

**MINUTES OF THE MEETING OF THE CABINET
HELD ON WEDNESDAY, 19 JUNE 2013**

COUNCILLORS

PRESENT Doug Taylor (Leader of the Council), Achilleas Georgiou (Deputy Leader), Chris Bond (Cabinet Member for Environment), Bambos Charalambous (Cabinet Member for Culture, Leisure, Youth and Localism), Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health), Donald McGowan (Cabinet Member for Adult Services, Care and Health), Ayfer Orhan (Cabinet Member for Children & Young People) and Ahmet Oykenner (Cabinet Member for Housing)

ABSENT Del Goddard (Cabinet Member for Business and Regeneration) and Andrew Stafford (Cabinet Member for Finance and Property)

OFFICERS: Rob Leak (Chief Executive), Ian Davis (Director - Environment), Andrew Fraser (Director of Schools & Children's Services), Neil Rousell (Director of Regeneration, Leisure & Culture), Asmat Hussain (Assistant Director Legal), Richard Tyler (Assistant Director of Finance), Bindi Nagra (Joint Chief Commissioning Officer), Dr Shahed Ahmad (Director of Public Health), Michael Toyer (Programme Manager - Schools Expansion Programme) and Laura Berryman (Press Officer) Jacqui Hurst (Secretary)

Also Attending: Councillors Lee Chamberlain, Joanne Laban, Michael Lavender and Derek Levy.
Members of the deputation (Minute No.4 below refers)
Several members of the public

1

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Andrew Stafford (Cabinet Member for Finance and Property), Councillor Del Goddard (Cabinet Member for Business and Regeneration), James Rolfe (Director of Finance, Resources and Customer Services) and, Ray James (Director of Health, Housing and Adult Social Care).

2

DECLARATION OF INTERESTS

There were no declarations of interest.

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 and Meetings) (England) Regulations 2012. 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 a request for a deputation, with a petition, had been received for presentation to this Cabinet meeting. The deputation would present a petition from residents in and around Lincoln Road Crossing calling on the Council to work with the relevant railway authority to ensure that the railway crossing remained operational.

Councillor Doug Taylor (Leader of the Council) welcomed Adele Panayi, spokesperson for the deputation, and other members of the deputation to the meeting, and invited her to present the deputation to Cabinet.

Adele Panayi outlined in detail, the concerns of local residents regarding the decision by Network Rail to close the level crossing at Lincoln Road. The negative effect on increased journey times for local residents and the impact on traffic in the area were highlighted. Residents were concerned that the closure of the crossing to vehicles could also lead to a general closure including cyclists and pedestrians.

Residents were dissatisfied with the lack of proper consultation by Network Rail and asked that the Council champion the interests of its residents and highlight the concerns which had been raised; and, seek clear justification from Network Rail for the closure. A full and accurate traffic survey should be conducted.

A petition by 600 residents was presented to Councillor Taylor (Leader of the Council). The petition was headed – "We the residents are opposed to the closure of the Level Crossing in Lincoln Road, Enfield. We urge Enfield Council and Network Rail to work together in order to ensure that the Level Crossing is re-opened".

Councillor Chris Bond (Cabinet Member for Environment) responded to the deputation. It was noted that the Council had been in discussions with Network Rail since December 2012. An e mail had been received earlier that day to state that a permanent closure of the level crossing was proposed, excluding pedestrians. Formal notice of this decision by Network Rail was awaited. Andy Love MP had previously written to the appropriate Government Minister expressing concerns on behalf of local residents.

Councillor Bond acknowledged the petition which had been signed by local residents but also noted that there were a number of residents in the area who were content with the closure of the level crossing. The Council had no power to instruct Network Rail. It was noted there were other level crossings in the East of the Borough which could also be subject to future closures. The Council was committed to having open and full discussions with Network Rail. It was noted that this was a complex legal issue.

In response to the concerns which had been raised in the deputation, Councillor Bond reiterated that formal notification of the closure was awaited from Network Rail including the reasons of justification for a permanent closure. It was noted that health and safety reasons had previously been cited. It was hoped that the level crossing would be temporarily opened to enable a full traffic survey to be undertaken. Councillor Bond stated that a permanent closure would have cost implications for the Council as traffic would need to be permanently re-directed. It was noted that the Police had previously been unaware of the closure. The Council would address the issues raised as far as it was able to.

Councillor Taylor reiterated that the Council had limited powers but that it would continue to champion the views of local residents. Network Rail would be advised of the petition which had been received by the Council.

Councillor Taylor thanked Adele Panayi for her presentation and for the attendance of the deputation at the Cabinet meeting.

5

ITEMS TO BE REFERRED TO THE COUNCIL

AGREED that the following item be referred to full Council:

1. Report No.13 – School Expansion Programme Phase 2 2013/14 – 2017/18.

6

PUBLIC HEALTH 2013/14

Councillor Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health) introduced the report of the Director of Health, Housing and Adult Social Care and Director of Public Health (No.11) setting out the Public Health functions and objectives for Enfield from April 2013 in light of the legislative and organisational changes set out in the Health and Social Care Act 2012.

NOTED

1. Councillor Hamilton was pleased to report on the successful integration of the public health functions under the responsibility of the local authority with effect from April 2013, as detailed in full in the report;

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2. Dr Shahed Ahmad (Director of Public Health) drew Members' attention to aspects of the report which clearly set out the Public Health functions and responsibilities (section 4 of the report referred); the Outcomes Framework and Enfield's Health Needs (section 5 of the report); the Public Health Business Plan 2013/2014 (section 6 of the report); the Role of the Director of Public Health (section 7 of the report); and, the Public Health Budget and Structure (section 8 of the report).
3. in response to a question raised by Councillor Charalambous, the development of Enfield's priorities was discussed. It was noted that the Joint Strategic Needs Assessment (JNSA) was currently being finalised from which the Health and Well-being Board would develop a strategy to set the priorities appropriately. The various aspects of the processes to be followed were explained by Dr Shahed Ahmad.
4. Councillor Orhan was pleased to note the inclusive work with the Schools and Children's Service Department and, the clear funding which had been earmarked for child health. It would be important to ensure that collaborative working continued in order to support the future welfare of the Borough's children.

Alternative Options Considered: None stated.

DECISION: Cabinet agreed

1. to note the contents of the report;
2. the key objectives for Public Health as set out in the Public Health Business Plan (appendix 1 to the report);
3. to note the ring-fenced Public Health Budget as summarised in Appendix 2 to the report; and previously reported within the Budget Setting Report to full Council on 27 February 2013;
4. to note the Public Health structure as detailed in Appendix 3 of the report.

Reason: To ensure that the Local Authority had the appropriate capability and focus within the Public Health Directorate and ensure that Local Authority objectives were met in line with its new mandatory responsibilities and non mandatory responsibilities. To enable dialogue to commence with the Council's new providers, and provide them with the knowledge of the criteria that was involved when working with the local authority, which was significantly different to the NHS. To ensure continuity of joint working with the NHS. To ensure that the current staff who had transferred to LBE were treated fairly in line with TUPE principles.

(Key decision – reference number 3650)

7

LADDERSWOOD: APPROPRIATION FOR PLANNING PURPOSES

Councillor Ahmet Oykenar (Cabinet Member for Housing) introduced the report of the Director of Health, Housing and Adult Social Care and Director of Regeneration, Leisure and Culture (No.12) seeking approval for the Council to use its powers to appropriate the land required for the Ladderswood development for planning purposes.

NOTED

1. the conditions which needed to be fulfilled by both the Council and the developer in accordance with the previously agreed Development Agreement, in order to allow the development of Ladderswood to proceed, as set out in the report;
2. that Members' attention was drawn to sections 3.11 and 3.12 of the report explaining the conditions which would apply to the appropriation of land;
3. that a colour copy of the diagram detailed in Appendix 1 of the report would be circulated to Cabinet Members for clarity and ease of reference.

Alternative Options Considered: None.

DECISION: The Cabinet agreed in accordance with section 122 of the Local Government Act 1972 to appropriate the sites shown on the plan attached to the report at Appendix 1 from their present holding purposes to planning purposes and in particular the purposes set out in section 237 of the Town and Country Planning Act 1990.

Reason: The Development Agreement entered into by the Council included a requirement, as a condition precedent, for the Council to use its powers to appropriate the land for planning purposes. If the Council did not appropriate the land for planning purposes the developer could terminate the Development Agreement.

(Key decision – reference number 3423)

8

SCHOOL EXPANSION PROGRAMME PHASE 2 2013/14 - 2017/18

Councillor Ayfer Orhan (Cabinet Member for Children and Young People) introduced the report of the Director of Schools and Children's Services and Director of Finance, Resources and Customer Services (No.13) updating the strategy for the provision of pupil places.

NOTED

1. that a previous decision of the Cabinet in June 2012 had established phase one of the primary expansion programme. Cabinet approval was now being sought to establish phase two of the school expansion programme, as set out in full in the report. This represented a robust and comprehensive strategy to meet future demand and the Council's statutory responsibilities. The strategy would be kept under constant review to ensure that the effects of any changes in the Borough including demographic changes and welfare reform, would be taken into account and appropriate action taken. Members noted the current impact of the Government's housing benefit cap on families in the Borough and across London as a whole.
2. Members' attention was drawn to sections 1.2, 1.3, 3.2 and 3.3 of the report. Section 3.2 of the report noted the removal of three schools from the current phase of the programme – Oakthorpe, Broomfield and Walker. Discussions would continue with the schools and their Governing Bodies.
3. Andrew Fraser (Director of Schools and Children's Services) outlined the difficulties that were being faced across London in meeting the statutory responsibilities for the provision of sufficient school places. The Council had used independent evaluations for projected pupil numbers in the Borough. The School Expansion Programme, as detailed in the report, provided a clear framework for the way forward and would provide flexibility in meeting identified needs.
4. Councillor Hamilton expressed her congratulations to the Lead Cabinet Members and Directors for this significant piece of work which would ensure that the Council continued to deliver high quality education for the Borough's children.
5. Councillor Orhan outlined the new school which was being built at Garfield; the Council had listened to the concerns expressed and was taking appropriate action in moving forward.
6. Councillor Taylor commended the bold and imaginative action which was being taken and expressed the need for sufficient Government funding to be allocated to the Council to meet its basic needs requirements.

Alternative Options Considered: Enfield Council had a statutory responsibility to provide the necessary school places. The Primary Expansion Programme created a mechanism to assist with the delivery of extra capacity required. Not providing places could not be considered an option. The following proposals had been considered but rejected:

- Increasing class sizes to over 30 pupils. Current legislation stipulates that Key Stage One classes could not exceed 30 pupils with only one

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qualified teacher. This did not apply to Key Stage two. However, school accommodation did not normally allow for more than 30 pupils in one class base.

- The use of community halls as emergency class bases. This option had been explored with a number of head teachers in relation to the development of the Partner School initiative. However, the revised strategy seeks to deliver a programme of permanent expansions.

DECISION: The Cabinet agreed to approve:

1. the updated strategy to provide the additional school places required between 2013/2014 and 2017/2018.
2. the establishment of the school expansion programme to run from 2013/14 to 2017/18.
3. the recommendation to full Council of a provisional budget of up to £44.318 million to deliver 1,680 extra Council funded Primary school reception places, including the cost of rebuilding and re-configuring existing schools between 2013/14 and 2017/18, subject to availability of funding, agreement of detailed scheme costs, and clear demonstration of value for money.
4. that the projects and budgets for the new build of Garfield Primary School and the main scheme at Grange Park Primary School move into phase two of the school expansion programme with their budgets added to the programme budget referred to in paragraph 2.1.3.
5. delegated authority to the Cabinet Members for Children and Young People and for Finance and Property in consultation with the Director of Schools and Children's Services and Finance, Resources and Customer Services to take decisions on:
 - The individual schools and sites that could be expanded, and decisions on statutory expansions, to meet the need for extra pupil places up to 2017/18.
 - Entering in to contractual arrangements and placing orders for each expansion project; and
 - Conducting any necessary land transactions as individual schemes were developed.
6. delegated authority to the Directors of Schools and Children's Services and Finance, Resources and Customer Services to take decisions on the:
 - Detail of programme and project management arrangements, including any subsequent changes to arrangements that were required.
 - Submission of planning applications; and
 - The appropriate procurement routes for individual schemes.

RECOMMENDED TO COUNCIL for approval and adoption in the Council's capital programme.

Reason: The Council had an overriding statutory duty to provide sufficient pupil places to meet anticipated demand. The report set out the proposed strategy and delivery arrangements to oversee delivery arrangements for schools with funding secured for expansion, to further develop options for expansion by conducting feasibility studies and consultation with the schools identified and to secure funding through opportunities that become available. This strategy and delivery arrangements would deliver the additional reception places required in the areas of highest demand up to 2017/18. The expanded capacity aimed to provide a higher level of flexibility built in to counter sudden increases in demand.

(Key decision – reference number 3719)

9

CONTRACT FOR RESIDENTIAL AND NURSING CARE SERVICES FOR PEOPLE WITH DEMENTIA AT HONEYSUCKLE HOUSE

Councillor Don McGowan (Cabinet Member for Adult Services, Care and Health) introduced the report of the Director of Health, Housing and Adult Social Care (No.14) noting the closure of the previous procurement process and considering the contractual options.

NOTED

1. that Report No.15 also referred as detailed in Minute No.22 below;
2. that recommendations for Parkview House had been considered by the Cabinet previously in April 2013.

Alternative Options Considered: To facilitate development of best value in the longer term, an options appraisal would be undertaken. This would involve an engagement exercise with care home providers to explore current and future market direction and the range of means available to meet service users' developing needs.

DECISION: The Cabinet noted the closure of the previous procurement process and considered the contractual options as set out in Report No.15 Minute No.22 below refers).

Reason: In the context of the tender process not identifying a new provider, these recommendations offer the most effective and practical means of ensuring continuity of care for service users.

(Key decision – reference number 3685)

10

MEMBERSHIP OF CABINET SUB-COMMITTEES - MUNICIPAL YEAR 2013/14

NOTED, that at its meeting on 24 April 2013, Cabinet agreed that Councillor Doug Taylor (Leader of the Council) be given delegated authority to agree any required changes to the membership or composition of the Cabinet Sub-Committees, to be ratified at the next appropriate Cabinet meeting. There had been no changes to the Cabinet Sub-Committees and therefore the existing memberships would continue unchanged for the municipal year 2013/14. The memberships were listed below for information and noting:

Enfield Residents' Priority Fund Cabinet Sub-Committee

Councillors: Charalambous (Chairman), Bond, Georgiou and Hamilton

Local Plan Cabinet Sub-Committee

Councillors: Goddard (Chairman), Bond, Georgiou and Oyken

Policy Cabinet Sub-Committee

Councillors: Georgiou (Chairman), Charalambous, Hamilton and Taylor

Enfield Community Capacity Building Fund Cabinet Sub-Committee

Councillors: Hamilton (Chairman), Bond, Charalambous and Georgiou

11

ISSUES ARISING FROM THE OVERVIEW AND SCRUTINY PANEL/SCRUTINY PANELS

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

12

CABINET AGENDA PLANNING - FUTURE ITEMS

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

13

NOTICE OF KEY DECISION LIST

NOTED that the next Notice of Key Decision List was due to be published on 28 June 2013, this would be effective from 1 August 2013.

14

MINUTES

AGREED, that the minutes of the previous meeting of the Cabinet held on 24 April 2013 be confirmed and signed by the Chairman as a correct record.

15

MINUTES OF ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 16 APRIL 2013

NOTED the minutes of a meeting of the Enfield Residents' Priority Fund Cabinet Sub-Committee held on 16 April 2013.

16

MINUTES OF ENFIELD RESIDENTS' PRIORITY FUND CABINET SUB-COMMITTEE -8 MAY 2013

NOTED the minutes of a meeting of the Enfield Residents' Priority Fund Cabinet Sub-Committee held on 8 May 2013.

17

MINUTES OF ENFIELD RESIDENTS' PRIORITY FUND CABINET SUB-COMMITTEE - 15 MAY 2013

NOTED the minutes of a meeting of the Enfield Residents' Priority Fund Cabinet Sub-Committee held on 15 May 2013.

18

MINUTES OF LOCAL PLAN CABINET SUB-COMMITTEE - 16 MAY 2013

NOTED the minutes of a meeting of the Local Plan Cabinet Sub-Committee held on 16 May 2013.

19

ENFIELD STRATEGIC PARTNERSHIP FEEDBACK

NOTED that there were no written updates to be received at this meeting.

20

DATE OF NEXT MEETING

NOTED that the next meeting of the Cabinet was scheduled to take place on Wednesday 10 July 2013 at 8.15pm.

21

EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the items of business listed on part 2 of the agenda on the grounds that they involve the likely disclosure of confidential 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 Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

22

CONTRACT FOR RESIDENTIAL AND NURSING CARE FOR PEOPLE WITH DEMENTIA AT HONEYSUCKLE HOUSE

Councillor Don McGowan (Cabinet Member for Adult Services, Care and Health) introduced the report of the Director of Health, Housing and Adult Social Care (No. 15).

NOTED

1. that Report No.14 also referred as detailed in Minute No.9 above;
2. the background to the proposals and the processes which had been followed, as set out in full in the report. Members discussed the proposed way forward and noted that any risks had been evaluated and detailed in the report.

Alternative Options Considered: NOTED the alternative options which had been considered as detailed in section 4 of the report.

DECISION: The Cabinet agreed

1. that officers enter into direct negotiation with the provider detailed in recommendation 2.1 of the report, to agree terms for an interim care agreement of no longer than three years (including options for extension) while longer term options were evaluated.
2. that all options relating to Honeysuckle House identified in the background options paper submitted to April 2013 Cabinet along with KD 3558 (Parkview House) were explored; including the potential for selling the Council's property interests subject to the findings of a qualified valuer.
3. negotiations under decision 1 above include a revision of existing property arrangements and seek to transfer these to a more equitable footing.
4. subsequent to the decisions in 1 and 2 above, the decision to award the care agreement be delegated to the Cabinet Member for Adult Services, Care and Health in consultation with the Cabinet Member for Finance and Property.
5. that officers develop contingency measures should negotiations with the provider detailed in recommendation 2.5 of the report, not deliver viable contractual terms.
6. revised rates be charged to full cost service users at the commencement date of the interim care services agreement identified in decision 1 above.

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7. pending the outcome of current negotiation, that existing contractual arrangements be continued with the provider detailed in recommendation 2.7 of the report.

Reason: NOTED the reasons for the recommendations as detailed in section 5 of the report.

(Key decision – reference number 3685)