

## **Monthly Table List of Actions Taken Under Summary DPRs – March 2018**

This notice gives detail of decisions taken within the organisation in accordance with the London Borough of Barnet's Scheme of Delegation.

The decisions documented below are taken within the powers that the Council has delegated to Senior Officers. These decision makers are responsible for ensuring decisions are compliant with the decision making framework of the organisation which includes the Council's Constitution, the Officer Scheme of Delegation, and budget and policy framework, as well as compliance with all relevant Legal considerations.

### **Adults & Communities**

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<b>TITLE</b>	<b>DATE OF DECISION</b>	<b>DECISION TAKER</b>	<b>SUMMARY OF DECISION</b>
Contract Monitoring Officer	21/02/2018	James Mass – Assistant Director, Adult Social Care	Creation of 1 x Contract monitoring officer post – 12 months fixed term
Procurement of a Deputy and Appointeeship Case Management System	22/02/2018	James Mass – Assistant Director, Adult Social Care	Award a three-year contract for the replacement of current Deputy and Appointeeship case management system that is no longer supported

Novation of Contract	02/03/2018	Adults and Communities Director	Following the acquisition of the Ark Home Healthcare service, by MiHomecare, the Council requires that a contract novation be agreed in order that it can continue to purchase services from the provider.
Project Officer	21/02/2018	James Mass	Creation of 1 x project support role to support a suite of projects focused on improved health care support to care homes. The role will be funded by the CCG
Approval of extension and variation of contract for two years to Middlesex Association for the Blind for provision of Low Level Support for People with Visual Impairments.	28/02/2018	Strategic Director of Adults, Communities & Health	Approval of extension and variation of contract for two years to Middlesex Association for the Blind for provision of Low Level Support for People with Visual Impairments.

**Deputy Chief Executive**

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TITLE	DATE OF DECISION	DECISION TAKER	SUMMARY OF DECISION
Authority to Execute and seal the Grahame Park (plot 10) appointment of independent Certifiers	15/2/18	<b>Deputy Chief Executive</b>	Authority to Execute and seal the Grahame Park (plot 10) appointment of independent Certifiers

TITLE	DATE OF DECISION	DECISION TAKER	SUMMARY OF DECISION
<b>Redevelopment at Stonegrove and Spur Road Estates Regeneration Scheme, Zones 5a 7 &amp; 8, Edgware, HA8. Stopping up of Highway under Section 247 of the Town and Country Planning Act 1990</b>	12/01/18	Strategic Director for Environment	<p>That the Council make an Order for the Stopping up of highway land at/adjacent to the Stonegrove and Spur Road Estate - Zones 5a, 7 and 8, Edgware, HA8 as per attached drawings nos. 1203/02/84, 1203/02/44, 1203/02/45 and 1203/02/46 and respective schedules (or any subsequent revisions approved by the Traffic and Development Section, Development and Regulatory Services), pursuant to Section 247 of the Town and Country Planning Act 1990.</p> <p>In the event that there is no opposition to the Notice of the making of the Order, to confirm the order.</p> <p>In the event that the proposal for the making of the Order is opposed, to notify the Mayor of London of the objection and to hold a public inquiry, if appropriate.</p> <p>To seek recovery of legal and other fees including advertising costs from the developer/developer's agent.</p>
<b>Redevelopment of site at 5 Grenville Place NW7 3AZ – Proposed Agreement under Sections 38 and 278 of the Highways Act 1980</b>	05/02/18	Strategic Director for Environment	<ul style="list-style-type: none"> <li>• That the Council enters into an agreement under Sections 38/278 of the Highways Act 1980 together with the Developer, Trafalgar House LLP, to carry out highway works under the Council's supervision and in accordance with approved drawings (or any subsequent revision approved by the Traffic and Development Section, Development and Regulatory Services) associated with those works.</li> <li>• That, the necessary Traffic Management Order(s) are processed as shown on drawing no 13-244-803 Rev G (or any subsequent revision approved by the Traffic and Development Section, Development and Regulatory Services) subject to i) agreement</li> </ul>

TITLE	DATE OF DECISION	DECISION TAKER	SUMMARY OF DECISION
			with the Traffic and Development Section, Development and Regulatory Services ii) Public Consultation.
<b>Redevelopment of site at 112-132 Cricklewood NW2 2DP – Proposed Agreement under Section 278 of the Highways Act 1980</b>	12/02/18	Strategic Director for Environment	<ul style="list-style-type: none"> <li>• That the Council enters into an agreement under Section 278 of the Highways Act 1980 together with the Developer, Fairview Homes, to carry out highway works under the Council's supervision and in accordance with approved drawings (or any subsequent revision approved by the Traffic and Development Section, Development and Regulatory Services) associated with those works.</li> <li>• That, the necessary Traffic Management Order(s) are processed as shown on drawing no FNH-415-28.3.3 Rev A (or any subsequent revision approved by the Traffic and Development Section, Development and Regulatory Services) subject to Public Consultation.</li> </ul>

## **Delivery Unit: Commissioning Group**

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TITLE	DATE OF DECISION	DECISION TAKER	SUMMARY OF DECISION
Procurement of information governance case management system, iCasework, under Single Tender Action	25/05/2017	Director of Resources	<p><b>Summary of decision</b></p> <p>Procure a new contract with iCasework under single tender action for provision of an externally hosted case management system for requests made under information legislation such as Freedom of Information (FOI), Environmental Information Regulations (EIR) and Data Protection (DP), to a contract value of £75,000. A monetary value has been chosen as annual fees vary slightly, but this is likely to represent a five year term.</p> <p>The case management system allows the council to process requests, monitor performance and quality, and assure the council of its compliance with statutory timescales. System continuity during a period of significant alternative priorities is the best course of action to continue to deliver a high level of compliance in the face of legislative requirements, corporate commitments and strong public scrutiny in Barnet.</p> <p>The council's procurement team and the Director of Commercial have agreed that a single tender action is permissible and appropriate in this circumstance.</p> <p><b>Relevant previous decision(s)</b></p> <p>DPR 1449 (07 December 2011) Replacement of the Freedom of Information System.</p>

		<p>Permission for procurement has been given through the Annual Procurement Forward Plan 2017/18.</p> <p><b>Corporate priorities and policy considerations</b></p> <p>iCasework is a vital tool for promoting the council's ambitious transparency agenda as well as measuring the impact of the interrelationship between FOI and Transparency.</p> <p>As local government elections for Barnet's full council are due in May 2018, we expect increased public scrutiny of council processes and decisions. Barnet residents have shown themselves well-versed in using information rights legislation and Barnet receives one of the highest rates of requests in London (based on benchmarking exercises).</p> <p>The council's Way We Work (TW3) programme will be a period of great change for all retained and partner staff to completely change the way people work. O365, new electronic document management systems and office moves will already affect staff greatly. These changes are also likely to have an impact on the level of scrutiny and the level of information governance work, as has been shown from other recent projects, such as Brent Cross development and library transformation.</p> <p><b>Risk management issues</b></p> <p>Lack of a suitable case management system leaves the council unable to effectively manage requests made under information legislation.</p> <p>Internal audits in 2009 (Data Protection) and 2011 (Freedom of Information) raised risks that the council may have been persistently breaching legislation and failing to properly confirm</p>
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		<p>that requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, through lack of a competent system to manage such requests.</p> <p>The case management system and its reporting capabilities have been intrinsic to the council considerably improving its performance and compliance with statutory deadlines.</p> <p>Whilst iCasework is used more for FOI/EIR than DP, all the officers in the Information Management Team (IMT) and often the Link Officers across the council, carry out data protection work as well as FOI/EIR requests. During such a considerable period of change for DP with the introduction of new legislation in May 2018, it would be more effective for the council to continue with a system shown to help us achieve high performance in FOI/EIR, than require staff across the council and partners to learn a new system at the same time as new legislation.</p> <p>The General Data Protection Regulation (GDPR) is the biggest change in data protection legislation in 20 years. IMT will be focussing significant attention on preparing the council to be compliant with the GDPR when it comes into force in May 2018. The resource required to implement a new case management system during this same period could not be covered by current staffing levels (already affected by the corporate recruitment freeze) and would require additional staffing support, either through consultants or fixed term staff members.</p> <p>It should also be noted that the GDPR reduces the permissible timescale for handling a particular type of request, and we need to focus attention on gradually reducing time spent so that we</p>
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		<p>are closer to being compliant with the new legislation by May 2018. It would be difficult to do this at the same time as changing the case management system.</p> <p><b>Use of resources implications;</b></p> <p>The current system delivers the required service to the council at reasonable cost on a user licence basis.</p> <p>The system has been integrated into the council's website and open data portal. The online FOI disclosure log and additional web integration are central to both our FOI and transparency work. Both initially and following the most recent website redesign, considerable work from IMT, the web team and suppliers was involved in ensuring integration. Transparency, a published disclosure log through iCasework and FOI/EIR website integration are key ways we achieve legislative compliance.</p> <p>We have implemented bespoke system changes and resultant reports, including recent further customisation to reporting and templates within the system. Not only would this work be wasted following a system change, officer time will be required to not only make customisation changes to a new system, but to learn the administration requirements of a new system in order to carry out customisation. Otherwise necessary customisation will require external resource. Performance reporting will likely be interrupted by any changeover</p> <p>As noted under risks, significant resource is already required to ensure the council is compliant with new DP legislation coming in 2018. To undertake a system change, system integration and training during this period would require external specialist resource at an additional cost to the council.</p>
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		<p><b>Legal issues;</b> Lack of a case management system, or change in system puts the council at risk of breaching its obligations under information legislation. The council has previously been formally monitored for FOI performance by the regulatory body, the Information Commissioner's Office (ICO). Any change in system during a period of significant alternative priorities would naturally lead to lowering performance, which would put the council at risk of further, public monitoring by the ICO.</p> <p>This impact is also a risk for the council being able to meet reduced statutory timescales under the requirements of the new data protection legislation coming into force in May 2018.</p> <p>Procuring would allow the council to establish a contract under the current council constitution (the previous contract having been let under the Cabinet system).</p> <p><b>Constitutional powers / delegated power being exercised;</b> The decision outlined in this report is to be made by the Director of Resources as the council officer designated by the approved scheme of delegation.</p> <p><b>Background information</b> In 2010 the council began looking for a case management system for handling requests under information rights legislation, following recommendations from internal audits reviewing the council's poor performance and lack of management and oversight of requests. The procurement route was three competitive bids, with a supplier agreed in 2011 under DPR and a 5 year contract beginning Jan 2012.</p>
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			<p>The system is externally hosted and used by the Information Management Team (IMT) and Link Officers (LOs) across the council. Annual cost is based on number of licensed users only. Previous years have cost £11-12k, and we are looking to likely increase the number of licences shortly in order to streamline processes.</p> <p>Permission for procurement has been given through the Annual Procurement Forward Plan 2017/18.</p>
Brent Cross Cricklewood Regeneration Scheme -	14 February 2018	Cath Shaw, Deputy Chief Executive	<p><b>Decision</b>  To enter into Deed of Variation of a Grant of Option dated 3 March 2017 between (1) London Borough of Barnet (2) Standard Life Investments Brent Cross LP and (3) Hammerson (Brent Cross) Limited ("Deed of Variation")</p> <p><b>Background</b>  On 3 March 2015 London Borough of Barnet granted an option to Standard Life Investments Brent Cross LP and Hammerson (Brent Cross) Limited relating to the Brent Cross Shopping Centre and adjoining land. The option period expires on 15 February 2018. The parties have agreed to extend the end date of the option period to 15 March 2018 by entering into the Deed of Variation.  The extension to the end date is proposed to allow the documentation to be finalised and final approvals and coordination of signatories.</p>
Aerial Survey (Thermal Imaging) contract	26 <sup>th</sup> February 2018	Deputy Chief Executive	<p><b>Decision</b>  To provide authority to go out to tender and to award a contract to Bluesky International Ltd (Bluesky) as a single tender award for the acquisition and processing of Thermal Imaging Survey</p>

		<p>services over the London Borough of Barnet via an aerial survey.</p> <p><b><u>Background</u></b></p> <p>Like other boroughs Barnet has an on-going issue with structures in gardens being used as accommodation. Whilst this is often done legally in compliance with Planning and Housing legislation, there are also a high number of illegal conversions. They are essentially converted garages, or outbuildings, which often lack adequate thermal insulation, sanitation and other necessary facilities. It is not uncommon for such illegal structures to be linked to an HMO as the main residence.</p> <p>Unfortunately the extent of the problem in the borough is still unknown and issues are dealt with generally on a reactive basis when neighbours complain. Most Enforcement Officers can identify areas where they are more likely but informal access is often refused and without evidence of the specific issue enforcement action is often impossible. This leaves neighbours frustrated and is potentially damaging to Barnet's reputation as residents are left feeling that the Council doesn't take sufficient action against unlawful developments. In addition vulnerable persons are likely to be occupying structures such as this as they may be more affordable. Such occupiers are unlikely to complain leaving them at risk.</p> <p>This problem will not go away. The financial gain from creating additional dwellings in this way is too great and this option will continue to be chosen by unscrupulous landlords if these unlawful structures are allowed to remain.</p>
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		<p>A survey is urgently required in Barnet. As the thermal heat survey is most effective at this time of year there is a time constraint.</p> <p><b><u>Proposal</u></b></p> <p>Blue Sky International have been used by several Authorities to provide an aerial survey. An aerial survey employs state of the art LIDAR technology which not only identifies unlawful dwellings both attached and detached from the main dwelling, it also indicates those in use via thermal imaging and provides a base line of data with which future surveys can be compared.</p> <p>The data provided from that survey is presented as a number of layered maps which identifies what should be there, what is actually there and its size, the topography of the land and buildings and the heat profiles.</p> <p>From this it is possible to identify properties that had been built:</p> <ul style="list-style-type: none"><li>• without the benefit of planning permission and building regulation approval,</li><li>• those that are of a sufficient size to have the potential to be used for residential accommodation and</li><li>• those which had a heat profile suggesting they are in use.</li></ul> <p>This data can be mapped against existing data sets (Uniform, Council Tax, electoral register, postal data etc) to be further refined.</p> <p>The authorities who have used this have found it an extremely</p>
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		<p>useful investigative tool.</p> <p>The intelligence that such an exercise could bring would support the work of:</p> <ul style="list-style-type: none"><li>• The Planning Enforcement Team in Re- to identify illegal structures</li><li>• The Environmental Health Department in Re- to assist the identification of poor accommodation</li><li>• The Police are also interested in regards to them utilising this data, to work with LBB to deal with premises that are being used as accommodation, premises that shouldn't even exist, land vulnerable to traveller encampments and squatters/raves and cross referencing any findings with the SARs (Suspicious Activity Reports) database from Financial Organisations.</li></ul> <p>This is a very niche area and this particular contractor is available to meet the deadline. They are also local (within the south east of England).</p> <p>A quote has been obtained for the survey for £24,975 (+VAT). The exact completion timescales and date would be weather dependant.</p> <p>The Contract Procedure Rules 9.1 require the Commercial Director to agree a Single Tender Action. The Commercial Director has been advised by Procurement and Legal that a Single Tender Action is appropriate. The service is urgently required and the market limited.</p>
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