

**MINUTES OF THE MEETING OF THE CABINET HELD ON WEDNESDAY, 18
SEPTEMBER 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), Del Goddard (Cabinet Member for Business and Regeneration), Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health), Donald McGowan (Cabinet Member for Adult Services, Care and Health), Ahmet Oykener (Cabinet Member for Housing) and Andrew Stafford (Cabinet Member for Finance and Property)

ABSENT Ayfer Orhan (Cabinet Member for Children & Young People)

OFFICERS: Rob Leak (Chief Executive), Ray James (Director of Health, Housing and Adult Social Care), James Rolfe (Director of Finance, Resources and Customer Services), Ian Davis (Director of Environment), Neil Rousell (Director of Regeneration, Leisure & Culture), Eve Stickler (Assistant Director - Schools & Children's Services), John Austin (Assistant Director - Corporate Governance), Jayne Middleton-Albooye (Legal Services) and James Kinsella (Cabinet Secretary)

Also Attending: Councillors Michael Lavender & Martin Prescott, Geraldine Gavin (Independent Chair – Enfield Safeguarding Children Board) & Marian Harrington (Independent Chair – Enfield Safeguarding Adults Board)

1

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ayfer Orhan (Cabinet Member for Children and Young People) & Andrew Fraser (Director of Schools & Children's Services).

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

CABINET - 18.9.2013

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 the request from the Alma Residents' Association (ARA) to present a deputation to the Cabinet, as detailed in agenda item 4, had been withdrawn.

5

ITEMS TO BE REFERRED TO THE COUNCIL

AGREED that the following item be referred to full Council:

1. Report No.58 – Scrutiny Annual Work Programme 2013/14

6

SAFEGUARDING CHILDREN BOARD AND SAFEGUARDING ADULTS BOARD ANNUAL REPORTS 2012-2013

Councillor Don McGowan (Cabinet Member for Adult Services, Care and Health) introduced the report of the Director of Schools and Children's Services and Director of Health, Housing and Adult Social Care (No. 57) presenting the annual reports from the Safeguarding Children Board and Safeguarding Adult Board for 2012-2013.

NOTED

1. The introduction to the Safeguarding Children Boards Annual Report provided by Geraldine Gavin (Independent Chair of the Board) who highlighted the following issues:
 - a. The thriving nature of the partnership from which the Board was comprised and complex range of duties which it had a statutory responsibility for ensuring were delivered by the relevant agencies;
 - b. In addition to the key activities highlighted within the Annual Report (including a range of cross borough working) the Board had also been engaged in three serious case reviews during 2012-13 relating to cases in Brent & Haringey.
 - c. The changing nature of the safeguarding children environment and areas identified within the report for development during 2013-14. The Board was also scheduled for an OFSTED inspection towards the end of 2013.

CABINET - 18.9.2013

- d. The challenging nature of the new OFSTED framework, which had retained a focus on social care rather than on the multi-disciplinary nature of the Board's activities. Members felt there was a need to ensure a robust approach towards the inspection regime.
2. The introduction to the Safeguarding Adults Annual Report provided by Marian Harrington (Independent Chair of the Board) who highlighted the following issues:
 - a. The strong nature of the partnership represented by the Board, involving a range of statutory and non-statutory organisations.
 - b. The key challenges facing the Board with specific reference to:
 - the increasing volume and complexity of safeguarding referrals being made, and high profile nature of recent cases reported in the national media;
 - the large number of care homes located within the borough compared with other areas (over 160) involving the need to monitor and support a large range of different care providers and follow up any issues reported in relation to the quality of service; and
 - the major changes in the political and economic context in which safeguarding services and activities were planned and provided, including changes to the NHS structure and pressures on national and internal budgets.
 - c. The key achievements of the Board including challenging care and nursing homes to the dignity standards; continued raising of awareness of risk through partnership events; practice based forums to share learning and best practice; quality assurance and service development initiatives for service users and providers; improved access to the justice system through the development of strong local partnership working with the police.
 - d. The work undertaken in relation to sharing information across relevant agencies as a way of identifying potential problems at an early stage, co-ordinated through the Safeguarding Information Panel and provider concern process. These areas had been identified as particular strengths for the Board by the Care Quality Commission (CQC), who were keen for the arrangements to be shared as best practice across the safeguarding sector.
3. Whilst supporting the need to avoid complacency, given the increasingly complex and challenging nature of work being undertaken, Members were keen to recognise the good practice and achievements made by both Boards and to thank all staff involved for their ongoing efforts.

Alternative Options Considered: Not applicable.

DECISION: The Cabinet agreed to note the progress being made in protecting vulnerable adults and children in the Borough as set out in the

annual reports from the Safeguarding Children Board and Safeguarding Adults Board.

Reason: The annual reports aim to set out a summary of Board activities and its effectiveness in assessing and challenging safeguarding practice which keep children, young people and adults at risk safe.

(Non key)

7

ISSUES ARISING FROM THE OVERVIEW AND SCRUTINY PANEL/SCRUTINY PANELS

Councillor Achilleas Georgiou (Deputy Leader) introduced the report of the Overview and Scrutiny Committee (No.58) presenting the Scrutiny Annual Work Programme 2013/14.

NOTED having considered the combined Scrutiny Panel Work Programmes:

1. The wide ranging nature of the work programmes, with specific interest expressed in the work being undertaken to review Welfare Reform; Provision of Primary Pupil Places; getting young people into employment and the Gang Strategy. In terms of the Gang Strategy, it was hoped this review would reflect the good practice for which Enfield had already been recognised.
2. The need to treat each of the Panel work programmes with flexibility and recognise that they would be subject to a process of ongoing development and review.

Alternative Options Considered: No other options had been considered as the Overview and Scrutiny Committee was required, under the Council's Constitution, to present an annual scrutiny work programme to Council for adoption.

RECOMMENDED TO COUNCIL that the annual Scrutiny Work Programme 2013/14 (as detailed in Appendix 1 of the report) be formally adopted.

Reason: To comply with the requirements of the Council's Constitution.

8

REVENUE MONITORING REPORT 2013/14: JULY 2013

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.59) setting out the Council's revenue budget monitoring position based on information to the end of July 2013.

NOTED

CABINET - 18.9.2013

1. The £1.715m overspend revenue outturn projection currently identified, as detailed within Table 2 of the report.
2. Details of the main projected departmental variations as set out in section 5 of the report.
3. It was anticipated that the budget would achieve a balanced position by the financial year end as measures were identified to address the projected variations.
4. The allocation of £580k from New Home Bonus to the Community Housing budget in respect of the temporary accommodation pressure relating to welfare reforms (as detailed in section 5.4 of the report).
5. The Treasury Management position at 31 July 13, as detailed in section 6.1 of the report. Whilst Treasury Management activities had been affected by the Government's lending for borrowing policy and low level of interest rates on deposits, this had been counterbalanced by the introduction of an increased maximum lending period under the Council's new Treasury Management Strategy.
6. The progress being made in the achievement of savings identified within the 2013/14 budget, with 87% classified as blue or green (on target for full achievement) as detailed in section 8 of the report. Members felt it was important to recognise that under the current Medium Term Financial Strategy in excess of £60m worth of revenue budget savings had been made.
7. The confirmation provided, as part of the monitoring process, that there had been no deterioration in the financial position of the Authority. The Cabinet Member for Finance & Property also took the opportunity to clarify that there was no legitimacy to recent claims regarding the Council being in danger of insolvency.

Alternative Options Considered: Not applicable to this report.

DECISION: The Cabinet agreed that departments reporting pressures should formulate and implement action plans to ensure that they remain within budget in 2013/14.

Reason: To ensure that Members were aware of the projected budgetary position for the Authority, including all major budget pressures and underspends which had contributed to the present monthly position and that were likely to affect the final outturn.

(Key decision – reference number 3755)

CABINET - 18.9.2013

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.60) informing Members of the current position up to the end of June regarding the Council's Capital Programme (2013-17) taking into account the latest information for all capital schemes including the funding arrangements.

NOTED the Capital Financing requirement forecast to support delivery of the updated Capital Programme, as detailed within Table 6 of the report. The forecast funding requirement remained within the Prudential Indicators set by Council as part of the 2013-14 budget report.

Alternative Options Considered: None.

DECISION: Cabinet

1. Agreed the updated four year programme including proposed reductions, subject to indicative estimates included in 2015/17 (as detailed in Section 4 and Appendix B of the report).
2. Agreed the additions to the Capital Programme totalling £15.628m in 2013/14 (as detailed in Table 1 of the report – to be funded from grants and earmarked resources) and noted that this would not increase capital financing costs.
3. Noted the improvements to the Primary Expansion Plan Phase 1 and revised costs (as set out in the table in Appendix A to the report) which would be contained within the Capital Programme approved by Council in February 2013 and recent DfE Targeted Basic Need Grant.

Reason: To consider and progress the Council's Capital Programme (2013-17).

10

ALMA DEVELOPER PARTNER SELECTION REPORT

Councillor Ahmet Oykenor (Cabinet Member for Housing) introduced the report of the Director of Health, Housing and Adult Social Care (No.61) summarising the process of selecting the Alma Developer Partner and seeking approval of the preferred bidder.

NOTED

1. That Report No.63 also referred, as detailed in Minute No.19 below.
2. The background to development of the Alma Estate regeneration programme and selection process for procurement of a developer partner, as detailed in section 3 of the report.

CABINET - 18.9.2013

3. The ongoing process of resident involvement, which remained central to progress of the redevelopment and regeneration scheme and design of future housing management options. Support for the total redevelopment scheme remained strong with 80% of residents identified as being in favour. Resident representation had also been included on the qualitative evaluation panel set up to assess the final developer partner bids.
4. The Council's requirements in relation to the procurement of a developer for the site, as detailed in section 4 of the report. Whilst the procurement process had excluded the management of the new homes, members were keen to continue working in partnership with the Alma Residents Association on delivery of the regeneration scheme and to ensure that the potential for creation of local employment opportunities was maximised.
5. The amendment sheet tabled at the meeting, which set out the following changes to recommendations within the report:
 - a. Recommendation 2.10: amended to include reference to the draft statement of reasons for the Compulsory Purchase Order noted by Cabinet at its meeting on 10 July 13.
 - b. Deletion of recommendation 2.13 – which members were advised was not required given delegated authority already provided under the Council's Property Procedure Rules.
 - c. In addition Councillor Taylor advised of the following amendments being sought to recommendations 2.6 and 2.7 with the inclusion of the following wording at the end of each sentence "which will be pursued with the successful bidder."

Alternative Options Considered: The alternative option was not to select Bidder A and re-procure the redevelopment of the Alma Estate. Not selecting Bidder A would result in a serious delay to the project, reputational damage to the Council, raise the risk of challenge and would not deliver the comprehensive regeneration of this part of Ponders End sought after by residents and the wider community. Selecting Bidder B was not considered to be a viable alternative for the reasons set out in the Part 2 report (Report No.63, Minute No. 19 below refers).

DECISION: The Cabinet

1. Noted the recommendation to appoint Bidder A in accordance with the contents of the report.
2. Approved the Alma Estate development strategy.

CABINET - 18.9.2013

3. Noted the intention for the Council to continue to work in partnership with the Alma Residents' Association to deliver the regeneration of the Alma Estate.
4. Noted the intention for the Council to establish resident design panels to work with the Council and Bidder A to inform the preparation of planning applications.
5. Noted that the scope of the Alma developer procurement excluded the management of the new homes which would be subject to a future decision by Cabinet.
6. Noted the aspiration for the new market sale homes on the Alma Estate to be marketed locally, which would be pursued with the successful bidder.
7. Noted the intention for the regeneration of the Alma Estate to maximise apprenticeship opportunities, which would be pursued with the successful bidder.
8. Authorised the Authorised Legal Officer to obtain all the necessary statutory consents and to exchange contracts in respect of the Development Agreement and all other associated legal documentation that the Council was obligated to complete to comply with the Development Agreement including those agreements that would govern the relationship between the preferred development partner and the Council.
9. Authorised the appropriation for planning purposes of the Alma site pursuant to Section 122 of the Local Government Act 1972 and authorise the exercise of the Council's powers pursuant to Section 237 of the Town and Country Planning Act 1990 to override all adverse rights.
10. Having noted the draft statement or reasons at its meeting on 10 July 2013 (Min. 12 refers, approved the making of the Dujardin Mews CPO 2013 (formerly known as Academy Street).
11. Authorised the financial proceeds arising from the redevelopment of the Alma Estate to be reinvested into new council housing in, where viable, the Ponders End area.
12. Noted the resource implications contained within the report.

Reason: Bidder A had submitted a quality bid which delivered the Council's key requirements for the scheme as well as providing additional benefits which would significantly improve the housing offer, local facilities and opportunities. The quality of the architecture expressed in their design proposal was of a superior standard and if accurately translated into the final development would set a high benchmark for all new developments in the

CABINET - 18.9.2013

Borough. Further reasons for recommending Bidder A were set out in the Part 2 report (Report No.63, Minute No.19 below refers).

(Key decision – reference number 3769)

11

CABINET AGENDA PLANNING - FUTURE ITEMS

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

12

NOTICE OF KEY DECISION LIST

NOTED that the next Notice of Key Decisions List was due to be published on 27 September 2013, this would be effective from 1 November 2013.

13

MINUTES

AGREED that the minutes of the previous meeting of the Cabinet held on 10 July 2013 be confirmed and signed by the Chairman as a correct record.

NOTED the following update provided by Councillor Doug Taylor (Leader of the Council) in relation to the Barnet, Enfield & Haringey (BEH) Clinical Strategy (Min. 11 refers):

1. The Secretary of State for Health had responded to the letter seeking an immediate cessation of the process of withdrawal of acute and maternity services from Chase Farm Hospital pending resolution of the outstanding matters of concern. Following a further exchange of letters, the Secretary of State had not, however, altered his position in relation to the strategy.
2. The Clinical Commissioning Group was due to meet on 25 September 13 and the Council would need to consider its position regarding the pursuit of any urgent legal action (under the delegation agreed at the July Cabinet meeting) following that meeting, taking account of the support already expressed by the Opposition Group at the July Cabinet for the actions being taken by the Council.

14

MINUTES OF LOCAL PLAN CABINET SUB-COMMITTEE - 3 JULY 2013

NOTED the minutes of a meeting of the Local Plan Cabinet Sub-Committee held on 3 July 2013.

15

MINUTES OF ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 11 JULY 2013

NOTED the minutes of a meeting of the Enfield Residents' Priority Fund Cabinet Sub-Committee held on 11 July 2013.

16

ENFIELD STRATEGIC PARTNERSHIP FEEDBACK

Councillor Del Goddard (Cabinet Member for Business & Regeneration) introduced the report of the Chief Executive (No.62) providing a summary of the key issues considered at the last meeting of the Enfield Strategic Partnership Board held on 25 June 13.

NOTED the key issues raised and outcomes arising from the Enfield Strategic Partnership Board meeting on 25 June 13, with specific reference to the progress reported by the Life Opportunities Commission.

17

DATE OF NEXT MEETING

NOTED, that the next meeting of the Cabinet was scheduled to take place on Wednesday 16 October 2013 at 8.15pm.

18

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).

19

ALMA DEVELOPER PARTNER SELECTION REPORT

Councillor Ahmet Oykenar (Cabinet Member for Housing) introduced the report of the Director of Health, Housing and Adult Social Care (No.63).

NOTED

1. That Report No.61 also referred, as detailed in Minute No.10 above;
2. The amendment sheet tabled at the meeting, which set out the Property Implications relating to the recommendations within the report. In addition Councillor Taylor reported, as an additional amendment, the deletion of section 13.10 from the main body of the report.
3. The detailed analysis of the final developer partner bids received, upon which the award to the recommended bidder had been based.

CABINET - 18.9.2013

4. The process for procuring the developer partner had been based on an EU compliant Competitive Dialogue Procedure.
5. The assurance provided that the concerns/risks cited within section 3.4 of the report by one of the bidders who had withdrawn from the process during the first stage had been addressed and factored into the subsequent evaluation process. The viability of the final bids received had also been subject to a process of independent financial verification.
6. The close working relationship developed with resident representatives in terms of development and delivery of the scheme which would be continued as the detailed design proposals, wider regeneration benefits and options for future management of the new housing were developed. The need to ensure that the local community was able to benefit from the regeneration and employment opportunities provided had also been recognised, and would continue to be monitored on an ongoing basis.

Alternative Options Considered: NOTED the detailed alternative options considered as set out in section 12 of the report.

DECISION: The Cabinet

1. Approved the recommendation to appoint Bidder A in accordance with the contents of the report and the bid submitted by Bidder A.
2. Noted the identity of Bidder A at paragraph 9.1 of the report.
3. Approved delegating authority to the Director of Health, Housing and Adult Social Care and the Director of Finance, Resources and Customer Services to finalise the terms of the development agreement.
4. Noted the intention for a paper to be prepared reviewing the future management of new council housing and for a report to be taken to Cabinet in 2014.
5. Approved the approach for existing retailers described at paragraph 10 of the report and noted the intention for the Director of Finance, Resources and Customer Services to finalise the terms of the arrangement.

Reason: NOTED the detailed reasons for the recommendations as set out in section 13 of the report. **(Key decision – reference number 3769)**

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