

**MINUTES OF THE MEETING OF THE CABINET
HELD ON WEDNESDAY, 11 FEBRUARY 2009**

COUNCILLORS

PRESENT Michael Rye (Leader), Michael Lavender (Deputy Leader of the Council/Sustainable Communities & Employment & Place Shaping), Ertan Hurer (Finance & Resources), Jon Kaye (Leisure, Culture, Olympics 2012 & Voluntary Sector), Matthew Laban (Housing & Community Safety), Terence Neville OBE JP (Environment and Street Scene), Edward Smith (Adult Social Services), Glynis Vince (Education & Children's Services) and Ann Zinkin (Customer Focus, Communications and Corporate Improvement)

OFFICERS: Rob Leak (Chief Executive), Ian Davis (Director of Environment and Street Scene), Ray James (Director of Health and Adult Social Care), James Rolfe (Director of Finance and Corporate Resources), Asmat Hussain (Legal Services Manager), Neil Rousell (Joint Acting Director of Education, Children's Services and Leisure), Marie Fallon (Interim Director of Place Shaping and Enterprise), Sue Foster (Director of Place Shaping and Enterprise), Darren Welsh (Assistant Director - Housing Strategic Services) and Suzanne Linsey (Press Officer) Jacqui Hurst (Secretary)

Also Attending: Councillor Achilleas Georgiou
Brendan Wells – Director of Property and Technical Services – Enfield Homes
Alison Short and Heather McNabb – representatives of Eversheds

**1
APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2
DECLARATION OF INTERESTS**

Councillor Edward Smith (Cabinet Member for Adult Social Services) declared a personal interest in Report Nos.188 and 189 – Stock Investment Programme – Procurement of Major Works Constructor Partner, in his capacity as a Director of Enfield Homes.

3

URGENT ITEMS

NOTED that the reports listed on the agenda had been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002, with the exception of Report No.188 – Stock Investment Programme – Procurement of Major Works Constructor Partner (consideration of this report was deferred to a future Cabinet meeting – Minute No.10 below refers). These requirements state that agendas and reports should be circulated at least 5 clear days in advance of meetings.

4

DEPUTATIONS AND PETITIONS

NOTED that there were no deputations (with or without petitions) to be received by the Cabinet at this meeting.

5

MEDIUM TERM FINANCIAL PLAN (GENERAL FUND) AND 2009/10 BUDGET

Councillor Ertan Hurer (Cabinet Member for Finance and Resources) introduced the report of the Director of Finance and Corporate Resources (No.183) providing information on the outcome of the recent budget consultation process; an update on the local government financial settlement announced in February 2008; a summary of the Council's Medium Term Financial Plan over the next five years; proposals regarding the level of the 2009/10 Council Tax; the Council's revenue budget requirement for 2009/10; and, the Council Tax to be levied for the year ahead for each property band, including the Greater London Authority precept for 2009/10.

Councillor Hurer expressed his thanks to James Rolfe (Director of Finance and Corporate Resources), Hitesh Jolapara (Assistant Director of Finance and Corporate Resources) and other finance officers for their considerable work in relation to the Council's proposed Medium term Financial Plan (General Fund) and 2009/10 budget.

NOTED

1. that the attention of Members was drawn to the comments in paragraph 10.5 of the report regarding S106 of the Local Government Finance Act 1992 which required any Member who is two months or more in arrears of their Council Tax to declare their position and not to vote on any issue that could affect the calculation of the budget or Council Tax;
2. Councillor Hurer drew Members' attention to a number of issues set out in the report including: the proposed level of increase in Council Tax compared favourably with other Outer London Boroughs; the on-

CABINET - 11.2.2009

going savings which were required and the achievements so far in terms of increased efficiency; the budget consultation which had been undertaken as set out in section 4 of the report; the budget overview (section 5 of the report) and the damping mechanism of the Government's formula funding which resulted in Enfield continuing to lose a growing proportion of its grant entitlement in order to provide grant protection for other authorities; the Dedicated Schools' Grant for Enfield (section 5 of the report), the increase in funding for Enfield schools was lower than the national and London averages.

Members noted the overview of the revenue budget proposals as set out in section 7 of the report. The proposed areas for increased investment were highlighted including additions to the Capital Programme. The withdrawal of the Planning Delivery Grant (paragraph 8.25 of the report) was highlighted as was the proposed additional funding for Waste Services (paragraph 8.28 of the report referred). The proposed expenditure on the community toilets scheme was noted, which was in response to concerns previously expressed by residents in the Borough. Section 10 of the report set out the Summary of the Budget Proposals and the Impact on Council Tax. The effects of the recession on the Borough and the reduction in the level of interest rates were addressed within the report. The Council's LEANER programme was highlighted, section 12 of the report referred.

Councillor Hurer concluded by drawing Members' attention to the proposed increases in expenditure (Appendix 4 of the report); the use of earmarked reserves (Appendix 14 of the report); and, Enfield's initiatives to alleviate some of the effects of the recession (Appendix 15 of the report).

3. Councillor Michael Rye (Leader of the Council) highlighted the prudent management of the Council's finances and that the increase in Council Tax for Enfield in recent years had compared favourably to other Outer London Boroughs. Investments were being made and good quality services maintained.

Councillor Rye (Leader of the Council) proposed, seconded by Councillor Lavender (Deputy Leader of the Council), that a further reduction in the recommended increase in Council Tax to 2.48% rather than 2.8% as set out in the report, be agreed. The amendment was supported by Cabinet Members. Decision 1 (iii) below refers and reflects the agreed amendment to the recommended increase in Council Tax;

4. individual Cabinet Members were invited to comment on the budget proposals and a number of issues were highlighted which included: the additional funding for Youth Services; the investment in waste services and the benefits to residents of the Borough; that the existing budget for Health and Adult Social Care was £142m and the proposal to maintain front-line services and provide support to clients with

CABINET - 11.2.2009

substantial or critical levels of need (section 8 of the report referred); the free swimming programme for children and older people and the work to be undertaken on the Council's Leisure Centres; the impact of the Pension Fund commitments on the Council's budget; the detrimental effects the Government's "damping mechanism"; and, the benefits of the proposed scheme for the introduction of wheelie bins in the Borough;

5. that there was an error in the report which stated a reduction in the capital highways programme, this would be amended for the report being presented to full Council.

Alternative Options Considered: NOTED that the Council had an extensive budget planning and consultation process during which a wide range of options were considered in detail before recommendations were made. Issues raised and discussed had greatly contributed to the report.

RECOMMENDED TO THE COUNCIL

1. with regard to the revenue budget for 2009/10

- (i) the net budget requirement for Enfield be set at 238.515m in 2009/10;
- (ii) subject to final pupil count data, approval be given to expenditure of £216.651m on the schools' budget, funded from the Dedicated Schools' Grant;
- (iii) the Council Tax at Band D for Enfield's services be set at £1,100.34 (paragraph 10.1 of the report referred, as amended at the meeting), an increase of 2.48%;
- (iv) the statutory calculations and resolutions set out in Appendix 7 of the report be approved (to be considered at 25 February Council meeting);
- (v) it be noted that the recommended budget adequately funds the Council's financial obligations relating to the achievement of Local Area Agreement targets.

2. with regard to the Prudential Code and the Capital Programme

- (i) the information regarding the requirements of the Prudential Code (Section 11 of the report referred) be noted;
- (ii) the proposals for allocating resources to capital projects as set out in paragraph 11.28 and Appendix 10 of the report be agreed;
- (iii) the recommendations regarding the additions to the capital programme, as set out in Appendix 10 of the report, be agreed;
- (iv) the Prudential Indicators, the Treasury Management Strategy, the Minimum Revenue Position statement and the criteria for investments, as set out in section 11 and Appendix 9 of the report, be agreed.

3. **with regard to the ICT Work programme**

that the recommendations regarding additions to the ICT work programme as set out in section 9 and Appendix 12 of the report be agreed.

4. **with regard to the Medium Term Financial Plan**

- (i) to note that the forecast for the medium term as set out in section 12 of the report and that efficiency and other savings of £6.5m on average per annum would need to be found over the period 2010/11 to 2013/14;
- (ii) to adopt the Fees and Charges Strategy set out in Appendix 17 of the report when setting the level of future charges for services.

5. **with regard to the robustness of the 2009/10 budget and the adequacy of the Council's reserves and balances**

- (i) to note the risks and uncertainties inherent in the 2009/10 budget and the Medium Term Financial Plan (section 13 of the report refers);
- (ii) to note the comments of the Director of Finance and Corporate Resources regarding the recommended levels of contingencies, balances and reserves (section 14 of the report refers) and has regard to the Director's statement (section 17 of the report refers) when making final decisions on the 2009/10 budget;
- (iii) to agree the recommended levels of central contingency (paragraph 14.10 of the report refers) and general balances (paragraph 14.13 of the report refers);
- (iv) to agree the reallocation of the special earmarked reserves set out in paragraph 14.14 of the report.

Reason: To provide Cabinet with information regarding the 2009/10 Budget, Council Tax, Revised Capital Programme and the Prudential Indicators, and the ICT work programme on which the final budget recommendations to Council would be based.

(Key decision – reference number 2759)

**6
HOUSING REVENUE ACCOUNT ESTIMATES 2009/2010 AND MEDIUM
TERM FINANCIAL PLAN (RENT SETTING - HRA)**

Councillor Matthew Laban (Cabinet Member for Housing and Community Safety) introduced the report of the Interim Director of Place Shaping and Enterprise and Director of Finance and Corporate Resources (No.184) presenting for approval the detailed revenue estimates of the Housing

CABINET - 11.2.2009

Revenue Account (HRA) for 2009/10 following consultation with residents on the HRA budget position.

NOTED

1. that the level of rent increases was determined by Government guidelines as detailed in the report; Appendix 4 to the report set out examples of the rents likely to be charged for specific properties;
2. that under the current system additional rent raised was in effect paid to the Government through the subsidy mechanism. This payment had increased from £8.3m in 2008/09 to an estimated £10.1m in 2009/10;
3. the proposals for garage rents as detailed in the report;
4. the management fee to be payable to Enfield Homes and the funding arrangements to meet the Decent Homes programme;
5. Members' concern at the level of rent increases determined by the Government and the effects on Council tenants particularly during the period of the current recession.

Alternative Options Considered: NOTED that two alternatives had been considered, these were not increasing rents in line with the Government guideline and increasing rents above the guideline. Both these were discounted. If rents were not increased this would mean significant loss of income and could only be met from balances or form a reduction in services. To increase rents above the guideline was also discounted because this would increase the already significant rent increase proposed by the government.

RECOMMENDED TO THE COUNCIL

1. that the detailed revenue estimates of the Housing Revenue Account for 2009/10 be approved and the forecast for the medium term be noted (as detailed in table 1 of the report);
2. that the formula rents be increased by 6.2% in line with Government guidance. This would result in an average increase of 5.74% for Enfield tenants;
3. the level of service charges as set out in paragraph 13.2 of the report for those properties receiving the services be agreed for 2009/10;
4. that the proposals for increases in other income as detailed in Appendices 2 and 3 of the report be agreed for 2009/10.

Reason: In view of the implications of the alternatives mentioned in paragraph 14 of the report, it was recommended to increase rents and service

charges in line with Government guidance in order to maximise income and maintain service levels.

(Key decision – reference number 2765)

7

THE FUTURE OF THE LEISURE FACILITIES

Councillor Jon Kaye (Cabinet Member for Leisure, Culture, Olympics 2012 and Voluntary Sector) introduced the report of the Acting Director of Education, Children's Services and Leisure (No.185) proposing a way forward for the built leisure facilities in the Borough.

NOTED

1. the background to the proposals and the preferred way forward as set out in the report. Members supported the proposal to procure an operator, the Council could not afford to meet the staffing costs of bringing the operation of the leisure facilities back in house;
2. the proposal for the previously established Scrutiny Commission to look at the liquidation of the Leisure Trust (decision 2 below refers). The proposal had originally been raised by Councillor Michael Lavender. Members noted that it would be for the Scrutiny Commission to determine how and when the review was undertaken but it was hoped that the work would commence as soon as possible, prior to the procurement process, and be completed by the end of the year.

Alternative Options Considered: NOTED that there were a number of alternatives considered in exploring options for the future of leisure facilities these included the in house option and the option for going to the market. Other options include linking up with other Councils and setting up a stand alone trust and a hybrid option of trust run at arms length. The market for leisure operators running council facilities has matured over the last decade and this option would seem to allow the council the best opportunity for developing its service to residents. The alternatives had been discounted due to the legal advice referred to above, increased costs and the timescale required to deliver a solution.

DECISION: The Cabinet agreed

1. that approval be sought for the procurement of an operator (Option B in the report) and that officers be tasked with procuring an operator for the leisure facilities in Enfield during 2009 and the early part of 2010 bringing a further report to Cabinet to approve the final specification and selected operator before March 2010;
2. that the Scrutiny Commission to look at the liquidation of the Leisure Trust proposed in the opposition business at the Council meeting in March 2007 should take place as soon as possible (noted 2 above refers).

Reason: This option allows the Council to draft its own specification and discuss options with a number of service providers making the most of the value for money that can be gained by using the “Competitive Dialogue” procurement procedure. It would allow the Council to explore options for developing its services and securing inward investment.

(Key decision – reference number 2780)

8

PROVIDING HIGH QUALITY SERVICES TO ALL OUR CUSTOMERS - ENFIELD COUNCIL'S EQUALITY AND DIVERSITY ANNUAL REPORT 2008

Councillor Jon Kaye (Cabinet Member for Leisure, Culture, Olympics 2012 and Voluntary Sector) introduced the report of the Director of Finance and Corporate Resources (No.186) informing Members of the publication of Enfield’s Equality and Diversity Annual Report 2008, which demonstrates the progress that had been made in order to ensure that the Council meets the three general duties under equalities legislation.

NOTED the publication of the Annual Report. Copies of the report would be posted on the Enfield Council website and Enfield Eye, and would be publicised within the Council, to local voluntary and community sector organisations, and other local public agencies.

Alternative Options Considered: NOTED that the publication of an annual report on equality actions was a statutory requirement. Therefore no other options had been considered.

Reason: The publication of the Annual Report demonstrated the progress that had been made in order to ensure that the Council met the three general duties under equalities legislation, and at the same time ensures that the Council provides high quality services for all its customers.

(Non-key)

9

PERFORMANCE REWARD GRANT ALLOCATION TO ENFIELD STRATEGIC PARTNERSHIP

Councillor Michael Rye (Leader of the Council) introduced the report of the Chief Executive (No.187) seeking approval to the allocation of the Performance Reward Grant from the Department of Communities and Local Government to the Enfield Strategic Partnership in order to support the commissioning of new projects to help achieve the targets in the Council’s new Local Area Agreement “Building Futures Changing Lives”.

NOTED an amendment to paragraph 5.3 of the report with the deletion of “Enfield Council’s Chief Executive” and replacement by “the Leader of the Council”.

Alternative Options Considered: NOTED that the current arrangements could be continued where the partnership made the decisions, which were then endorsed through the Council's democratic process. This was not recommended as the process was time consuming and led to unnecessary delays in implementing decisions.

DECISION: The Cabinet agreed to allocate the Performance Reward Grant received by the Council to the Enfield Strategic Partnership within the processes set out in the report, subject to the amendment detailed above.

Reason: To speed up the decision making process and show the Council's commitment to partnership working.

(Key decision – reference number 2811)

10

STOCK INVESTMENT PROGRAMME - PROCUREMENT OF MAJOR WORKS CONSTRUCTOR PARTNER

Councillor Matthew Laban (Cabinet Member for Housing and Community Safety) introduced the report of the Director of Place Shaping and Enterprise (No.188) seeking approval to enter into a contract for the purpose of delivering a four-year contract to support the stock investment and decent homes works programme to the Council housing stock.

NOTED that Report No.189 as detailed in Minute No.21 below also referred.

Following discussion of both Report No.188 and Report No.189 Members agreed that consideration of the reports should be deferred to the next Cabinet meeting.

(Key decision – reference number 2729)

11

ISSUES ARISING FROM THE OVERVIEW AND SCRUTINY COMMITTEE/SCRUTINY PANELS

NOTED that no items had been received for consideration at this meeting.

12

ITEMS TO BE REFERRED TO THE COUNCIL

AGREED that the following items be referred to the Council:

1. Report No.183 – Medium Term Financial Plan (General Fund) and 2009/10 Budget
2. Report No.184 – Housing Revenue Account Estimates 2009/10 and Medium Term Financial Plan (Rent Setting – HRA)

13

CABINET AGENDA PLANNING - FUTURE ITEMS

NOTED the list of provisional items scheduled for future Cabinet meetings.

14

KEY DECISIONS FOR INCLUSION ON THE COUNCIL'S FORWARD PLAN

NOTED that the next Forward Plan was due to be published on 13 February 2009. The Plan would cover the period from 1 March to 30 June 2009.

15

MINUTES

AGREED that the Minutes of the meeting of the Cabinet held on 21 January 2009 be confirmed and signed by the Leader as a correct record.

16

MATTERS ARISING

There were no matters arising from the minutes.

17

ENFIELD STRATEGIC PARTNERSHIP FEEDBACK

There was currently nothing to report to Members with regard to the Enfield Strategic Partnership.

18

NOTICE OF WORK IN PROGRESS

18.1 Customer Focus, Communications and Corporate Improvement

Councillor Ann Zinkin (Cabinet Member for Customer Focus, Communications and Corporate Improvement) was pleased to advise Members of the excellent results arising from recent Customer Services Centre surveys for both out of hours responses and requests in relation to bulky waste collections – 100% satisfaction rates had been achieved. Members were also advised of the developments taking place with regard to the introduction of a contact point for work relating to safeguarding adults.

18.2 Education and Children's Services

Councillor Glynis Vince (Cabinet Member for Education and Children's Services) reported on the success of the recent Enfield Children's Trust "Have Your Say Event" in partnership with the Youth Engagement Panel and Enfield's Voluntary Sector. Over 40 young people had attended the event and the feedback had been positive.

CABINET - 11.2.2009

Members were advised that the Mayor's Award for Debating final had taken place on 6 February 2009, attendance had been affected by the weather. The award had been won by students from Turin Grove College.

Councillor Vince had recently written to all schools offering to visit them, over 40 schools had responded positively to date.

Members noted that the proposed Working Group to discuss issues for pupils travelling to and from school was due to start shortly.

18.3 Adult Social Services

Councillor Edward Smith (Cabinet Member for Adult Social Services) advised Members that the Award ceremony for the Council's nomination for a beacon award for its work in Independent Living for Disabled Adults was due to take place on 3 March 2009.

18.4 Environment and Street Scene

Councillor Terence Neville (Cabinet Member for Environment and Street Scene) took this opportunity to thank all staff who had been involved in keeping the Borough's roads gritted during the recent cold weather. 42% of the Borough's roads had been treated from Sunday pm to Monday with 140 tonnes of salt being used at a cost of £12k. A total of £55k had been incurred to date which would be met from contingency funds. Staff and the contractor involved had performed well and had worked long hours. Councillor Neville had been asked to comment on the London wide transport issues during the recent period of snow and had expressed his serious concern that TfL had not reacted as it should have with the result that the buses had been unable to run.

Councillor Michael Rye added his thanks to all staff who had managed to attend work on Monday. In particular the efforts of staff within front line Adult Social Services were praised with all home visits having been met. There had been no break in the Council's front-line services.

Councillor Neville reported on the work being undertaken by Environmental Health and Trading Standards and advised Members of specific recent cases which had been undertaken.

Members noted that private litter wardens were to be employed on a pilot basis to firmly enforce litter regulations and issue penalty notices to the offenders.

18.5 Housing and Community Safety

Councillor Matthew Laban (Cabinet Member for Housing and Community Safety) reminded Members of the final Safer and Stronger Communities Board public meeting which was due to take place on Monday 16 February 2009 at 7.00pm at Gladys Aylward School. In addition, Members were

advised of the publications which were due to appear in the local Enfield Advertiser newspaper with regard to anti-social behaviour. Councillor Laban reported that the dispersal order for Edmonton Green was due to be reviewed.

18.6 Leisure, Culture, Olympics 2012 and Voluntary Sector

Councillor Jon Kaye (Cabinet Member for Leisure, Culture, Olympics 2012 and Voluntary Sector) reported on a recent event held at Forty Hall for Voluntary Groups interested in making an application to the Heritage Lottery Fund.

Members were advised of the Enfield Book Award Competition with children aged 9-12 voting for their favourite book. The competition was due to end on 8 March 2009.

Councillor Kaye reported on the Borough's programme of primary school swimming galas.

Councillor Kaye praised the new Fore Street Library and encouraged Members to visit, the official opening was due to take place shortly.

18.7 Finance and Resources

Councillor Ertan Hurer (Cabinet Member for Finance and Resources) was pleased to report that Enfield Legal Services had again achieved the Law Society's LEXCEL Practice Standard which recognised legal excellence in both public and private legal practices in the UK. The auditors had held the service out as an example of excellent practice to other authorities.

Members noted that Enfield had been named by the Socitm IT benchmarking in 11 areas of good practice, the most of any London Borough.

Councillor Hurer reported that the Council Tax Collection Rate had achieved 90.67% as at 31 January 2009 which was the highest ever collection percentage achieved in Enfield.

18.8 Sustainable Communities and Employment and Place Shaping

Councillor Michael Lavender (Deputy Leader/Sustainable Communities and Employment and Place Shaping) updated Members on property related issues in the Borough including the completion of the acquisition of the Enfield Arms Site; the progress being made with regard to the National Grid site in South Street, Ponders End, the proposed site for the new Academy; and, that conditions had now been satisfied with regard to the Tottenham Hotspur Football Club proposals for the Bulls Cross/Forty Hall area.

18.9 Leader of the Council

Councillor Michael Rye (Leader of the Council) reported on the success of the recent staff seminars held at Cineworld, positive feedback had been received.

The GLA were supporting the Council's Place Shaping proposals for the Meridian Way area and an officer from the GLA would be working with the Council in the future.

19

DATE OF NEXT MEETING

NOTED that the next meeting of the Cabinet had been scheduled to take place on Wednesday 4 March 2009 at 8.00pm at the Civic Centre.

Councillor Michael Rye (Leader of the Council) took this opportunity to welcome Sue Foster, Director of Place Shaping and Enterprise, to the Council. Members also expressed their thanks and farewell to Marie Fallon who had acted as Interim Director for Place Shaping and Enterprise.

20

EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED in accordance with the principles of Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

21

STOCK INVESTMENT PROGRAMME - PROCUREMENT OF MAJOR WORKS CONSTRUCTOR PARTNER - SUPER PART 2 REPORT - DO NOT RELEASE

Councillor Matthew Laban (Cabinet Member for Housing and Community Safety) introduced the report of the Director of Place Shaping and Enterprise (No.189) which was circulated at the meeting for Members' consideration.

Following discussion of both Report No.188 and Report No.189 Members agreed that consideration of the reports should be deferred to the next Cabinet meeting (Minute No.10 above also referred).

(Key decision – reference number 2729)

22

THE FUTURE OF THE LEISURE FACILITIES

Councillor Jon Kaye (Cabinet Member for Leisure, Culture, Olympics 2012 and Voluntary Sector) introduced the report of the Acting Director of

CABINET - 11.2.2009

Education, Children's Services and Leisure (No.190) for consideration in conjunction with the part one report.

NOTED

1. that Report No.185 also referred as detailed in Minute No.7 above;
2. the additional legal implications as detailed in the report.

(Exempt information as defined in Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Schedule 12A to the Local Government Act 1972 as amended)

(Key decision – reference number 2780)

The meeting ended at 10.00pm.