

Cabinet

Minutes



Monday 2 September 2019

PRESENT

Councillor Stephen Cowan, Leader of the Council
Councillor Sue Fennimore, Deputy Leader
Councillor Adam Connell, Cabinet Member for Public Services Reform
Councillor Wesley Harcourt, Cabinet Member for the Environment
Councillor Andrew Jones, Cabinet Member for the Economy
Councillor Lisa Homan, Cabinet Member for Housing
Councillor Sue Macmillan, Cabinet Member for Strategy
Councillor Max Schmid, Cabinet Member for Finance and Commercial Services

32. MINUTES OF THE CABINET MEETING HELD ON 1 JULY 2019

RESOLVED:

That the minutes of the meeting of the Cabinet held on 1 July 2019 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

33. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ben Coleman and Councillor Larry Culhane.

34. DECLARATION OF INTERESTS

There were no declarations of interest.

35. BUSINESS CASE & PROCUREMENT STRATEGY IN RELATION TO THE AWARD OF CONTRACTS TO DELIVER IMPACT PROJECT INDEPENDENT DOMESTIC VIOLENCE ADVOCACY AND CASE PROGRESSION SERVICES

RESOLVED:

To approve the Business Case & Procurement Strategy for the procurement of Impact Independent Domestic Violence Advocacy, and Case Progression services, as set out in Appendix 1 of the report.

To approve a delegation of the decision to award the contracts to the Strategic Director of Environment, in consultation with the Deputy Leader.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

36. CORPORATE REVENUE MONITOR 2019/20 MONTH TWO - 31 MAY 2019

RESOLVED:

1. To require the Directors and Cabinet members to identify and deliver actions that offset the forecast General Fund overspend.
2. To delegate to the Strategic Director of Finance and Governance, in consultation with the Cabinet Member for Finance and Commercial Services, the decision to agree the necessary budget virements required to align budgets to the new 2019/20 departmental structures.
3. To note the HRA forecast overspend.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

37. THE HIGHWAY MAINTENANCE WORK PROGRAMME 2019-20

RESOLVED:

- 1.1. To approve the programme in Appendix B. which lists several locations for works to take place over the coming year.
- 1.2. That authority be delegated to the Strategic Director of Environment in consultation with the Cabinet Member for the Environment to make amendments to the Highway Maintenance and LIP programmes as agreed for operational and cost-effective reasons, in order to make the optimum use of resources and to better meet residents' needs.
- 1.3. To note that reports and updates on programme amendments (additions and removals) to the approved scheme list be made, as and when required, during the year to the Cabinet Member for the Environment.
- 1.4. That authority be delegated to the Strategic Director of Environment in consultation with the Cabinet Member for the Environment to award the contracts listed in the annual highway maintenance work programme for 2019-2020 as set out in appendix B.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

38. PROJECTS FOR ANNUAL PARKS CAPITAL PROGRAMME 2019/20

RESOLVED:

- 1.1. To approve that the £500,000 s106 contributions are used to fund the full list of new parks projects identified in section 5 of this report.
- 1.2. To approve the Business Case and Procurement Strategy set out at Appendix 1 in accordance with the Council's Contract Standing Orders ('CSOs') 8.12.
- 1.3. To approve the procurement of individual projects in accordance with CSO 10.2 (table 10.2d) and 11.2, where the total value of the works does not exceed the £500,000.

- 1.4. To delegate the decision to award the contracts in respect of each project to the Strategic Director of Environment in consultation with the Cabinet Member for the Environment.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

39. WAIVER OF COUNCIL'S CONTRACT STANDING ORDERS AND DIRECT AWARD OF A CONTRACT FOR THE PROVISION OF HEALTHY HEARTS SERVICE

RESOLVED:

1. To approve a waiver under Contract Standing Orders (CSO) 3.1 in relation to the competition requirements of CSO 10.2 and CSO 11.2 (either to call off a framework or to advertise the contract and seek public quotations). The justification of the waiver is that the nature of the market for the services to be provided has been investigated and it is demonstrated to be such that a departure from these CSOs is justifiable and in the Council's overall interest.
2. To approve the direct award of the contract for the delivery of a Healthy Hearts service to Thrive Tribe for six months from 1 October 2019 with an option to extend by two periods of up to three months each. The maximum contract cost over twelve months would be £472,029.
3. To delegate the decision to extend the contract to the Director of Public Health in consultation with the Cabinet Member for Health and Adult Social Care.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

40. HARTOPP AND LANNOY POINTS

RESOLVED:

Councillor Lisa Homan stated that this was the latest report regarding the demolition of the two housing blocks, Hartopp and Lannoy Points. Since Cabinet agreed to the demolition in April, there had been extensive negotiations with tenants and leaseholders. The recommendations on this report would allow the Council to continue with the plans.

RESOLVED:

That Cabinet:

1. Authorises the making of a CPO for the land edged red on Plan 1 (appendix 1) pursuant to section 17 of the Housing Act 1985, to enable the demolition of Hartopp Point, Lannoy Point and achievement of a future qualitative gain in housing stock within 10 years of the confirmation of the 'Order'.
2. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal and Democratic services take all necessary steps to make the CPO, pursue its confirmation by the Inspector, Secretary of State (or the Council) to implement the CPO (these steps are set out in section 4.14 of this report).
3. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal and Democratic Services, to make General Vesting Declarations (GVDs) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or to serve notices to treat and notices of entry (if required) following confirmation of the order.
4. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal and Democratic Services, to issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a GVD or service of a notice of entry relating to the order if it is considered appropriate to do so.
5. Delegates authority to the Strategic Director for the Economy, in consultation with the Assistant Director of Legal and Democratic Services, to acquire third party interests in the land within the CPO either

by agreement or compulsorily and up to the value of the revised budget approved as part of this report.

6. Approves an increase in the property acquisition budget by £859,000 to ensure consistency in the offers made to acquire third party interests. This will be funded by HRA borrowing and takes the total Property Acquisition budget to £10,676,391.
7. Approves an additional budget of up to £250,000 to meet costs arising in preparing and presenting the Council's case, in the event of a CPO public inquiry being required and should such inquiry take place. This will be funded by HRA borrowing and takes the total CPO budget to £350,000.
8. Approves an extension to Avison Young's existing instruction in the event of an inquiry being required and that these costs will be met from the budget increase set out in 2.8. The value of the such extension is estimated at £60,000.
9. Approves a budget of up to £250,000 to procure design services (including surveys, cost consultancy and project management) to develop feasibility stage redevelopment options for the Order land to deliver a qualitative improvement in the council's housing stock and to enable community engagement on these options. This will be funded from HRA borrowing.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

41. WEST KING STREET DEVELOPMENT: AUTHORITY TO SIGN UNILATERAL UNDERTAKING

RESOLVED:

Councillor Andrew Jones stated that the decision on this report was required to give the Council the authority to enter into a unilateral undertaking for the planning obligations for West King Street development. This would allow the planning permission to be issued and enable the overall programme to remain on target.

RESOLVED:

That the Council in its capacity as landowner of the majority of the development site is authorised to sign the Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 for the purposes of achieving planning permission.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

42. BUSINESS CASE & PROCUREMENT STRATEGY DYNAMIC PURCHASING SYSTEM (DPS) FOR PLANNED AND REACTIVE CAPITAL WORKS

RESOLVED:

That the Cabinet:

1. Approves the Procurement Strategy & Business Case set out in Appendix 1 for the procurement of a Dynamic Purchasing System (DPS) for repair and maintenance requirements to schools and other buildings for use with work packages of up to £350,000.
2. In relation to any works packages proposed, estimated to be in excess of £100,000, to be procured using the DPS, to waive pursuant to CSO 3 the requirements of Contract Standing Orders (CSO) 8 for prior approval of a procurement strategy, on the grounds that this is in the Council's overall interests.

3. In relation to any works package proposed to be procured using the DPS, to waive pursuant to CSO 3 the requirements of Contract Standing Order 10 in relation to the procurement process to be used, on the grounds that the circumstances of the proposed contract are covered by legislative exemptions.
4. Delegate the decision to appoint new contractors to the DPS, over its duration, to the Director of Children's Services in consultation with the Cabinet Member for Children and Education.
5. Note that it is not proposed that the DPS be available for use to procure works contracts in excess of £350,000 in value.
6. Approves that the award of any contracts recommended following a competitive tender exercise under the DPS framework, is delegated to the appropriate Chief Officer for awards up to £25,000, in accordance with CSO 17.1.
7. Note the decision to approve contracts in excess of £25,000, recommended following a competitive tender exercise under the DPS framework, is for appropriate Cabinet Member to make in accordance with:
 - CSO17.2 - where the value of the contract is in excess of £25,000 but below £100,000
 - CSO 17.3.1 - where the actual contract value exceeds £100,000 but is less than £5m.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

43. **AVONMORE, BROOK GREEN AND ADDISON NEIGHBOURHOOD PLAN AREA**

RESOLVED:

This report is recommending Cabinet to:

- Refuse the Neighbourhood Area application.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

44. **FORWARD PLAN OF KEY DECISIONS**

The Key Decision List was noted.

45. **ANY OTHER BUSINESS**

None.

Meeting started: 7.00 pm

Meeting ended: 7.05 pm

Chair