



MINUTES OF A CABINET MEETING
Council Chamber - Town Hall
Wednesday, 13 March 2019
(7.30 - 9.00 pm)

Present:

Councillor Damian White (Leader of the Council), Chairman

	Cabinet Member responsibility:
Councillor Robert Benham	Cabinet Member for Education, Children & Families
Councillor Osman Dervish	Cabinet Member for Environment
Councillor Joshua Chapman	Cabinet Member for Housing
Councillor Jason Frost	Cabinet Member for Health & Adult Care Services
Councillor Roger Ramsey	Cabinet Member for Finance & Property
Councillor Viddy Persaud	Cabinet Member for Public Protection and Safety

There were no apologies received for the absence of Councillors.

45 DISCLOSURES OF INTEREST

There were no declarations of interest.

46 MINUTES

The minutes of the Cabinet Meeting held on 13th February, 2019 were agreed and signed by the Chair as an accurate record of the same.

47 QUARTER 3 CORPORATE PERFORMANCE REPORT

The Quarter 3 Corporate Performance Report (2018/19) was presented to Cabinet. It was noted that for Quarter 3 a RAG status had been provided for 43 of the 46 Corporate Performance Indicators and 9 out of the 25 perception/engagement indicators. Of those Corporate Performance related indicators so rated 28 (65%) have a **Green** (on track) status, 6 (14%) have an **Amber** status and 9 (21%) have a **Red** (off track) status. It was noted

that the proportion of Green indicators had decreased and those of Red had increased.

The following corporate performance indicators have changed their position from last quarter and are now RAG rated **Red**:

- % of looked after children who ceased to be looked after as a result of permanency (Adoption and Special Guardianship Order)
- The proportion of repeat victims of domestic abuse
- Number of apprentices recruited in the Borough

Of those perception / engagement indicators that have been RAG rated:

- **1** (11%) have a **Green** (on track) status
- **3** (33%) have an **Amber** status
- **5** (56%) have a **Red** (off track) status

This is a very slight decline in performance compared with the position at the end of Quarter 2 when 12% were rated **Green** and 44% were rated **Red**.

The following perception / engagement indicator has changed position from last quarter and is now RAG rated **Red**:

- % of respondents worried about crime in the area

The aspiration is for the quality of indicators to increase. The data is collected both nationally and regionally. Councillor Jason Frost pointed out that with the indicators for looked after children, to “force an outcome” would be inappropriate as the most important aspect would be to find the best outcome for a child than to meet the CPI target.

Cllr Keith Darvill was disappointed to see the decline in the number of apprenticeships recruited in the Borough. A huge amount of work, led by the Director of Adult Social Care and Health, to increase this number, has been commenced to identify more opportunities within the Borough. The Leader added that there is a lot to be optimistic about in this regard particularly with the Joint Ventures embarked upon in the Borough which will allow a much greater offer for degree level apprenticeships. Much work has been done in local schools, with an event at Hall Mead School taking place very recently.

It will be appropriate for the outcomes to be monitored and everything will be done to Champion this. The next edition of the Borough’s Living Magazine will involve a “Young Persons Take Over” which will highlight the opportunities that are available and to be developed.

Cabinet:

Noted the performance figures set out in the Appendices to the report and the corrective action that is being taken.

The Chafford Sports Complex report was presented to Cabinet by Councillor Viddy Persaud, Cabinet Lead Member for Public Protection and Safety.

Chafford Sports Complex is owned by Harris Academy Rainham as part of the wider Harris Academy Federation. It is used by the Academy for school use. Community use provision is currently operated, outside of school hours, as part of the Council's Leisure Management Contract by SLM Ltd. Cabinet previously agreed at their meeting on 17 November 2017 to continue funding the management of the Complex until December 2018.

The report before Cabinet is to consider the outcome of the consultation which sought the views of stakeholders on the option for Council funding for the community use of the Centre to cease.

470 responses were received, all wishing to see the Chafford Centre remain open. The responses were broken down into six themes and can be viewed within the report appendices.

The Sports Complex is now 47 years old and in need of significant capital investment if it is to continue to operate as a publicly accessible sports complex. Indeed, it could be said that the Complex is at the end of its life with ongoing investment being required just to keep it open due to the age of the buildings. The Complex would also require a significant ongoing revenue subsidy for a management fee to SLM since unlike other leisure centres it does not self-fund and is highly unlikely to do so in the future under any circumstances while it is a dual use site and only available outside school hours. In a competitive market, the Complex does not meet with current expectations for the quality of facilities and the usage of this Sports Complex is significantly lower than the use of others. The SLM contract made a saving and helped the Borough to close the budget gap. The financial implications of keeping the centre open are untenable.

SLM have provided the Council with indicative essential maintenance costs to keep Chafford Sports Complex open for a further one year and a further three years from June 2019. To keep the whole complex open for a further year, the investment required would be an estimated £456,000, and for a further three years an estimated £577,000. To just keep the swimming pool open for either one year or three years, the estimated cost is the same at £375,000.

Three quarters of the schools that have been using Chafford are now using the Sapphire Facility. The Disability Swim Club has indicated they will relocate to Abbs Cross. Alternative provision is located at a distance of 3.4 miles from the Chafford Sports Complex and a feasibility study is in place to consider new, modern provision in the South of the Borough.

Reprovision in the area must be considered particularly looking at the model used by the Becontree Centre which developed on a modular basis. With

major developments, particularly the Beam Park site, innovative methods of construction for new provision are being looked at and evaluated as people in the South of the Borough need a first class provision. The current complex poses a health and safety issue and to keep the Centre open would require a significant spend.

Following discussion,

Cabinet:

1. **Considered** the results of the consultation on the future of Chafford Sports Complex.
2. **Agreed** that funding for the community use of Chafford Sports Complex should cease, with effect from 1 June 2019.
3. **Delegated** authority to the Chief Operating Officer to end the current arrangement to give effect to the decision to cease funding for the community use of Chafford Sports Complex.
4. **Agreed** that the cost of keeping Chafford Sports Complex open from 1 April 2019 until the end of the notice period is met from the Business Risk Reserve. Based on a monthly cost of £19,357, if the notice period ran until late May 2019 the estimated cost is £38,714
5. **Agreed** that the mitigating actions identified in section 6 are progressed.
6. **Agreed** to investigate the feasibility to secure a site and funding to develop a new self-financing sports centre in the south of the borough, with a report on this to be submitted to Cabinet in the Autumn and agree that funding of up to £50,000 be released from the Business Risk reserve if required.

49 **PROPERTY DISPOSALS**

The Property Disposals Report was presented to Cabinet by Councillor Roger Ramsey, the Cabinet Lead Member for Property and Finance.

The report identifies two sites that do not appear to meet the Council's approved criteria for property ownership and therefore need to be considered for disposal or self-development to meet corporate need, through the General Fund, HRA or Council-owned Company. These sites are the Land at Gooshays Drive, Harold Hill and the Land at Hall Lane Pitch and Putt Course, Upminster.

It was noted that, the Council should only propose to appropriate land for planning purposes if it has an intention to see the land used for development that promotes or improves the economic, social or

environmental wellbeing of its area and believes that the appropriation is needed in order to facilitate or achieve any of these aims. It is necessary to look at the use of the land in question and to the value of it on an ongoing basis in order to achieve housing targets.

The Golf Course land does not comply with the open space needs of the Borough and if developed it will be high class housing with associated open space playing fields which local people can be very proud of.

The report sets out the statutory process and appropriate applications have been made and notices issued as required by law.

It was noted that Planning Permission had been sought and there was concern among some Members that the appropriation aspect should have been dealt with first to make it clear and transparent as what is happening and proposed in terms of development. It was stated that a welcome approach would have been for consultation to have been completed much earlier. However, it was also discussed that to have the Planning Proposals in view gives more opportunity to the public to see the proposals. The best practice advice had been followed as supplied by officers in the acknowledgment of the housing crisis in the Borough. Following discussion,

Cabinet:

- (a) **Agreed**, in principle, that the land referred to below is no longer required to be held for the purposes for which the Council presently holds it and that it should be appropriated to planning purposes with a view to its subsequent disposal in due course:
- Land at Gooshays Drive, Harold Hill
 - Hall Lane Pitch & Putt Course, Upminster
- (b) **Authorised**, for the purposes of (a) above and in accordance with section 122(2A) Local Government Act 1972 and section 233(4) Town and Country Planning Act 1990 that notices are placed in a local newspaper circulating in the area for two consecutive weeks expressing
- (i) an intention to appropriate the land to planning purposes; and
 - (ii) an intention to dispose of the land following its appropriation.
- (c) **Considered** any objections to the intended appropriation and/or disposal before a decision to appropriate or dispose is made.
- (d) **Agreed**, in principle, following its appropriation for planning purposes, to the disposal of the land referred to above subject to (b) and (c) above.

The Report was presented to Cabinet by the Assistant Director of Development, Kevin Hazlewood. On 16 August 2018 the Council granted the Outline Planning Permission under application reference P1004.18 to develop 30 new affordable dwellings at New Zealand Way. The development would comprise 2 bedroom and 3 bedroom houses, with associated landscaping and car parking, on the land bounded by New Zealand Way, Queenstown Gardens and Gisborne Gardens, Rainham. The Decision Notice was issued on 17 August 2018.

The proposed development site at New Zealand way is classified as highways, maintainable at public expense and it is highway verge. For the proposed development to go ahead the Council, like any other developer, is required to carry out a stopping up process. On 22 November 2018 the Planning Committee granted a resolution to authorise commencement of the stopping up process. The stopping up notice reference HAV017087 was displayed on site on 25 January 2018 and it is due to expire on 22 February 2019.

In order to override any private rights in the land it is considered prudent to appropriate the land for planning purposes and be statutorily compliant. The matter is therefore before Cabinet to seek approval to agree the appropriation and facilitate the proposed development at New Zealand Way. Following discussion,

Cabinet:

1. Based on the reasons set out in the report before them, **Agreed** in principle :
 - i. subject to Recommendation 2 below that the land referred to below bounded by New Zealand Way, Queenstown Gardens and Gisborne Gardens, Rainham RM13 8JT, (shown in redline boundary on the plan attached as Appendix 1 to the Report) is no longer required to be held for the purposes for which the Council presently holds it and that it should be appropriated to planning purposes with a view to its subsequent development in due course;
 - ii. to appropriate the land at New Zealand Way for planning purposes under S122 (1) of the Local Government Act 1972;

and

2. **Authorised**, for the purposes of carrying out Recommendation 1.ii above and in accordance with section 122(2A) Local Government Act 1972, that notices are placed in a local newspaper circulating in the area for two consecutive weeks expressing both an intention to appropriate the land to planning purposes and following the completion of the process, **Authorise** the Director of Regeneration

Programme Delivery following consultation with the Lead Member for Regeneration,

- i. to consider any objections to the intended appropriation before it is made
 - ii. to consider also the outcome of the Equalities Impact Assessment before the intended appropriation is made.
3. Given the above, **delegated** authority to the Director of Regeneration Programme Delivery, following consultation with Lead Member for Regeneration and Head of Legal and Democratic Services to:
 - i. determine and implement the appropriation;
 - ii. agree the timing of the implementation and all matters related to appropriation;
 - iii. undertake all the appropriation processes in respect of the site; and
 - iv. deal with all matters arising from the decision and to complete appropriation process. This is to include completion of the statutory processes for the appropriation of the open space and the appropriation for planning purposes in respect of the site, in the event that there are no representations on the above issues.

51 LONDON COUNTER FRAUD HUB

The report was presented to Cabinet, highlighting the potential benefits of Havering Council joining the London Counter Fraud Hub. The Hub is supplied by CIPFA, in partnership with BAE systems with Councils and third parties providing data to be analysed for fraud using advanced data analytics. Councils and third parties will supply their data into the Hub and will then receive fraud alerts, delivered through a cloud-based case management system, so that they can be investigated. The more Local Authorities put in their data, the more effective the Hub will be at discovering fraud.

Testing was carried out by 4 pilot authorities, Camden, Ealing, Islington, and Croydon. The results suggest that if all 33 Boroughs were to sign up, in the first year of operation, London would save a net £15m (worst case) to £30m (best case) and recover circa. 1,500 council homes that are currently illegally sub-let. The Hub looks for fraud in council tax single person discount, business rates, and housing. This range will expand once the Hub is up and running, and will be subject to additional costs.

To make the arrangement commercially viable, 26 of the 33 local authorities in London need to join. It is anticipated that the hub will expand over time to include authorities bordering London, housing associations, and other public sector bodies.

The London Counter Fraud Hub will provide greater opportunities for Havering Council to identify fraudulent activity. The ability to match data with other London Boroughs will give the Council a greater opportunity to identify those individuals committing fraud in multiple Boroughs. It will also ensure the Borough is getting ahead and will be reviewed annually.

There is a slight concern that Essex Districts may not become involved but it is hoped they will be as that will increase the potential even further. Following discussion,

Cabinet:

1. **Approved in principle** Havering Council joining the London Counter Fraud Hub.
2. **Delegated** authority to the Council's Chief Financial Officer (s151) to enter into the contract following consultation with the Director of Law and Governance

52 **EXCLUSION OF THE PRESS AND PUBLIC**

The press and public were asked to leave for the consideration of the next matter which was held in closed session.

53 **HAINAULT GOLF COURSE- LEASE SURRENDER AND RENEWAL**

The report was presented to Cabinet seeking authority to accept the surrender of the existing lease and simultaneous grant of a new lease on mutually agreeable terms.

The freehold of the course is jointly owned by the London Borough of Redbridge (LBR), London Borough of Havering (LBH) and Essex County Council (ECC). The London Borough of Redbridge is the majority landowner and is responsible for managing the relationship with the tenant.

On the strength of the valuation advice and the real risk of the tenant defaulting, LBR have renegotiated the surrender and renewal of the lease on more sustainable terms to secure the income stream and future investment in the golf course facilities. The primary changes sought are a reduction in the headline rent, an extension of the term, the provision of greater security of tenure, and the dropping of the requirement for a personal guarantee from the owner of Hainault Golf Club Ltd.

The new lease terms will result in a secure long term income stream for the Council, unlock investment in the golf course, increase accessibility and secure the long term viability of Hainault Golf Club Limited. Following discussion,

Cabinet:

- (a) **Agreed in principle, subject to (c) below**, to accept the surrender of the existing lease of Hainault Golf Course, Romford Road, Hainault, in consideration of a payment by the lessee of a surrender premium together with the payment of any rent arrears outstanding at the date of surrender.
- (b) **Agreed in principle**, to grant a new lease of Hainault Golf Course for a term of 25 years to Hainault Golf Club Limited, as outlined in the main Heads of Terms attached to and forming part of Exempt Appendix 1 to this report subject to (c) below.
- (c) **Authorised**, for the purposes of (a), and (b) above and in accordance with section 122(2A) Local Government Act 1972, that notices are placed in a local newspaper circulating in the area for two consecutive weeks expressing an intention to dispose of the land and following the completion of the process, **Authorised** the Director of Asset Management following consultation with the Cabinet Member for Finance and Property to consider any objections before the disposal is made.
- (d) **Authorised** the Director of Asset Management in consultation with the Director of Legal & Governance, to take all necessary action to complete a surrender and re-grant of a new lease substantially on the terms set out in the main Heads of Terms attached to and forming part of Exempt Appendix 1 to the Report subject to (a), (b) and (c) above.

Chairman