

# Cabinet

## Minutes

Monday 12 November 2012

### **PRESENT**

Councillor Greg Smith, Deputy Leader (+ Residents Services)  
Councillor Helen Binmore, Cabinet Member for Children's Services  
Councillor Mark Loveday, Cabinet Member for Communications (+ Chief Whip)  
Councillor Marcus Ginn, Cabinet Member for Community Care  
Councillor Andrew Johnson, Cabinet Member for Housing  
Councillor Victoria Brocklebank-Fowler, Cabinet Member for Transport and Technical Services

### **87. MINUTES OF THE CABINET MEETING HELD ON 15 OCTOBER 2012**

#### **RESOLVED:**

That the minutes of the meeting of the Cabinet held on 15 October 2012 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

### **88. APOLOGIES FOR ABSENCE**

#### **RESOLVED:**

An apology for absence was received from Councillor Nicholas Botterill.

### **89. DECLARATION OF INTERESTS**

#### **RESOLVED:**

There were no declarations of interest.

### **90. THE GENERAL FUND REVENUE BUDGET 2012/2013 - MONTH 5 AMENDMENTS**

#### **RESOLVED:**

That the changes to the General Fund revenue budgets as set out in Appendix 1 to the report be approved.

**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.

**91. RATIONALISATION OF MICROSOFT ACADEMIC LICENCES**

**RESOLVED:**

That approval be given to migrate the current academic licences to the existing Microsoft Enterprise Agreement at a total cost of £44,702 p.a. as set out in paragraph 3.2 of the report.

**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.

**92. NEW COMMUNITY TOILET PROVISION**

**RESOLVED:**

1. That, given the high cost of renting and maintaining the Automatic Public Toilets (APCs) versus the low level of income generated, the Council ceases to operate APCs in the borough, be approved.
2. That the current contract is terminated early at the end of Year 7 (March 2013) at a one off cost of £451,000 saving the council £134,000 per annum from 2013/14 meaning an investment payback period of just over 3 years, be approved.
3. That the Council promotes the London Mayor's OpenToilet Scheme operated at minimal cost to cover advertising by the authority, be approved.

**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.

**93. ESTABLISHING TRI-BOROUGH INTEGRATED HEALTH AND SOCIAL CARE COMMUNITY SERVICES - UPDATE AND NEXT STEPS**

**RESOLVED:**

- 1.1 That the establishment of the post of a Director for Health and Social Care, Adults with CLCH, who would manage both community health and social care services, replacing the existing Director of Operations post in the Tri Borough Adult Social Care management team, be approved.
- 1.2 That delegate authority to the Tri-Borough Executive Director for Adult Social Care to draft and implement the further detailed management structure below the proposed Director for Health and Social Care, Adults, be approved.
- 1.3 That where this results in the displacement of staff, every effort will be made to assimilate, redeploy or find suitable alternative employment for the post holders affected by this reorganisation. Where it is not possible to redeploy individuals, that they will be declared redundant with effect from a date to be agreed between the Executive Director of Adults Social Care and the Director of Human Resources, and paid benefits in accordance with the relevant Council's Policy on Payment of Redundancy Compensation, be approved.

**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.

**94. NEW VEHICLES FOR ADULT SOCIAL CARE PASSENGER TRANSPORT HOME TO DAY CARE CENTRE SERVICES**

**RESOLVED:**

That the Council's Contract Standing Orders in relation to tendering requirements for contracts valued at over £100,000 be waived in respect of this procurement, be approved.

**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.

**95. ESTABLISHMENT OF A HOUSING AND REGENERATION JOINT VENTURE VEHICLE**

**RESOLVED:**

1. That an OJEU compliant procurement exercise using the negotiated procedure to select a Private Sector Partner (PSP) to establish a housing and regeneration Joint Venture Vehicle (JVV), and that a further report be submitted to Cabinet with a recommendation regarding the preferred partner including details of the JVV structure, financial implications and governance arrangements, be approved.
2. That authority be delegated to the Cabinet Member for Housing in conjunction with the Executive Director of Housing and Regeneration and the Executive Director of Finance and Corporate Governance to make decisions during the procurement process in order to identify a preferred PSP and to negotiate the terms for establishing a JVV, be approved.
3. That Cabinet notes that Watermeadow Court and Edith Summerskill House are proposed to be transferred to the JVV (once established) to be redeveloped for housing, following the satisfaction of certain pre-conditions, including:
  - obtaining satisfactory planning consents for those sites
  - securing best consideration; and
  - where relevant, disposal being subject to the Secretary of State's approval.
  - finalisation of the other financial and tax arrangements
4. That Cabinet notes:

- its previous approval of the appointment of Lambert Smith Hampton (LSH) as the property and commercial advisors at the cost of £94,600 funded from Section 106 balances.
  - that the Director of Law has agreed the appointment of Eversheds LLP via delegated authority as the legal advisors in relation to this project.
5. That Cabinet approves expenditure of up to:
- an additional £40,000 for property and commercial advice from LSH and £162,385 for property and procurement related legal work to be undertaken by Eversheds
  - £35,000 to appoint WYG Management Services Ltd to undertake technical surveys on the selected sites
  - £75,000 to appoint accountants to provide tax and financial advice on the structure of the JVV
  - £50,000 to undertake financial due diligence at the final stages of the partner selection
  - together with a contingency of circa £43,015, providing an overall budget for the Professional Team of £500,000.

And to note the use of staff resources as specified in section 3 of the report. All expenditure to be funded from the Decent Neighbourhoods Fund where it is possible to be capitalised or where possible held as a deferred cost of disposal; and from previously approved Section 106 balances in the case of revenue expenditure save for the potential net revenue risk of £128,000 which would be funded by the Housing Revenue Account as an additional charge to the 2013/14 budget.

6. That approval be given to draw down £350k from the Westfield Section 106 pot and £57k from the BBC Key Worker Section 106 pot to fund the costs of external expertise including legal, finance and feasibility work to advance the Council's programme of regeneration
7. That approval be given to appropriate Watermeadow Court, which is currently held as Housing Revenue Account land, as land held for planning purposes under Section 122 of the Local Government Act 1972, thereby transferring it to the General Fund at £7.5m; including necessary approval to seek consent from the Secretary of State for Communities and Local Government to appropriate the land as required by the Housing Act 1985.
8. That, subject to planning permission, approval is given to demolish Watermeadow Court, on a block by block basis, as vacant possession is achieved.
9. That approval be given for expenditure of up to £700,000 (to be funded from the Decent Neighbourhoods Fund) for planning and demolition costs relating to Watermeadow Court; and that authority be delegated to the Cabinet Member for Housing, in conjunction with the Executive Director of Housing and Regeneration, to appoint, through appropriate procurement

routes, a design team (to secure necessary planning consents) and a demolition contractor.

**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.

**96. MINIMISING THE COST OF TEMPORARY ACCOMMODATION**

**RESOLVED:**

1. That the provision of incentives to landlords at a total cost of £750,000 funded from general reserves, as set out in sections 9.1 – 9.2 of the report, be approved.
2. That the HB Assist project be funded at a cost of £112,000 from general reserves, as set out in sections 9.3 – 9.9 of the report, be approved.

**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.

**97. DISPOSAL OF 282-288 GOLDHAWK ROAD AND ELLIZABETH FINN HOUSE**

**RESOLVED:**

1. That dispose of 282-288 Goldhawk Road and Elizabeth Finn House to Firstwood Investments Lux S.A.R.L, subject to conditions set out in the Heads of Terms, be approved.
2. That the resident engagement to date and proposed programme of resident consultation as set out in this report, be noted.

3. That authority be delegated to the Cabinet Member for Housing, in conjunction with the Executive Director of Housing and Regeneration and Director of Building & Property Management, to finalise the terms of the land sale agreement with Firstwood Investments Lux S.A.R.L, be approved.
4. That the appropriation of 282-288 Goldhawk Road, which is currently held as General Fund Account Land to the Housing Revenue Account, be approved.
5. That net capital received in the Housing Revenue Account from this disposal be used to cover costs incurred and reinvested (so far as lawfully possible) into the provision of housing in the borough or estate improvement, specifically:
  - To fund capital expenditure on area-based improvements that help the Council achieve its corporate objectives.
  - To develop or acquire new affordable housing to meet identified housing needs, including where appropriate extension of properties.
  - To fund tenant incentive initiatives (qualifying as capital expenditure) that free up council housing which is in demand for those in housing need (e.g. for larger family accommodation).
  - Subject to the Council ensuring that it's statutory housing responsibilities to meet housing needs are met, to use receipts to reduce HRA or General Fund debt where this is identified as a priority, and where repayment of the debt is of net financial benefit to the Council's HRA or General Fund.
  - To invest in capital expenditure on planned maintenance of the current LBHF Housing Stock until this is fully funded by the HRA revenue account.

**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.

**98. KEY DECISIONS LIST**

**RESOLVED:**

The forward plan was noted.

**99. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:**

That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the remaining items of business on the grounds that they contain information relating to the financial or business affairs of a person (including the authority)] as defined in paragraph 3 of Schedule 12A of the Act, and that the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

[The following is a public summary of the exempt information under S.100C (2) of the Local Government Act 1972. Exempt minutes exist as a separate document.]

**100. EXEMPT MINUTES OF THE CABINET MEETING HELD ON 15 OCTOBER 2012 (E)**

**RESOLVED:**

That the minutes of the meeting of the Cabinet held on 15 October 2012 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

**101. NEW COMMUNITY TOILET PROVISION : EXEMPT ASPECTS (E)**

**RESOLVED:**

That the report be noted.

**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.



**102. NEW VEHICLES FOR ADULT SOCIAL CARE PASSENGER TRANSPORT HOME TO DAY CARE CENTRE SERVICES : EXEMPT ASPECTS (E)**

**RESOLVED:**

That the recommendations contained within the exempt report be approved.

**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.

**103. MINIMISING THE COST OF TEMPORARY ACCOMMODATION : EXEMPT ASPECTS (E)**

**RESOLVED:**

That the report be noted.

**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.

**104. ESTABLISHMENT OF A HOUSING AND REGENERATION JOINT VENTURE VEHICLE : EXEMPT ASPECTS (E)**

**RESOLVED:**

That the report be noted.

**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.

**105. DISPOSAL OF 282-288 GOLDHAWK ROAD AND ELIZABETH FINN HOUSE  
: EXEMPT ASPECTS (E)**

**RESOLVED:**

That the recommendations contained within the exempt report be approved.

**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.

**106. SUMMARY OF EXEMPT DECISIONS TAKEN BY THE LEADER AND  
CABINET MEMBERS, AND REPORTED TO CABINET FOR INFORMATION  
(E)**

**RESOLVED:**

The summary was noted.

**107. SUMMARY OF EXEMPT DECISIONS TAKEN BY THE LEADER, AND  
REPORTED TO THE CABINET FOR INFORMATION (E)**

**RESOLVED:**

The summary was noted.

Meeting started: 7.00 pm

Meeting ended: 7.02 pm

Chairman .....