

**MINUTES OF THE MEETING OF THE CABINET
HELD ON WEDNESDAY, 16 NOVEMBER 2016**

COUNCILLORS

PRESENT Doug Taylor (Leader of the Council), Achilleas Georgiou (Deputy Leader/Public Service Delivery), Daniel Anderson (Cabinet Member for Environment), Yasemin Brett (Cabinet Member for Community, Arts and Culture), Alev Cazimoglu (Cabinet Member for Health and Social Care), Krystle Fonyonga (Cabinet Member for Community Safety and Public Health), Dino Lemonides (Cabinet Member for Finance and Efficiency), Ayfer Orhan (Cabinet Member for Education, Children's Services and Protection) and Alan Sitkin (Cabinet Member for Economic Regeneration and Business Development)

Associate Cabinet Members (Non-Executive and Non-Voting): Bambos Charalambous (Enfield West)

ABSENT Ahmet Oykenner (Cabinet Member for Housing and Housing Regeneration), George Savva (Associate Cabinet Member – Enfield South East), Vicki Pite (Associate Cabinet Member – Enfield North)

OFFICERS: Rob Leak (Chief Executive), James Rolfe (Director of Finance, Resources and Customer Services), Ian Davis (Director of Regeneration & Environment), Ray James (Director of Health, Housing and Adult Social Care), Tony Theodoulou (Director of Children's Services), Jenny Tosh (Chief Education Officer), Jayne Middleton-Albooye (Head of Legal Services), Mohammed Lais (Senior Asset Management Surveyor), Anne Stoker (Acting Assistant Director of Children's Services), Keith Rowley (Head of Asset Management - Children's Services) and Suzanne Linsey (Press Officer) Jacqui Hurst (Secretary)

Also Attending: Councillor Derek Levy (Chair of the Overview and Scrutiny Committee)

1

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ahmet Oykenner (Cabinet Member for Housing and Housing Regeneration), Councillor George Savva (Associate Cabinet Member – Enfield South East), and Councillor Vicki Pite (Associate Cabinet Member – Enfield North).

2

DECLARATIONS OF INTEREST

NOTED, that there were no declarations of interest in respect of any items listed on the agenda.

3 URGENT ITEMS

NOTED

1. 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, with the exception of Report No.130 – Revenue Monitoring Report 2016/2017: September 2016 and 2017/18 Budget Update (Minute No. 7 below refers). These requirements state that agendas and reports should be circulated at least 5 clear working days in advance of meetings.

AGREED, that the above report be considered at this meeting.

2. **Decision Taken by the Leader of the Council under the Cabinet Urgent Action Procedure – Housing Gateway Limited – Increased Budget Envelope**

That a decision had been taken by the Leader of the Council, on behalf of the Cabinet, on 28 October 2016, under the Cabinet Urgent Action Procedure (as set out in the Council's Constitution, Chapter 4.3 – Section 12 – Rules of Procedure). The decision had recommended that the Council approve the provision of an additional loan facility to Housing Gateway Limited.

The decision had been agreed at the Council meeting held on 9 November 2016 (Report Nos. 140 and 141 – Council – 9 November 2016 – key decision – reference number 4406 referred).

4 DEPUTATIONS

NOTED, that no requests for deputations had been received for presentation to this Cabinet meeting.

5 GUIDANCE FOR CABINET MEMBERS

At this point in the meeting the Head of Legal Services advised Cabinet that any recommendations, included within the reports being considered by Cabinet this evening, that were for noting only, would not be subject to the Council's call-in procedures. Such recommendations were not deemed to be decisions of the Cabinet, but matters of information for the Executive.

A statement to this effect would appear on future Cabinet agendas.

**6
ITEMS TO BE REFERRED TO THE COUNCIL**

NOTED, that there were no reports to be referred to full Council.

**7
REVENUE MONITORING REPORT SEPTEMBER 2016 & 2017/18 BUDGET
UPDATE**

Councillor Dino Lemonides (Cabinet Member for Finance and Efficiency) introduced the report of the Director of Finance, Resources and Customer Services (No.130) setting out the Council's revenue budget monitoring position based on information to the end of September 2016.

NOTED

1. That the wording of recommendations 2.2 and 2.3 had been amended, as reflected in noted 3 and 4 below.
2. The £7.2m overspend revenue outturn projection. This position was consistent with that which had been reported in August 2016.
3. For information, that Cabinet Members would continue to work with Directors to implement action plans to reduce the forecast overspend in 2016/17.
4. For information, that Cabinet Members would continue to work with Directors to agree and implement plans to mitigate pressures being forecast in the Medium Term Financial Plan.
5. The progress made to date in the preparation of the 2017/18 budget and requested a further report in January 2017.
6. That Cabinet would work with the Corporate Management Board (CMB) to identify further savings to bridge the budget gap and set a balanced budget.
7. That the projected revenue outturn overspend had reduced from £7.9m to £7.2m, as detailed in the report. Members noted the high level of demand for services within Health, Housing and Adult Social Care and Children's Services, as identified in the report. This was an issue that was being experienced across London and nationally.
8. In response to a question raised, clarification was provided on the projected Housing Revenue Account (HRA) underspend which was a reflection on the level of work that had been requested.

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9. Councillor Cazimoglu reiterated the financial pressures being faced by Adult Social Care and highlighted the Learning Disabilities Service, as detailed in the report. Concerns were growing nationally regarding an underfunding of Adult Social Care services. The majority of Local Authority Adult Social Care departments were predicting a budget deficit. Councillor Cazimoglu stressed the seriousness of the funding situation and the difficulties that would be faced in sustaining future levels of service delivery.
10. James Rolfe (Director of Finance, Resources and Customer Services) reported that in response to the Government's multi-year settlement offer as set out in section 9.2 of the report, Enfield's application for a four year settlement over the period 2016/17 to 2019/20, had been accepted. Councils were now awaiting the Chancellor's Autumn Statement and draft Local Government Finance Settlement details, as outlined in the report.

Alternative Options Considered: Not applicable to this report.

Reason: To ensure that Members were aware of the projected budgetary position, 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 4393)

8

LONDON REGIONAL ADOPTION AGENCY

Councillor Ayfer Orhan (Cabinet Member for Education, Children's Services and Protection) introduced the report of the Director of Children's Services (No.131) seeking agreement in principle, to join a London Regional Adoption Agency.

NOTED

1. That the DfE required all local authorities to join a regional agency by 2020 and had invited councils and Voluntary Adoption Agencies to submit expressions of interest in becoming part of new regionalised arrangements.
2. That all London Boroughs already belonged to an adoption consortium. Enfield was part of the North London consortium. These consortia allowed best practice sharing between local authorities and enabled joint working on some aspects of the service.
3. The development of regionalised adoption agencies would enable prospective adopters to be recruited more widely, improve the matching opportunities available and so potentially speed up the adoption process.

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4. That there was still a significant amount of development work to do and a number of concerns to be addressed. It was important for Enfield to participate in the discussions taking place and influence future decision making with regard to the development of such adoption agencies. Enfield would be able to decide which regionalised adoption agency to join in the future to ensure that the needs of the Borough were best met. A further report would be brought back to a future Cabinet meeting prior to any final decision being made.
5. That a significant amount of work had been undertaken to date and would continue to take place. Enfield would participate in discussions and seek reassurances with regard to future improvements to the adoption process and adequate funding provision.
6. Councillor Fonyonga highlighted the work that had previously been undertaken by Scrutiny on the current adoption processes and expressed the hope that the development of such regionalised adoption agencies would provide increased opportunities for the matching of prospective adopters with the children available for adoption.
7. That it was anticipated that more detailed proposals would be available by September 2017. Enfield would continue to work with other local authorities in developing the proposals, as set out in the report. There were a significant number of issues to be addressed and worked through in detail before the best way forward for Enfield could be determined. This would be addressed in the future report to Cabinet.
8. In response to a question raised, Tony Theodoulou (Director of Children's Services) outlined the detailed assessment processes for prospective adoptive parents. Further detailed information would be provided to Councillor Brett as requested.

Alternative Options Considered: NOTED, that alternatives to the London option would be to join another developing regional agency or create a new model. Other developing regional agencies had not been developed with the involvement of London boroughs. No other regional agencies had proposed a model linked to the governance of London local authorities. The London model was being developed with the complexity of the borough and provider landscape in mind. Many of the models being developed in other regions, for example, single local authority host, would not be appropriate to meet this complexity of need.

Any new agency being developed would have the same timescale requirements and would need to access development funding independently, the Association of London Directors of Children's Services (ALDCS) identified that using existing arrangements (for example, consortia) would not remove the performance and service variation across London and most current consortia regions would not achieve the DfE aims for scale. A sub-divided

London would lose the benefit of the wider pool of adopters and the standardisation of service offering.

DECISION: The Cabinet agreed, in principle, to join a London Regional Adoption Agency, subject to detailed financial analysis and business case and delegated authority to the Cabinet Member for Education, Children's Services and Protection and the Director of Children's Services, to progress arrangements relating to the development and implementation of the London Regional Adoption Agency model and negotiate with other Regional Adoption Agencies as appropriate. A further report would be brought back to a future Cabinet meeting.

Reason: The London Regional Adoption Agency had been developed to meet the needs of London Boroughs. It would operate in a similar manner to the London Admissions and London Grid for Learning Teams, with governance through ALDAS and London Councils. The DfE require all local authorities to join a regional agency by 2020, therefore "do nothing" was not an available option within the current policy and political landscape. Given the policy drive from the Government and examples of good joint working in other areas of children's services, a regionalised adoption agency (RAA) was considered to be the best viable option.

(Non key)

9

STRATEGY AND APPROACH TO DELIVERING PUPIL PLACES

Councillor Ayfer Orhan (Cabinet Member for Education, Children's Services and Protection) introduced the report of the Director of Finance, Resources and Customer Services and Chief Education Officer (No.132) updating the strategy for the provision of pupil places.

NOTED

1. The following amendments to recommendations in the report as reflected in the decisions below:
 - Recommendation 2.2.5, bullet point two, the addition of "in accordance with the limits set out in the Council's Contract Procurement Rules";
 - Recommendation 2.3.1, the addition of "and a further report brought back to Cabinet"
2. That Members' attention was drawn to the information provided within the Executive Summary of the report. Councillor Orhan outlined the difficulties faced due to Central Government policy changes and the restriction on funding provision and legislation restrictions. The Council was legally prohibited from opening any new schools or purchasing sites for new schools. Any new school provision would be through the Government's Free Schools and Academies programme.

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3. The detailed strategy and approach to the delivery of pupil places as set out in full in the report. Members supported the proposals set out in the recommendations of the report and detailed in the decisions below.

Alternative Options Considered: Enfield Council had a statutory responsibility to provide the necessary school places. The School Expansion Programme created a mechanism to assist with the delivery of extra capacity required. Failure to provide enough school places was not an option. The proposals which had been considered but rejected were set out in section 4 of the report.

DECISION: The Cabinet agreed to

1. Approve three additional permanent forms of primary entry (FE) in the South West from September 2017 to September 2020.
 - and the continuation of the school expansion programme, with the focus on special provision and high needs pupil places.
2. Increase capacity in special schools and establishments that provide education services for some of the most acute special need categories subject to further approval for the manner in which this was to be achieved.
3. Note that the School Expansion Programme capital budgets for 2016/17 to 2017/18 were maintained at current approved levels but updated by a separate report(s) brought forward on any necessary land acquisitions required to facilitate provision of extra places and the need to increase budgets or use Council resources.
4. Approve refinancing of the Garfield Primary project to reflect the change in legislation in respect of the sale of education land from previously approved School Expansion Programme (SEP) growth.
5. Approve the retention of the Garfield building, designated as the Key Stage 2 building, for education purposes, initially for the decant of West Lea pupils to allow building works to proceed. The long term future use of the Garfield KS2 building was to be the subject of a further report.
6. Support continued delegated authority to the Cabinet Member for Education, Children's Services and Protection and the Cabinet Member for Finance and Efficiency in consultation with the Director of Finance, Resources and Customer Services, the Chief Education Officer or the Assistant Director of Strategic Property Services, to take decisions on:
 - The individual schools, sites and preferred partners for expansions, and decisions on statutory requirements, to meet the demand for extra pupil places, both mainstream and special, up to 2020/21.

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- Conducting suitable procurement exercises and either calling off EU-compliant framework agreements or conducting suitable procurement exercises, entering into contractual arrangements with successful contractors and placing orders for any capital works required for the projects in accordance with the limits set out in the Council's Contract procurement rules; and
 - Conducting any necessary land transactions, including acquisitions by way of freehold or leasehold up to the value of £500,000, as individual schemes were developed.
7. Support continued delegated authority to the Director of Finance, Resources and Customer Services and the Chief Education Officer to take decisions on the:
- Programme management arrangements and operational resourcing, including procurement of any required support services.
 - Commencing feasibility or initial design to inform pre-application discussions with planning and procurement of resources for this activity.
 - Cost estimates, budgets and spend for projects in advance of updates to the Capital Programme.
 - Submission of planning applications; and
 - The appropriate procurement routes for professional support services and construction for individual schemes.
8. Note that if options for schemes could not be progressed then alternative options would need to be brought forward for decision and inclusion on the Council's Capital Programme and a further report brought back to Cabinet.

Reason: The Council had an overriding statutory duty to provide sufficient pupil places to meet anticipated demand. The strategy and delivery arrangements would deliver the additional reception places required in the areas of highest demand up to 2020. The expanded capacity aims to provide a higher level of flexibility built in to counter sudden increases in demand.

(Key decision – reference number 4395)

10

TRANSFORMATION AND TECHNOLOGY AFTER ENFIELD 2017

NOTED, that this item had been withdrawn from the agenda.

11

ASSET MANAGEMENT - POTENTIAL DISPOSAL OF COUNCIL OWNED PROPERTIES - TRANCHE 7

Councillor Dino Lemonides (Cabinet Member for Finance and Efficiency) introduced the report of the Director of Finance, Resources and Customer

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Services (No.134) seeking approval in principle to the sale of various Council properties.

NOTED

1. The properties listed in the Appendix to the report which were considered in the Council's overall best interests to sell, subject to satisfactory further evaluation and consultation, in order to assist in funding capital spending.
2. That the list of properties had been brought to the attention of Cabinet Members and Ward Councillors for their consideration.
3. The discussions that were currently taking place with regard to Reardon Court which would need to be concluded before moving forward with any proposals for this particular site.

Alternative Options Considered: Retention of property without regular review was clearly not in the Council's business interests. If property was not disposed of, it would cause a reduction in capital spending or increased borrowing. However, evaluation of individual cases might result in retention being the better option.

DECISION: The Cabinet agreed

1. That approval be given in principle to the disposal of those properties as listed in the appendix to the report.
2. To delegate the method of sale and the approval of provisionally agreed terms of sale to the Cabinet Member for Finance and Efficiency in consultation with the Director of Finance, Resources and Customer Services.

Reason: Potential disposal of the properties was recommended as being in the Council's best financial interests balanced against service and community needs.

(Key decision – reference number 4413)

12

EDMONTON GREEN LEASE RESTRUCTURE

Councillor Dino Lemonides (Cabinet Member for Finance and Efficiency) introduced the report of the Director of Finance, Resources and Customer Services (No.135) seeking approval to restructure the existing lease at Edmonton Green Shopping Centre.

NOTED

1. That Report No.137 also referred, as detailed in Minute No.19 below.

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2. The background to the current lease arrangements as set out in section 3 of the report together with the proposals for the restructure of the existing lease.

Alternative Options Considered: As detailed in Report No.137, Minute No.19 below refers.

DECISION: The Cabinet agreed to approve

1. The proposed terms of the restructured lease of Edmonton Green Shopping Centre as detailed in Report No.137 (Minute No.19 below refers).
2. Delegated authority to the Director of Finance, Resources and Customer Services in conjunction with the Assistant Director of Strategic Property Services and the Assistant Director of Legal and Governance, to agree final terms and enter into appropriate legal agreements for the proposed lease restructure.

Reason: To enable the Council to renegotiate the terms of the original lease, create better value for the Authority moving forwards and achieve a more effective structure to the legal relationship with St.Modwen's.

(Key decision – reference number 4144)

13

ISSUES ARISING FROM THE OVERVIEW AND SCRUTINY COMMITTEE

NOTED, that there were no items to be considered at this meeting.

14

CABINET AGENDA PLANNING - FUTURE ITEMS

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

15

MINUTES

AGREED, that the minutes of the previous meeting of the Cabinet held on 19 October 2016 be confirmed and signed by the Chair as a correct record.

Matter Arising from the Minutes

Ray James (Director of Health, Housing and Adult Social Care) advised Members of a matter arising in relation to Minute Nos.17 and 26 – Refurbishment and Re-provision Work of Enfield Highway Library Building as follows:

As part of the Council's control procedures, internal audit had identified that aspects of the procurement had not been consistent with the Council's Contract Procedure rules. It was therefore considered prudent to recommend

to Cabinet that no contract be awarded pursuant to this procurement. A further report would be brought back to Cabinet recommending the way forward.

16

ENFIELD STRATEGIC PARTNERSHIP FEEDBACK

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

17

DATE OF NEXT MEETING

NOTED, that the next Cabinet meeting was scheduled to take place on Wednesday 14 December 2016.

Councillor Ayfer Orhan (Cabinet Member for Education, Children's Services and Protection) extended her apologies for absence for this meeting.

18

EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED, in accordance with Section 100(A) of the Local Government Act 1972 to exclude the press and public from the meeting for the item listed on part 2 of the agenda on the grounds that it involves the likely disclosure of 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).

19

EDMONTON GREEN LEASE RESTRUCTURE

Councillor Dino Lemonides (Cabinet Member for Finance and Efficiency) introduced the report of the Director of Finance, Resources and Customer Services (No.137).

NOTED

1. That Report No.135 also referred, as detailed in Minute No.12 above.
2. The negotiations which had taken place and the proposals for the lease restructure as set out in detail in the report. Members noted the increase in the annual rent income to the Council as outlined in the report.
3. Members discussed in detail the terms of the restructured lease and the implications for both the Council and St.Modwen's. The new terms had been simplified and reassurances were provided to Members in response to questions raised on the benefits of the restructured lease for all concerned. The terms had been recommended by the Council's

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specialist consultant as representing best value under the Local Government Act 1972.

4. Members took this opportunity to reiterate the need for continued investment in Edmonton Green and noted that the terms of the new lease would support this.
5. The restructured lease increased flexibility and simplified the current lease arrangements. In response to questions raised, Members were advised of the Council's role and approval processes for any future development and investment opportunities brought forward for consideration.
6. In conclusion of the detailed discussion, Members expressed their support of the proposals as detailed in the decisions below.

Alternative Options Considered: The alternative option was to do nothing, as set out in section 4 of the report.

DECISION: The Cabinet agreed

1. To a new 150 year lease being entered into between the Council and St.Modwen, for the asset known as Edmonton Green Shopping Centre on the heads of terms set out in appendix 1 to the report.
2. To note that all existing leases and variants would be terminated and replaced by the proposed new lease.

Reason: The detailed reasons for the recommendations were set out in section 5 of the report.

(Key decision – reference number 4144)