

Minutes

Cabinet

Thursday, 18 March 2010

Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge UB8 1UW



Published on: 19 March 2010

Decisions come into effect: Friday 26th March 2010

Cabinet Members Present:

Ray Puddifoot (Chairman)
David Simmonds (Vice-Chairman)
Jonathan Bianco
Keith Burrows
Philip Corthorne
Henry Higgins
Sandra Jenkins
Douglas Mills

Members also Present:

Councillor George Cooper
Councillor Judith Cooper
Councillor Brian Crowe
Councillor Tony Eginton
Councillor Mo Khursheed
Councillor Edward Lavery
Councillor Mary O'Connor
Councillor John Riley
Councillor David Yarrow

161. APOLOGIES FOR ABSENCE

Councillor Scott Seaman-Digby.

162. DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THE MEETING

On Item 15 (minute 175) Councillor David Simmonds declared a personal interest as a Non Executive Director of Hillingdon NHS Board and remained in the room during the discussion and decision on the item.

On Item 15 (minute 175) Councillor Douglas Mills declared a personal interest as a Non Executive Director of Hillingdon Community Health and remained in the room during the discussion and decision on the item.

163. TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING HELD ON 18 FEBRUARY 2010

The minutes of the last meeting were confirmed.

164. TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS OF BUSINESS MARKED PART 2 IN PRIVATE

This was confirmed by the Cabinet.

165. RESIDENTS' AND ENVIRONMENTAL SERVICES POLICY OVERVIEW COMMITTEE: REVIEW ON PLANNING ENFORCEMENT - CONSTRUCTION AND USE OF DETACHED OUT-BUILDINGS OR HOMES IN BACK GARDENS

The Residents' and Environmental Services Policy Overview Committee review on planning enforcement was commended by the Cabinet and thanks were given to the Committee and Officers involved.

RESOLVED:

That Cabinet:

- 1. Welcome the attached report from the Residents' and Environmental Services Policy Overview Committee, noting the comments it found in favour of the proposed steps to improve the processes currently used for the enforcement of the unauthorised construction and use of detached out buildings.**
- 2. Recognises that planning enforcement is a high priority for residents, as clearly demonstrated at the recent Cabinet Question Time events. In recognition of this profile requests that Cabinet Member approval is given to the "Cross Council Protocol" before it is published.**
- 3. Accepts the recommendations of the Policy Overview Committee report as set out in below and in the review, noting the officer comments on their implementation.**

Policy Overview Committee Recommendations

- 4. That the Planning Enforcement Team continue its inter departmental forum involving Private Sector Housing, Council Tax, Housing Benefits and Building Control departments and meets on a regular basis to exchange views, intelligence and to work more closely in dealing with unauthorised outbuildings corporately. That officers continue to update the working protocol.**
- 5. That the Planning Enforcement Team continues to work with various outside bodies, such as the District Valuer, the Border Agency, Fire Service and Local Police to share intelligence where appropriate.**
- 6. That the Planning Enforcement Team continues to seek changes to the working protocol between Planning Enforcement and Planning Officers dealing with retrospective planning applications, in particular to make**

changes to the Ocella Database¹ to identify enforcement concerns to planning officers and investigate a corporate joint IT system.

- 7. Where appropriate, if retrospective planning applications for retention of outbuildings or separate residential dwellings are submitted to the Planning Committee with recommendations to refuse planning permission, officers should be required to write enforcement reports under Part 2 of the agenda on the same Planning Committee with recommendations for the taking of enforcement action.**
- 8. The improvements currently being undertaken under the Ocella Enforcement database system are continued to enable enforcement officers to work more effectively.**
- 9. That officers identify other Local Authorities in England and Wales with similar problems (construction of buildings in back gardens) with a view to seeking their support in establishing a joint campaign to lobby for changes to the law and relevant regulations and criminalisation. In addition to seek support for such lobbying from London Councils, the Local Government Association and other groups.**

Recommended Changes

- i) An amendment requiring owners to apply for planning permission for outbuildings with a floor area greater than 25 sq. metres. (measured externally).**
 - ii) Changes to Class VI 'Small Detached Buildings' of Part II 'Control of Building Work' of the Statutory Instrument 2000 No. 2531 'The Building Regulations 2000' to remove the option for uncontrolled detached buildings with a floor area in excess of 15 sq. metres.**
- 7. That consideration be given to the imposition of Article 4 Directions on certain areas in the Borough, in particular those wards where the problem of outbuildings is most prevalent, and to submit a formal application to the Department of Communities and Local Government for confirmation of Article 4 status in these particular wards.**

Reasons for decision

Cabinet agreed the recommendations were aimed at changing the processes currently being used with a view to reducing where possible the timescales for the taking of enforcement action of the unauthorised construction and use of detached out buildings. Cabinet also felt that this would improve the ability to take effective enforcement action with enhanced inter-departmental working.

Cabinet noted that the recent Cabinet Question Time events held across the borough demonstrated that Planning enforcement was a priority for residents of Hillingdon. In light of this Cabinet felt that the "Cross -Council Protocol" was an important document which warranted Cabinet Member approval.

¹ A Planning and Building Control database used by Local Government Departments

Alternative options considered and rejected

The Cabinet could have decided to reject or amend the Policy Overview Committee's recommendations.

Officers to action:

James Rodgers, Head of Planning and Enforcement /
Gill Brice, Democratic Services

166. SOCIAL SERVICES, HEALTH AND HOUSING POLICY OVERVIEW COMMITTEES: MAJOR REVIEW OF THE TRANSFORMATION AGENDA AND DIRECT PAYMENTS IN HILLINGDON

The Social Services, Health and Housing Policy Overview Committee review on the adult social care transformation agenda was presented by the Chairman, Councillor Judith Cooper, and welcomed by the Cabinet as an excellent review and an example of Policy Overview Committees at their best.

RESOLVED:

That Cabinet:

- 1. Welcomes the attached report from the Social Services, Health and Housing Policy Overview Committee and note the general consensus it found in favour of the steps currently being taken to provide self directed support; and**
- 2. Accepts the recommendations of the Policy Overview Committee report highlighted below, noting the officer comments on their implementation.**
- 3. Agrees that the Commissioning for Personalisation Strategy is brought to a future meeting of the Cabinet prior to publication.**
- 4. Notes the comments made by the Chairman of the Audit Commission regarding funding pressures placed upon Councils in respect of Adult Social Care and calls upon the Government to ensure that the forthcoming Personal Care at Home Bill will be fully funded in line with the "New Burdens Doctrine"**

Policy Overview Committee Recommendations

- a) To note the implementation of the personalisation agenda will not change the eligibility criteria for those seeking adult social care.**
- b) That Officers be requested to develop a comprehensive marketing strategy to ensure universal information, advice and guidance is available to all adults in need of adult care services.**

- c) That Officers be requested to work in partnership with external organisations, and in particular within the West London Alliance when commissioning services, to deliver best value through economies of scale, whilst maintaining quality of service.
- d) That Officers be requested to ensure that at each stage of developing a personal budget for an individual, as well as reviewing the effectiveness of services purchased using this budget, the potential for abuse or exploitation is identified and minimised.
- e) That Officers ensure robust safeguarding and monitoring systems are in place that respond quickly and in a timely manner in order to protect clients, carers and providers from instances of abuse to avoid the Council potentially becoming liable for the acts or omissions of the service provider.
- f) That the Committee revisit this topic in 12 Months time to assess the progress made by the Council and for the Officer report back to the Committee to include any cases where there have been allegations of abuse within the pilot schemes.

Reasons for decision

Cabinet agreed the recommendations were aimed at building upon Hillingdon's approach to providing self directed support. Cabinet noted the strong government expectation on all Local Authorities to provide more personalised services and by enhancing the delivery of self directed support, the Council would enable Hillingdon's social care customers to make informed life choices and choose the best package of support options for them.

Cabinet also noted that the Chairman of the Audit Commission Michael O'Higgins stated on 18th February 2010 that "There are huge financial pressures on councils in the years ahead, but redesigning services and exploiting technology can make them better, more efficient and more personal." It was the Cabinet's view that Hillingdon is at the forefront of the efficiency and personality of its care services and would continue with this approach. Cabinet also was aware of the potential funding shortfall with respect to the Government's Personal Care at Home Bill, which would only further increase the pressures on local authorities and was concerned that it was not being funded in line with the "New Burdens Doctrine"

Alternative options considered and rejected

The Cabinet could have decided to reject or amend the Committee's recommendations.

Officers to action:

Dave King, Adult Social Care, Health & Housing
Charles Francis, Democratic Services

167. SUPPORT, CHOICE AND INDEPENDENCE - THE FUTURE OF ADULT SOCIAL CARE

RESOLVED:

That Cabinet:

- 1. Agree that the current legal framework for Direct Payments is the most robust option for implementing Self Directed Support.**
- 2. Agree that, in those cases where Direct Payments legislation is not sufficient in achieving support, choice and independence for social care customers, the use of the Well Being power should be investigated in partnership with the council's Legal Services.**

Reasons for decision

Cabinet noted that synergy between the previous agenda item from the Policy Overview Committee and this item about the personalisation agenda in Adult Social Care which would transform service delivery for 6,000 residents receiving social care services over the coming years. Cabinet proposed to build new services around the themes of support, choice and independence, supporting residents to have more control over what services they receive and enjoy greater autonomy in their lives.

Cabinet noted the extensive research into the differing legal frameworks and the revised guidance for Direct Payments, issued in November 2009, which put a strong emphasis on flexibility and creativity in finding the right support options for social care customers.

Whilst understanding the legal complexities, Cabinet noted that the use of the Well Being power promised even greater choice for residents in their use of a personal budget, but agreed it be reserved for exceptional instances and impasse situations.

Alternative options considered and rejected

Cabinet could have decided to use the Well Being power under section 2 of the Local Government Act 2000 as the primary legal framework for Self Directed Support in Hillingdon.

Officers to action:

Dave King & Sam Taylor, Adult Social Care, Health and Housing

168. WARD BUDGET INITIATIVE - PROGRESS REPORT

RESOLVED:

That Cabinet notes the diversity of the projects, the communities and groups supported and the outcomes and achievements resulting from the Council's 2009/10 Ward Budget Initiative.

Reasons for decision

Cabinet recorded the success of the Ward Budget Initiative and how it had served to deliver what it had set out to achieve back in December 2008. Cabinet saw the Initiative as a key way of enhancing Civic Pride and the community leadership role of Ward Councillors.

Cabinet was impressed with the sheer range of schemes and their considerable impact across the borough. At the time of the Cabinet meeting over 231 schemes had been delivered with over 190 local organisations benefiting. Cabinet was under no doubt that the Initiative had served to raise the profile of Councillors locally, and in some cases had seen Councillors cooperating across ward boundaries to support schemes.

Alternative options considered and rejected

None.

Officer to action:

Maggie Allen, Deputy Chief Executive's Office

169. IMPLEMENTATION OF COUNCIL MOTION 2 JULY 2009

RESOLVED:

That, in response to the Council Motion of 2 July 2010, Cabinet noted the position of Hillingdon's three main political parties and the public commitments reaffirmed by their Party Leaders as set out in Appendix A.

Reason for decision:

On 2 July 2009, full Council resolved that the Council's three Party Leaders re-state public commitments in respect of their local election campaigns to the March 2010 Cabinet meeting, with the intention of showing that their parties are making every effort possible to prevent any growth in support for the British National Party within Hillingdon.

At the meeting, the Leader of the Council read out the public commitments received by the Conservative, Labour and Liberal Democrat Group Leaders which were set out in Appendix A of the Cabinet report on this item.

Alternatives considered and rejected

None

Officer to action:

N/A

170. OLDER PEOPLE'S PLAN UPDATE 2009/10

RESOLVED:

That Cabinet notes the achievements at the end of December 2009 of the Older People's Action Plan for 2009/10 as set out in Appendix 1.

Reasons for decision

Cabinet noted progress on the three-year Older People's Plan 2008-2011 and endorsed the commitment from the Council and its partners to the continued development and improvement of services designed to create a better quality of life for older people in Hillingdon.

Alternative options considered and rejected

None

Officer to action:

Dan Kennedy, Adult Social Care, Health and Housing

171. COUNCIL PLAN, LOCAL AREA AGREEMENT, PERFORMANCE AND ACHIEVEMENTS - QUARTER 3 MONITORING REPORT

RESOLVED:

That Cabinet:

- (i) Notes the progress made to date on the Council Plan;**
- (ii) Notes the progress made on the LAA 2008 and the performance reward grant section of the LAA 2007;**
- (iii) Notes the progress made in performance within the local performance framework;**
- (iv) Notes the results of the Residents Survey;**
- (v) Notes achievements across the council.**

Reasons for recommendation

Cabinet received its regular report setting out the progress made by officers in implementing the Council Plan across the Council. The report also provided a corporate overview of progress against the Local Area Agreement, the Council's performance and achievements across the Council.

Alternative options considered and rejected

None.

Officers to action:

Fran Beasley / Ian Edwards, Deputy Chief Executive's Office

172. SUSTAINABLE COMMUNITY STRATEGY - QUARTER 3 MONITORING REPORT

RESOLVED:

That Cabinet notes the progress made to date on the tasks identified to deliver the Sustainable Community Strategy.

Reasons for decision

Cabinet received a report setting out the progress made by officers in implementing the Sustainable Community Strategy across the Local Strategic Partnership.

Alternative options considered and rejected

None.

Officer to action:

Ian Edwards, Deputy Chief Executive's Office

173. PLANNING OBLIGATIONS - QUARTER 3 MONITORING REPORT

RESOLVED:

That the Cabinet notes the updated financial information attached to the report.

Reasons for decision

Circular 05/05 and the accompanying best practice guidance requires local planning authorities to consider how they can inform Members and the public of progress in the allocation, provision and implementation of obligations whether they are provided by the developer in kind or through a financial contribution. Cabinet noted the report

which detailed the financial planning obligations held by the Council and what progress had, and was, being made.

Alternative options considered and rejected

To not report to Cabinet. However, Cabinet believed it was an example of good practice to monitor income and expenditure against specific planning agreements.

Officer to action:

Nicola Wyatt, Planning and Community Services

174. COUNCIL BUDGET - MONTH 10 2009/10 REVENUE AND CAPITAL MONITORING

RESOLVED:

That Cabinet:

- 1. Notes the forecast budget position for revenue and capital as at Month 10.**
- 2. Notes the treasury management update in Appendix B.**
- 3. Approves the revised parking fees & charges for 2010/11 set out in Appendix C**
- 4. Approves the allocation of £18k from General Contingency to fund the Civic Centre Alfresco dining area.**
- 5. Approves the allocation of £200k from balances earmarked with effect from 1 April 2010 for business improvement investment for the HIP Business Improvement Delivery Project and authorises the Appropriate Delegated Officer to accept tenders or contracts for the services of consultants in respect of this project in consultation with the Cabinet Member for Improvement, Partnership and Community Safety and within the budget available.**
- 6. Notes the virement from Property Enhancement Programme of £80k for the Stables Manor Farm Redevelopment Project in Planning and Community Services.**
- 7. Notes the change of name of the Company that were awarded the Welfare Vehicle Purchase contract at February Cabinet as set out in paragraph 2 of this report.**

INFORMATION

Reasons for Decision

The reason for the monitoring decisions was to ensure the Council achieved its budgetary and other financial objectives. The report informed Cabinet of the latest forecast revenue and capital position for the current year 2009/10.

Alternative options considered and rejected

There were no other options proposed for consideration.

Officer to action:

Paul Whaymand, Finance and Resources

175. APPROVAL OF SECTION 75 AGREEMENT BETWEEN THE COUNCIL AND NHS HILLINGDON FOR THE COMMUNITY EQUIPMENT SERVICE

RECOMMENDATION

That Cabinet gives approval to enter into a pooled budget and partnership agreement with NHS Hillingdon for the community equipment service in accordance with section 75 of the National Health Service Act, 2006 with effect from the 1st April 2010.

Reasons for decision

Cabinet agreed the section 75 agreement for community equipment to establish clear governance arrangements that clarify funding contributions, roles and responsibilities, identify how issues such as overspends would be addressed and to create a mechanism for dispute resolution. Cabinet expected this to enhance the customer experience of using the services under the agreement as well as engendering a positive relationship with the provider.

Alternative options considered and rejected

Cabinet could have not proceeded with a section 75 agreement, but this would not have complied with Department of Health requirements concerning establishing a pooled budget and would not have been conducive to the efficient and effective management of the community equipment service.

Officer to action:

Gary Collier, Adult Social Care, Health & Housing

176. CORPORATE LANDLORD IMPLEMENTATION - UPDATE

RESOLVED:

That Cabinet agrees:

- 1) That the Core Corporate Landlord Model be agreed in accordance Para 6.4 and 6.5.**
- 2) That the new structure be effective from June 2010.**
- 3) That Officers be authorised to start recruitment to a Deputy Director post to head up the Corporate Landlord function.**
- 4) Instructs the Chief Executive to ensure that, during the pre-implementation phase, the views of the Corporate Landlord will take priority in any dispute with service departments.**

Reasons for decision

Cabinet supported the concept of a Corporate Landlord so that the ownership of Council assets and responsibility for management and maintenance would be transferred from service departments to a centralised corporate body. Cabinet saw this as bringing together a single focus for the whole Council on all property or building construction related matters, resulting in a centre of excellence, with resulting benefits to property costs, suitability of properties for services, maintenance quality and capital receipts.

Alternative options considered and rejected

Cabinet was aware that implementation of the Corporate Landlord had already made progress and believed that it would no longer be a practical option to return things to previous reporting structures.

Officer to action:

Hugh Dunnachie, Chief Executive

177. REGULATION OF INVESTIGATORY POWERS ACT - CODES OF PRACTICE

RESOLVED:

That Cabinet:

- 1. Notes that regulations amending the Codes of Practice under the Regulation of Investigatory Powers Act 2000 (RIPA) come into effect on 06 April 2010.**
- 2. Approves the draft Policy Document to reflect the above changes (Appendix A) such policy to be reviewed annually by Cabinet.**
- 3. Authorises the Legal Services Office Managing Partner to fulfil the role of Senior Responsible Officer with regard to all RIPA matters.**
- 4. Authorises the Leader to receive and consider quarterly audit reports from the Senior Responsible Officer relating to the Council's use of RIPA. Where necessary, the Leader may direct changes / improvements to be implemented by the Senior Responsible Officer.**
- 5. Directs that the Leader, Chief Executive and Deputy Chief Executive be notified immediately of any application for surveillance that an Authorising Officer is minded to grant. If the application covers an emergency situation, the notification to occur within 24 hours of the authorisation being granted.**

Reasons for decision

Cabinet agreed an updated corporate policy and procedure in light of the recent amendments to the Regulation of Investigatory Powers Act 2000 (RIPA), in order to ensure that the Council continued to comply fully with the requirements of RIPA and strengthen the existing monitoring of RIPA.

Alternative options considered and rejected.

None as the Council is required to adhere to the Statutory Codes of Practice.

Officer to action:

Glen Egan, Deputy Chief Executive's Office

Urgency Provisions

This report had been circulated less than 5 working days before the Cabinet meeting and was agreed by the Chairman to be considered as urgent.

178. CORPORATE CLOTHING CONTRACT

RESOLVED:

That Cabinet agree to award the following Lots to the following suppliers for a 36 month period with the option to extend by 24 months:

| Lot | Lot Description | Supplier |
|--------------|--|--|
| Lot 1 | Protective Clothing, Personal Protective Equipment (PPE), Occupational Clothing, Waterproof Clothing and Headgear | Corporate Workwear Direct Ltd (CWD) |
| Lot 2 | Corporate Clothing | CWD |
| Lot 3 | Footwear, Waterproof and Protective Footwear | CWD |
| Lot 4 | First Aid Supplies | Brosch Direct |

Reasons for decision

In line with procurement best practice and the objectives of the Council to seek efficiencies, Cabinet agreed that the sensible approach was to review rationalisation of clothing suppliers and product ranges. Cabinet therefore gave approval on the aggregation of clothing spend across four lots and approved the award of contracts for the lots.

Alternative options considered and rejected

Cabinet could have continued with existing arrangements or a collaborative approach with other London Boroughs, however the latter option had been progressed by another local authority and failed.

Officer to action:

Matthew Kelly, Finance and Resources

Exempt Information

This report was included in Part II as it contained information relating to the financial or business affairs of any particular person (including the Authority holding that information) and the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraph 3 of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended.

179. IRRECOVERABLE BUSINESS RATES

RESOLVED:

That Cabinet formally approves the writing off of irrecoverable debt of £1,279,616.39 of national non-domestic rates. Under the Scheme of Delegation amounts over £50,000 have to be approved by the Cabinet. There is no loss to the Council. The amounts being written off over the period are within the limits allowed by the Government for Councils collecting on their behalf.

Reasons for decision

Cabinet noted that the Council had achieved the 2nd best percentage collection performance in London in 2008/09 whilst having to collect the 3rd highest business rate debit.

Cabinet agreed in the cases referred to in the report that there was no action left for the Council other than to write off amounts as bad debt, where the debtor had gone into insolvency, the debt was statute barred (i.e. over 6 years old), or the debtor had absconded and the Council had been unsuccessful in its efforts to trace.

Alternative options considered and rejected

Cabinet understood that there were no alternatives, as the Council was required to write off irrecoverable debt

Officer to action:

Rob Smith, Finance and Resources

Exempt Information

This report was included in Part II as it contained information relating to the financial or business affairs of any particular person (including the Authority holding that information) and the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraph 3 of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).

180. TRANSFER OF PCT PROPERTIES AT COLHAM ROAD AND MERCHISTON HOUSE TO THE COUNCIL

RESOLVED:

The Cabinet agree that the properties of Merchiston House and Colham Road are transferred freehold to the Council on a specific condition that should the properties no longer be used for their current purpose then the freehold shall transfer back to the PCT.

Reason for decision

Cabinet gave their approval to the freehold transfer of Merchiston House and Colham Road properties from the PCT in accordance with Department of Health Gateway reference 10888 relating to the "Transfer of Learning Disability Social Care Funding and Commissioning from the NHS to Local Government". The decision would enhance the learning disability modernisation programme.

Alternative options considered and rejected

Cabinet could have taken no action on the DoH Gateway which would have resulted in a liability transferring to LBH without a corresponding receipt.

Officers to action:

Steve Cross / Gerry Edwards, Adult Social Care, Health and Housing and Planning and Community Services

Exempt Information

This report was included in Part II as it contained information relating to the financial or business affairs of any particular person (including the Authority holding that information) and the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraph 3 of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).

181. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE RELEVANT OR URGENT

None.

The meeting closed at 7.36pm

DECISION AUTHORITY

THE ABOVE DECISIONS MADE BY THE CABINET DO NOT COME INTO EFFECT UNTIL FRIDAY 26th MARCH, UNLESS CALLED-IN BY THE EXECUTIVE SCRUTINY COMMITTEE.

MEMBERS AND OFFICERS WILL AUTOMATICALLY BE NOTIFIED OF ANY CALL-IN BY DEMOCRATIC SERVICES.