

**MINUTES OF THE MEETING OF THE CABINET
HELD ON WEDNESDAY, 13 NOVEMBER 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), Ayfer Orhan (Cabinet Member for Children & Young People), Ahmet Oykenar (Cabinet Member for Housing) and Andrew Stafford (Cabinet Member for Finance and Property)

OFFICERS: Rob Leak (Chief Executive), Ian Davis (Director of Environment), James Rolfe (Director of Finance, Resources and Customer Services), Andrew Fraser (Director of Schools & Children's Services), Asmat Hussain (Assistant Director Legal), John Austin (Assistant Director - Corporate Governance), Paul Davey (Assistant Director, Council Homes), Paul Walker (Assistant Director, Regeneration, Planning & Programme Management), Detlev Munster (Head of Property Programmes), Paula Harvey (Legal Services) and Laura Berryman (Press Officer) Jacqui Hurst (Secretary)

Also Attending: Councillors Anne-Marie Pearce and Michael Lavender.

**1
APOLOGIES FOR ABSENCE**

Apologies for absence were received from Ray James (Director of Health, Housing and Adult Social Care) and Neil Rousell (Director of Regeneration, Leisure and Culture).

**2
DECLARATION OF INTERESTS**

There were no declarations of interest registered in respect of any items on the agenda.

**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)

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(England) Regulations 2012. These requirements state that agendas and reports should be circulated at least 5 clear days in advance of meetings.

Councillor Doug Taylor (Leader of the Council) took this opportunity to raise an urgent item for Members' attention in relation to Chase Farm Hospital following the Council's decision to seek a judicial review which had been heard in the High Court last week.

Judgement in the Council's claim for judicial review of the Clinical Commissioning Group's decision to close the A&E department at Chase Farm hospital, without implementing the necessary improvements in primary care, refused permission for judicial review and dismissed the Council's claim as unarguable. The judgement had concluded that: "Enfield has fought the good fight to save the A&E department at Chase Farm from closure for several years, and I appreciate that the Council genuinely believes that it would be in the interests of those they represent for the department to remain open. But in legal terms that fight has reached the end of the road. I have come to the conclusion that the Council has no arguable case for judicial review. I refuse permission and dismiss the claim."

Members were advised that an appeal against the decision would have to be filed with the Court of Appeal within a strict timeframe of 7 days. Counsel's view had been sought and it was felt that the Court of Appeal was unlikely to grant permission to appeal for a variety of reasons.

The likelihood of the Court of Appeal considering the Council's appeal and hearing the Council's claim before 9 December 2013 – the date when the closure was scheduled to take effect – was virtually nil. This meant that the Council would be likely to have to seek injunctive relief to keep the A&E open pending any appeal and provide an undertaking in damages which the defendants had indicated would be in the region of £1.1m per month for Barnet and Chase Farm Hospital Trust and £1.85m per month for North Middlesex University Hospital.

The comments of Councillor Anne-Marie Pearce and Councillor Michael Lavender (Leader of the Opposition) were sought. Members' continuing concerns were expressed for the residents' of the Borough and the view expressed that the Council should use its effective health scrutiny function to monitor and continue to ensure that the required health services in the Borough were in place. Councillor Lavender highlighted the desire for political agreement on the way forward. The Conservative Group had supported the Council's decision to seek a judicial review but it now recognised the clear advice from Counsel that an appeal was unlikely to be successful. If the Council decided not to appeal the Conservative Group would support this decision. All Members of the Council would seek to secure better primary care services for the Borough.

Councillor Taylor stated that the Council remained committed to securing the planned and necessary primary care improvements. The Council would utilise its health scrutiny powers, set out in the Local Authority (Public Health, Health

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and Wellbeing Boards and Health Scrutiny) Regulations 2013, to monitor implementation of the planned improvements and to help secure delivery. Relevant scrutiny functions included Regulation 21 which enabled local authority health scrutiny to review and scrutinise “any matter relating to the planning, provision and operation of the health service” in their area and covers all NHS and public health services commissioned by NHS England and Clinical Commissioning Groups.

The Council would seek to ensure that the Health Scrutiny function and Health and Wellbeing Board held the NHS to account to secure the best possible health services for the Borough. There had been historical under funding in the Borough and the growth in the Borough’s population was leading to increased demand on health services. The issues of concern remained and the Council would continue to play an active role for the benefit of its residents. Members recognised that the Council had significant work to pursue in going forward.

The Council would not be seeking an appeal. It had not been possible to await the next full Council meeting but a full response would be set out in the forthcoming Council agenda in response to a Council question posed to Councillor Taylor.

4 DEPUTATIONS AND PETITIONS

NOTED that no requests for deputations (with or without petitions) had been received for presentation to this Cabinet meeting.

5 ITEMS TO BE REFERRED TO THE COUNCIL

AGREED that the following item be referred to full Council:

1. Report No.114 – Updated Property Procedure Rules

6 REVENUE MONITORING REPORT 2013/14: SEPTEMBER 2013 AND FINANCIAL UPDATE

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.112) setting out the Council’s revenue budget monitoring position based on information to the end of September 2013.

NOTED

1. That the report updated Cabinet on the progress made to date in balancing the Medium Term Financial Plan as well as the plans for budget consultation;

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2. That Table 2 of the report set out the forecast outturn table, net controllable budget/projected outturn. Section 5 of the report detailed the departmental monitoring information in relation to budget pressures and projected savings.
3. The current position with regard to the achievement of savings in 2013/14 as set out in section 8 of the report. 95% of savings were classified as blue or green (on course for full achievement) and Appendix 1 to the report provided supporting information for the amber/red savings.
4. The current position and projected future funding levels and savings required as set out in section 10 of the report. Significant savings were projected over the next four years.
5. That the latest monitoring report confirmed that there had been no deterioration in the financial position of the Authority.

Alternative Options Considered: Not applicable to this report.

DECISION: The Cabinet agreed to

1. Note the £0.769m overspend revenue outturn projection.
2. Direct departments reporting pressures to formulate and implement action plans to ensure that they remain within budget in 2013/14.
3. Note the progress made to date in the preparation of the 2014/15 budget.
4. Delegate responsibility for determining the manner of informing and consulting with Scrutiny Panels on the 2014/15 Budget to the Cabinet Member for Finance and Property in consultation with the Director of Finance, Resources and Customer Services.
5. Agree the new savings proposals for 2014-15 set out in Appendix 2 to the report.

Reason: To ensure that Members were aware of the projected budgetary position for the Authority for the current and future years including all major budget pressures and underspends which had contributed to the present monthly position and that were likely to affect the Council's finances over the period of the Medium Term Financial Plan. The recommendations if approved would allow the Authority to move forward with the development of the 2014-15 budget and Medium Term Financial Plan.

(Key decision – reference number 3758/3760)

7

**CAPITAL PROGRAMME MONITOR SECOND QUARTER SEPTEMBER
2013 - BUDGET YEAR 2013-14**

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.113) informing Members of the current position up to the end of September regarding the Council's Capital Programme (2013-17) taking into account the latest information for all capital schemes including the funding arrangements.

NOTED

1. That the report showed that the overall expenditure was projected to be £81.2m for the General fund and £60.3m for the Housing Revenue Account for 2013/14. The overall capital programme over the next 4 years was projected to be approximately £500m as detailed in Appendix A of the report.
2. That there had been a number of changes to the 2013/14 capital budget which were summarised in section 4 of the report. Members noted the innovative schemes included within the programme.
3. In response to a query raised by Councillor Taylor with reference to Table 1 of the report – Environment – 13/14 Town Park (reinstate the boating lake) it was noted that a water feature was being created rather than a boating lake. The wording of this item would be amended in future reports to avoid confusion.

Alternative Options Considered: Not applicable to this report.

DECISION: The Cabinet agreed

1. The updated four year programme including proposed reductions subject to indicative estimates included in 2015/17 (as detailed in Section 4 of the report).
2. The additions to the General Fund Capital Programme totalling £2.079m in 2013/14 (Table 1 – to be funded from grants and earmarked resources) and noted that this would not increase capital financing costs.

Reason: To inform Members of the current position regarding the Council's Capital Programme (2013-17)

(Key decision – reference number 3759)

Post meeting note: Following clarification, the total figure to agree for additions to the General Fund Capital Programme in 2013/14 should read £2.079m in 2013/14, as detailed in Table 1 of the report and reflected in decision 2 above. The figure stated in recommendation 2 of the report of £3.691m was incorrect.

UPDATED PROPERTY PROCEDURE RULES

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.114) presenting updated Property Procedure Rules for recommendation to full Council for approval.

NOTED

1. That the report had been considered and endorsed by the Audit Committee at its meeting on 7 November 2013.
2. That the report was commended to Members. The updated Property Procedure Rules would strengthen existing procedures. Members noted paragraph 3.2 of the report setting out the circumstances in which any transaction could be entered into.
3. The proposal to establish two new “boards” as detailed in section 4.6 of the report, namely the Corporate Asset Management Group and the Asset Performance Group.
4. The financial implications as set out in section 7.1 of the report.

Alternative Options Considered: NOTED that two alternative options had been considered: to retain the existing rules; and, not to publish the rules as part of the Council’s Constitution and maintain them as departmental operational procedures. Section 5 of the report set out the detail of the options which had been considered.

DECISION: The Cabinet agreed to endorse

1. The updated Property Procedure Rules.
2. The establishment of the Corporate Asset Management Group.

RECOMMENDED TO COUNCIL, subject to any comments from Audit Committee, to approve the updated Property Procedure Rules and replace the current rules in the Council’s Constitution.

Reason: Generally, the new Rules aimed to provide a fair, transparent and consistent basis for property related decision-making. The revised Rules would provide a more streamlined process for decisions around the Council’s property matters. Section 6 of the report referred.

(Non key)

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Councillor Ahmet Oykenar (Cabinet Member for Housing) introduced the report of the Director of Health, Housing and Adult Social Care (No.115) presenting a Housing Revenue Account (HRA) Tenancy Policy and a Housing Revenue Account (HRA) Rent Setting Policy for the Council.

NOTED

1. The background to Enfield's Tenancy Strategy as set out in section 3 of the report. The Tenancy Policy proposed no changes to current policy and practice. The Council did not currently propose to offer fixed term tenancies to its HRA tenants. The Council wanted to build strong and stable neighbourhoods.
2. The detail of Enfield's HRA rent setting policy as outlined in section 3 of the report. The majority of rents would be charged in line with the National Social Rent Policy, as detailed in the report.
3. That it was proposed to review both policies on an annual basis.
4. Councillor Orhan questioned the implications for the tenants of Ponders End following a recent tenants' meeting. Reassurances had been provided to the tenants concerned by Councillor Oykenar and there were no outstanding issues with regard to this policy document.

Alternative Options Considered: The Council was required by its own Tenancy Strategy, and by law, to publish a Tenancy Policy. It was also good practice to publish a Rent Setting Policy. Section 4 of the report referred.

DECISION: The Cabinet

1. Agreed the HRA Tenancy Policy and the HRA Rent Setting Policy as appended to the report as appendices A and B.
2. Noted the proposal to review both policies on an annual basis.

Reason: To agree the HRA Tenancy Policy and Rent Setting Policy. To review the two policies annually so that they remain current and reflect the Council's ambitions around maximising the delivery of affordable housing.

(Key decision – reference number 3735)

10

FRAMEWORK OF FINANCE MODELS

Councillor Ahmet Oykenar (Cabinet Member for Housing) introduced the report of the Director of Finance, Resources and Customer Services and Director of Health, Housing and Adult Social Care (No.116) setting out the potential models and finance options for the purchase of properties.

NOTED

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1. That the demand for housing in Enfield was continuing to increase with particular pressures for temporary accommodation and private sector leasing, as set out in the report. In order to meet housing needs a framework of finance options had been produced, for consideration when determining the finance route for future projects and programmes involving the purchase of properties or the development of new homes. The framework essentially had four different purchase structures: Council owned; local authority company owned; a joint venture, either a company with both local authority and private interest or; private ownership, as outlined in the report.
2. That a decision about the most appropriate investment model and finance stream would need to be taken for individual schemes.

Alternative Options Considered: Consideration had also been given to other forms of commercial loans, which were more complex than Public Works Loan Board (PWLB) but could offer a number of different options. Typically loans were very long term, for example up to 60 years and the interest rate was fixed. The lender was also able to call on the facilities at pre-determined future dates, such as every five years, and propose or impose a new fixed rate for the remaining term, so the borrower either needs to pay this increase rate or repay the loan at that junction. Enfield had not used this form of borrowing to date as this was considered to favour the lender too much and could expose local authorities to significant finance risk. Since 2008 these types of loans had become very rare. Enfield's Housing Strategy (2012-2027) set out a number of other options and interventions the Council was planning to respond to challenges around housing. This investment framework would complement the wider preventative initiatives already planned.

DECISION: The Cabinet agreed to

1. Approve the framework, which set out the models and finance options for the purchase of properties.
2. Note that the most appropriate model and finance stream would vary depending on the individual requirements of particular projects and target population, and an assessment of risk and opportunities would need to be considered for all projects in selecting the most appropriate model.
3. Note that decisions about the most appropriate option from the framework would be made for individual projects in line with the Council's scheme of delegation, for example through a Cabinet or an appropriate Cabinet Member(s) decision.

Reason: There was a shortage of high quality housing in the borough with secure longer term leases and demand for accommodation across all tenures was continuing to grow. This provided a framework of funding options to be considered against the requirements of particular projects and programmes. The framework set the strategic framework for development and/or acquisition

of properties. The merits and limitations of each model would be considered in the context of individual projects and its aims.

(Key decision – reference number 3808)

11

INSURANCE CONTRACT

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.117) seeking approval to award the Council's Insurance Contract.

NOTED

1. That Report No.118 also referred as detailed in Minute No.21 below:
2. That the external insurance contract was due to expire on 31 March 2014. The Council had recently reviewed its insurance arrangements and had commenced a tender exercise to procure a new contract, to begin on 1 April 2014.

Alternative Options Considered: NOTED the alternative options which had been considered as detailed in section 4 of the report, in relation to total self-insurance; joint procurement; and, insurance services framework agreement.

DECISION: The Cabinet agreed to

1. Award the contract to the recommended bidders as detailed in paragraph 3.4.3 of Report No.118, Minute No.21 below refers.
2. Note the savings achieved through this tender exercise.

Reason: To ensure that the Council complies with legislative requirements and that adequate financial protection for the Council exists in the event of a major loss.

(Key decision – reference number 3810)

12

ISSUES ARISING FROM THE OVERVIEW AND SCRUTINY PANEL/SCRUTINY PANELS

NOTED that no issues had been raised for consideration at this meeting.

13

CABINET AGENDA PLANNING - FUTURE ITEMS

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

14

NOTICE OF KEY DECISION LIST

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NOTED that the Notice of Key Decisions List was due to be published on 29 November 2013, this would be effective from 1 January 2014.

15 MINUTES

AGREED that the minutes of the previous meeting of the Cabinet held on 16 October 2013 be confirmed and signed by the Chairman as a correct record.

16 MINUTES OF POLICY CABINET SUB-COMMITTEE - 2 OCTOBER 2013

NOTED the minutes of a meeting of the Policy Cabinet Sub-Committee held on 2 October 2013.

17 MINUTES OF ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 10 OCTOBER 2013

NOTED the minutes of a meeting of the Enfield Residents' Priority Fund Cabinet Sub-Committee held on 10 October 2013.

18 ENFIELD STRATEGIC PARTNERSHIP FEEDBACK

NOTED that

1. there were no written updates to be received.
2. an Enfield Strategic Partnership Conference had been held earlier that day. A number of issues had been considered including child and family poverty and public health issues. Members asked that a report be presented to the next Cabinet meeting highlighting the key issues which had been considered for discussion by Cabinet.

19 DATE OF NEXT MEETING

NOTED that the next meeting of the Cabinet was scheduled to take place on Wednesday 11 December 2013 at 8.15pm.

20 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 item of business listed on part 2 of the agenda on the grounds that it involves 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).

21

INSURANCE CONTRACT

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.118).

NOTED

1. That Report No.117 also referred as detailed in Minute No.11 above.
2. The detailed tender expressions and evaluation for each element of the insurance contract including terrorism cover as set out in full in section 3 of the report. Members discussed the proposed insurance arrangements and the terms of the Council's liability.
3. That the recommended bid was for a 5 year contract duration subject to an annual review. It was good practice to review the Council's insurance arrangements on a regular basis.

Alternative Options Considered: As detailed in Report No.117, Minute No.11 above refers.

DECISION: The Cabinet agreed to

1. Note the outcome of the bids received and evaluation, and agreed the award of the contracts to the bidders as shown in paragraph 3.4.3 of the report;
2. Delegate authority to the Cabinet Member for Finance and Property, in consultation with the Director of Finance, Resources and Customer Services, to approve any minor variations to the policies prior to the contract award.

Reason: As detailed in Report No.117, Minute No.11 above refers.
(Key decision – reference number 3810)