY OTHER EXEMPT ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

27. INTERIM MEASURE FOR CONTINUATION OF CRITICAL SERVICES

RESOLVED

That the exempt information set out that relates to the item for consideration at the meeting in public session be noted.

28. INFORMATION SYSTEMS CONTRACT EXTENSIONS - EXEMPT

RESOLVED

That the exempt information set out that relates to the item for consideration at the meeting in public session be noted.

The meeting finished at 9.57 pm