

## **CABINET**

Record of decisions taken at the meeting held on Monday, 7 September 2009.

**PRESENT:** Councillor Lourie (Leader and Cabinet Member for Strategy and Partnerships) (Chair), Councillor Knight (Deputy Leader and Cabinet Member for Resources), Councillor Carr (Cabinet Member for Adult Services, Health and Housing), Councillor Eady (Cabinet Member for Children's Services and Education), Councillor Jaeger (Cabinet Member for Youth, Culture and Leisure), Councillor Trigg (Cabinet Member for Traffic, Transport and Parking) and Councillor Williams (Cabinet Member for Communities).

Also Present: Councillor Hodgins, Councillor Miller and Councillor Percival.

### **57. APOLOGIES**

Apologies for absence were received from Cllr Acton and Cllr Dodds.

### **58. DECLARATIONS OF INTEREST**

Councillor Trigg declared a personal interest on item 24 of the agenda: Heathrow Airtrack – Transport and Works Act 1992 Application for an Order by virtue of being a member of FORCE.

### **59. MINUTES**

The Minutes of the meeting held on 6 July 2009 be received and approved and the Chair be authorised to sign them.

### **60. REPRESENTATIONS BY MEMBERS OF THE PUBLIC (IF ANY)**

Representations were heard from:

- Andy Sutch, Candice Streeter-Jewitt, Robert Essex and Sue Boyd on item 9 of the agenda – Barn Elms Regeneration
- Rob Gray on item 24 of the agenda – Heathrow Airtrack – Transport

### **61. MATTERS RAISED BY EXECUTIVE MEMBERS (IF ANY)**

None.

### **62. MATTERS RAISED BY NON-EXECUTIVE MEMBERS (IF ANY)**

None.

### **63. MATTERS REFERRED TO THE EXECUTIVE FOR RECONSIDERATION (IF ANY)**

None.

## 64. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES

### A. RESPONSE TO RECOMMENDATIONS OF THE SMALL BUSINESS TASK GROUP

The Cabinet heard from Cllr Miller, Chair of the Task Group, who commended the report to Cabinet and thanked officers for their support to the Task Group. Cllr Miller raised the following issues:

**Recommendation 1 of the Task Group:** It was re-iterated that the Local Strategic Partnership (LSP) should ensure the sub-group is more pro-active when dealing with issues that affect small businesses in the borough.

**Recommendation 3 of the Task Group:** Cllr Miller referred to the amended response to recommendation 3 and requested that this is noted in the minutes.

**Recommendation 13 of the Task Group:** Cllr Miller requested that the Government is made aware of the strength of feeling in relation to the business rate relief scheme becoming automatic for small businesses.

In response Cabinet agreed that it was fair to ask the LSP to be more pro-active and with the contents of the amended response to recommendation 3, which was circulated at the meeting. In relation to recommendation 13, Cabinet stated that advice from the Director of Finance and Corporate Services would be sought.

Cabinet was advised that the question of free parking was not a simple proposition. The amount of free parking varied with the type of business, for example if it was a hairdressing business or a baker's shop. Cabinet noted that it was important to ensure a level of turnover for a business to sustain sufficient footfall and questioned whether 30 minutes free parking would be workable.

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that:

1. the Executive response to the recommendations of the Scrutiny Task Group on Small Business Task Group as set out in Appendix 1 of the report be agreed;
2. the amended response to recommendation 3 be noted (attached as Appendix 1 to these minutes) and forwarded, together with the Executive response, to the Commission; and
3. where actions are currently under way to address recommendations, these be noted and the further actions proposed be agreed.

## 65. BARN ELMS REGENERATION

The following summarises representations made by Andy Sutch, Chair of Sport Richmond, Candice Streeter-Jewitt, representing Barnes Vision, Robert Essex, representing Barnes Eagles, Sue Boyd, Chairman of the Environment Group of Barnes Community Association and Cllr Hodgins:

- The users of Barn Elms (Football, cricket, rugby and angling) were enthusiastic about the scheme and retention of the athletics track was welcomed.
- A number of the speakers stated that both Barnes Vision, Council officers and Councillors should be congratulated on their achievement.
- Some concern was raised about the reduced number of changing rooms compared to previous schemes. However, adequate storage and scheduling of games would resolve this.
- Barnes Vision confirmed their priorities for Barn Elms as providing an upgraded site to both current and potential users; and to achieve these upgrades within a realistic budget. It was noted that Barnes Vision continued to work hard to fulfil this vision and intended to form a trust to raise further funds for the first phase of this project (e.g. the MUGA). Once formed, the trust would also like to take a proactive role in management of the site.
- Concern was raised over the possibility of the BMX/Skateboard park delaying the Barn Elms project.
- Clarity in the process in relation to the planning applications for the BMX/Skateboard park and Barn Elms was requested.

Cabinet was assured that the BMX/Skateboard park plans would not hold up the Barn Elms project. Cabinet thanked the users, Barnes Community Association, Barnes Vision and officers (in particular the Head of Development and Regeneration) for their contributions.

In addition, Cabinet requested that it was recorded how much the Council valued the involvement and commitment of the local communities.

Cabinet also congratulated colleagues for succeeding where others had previously failed over the past 25 years or so and noted that a landmark had been achieved.

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that:

1. the site layout/facilities shown at APPENDICES 1& 2 be approved and authority be delegated to the Cabinet Member for Youth Culture and Leisure to agree final designs and submit a planning application (or planning applications) for improvements to Barn Elms;

2. Council capital funding of £250k towards the cost of the sports improvement scheme (paragraph 5.1) be agreed;
3. authority be delegated to the Deputy Leader and Cabinet Member for Resources in consultation with the Head of Legal Services to enter into a conditional deed of dedication (paragraph 3.13);
4. Standing Order 5.2 to permit the retention of AD Architects (paragraph 3.15) be waived; and
5. authority be delegated to the Cabinet Member for Youth, Culture and Leisure in consultation with the Head of Development & Regeneration to appoint the professional team (paragraph 3.15).

**66. 2010/11 LOCAL IMPLEMENTATION PLAN (LIP) PROGRAMME**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that:

1. the LIP funding application to TfL for 2010/11 onwards, detailed in Appendix A be agreed;
2. the LIP programme for 2010/11 be agreed, pending comments which may be made by the Environment & Sustainability Overview and Scrutiny Committee on 23 September; and agreement of further amendments be delegated to the Cabinet Member for Traffic, Transport and Parking.

**67. AIMING HIGH FOR DISABLED CHILDREN SHORT BREAKS PROGRAMME**

The Cabinet was advised of an amendment to para 3.12, 4<sup>th</sup> line. Reference to the Children and Young Persons Bill should be amended to read Children and Young Persons Act.

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that the Cabinet agree to:

1. the procurement of services as set out in Paragraph 3.0 below;
2. delegate responsibility for the procurement of these services to the Cabinet Member for Children's Services and Education; and
3. approve the waiving of Standing Orders for the award of the contract for the disability information service in paragraph 3.6.

## **68. APPOINTMENT OF HIGHWAY MAINTENANCE CONTRACTORS**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that:

1. subject to the satisfactory statutory process and completion of formal Contracts Highway Maintenance Contracts be awarded for the period 1<sup>st</sup> November 2009 to 31<sup>st</sup> October 2014 as follows:  
  
Carriageway Surfacing  
Primary Contractor – F M Conway Ltd  
Secondary Contractor – Volker Highways Ltd  
  
Road Markings  
Primary Contractor – F M Conway Ltd
2. authority be delegated to the Assistant Director for Environment (Traffic and Transport) to utilise secondary contractor to undertake works during peaks in planned workload should the primary contractor be unable to provide necessary resources of the expected quality within the required timescales;
3. a mini-retendering exercise be undertaken amongst the present tenderers for the Civil Engineering contract to confirm their rates or otherwise following submission of TUPE details by J Crowley; and
4. the existing Term Contract for Civil Engineering Works with J Crowley (Maidstone) Limited be extended until 31<sup>st</sup> March 2010.

## **69. PLAYBUILDER PROGRAMME**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that the following be agreed:

1. the 11 proposed Playbuilder play spaces identified for phase 1 of the capital programme in 2009/10; and
2. the process for identifying the 11 play spaces for phase 2 of the capital programme in 2010/11.

## **70. PROCUREMENT OF DR FOSTER BUSINESS INTELLIGENCE SYSTEM**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that the procurement of Dr Foster Population Care Manager be agreed and the waiving of Contract Standing Orders be

approved.

**71. WEST LONDON'S JOINT MUNICIPAL WASTE STRATEGY – ADOPTION OF ADDENDUM**

Cabinet welcomed Jim Brennan, Director of West London Waste Authority to the meeting. Jim Brennan commended the addendum to the Cabinet and stated that he looked forward to working with Richmond and the other London boroughs to reduce waste.

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that the Addendum to West London's Joint Municipal Waste Strategy as set out in Appendix 1 be approved.

**72. RFID SELF-SERVICE TECHNOLOGY IN LIBRARIES**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that:

1. the programme for the installation of RFID self-service technology in three libraries as phase 1 in 2009/10 be approved;
2. the programme for the installation of RFID self-service technology in four libraries as phase 2 in 2010/11 and in the final five libraries as phase 3 in 2011/12, subject to the allocation of capital funding by the Director of Finance and Corporate Services be approved; and
3. authority be delegated to the Cabinet Member for Youth, Culture and Leisure to invite tenders and award contracts for the supply and installation of RFID self-service technology.

**73. PURCHASE OF REPLACEMENT ELECTORAL REGISTRATION AND ELECTION SOFTWARE SYSTEM**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that the Cabinet Member decision to waive the Contract Standing Orders for, and provide approval for, the purchase of a replacement Electoral Registration and Elections software system be retrospectively approved.

**74. FINANCE UPDATE AS AT JUNE 2009**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that both the projected revenue underspend as detailed in paragraph 3 and the latest position of the capital programme as detailed in paragraph 4 be noted.

## **75. DEVOLUTION AND ENGAGEMENT**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that:

1. the proposals in the draft report attached as Appendix A be noted and the recommendations outlined in paragraph 2 of the report be agreed as a basis for consultation; and
2. authority be delegated to the Cabinet Member for Communities, as Chair of the working group, to amend the report as necessary for public consultation.

## **76. EXTENSION OF CONTRACT FOR THE SELF DIRECTED SUPPORT SERVICE PILOT**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that the following be agreed:

1. In accordance with Contract Standing Order 3.3, the requirement in Contract Standing Orders 4 and 6 for a tendering exercise be waived to permit a twelve month extension of the existing SDSS contract to 31 October 2010;
2. following consultation, authority be delegated to the Director of Adult and Community Services, in consultation with the Cabinet Member for Adult Services, Health and Housing to agree a revised service specification;
3. the tendering exercise for a new Framework agreement for the service, to start on 1 November 2010, be delegated to the Director of Adult and Community Services, in consultation with the Cabinet Member for Adult Services, Health and Housing; and
4. the award of contracts to providers under the Framework agreement be delegated to the Director of Adult and Community Services, in consultation with the Cabinet Member for Adult Services, Health and Housing.

## **77. RICHMOND HOUSING PARTNERSHIP CONVERSION TO INDUSTRIAL AND PROVIDENT SOCIETY**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that:

1. RHP converting from a charitable company to an IPS be agreed;

2. the original Memorandum and Articles of Association adopted at the inception of RHP be amended or replaced (as appropriate) with approved rules for the governance of IPSs; and
3. authority to finalise the arrangements to facilitate the conversion be delegated to the Assistant Director, Community Service Operations in liaison with the Head of Legal and Electoral Services.

#### **78. WRITE OFF OF UNCOLLECTABLE AMOUNTS**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that:

1. the debts summarised in paragraphs 3.5.4 and 3.6.2 be written off;
2. the action taken by the Director of Finance and Corporate Services in writing off debts under delegated authority as shown in paragraphs 3.3.1, 3.5.1 and 3.6.1 be noted; and
3. the continuation of the Council taking, in line with the vast majority of other London boroughs, bankruptcy proceedings in exceptional circumstances against Council Tax and Business Rates defaulters as set out in paragraph 3.7.4 below and in accordance with the policy attached in Appendix B be agreed.

#### **79. CONTRACT FOR THE SUPPLY OF BIO-DIESEL DERIVED FROM USED COOKING OIL**

Cabinet thanked the Head of Operations and requested the Director of Environment to forward this onto the Head of Operations also.

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that the tender received from:

1. Uptown Oil Limited be accepted as the main supplier; and
2. Proper Oils Limited be accepted as the reserve supplier.

#### **80. HEATHROW AIRTRACK - TRANSPORT AND WORKS ACT 1992 APPLICATION FOR AN ORDER**

The following summarises representations made by Rob Gray, Chair of Friends of the River Crane Environment (FORCE):

- The old Feltham Marshalling Yards site closed as a marshalling yard in the 1960's and subsequently developed naturally as a high value environmental site, reflected in its status as a Metropolitan level site of importance for nature

conversation.

- The site is an intrinsic part of the proposals by the Crane Valley park steering group (including Hounslow and Richmond Councils as well as FORCE) to extend Crane park to create a new metropolitan park to be known as Crane Valley Park.
- The Crane Valley as a whole is recognised as one of the three most important wildlife and green access corridors in London.
- The proposals have the following impacts of relevance to Richmond Borough:
  - Introduction of a major impediment to the permeability of the River Crane corridor and associated green chain for pedestrians, cyclists and wildlife.
  - Loss of a major wildlife site and open space on the borough's doorstep and a major part of the proposed Crane Valley Park.
- The Airtrack proposals at present make no firm commitments to protect the green chain or to provide links for the major environmental impacts of the scheme.
- Mr Gray requested that the issues raised were incorporated into the final response from Richmond Council to the detailed planning application.

In response Cabinet stated that the major impact of the Airtrack proposal on Richmond would be the barrier downtime at the four level crossings in the north of the borough. Cabinet advised that as the planning application fell within Hounslow Council, it would be appropriate for Richmond to support Hounslow's case. However, our response would try and pick up the issues raised by Mr Gray as far as possible.

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that the Lead Member for Traffic Transport and Parking be authorised to write to the SoS for Transport stating this Borough's objections to the granting of an Order under the Transport and Works Act in accordance with the various points and issues outlined in this Report.

## **81. REFRESH OF COMMUNITY PLAN**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that the:

1. proposal to refresh the Community Plan, including three year action plans from 1 April 2011 to 31 March 2014, based on a widespread consultation exercise be endorsed;
2. consultation be based on realistic information about the probable public finances available to support the Community Plan; and

3. resources to support this process be identified by the Local Strategic Partnership member organisations.

**82. TREASURY MANAGEMENT ANNUAL REPORT 2008-09**

The reasons for the decision and any alternative options considered and rejected are set out in the report.

**RESOLVED** that the Treasury Management Annual Report and Prudential Indicators for 2008/09 be noted.

**83. EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED** that having regard to the particular nature of the business to be transacted, the press and public be excluded during consideration of the following items on the grounds that they were likely to disclose exempt information by virtue of paragraph 3 as defined in Access to Information Rule 10.4.

**84. APPOINTMENT OF HIGHWAY MAINTENANCE CONTRACTORS**

**RESOLVED** that the report be noted.

**85. PROCUREMENT OF DR FOSTER BUSINESS INTELLIGENCE SYSTEM**

**RESOLVED** that the report be noted.

**86. PURCHASE OF REPLACEMENT ELECTORAL REGISTRATION AND ELECTION SOFTWARE SYSTEM**

**RESOLVED** that the report be noted.

**87. CONTRACT FOR THE SUPPLY OF BIO-DIESEL DERIVED FROM USED COOKING OIL**

**RESOLVED** that the report be noted.

**CHAIR**

The meeting ended at 8.10 pm.

**Date of Publication of Record of Decision:** - 11 September 2009

**Date decisions effective:** - 21 September 2009

Decisions 64 to 82 and 84 to 87 above will come into force and may then be implemented on 21 September 2009 unless subject to call-in by two Members of the following Overview and Scrutiny Committee:

64, 73, 74, 75, 78, 81, 82 and 86

Co-ordination, Finance and Performance Commission

65, 67, 69 and 72

Children's Services

66, 68, 71, 79, 80, 84 and 87

Environment and Sustainability

70, 76, 77 and 85

Health, Housing and Social Care