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## MINUTES OF A CABINET MEETING Council Chamber - Town Hall Wednesday, 28 September 2011 (7.30 - 9.05 pm)

### **Present:**

Councillor Michael White (Leader of the Council), Chairman

Councillor Steven Kelly (Vice-Chair)  
Councillor Robert Benham  
Councillor Andrew Curtin  
Councillor Lesley Kelly  
Councillor Roger Ramsey  
Councillor Paul Rochford

### **Cabinet Member responsibility:**

(Deputy Leader) Individuals  
Community Empowerment  
Culture, Towns & Communities  
Housing  
Value  
Children & Learning

Apologies were received for the absence of Councillors Michael Armstrong, Geoffrey Starns and Barry Tebbutt.

Councillors Clarence Barrett, Denis Breading, Keith Darvill, Linda Hawthorn, Denis O'Flynn, Garry Pain, Lynden Thorpe and Linda Van Den Hende also attended.

Approximately 20 members of the public and a representative of the Press were present.

The decisions were agreed with no vote against.

There were no declarations of interest.

The Chairman reminded those present of the action to be taken in the event of an emergency.

## 20 **MINUTES**

The minutes of the meeting of Cabinet held on 17 August 2011 were agreed as a correct record and signed by the Chairman.

## 21 **LEARNING DISABILITY DAY OPPORTUNITIES**

Cabinet considered a report which detailed the outcome of consultation on day opportunities for people with learning disabilities.

Cabinet was reminded of a report it received in May 2011 which set out a review of day opportunities for people with a learning disability. The report proposed options

in order both to develop services to meet user/client choice and provide sustainable services going forward as well as delivering the improved efficiency required to meet the Councils Medium Term Financial Plan (MTFS) targets. These options were to be consulted on for a period of two months.

It was reported that the consultation had run from the end of 21 June 2011 to the 22 August 2011. Following receipt of solicitors letters in respect of 3 service users who complained amongst other things that there was insufficient information given as to the alternatives, further clarification had been provided as to the alternative services available and an invitation given to make any further response by Monday 5 September 2011. The Learning Disability Partnership Board had received a report at its meeting of 17 June 2011 and commented on the report.

Cabinet was provided with a detailed breakdown of the responses received during the consultation. The report also contained the Service's response to the issues raised within those consultation submissions.

In addition, members paid particular attention to the issues raised within the Equality Impact Assessment. Cabinet Members were reminded;

- that when considering what decision to make, they were under a personal duty to have due regard to the relevant section of the Equality Act 2010; and
- that when exercising its functions, the Local Authority must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It was noted that relevant protected characteristics included age, disability, and sex.

The complete text of the Equality duty, together with a useful publication by the Equality and Human Rights Commission, called 'Using the Equality Duties to make Fair Financial decisions' was set out in an appendix to the report.

**Reasons for the decision:**

- Meet national & local policy objectives – there were clear policy objectives that had been set both nationally and locally for personalisation, reablement, independence and choice that the Council was not currently meeting.
- Increasing numbers needing service in future – the number of service users was projected to continue to rise year on year placing significant pressure on budgets;
- Changing patterns of usage – more individuals were choosing to take new forms of service (Direct Payments, External provision etc.) creating a vicious circle where usage (& sustainability) of internal services was reducing;
- Confusion between carers & users needs – there had been a lack of clarity as to the provision needed to support users and that which provided respite for family carers.

- Little evidence of reducing dependency – current services appeared to be a provision for life without showing how they contributed to reducing the need for future support;
- Improve Value for Money; the current model of service was not affordable particularly when considering the growth in demand and the restrictions on Local Authority spending.

**Other options considered:**

The options considered had been the subject of consultation.

Members thanked Officers for providing a thorough and detailed report which succinctly addressed the key issues in question. Members were in agreement that service provision could not continue at existing levels and that a combination of financial pressures and a desire for service users to look elsewhere had necessitated a review of provision.

Cabinet members were keen to stress that meeting the needs of service users was at the forefront of their decision-making. Indeed, in reaching its decision, members gave due consideration to the relevant legal risks and implications, most notably, Cabinet ensured that:

- The process it followed in reaching its decision was lawful;
- The needs of specific individuals continued to be met; and
- It gave due consideration to any adverse impacts under Equalities and Human Rights legislation, and any mitigation or justification for these impacts.

Members paid careful attention to the Equality Analysis, in particular the adverse impact of the proposed decision. Cabinet noted the proposals for careful and sensitive management of the transition and considered these would minimise the adverse impacts. They considered whether it was appropriate to take any other steps but on balance concluded that the decision was justified for the reasons as set out above.

It was pointed out that the figures contained within the saving analysis (Appendix O the report) were inaccurate. Officers agreed to circulate to members the accurate figures for the savings analysis outside of the meeting.

**Cabinet AGREED:**

- 1. To close St Bernard's Day Centre as soon as all individual clients have packages in place that continue to ensure that they receive appropriate support either through external provision or an Individual Service budget, subject to the safeguards set out at paragraph 5b in the Equality Impact Analysis to reduce the level of adverse impact on service users and their carers**
- 2. To undertake a programme of building works at Nason Waters (as outlined in Appendix M) in order to provide for the current range of activities plus extended choice on the site and to meet existing building maintenance requirements as well as an extended life cycle.**

3. To agree that the Nason Waters programme of work is added to the Councils Capital Programme, to be approved by full Council in 2012 (to be funded by existing Adult Social Care capital budget)..
4. To close Western Road Day Centre and amalgamate the day care provision with Nason Waters Day Centre once the refurbishment programme Nason Waters site has been completed with a target date of June /July 2012.
5. To agree to the disposal of the Western Road site, with capital proceeds being considered in the overall context of the Capital programme.
6. To work with all service users on their future individual service plans that address the achievement of realistic goals for improving health, independence, skills and social engagement.
7. To develop a web based tool to support client choice and control about day opportunities.
8. To note the progress in developing new opportunities locally and how these can integrate with the work of the new Nason Waters.
9. To work with staff and unions in line with the Council's Change Management policies to minimise redundancies and to support the workforce to achieve the required service change.

## 22 **OPTIONS FOR THE FUTURE OF THE HOUSING MANAGEMENT SERVICE**

The report explained that the Council's housing stock was currently managed under an agreement with an Arm's Length Management Organisation (ALMO), Homes in Havering. The decision to establish the ALMO was made in order to access Decent Homes Funding to improve the Council's stock. In September 2009, Homes in Havering achieved the required two star standard that enabled the Council to obtain access to potential Decent Homes funding of £112m. However, due to the previous Government's spending reductions, access to funding was withdrawn, though reinstated following legal action in January 2010. As a result, the Council received £9m of Decent Homes funding, which was spent in 2010/11.

It was noted that the requirement to have an ALMO in order to access Decent Homes funding had now been removed, and therefore the opportunity arose for the Council to consider whether this remained the best option for the management of the housing stock.

This report considered three options, and recommended that the Council consult tenants on the future of the housing management service.

### **Reasons for this decision:**

The changes to the funding of the Decent Homes programme open up options to the Council to decide how the housing management service should be organised in the future. The report proposed that bringing management of the stock back in-house had the greatest potential for

delivering financial efficiencies while maintaining service quality and tenants and leaseholder involvement and influence. There should be an extensive consultation exercise with tenants and leaseholders, who were the users of the service, about their preferences. The implications for tenants, including the future of the Decent Homes programme, the financial positive of the options, and their opportunities for involvement needed to be put to the tenants in order to enable them to express their views on the future of the service. These views would feed into the decision of the Cabinet in March 2012.

**Other options considered:**

If no decision was taken to go out to consultation, a significant opportunity to make savings in the service would be missed.

The Cabinet Member indicated that a report would be presented to the meeting of Cabinet in March 2012 which would detail the outcome of the consultation and recommend the preferred option for the future of the Housing Service. The Cabinet Members assured those present that Homes in Havering would be involved in the consultation process and that its hard work and success would be reflected in any consultation literature.

**Cabinet AGREED:**

1. **To consult tenants and leaseholders about the future of the housing management service, and establish a budget of £50,000 to carry out this work.**
2. **That the Council's preferred option was to bring management of the Council's housing stock back in-house, although a final decision would not be taken until Cabinet had received the results of consultation with tenants and leaseholders.**
3. **To receive a report on the results of the Consultation in March 2012 in order to agree the future management arrangements.**
4. **To develop detailed proposals and consultation materials to put to tenants and leaseholders in order to seek their views on the future of the housing management service be delegated to the Cabinet Member for Housing and Public Protection.**

**23 OUTER LONDON FUND - CABINET APPROVAL TO SUBMIT FUNDING BID**

The report before members explained that the Outer London Fund was a £50m fund aimed at outer London boroughs to support local high streets and boost economic growth in areas benefitting least directly from Crossrail and the legacy of the 2012 Olympic Games.

It was noted that Havering had already successfully secured £445,000 for Round One projects in Hornchurch and Rainham that were designed to celebrate and enhance these areas through a range of events involving local businesses and the community.

Round Two bids for those centres were described in the report. It was reported that a similar bid related to Romford town centre was unsuccessful because the town would have a Crossrail station in the future. Following discussions with the Greater London Authority, however, it was possible that a Round Two bid that related to a regeneration programme for Elm Park could meet the assessment criteria.

Round Two projects were required to deliver more physical changes to local areas and the submission of further bids for Havering was proposed to total approximately £3m.

The report sought Cabinet approval required for the submission of Round 2 bids because they would exceed £500,000.

Summaries of proposed Round Two bids that related to Hornchurch, Rainham and Elm Park were set out in paragraphs 13-15 of the report. Subject to Cabinet approval the bids will be developed with detailed costs for submission before the Round Two bid deadline of 14 October 2011.

**Reasons for the decision:**

1. The Outer London Fund is an important opportunity for Havering to benefit from funding from the Mayor of London. In Round One £445,000 was secured for the borough and it is therefore likely that further bids for round two will have good chances of success provided they meet the bid criteria.
2. In order to maximise the benefits from the Outer London Fund to Havering a decision by Cabinet is required to authorise the submission of funding bids in excess of £500k. The Constitution sets out that pursuant to the delegated authority for general functions in Part 3 Section 2.1 in the following paragraphs to Cabinet:-
  - a) To allocate and control financial and land and property resources, to determine priorities in the use of these resources, and take any other action necessary to achieve those objectives; and
  - b) To be responsible for all executive matters even if not expressly set out in Part 3 of this constitution.
  - c) Pursuant to Corporate Functions under Part 3 Section 2.2:-
    - (i) To take decisions on all matters relating to the Council's finances including but not exclusively:
    - (ii) budgetary control

**Other options considered:**

1. To maximise the likelihood of submitting successful bids it was essential to build on established coherent programmes to demonstrate the greatest benefit for the Mayor's funding. For this

reason, it was proposed to prepare bids based on the existing comprehensive programmes running in Hornchurch and Rainham and to submit a bid for Elm Park, building on the work of the local community and the earlier regeneration programme

2. Submitting bids above £500k required Cabinet approval, without which there were no other options for approval.

**Cabinet AGREED:**

To agree the submission of funding bids to Round Two of the Outer London Fund related to Hornchurch, Rainham and Elm Park that were based on the descriptions contained in paragraphs 13-15 of the report.

**24 RAINHAM TRAFFIC MANAGEMENT SCHEME - OPEN SPACE APPROPRIATION**

It was reported that in June 2009, Cabinet had agreed the Rainham Compass regeneration programme, which included as one of its key improvement projects a traffic management scheme to allow one-way working and short-term parking on Upminster Road South, through the extension of Viking Way.

The report before Cabinet proposed the appropriation of 880 square metres of Open Space under the Local Government Act 1972, Section 122 (2A), Appropriation of Land for Highway purposes. The open space was situated at Rainham Recreation Ground and the appropriation was required to enable the extension of Viking Way to Upminster Road South as part of the £1.5m Rainham Traffic Management Scheme. Notices of the proposed appropriation were advertised in the Romford Recorder on two consecutive weeks, 17 and 24 June 2011, posted around the proposed area and displayed in the PASC (Public Advice Service Centres).

It was noted that following a consultation period of four weeks which ended on 15 July 2011, no objections or representations were received by the Council.

The extension of Viking Way was identified as a Site Specific Allocation in the Local Development Framework and Planning Permission had been granted for the scheme.

**Reasons for the decision:**

To enable the extension of Viking Way to Upminster Road South and enable the highways and public realm improvements of the Rainham Traffic Management Scheme, as previously agreed by Cabinet (24 June 2009)

**Other options considered:**

1. A two-way running extension to Viking Way option was considered and presented at public consultation in September 2010. This two-way option required additional open space above the 880 square metres currently being considered. The current single carriageway extension to Viking Way was favoured by the public and the two-way working option was rejected.

2. The only remaining alternative option would be not to appropriate the open space and therefore sacrifice delivery of the £1.5m project, funded by Transport for London and Design for London, for the Rainham Compass programme. This option was rejected.

**Cabinet AGREED:**

That, having considered all representations, (no representations were made) following consultation, to approve the appropriation for highway purposes of 880 square metres of Open Space at Rainham Recreation ground, extending east from Viking Way to meet Upminster Road South, as detailed on the attached plan to the report.

**25 DRAFT CORPORATE STRATEGY 2011-14**

The draft Corporate Strategy 2011-14 and the accompanying summary 'Plan on a Page' set out the Council's corporate performance management framework. The Living Ambition vision statement, which was last agreed in 2008, had been re-freshed to take into account the changes in national policy and the financial climate since then.

It was reported that the five Living Ambition Goals remain the same, and the Council had developed robust strategic objectives under each of these. The strategy identified the key actions that would be delivered by the Council over the next 3 years and the measures that would be used to determine its success. Together, these form the golden thread of the Council's new corporate performance management framework.

**Reasons for the decision:**

Under the Council's constitution (Part 3, s.2.1, a-f), the Corporate Strategy, which sets the policy direction for the Council, must be considered and ratified by the Executive.

**Other options considered:**

None

**Cabinet AGREED:**

The Corporate Strategy 2011-14.

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**Chairman**



Cabinet, 28 September 2011

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