

CABINET

**Meeting held on 5th July 2012
in Council Chamber, Newham Town Hall, East Ham, E6 2RP**

Present:	Sir Robin Wales (Chair)
Cabinet Members	Councillors Andrew Baikie, Richard Crawford, Unmesh Desai, Clive Furness, Lester Hudson and Kay Scoresby
Mayoral Advisers	Councillors Paul Brickell, Alec Kellaway, Anthony McAlmont, Conor McAuley, Riaz Ahmed Mirza and Neil Wilson
Other Members:	Councillors Amarjit Singh and Ted Sparrowhawk, and Marie Gabrielle (Newham PCT)
Apologies:	Councillor Quintin Peppiatt

The meeting commenced at 5.00 p.m. and closed at 5.43 p.m.

1. Management of the Business of the Meeting

The Mayor agreed to take the items in the order as set out on the agenda.

2. Declarations of Interest

Item 14 - Securing a Community and Regeneration Legacy for the Olympic Stadium

Councillor Brickell declared a personal and prejudicial interest by virtue of his employment at the Olympic Park Legacy Company. Councillor Brickell left the room and took no part in the discussion.

3. Minutes

The minutes of the Cabinet meeting held on 21 June 2012 were agreed as a correct record, subject to the inclusion of Councillor Ted Sparrowhawk and Councillor Freda Bourne being recorded as present.

4. Article 4 Direction: Introduction of a requirement removing “permitted development” rights for a change of use

Jo Negrini, Director - Strategy, Regeneration, Planning and Olympic Legacy, presented a report which responds to changes in House in Multiple Occupation (HMO) planning legislation and the desire to exert greater control over this form of accommodation.

The report provided information on the consultation process to be followed and proposed that a notice be issued to remove “permitted development” rights for proposals involving the change from a dwelling house to a small HMO (3-6 occupants).

Decisions:

The Mayor in consultation with Cabinet agreed to:

- 1. approve the preparation and serving of an Article 4 Direction to remove permitted development rights borough-wide for the change of use of Use Class C3 dwelling house to Use Class C4 small HMO on a non-immediate basis;**
- 2. delegate authority to the Divisional Director - Strategic Regeneration, Planning and Olympic Legacy to prepare and issue the Article 4 Direction notice;**
- 3. the Divisional Director - Strategic Regeneration, Planning and Olympic Legacy to pursue with the London Legacy Development Corporation the inclusion of the Article 4 Direction within the Newham part of its boundary; and**
- 4. bring into effect the process of updating Policy H4 of the Core Strategy.**

Reasons for the Decisions:

The proposals in this report seek to exert greater control over a sector that has significant elements of poor living conditions, negative impacts on Anti social behaviour, reduced quality external environment, to address issues associated with population churn and to encourage people (particularly families) to remain in the Borough.

Options considered

Not implementing the Article 4 Direction – This option was not followed as it was felt that the above problems need to be addressed and would continue to worsen without such action.

Applying the Article 4 Direction to part of the Borough only – This option was not followed as it was considered that the issue of the loss of single dwelling houses to HMO’s is a Borough wide problem requiring a Borough wide approach to tackling it. In addition, a sub area or neighbourhood approach would lead to displacement problems outside the identified zone.

This decision is subject to the call-in process as the decision was based on part exempt information. The call-in period will expire at 5pm on 24 July 2012.

5. Funding Agreement with the London Thames Gateway Development Corporation

John East, Director - Community Infrastructure, presented this report which sought permission to enter into a funding agreement with the London Thames Gateway Development Corporation (LTGDC) for the purposes of assigning affordable housing commuted sums with the London Borough of Newham.

Decisions:

The Mayor in consultation with Cabinet agreed:

- 1. that the Council enters into a funding agreement with the London Thames Gateway Development Corporation (LTGDC) to receive affordable housing commuted sums in the sum of £6.5 million, once formal confirmation is received from LTGDC; and**
- 2. to authorise the Executive Director – Operations, in consultation with the Director - Legal, People and Change, to finalise the terms of and enter into a grant funding agreement subject to there being no reputation issues or legal impediment.**

Reasons for the Decisions:

The LTGDC is the accountable body for the expenditure of affordable housing commuted sums which arise from developments within designated areas in the Borough, where it has been the body granting the planning approval. The LTGDC will be subsumed within the London Legacy Development Corporation (LLDC) in September 2012. This report seeks to hypothecate confirmed and future commuted sums to the London Borough of Newham, ahead of that date.

The report and decision have complied with Part 4.5, paragraph 16 of the Constitution. The decision is not subject to the Call-In process and may be implemented immediately.

6. Amendments to Schemes of Delegation arising out of Localism Act 2011 and other Miscellaneous Legislation

Helen Sidwell, Director – Legal, People and Change, presented this report which set out proposed changes to the Mayor's and Officer's Schemes of Delegations, principally to ensure that the Council is able to implement and deal with matters arising out of the Localism Act 2011.

In presenting the report, Helen Sidwell referred to Delegation 42 and advised that the post of Director – Community Infrastructure should also be added.

Decisions:

The Mayor in consultation with Cabinet agreed:

- 1. to the list of delegations as appended to the report, including the amendment; and**
- 2. that officers amend the Mayor's and Officer's Schemes of Delegations accordingly.**

Reasons for the Decision:

Whilst the Localism Act was enacted in the Autumn of 2011 the provisions have come into effect via a number of commencement orders and some provisions have yet to come into force. However, sufficient parts of the Act are either in force or likely to be brought into force in the near future to require the Mayor to consider where relevant decisions and delegations should rest.

This report sets out those proposals, in line with the current Schemes of Delegations matters of strategic importance or corporate impact are proposed to be delegated to the Mayor (to be decided in consultation with Cabinet) and the day to day operational matters delegated to relevant 1st and 2nd tier officers. 1st and 2nd tier officers may delegate down further via their Schemes of Authorisation.

The report and decision have complied with Part 4.5, paragraph 16 of the Constitution. The decision is not subject to the Call-In process and may be implemented immediately.

7. Housing Capital Programme - Funding for Carpenters Rehousing Programme and Affordable Homes Programme

John East, Director - Community Infrastructure, presented this report which sought approval to fund the Carpenters Re-housing programme and the Affordable Homes programme to form part of the Housing Capital Programme.

The Mayor commented that a majority of residents had now left the Carpenters Estate and this was due to the good package of support offered by the Council. Councillor Crawford also highlighted the positive feedback received from those who had moved from the Estate.

Decisions:

The Mayor in consultation with Cabinet agreed to:

- 1. approve funding of £5.5m to continue to ensure the delivery of existing commitments for the Carpenters Re-housing Programme and to enable the Council to purchase properties by agreement on Lund and Dennison Point and Doran Walk and on the wider Carpenters Estate;**

- 2. approve funding of £700K to commence the Council Affordable Homes programme in 2012-13; and**
- 3. delegate authority to the Executive Director - Operations, on submission from the Director - Strategic Regeneration, Planning and Olympic Legacy, and in consultation with the Executive Member for Housing and Customer Service, to approve the yearly allocation of resources in respect of the Carpenters Re-housing Programme over 2012-15.**

Reasons for the Decisions:

The proposals in this report seek to ensure the continued delivery of the Carpenters Re-housing Programme and to enable prompt commencement of the Council's Affordable Homes programme. The Housing Capital Programme 2012-16 was approved by Cabinet on 23 February 2012, but did not include a specific request for funding of the Carpenters Re-housing and Affordable Homes Programmes. The funding for this will be met from within the Council's current budget strategy.

The report and decision have complied with Part 4.5, paragraph 16 of the Constitution. The decision is not subject to the Call-In process and may be implemented immediately.

8. Newham Community Infrastructure Preliminary Charging Schedule - Approval for Public Consultation

Jo Negrini, Director - Strategic Regeneration, Planning and Olympic Legacy, presented this report which sought approval for the Preliminary Charging Schedule for public consultation.

Following Cabinet approval in December 2011 consultants BNP Paribas/CIL Knowledge were commissioned to undertake viability assessment work to evidence the rate at which a Community Infrastructure Levy (CIL) is set for Newham. The Preliminary CIL Charging Schedule sets out the proposed CIL rates, supported by evidence from the Viability Assessment.

The Mayor asked why it was not possible to set the CIL to the maximum level and then allow for variations as required which would enable flexibility. He was advised that the CIL once adopted is a fixed rate, however, the amount that could be negotiated under Section 106 agreements (in addition to the CIL charge) can be varied. The CIL also allows greater flexibility on how the money can be spent.

Decisions:

The Mayor in consultation with Cabinet agreed to:

- 1. approve for public consultation the Preliminary Draft Charging Schedule and supporting documents; and**

- 2. delegate authority to the Director - Strategic Regeneration, Planning and Olympic Legacy to make any minor amendments to the Preliminary Draft Charging Schedule and supporting documents prior to publishing for public consultation.**

Reasons for the Decisions:

To make timely progress on the introduction of a Community Infrastructure Levy in the Borough, which will help to fund the required social, physical and green infrastructure to support future development in Newham to 2027, as agreed by Cabinet in December 2011.

The report and decision have complied with Part 4.5, paragraph 16 of the Constitution. The decision is not subject to the Call-In process and may be implemented immediately.

9. Review of Dangerous Dogs and Animal Welfare

John East, Director - Community Infrastructure, presented this report which sought to increase enforcement activity regarding dangerous dogs. He highlighted that the issue of dangerous dogs was now of considerable public concern and recently placed Newham in the national spotlight earlier this year when five Police officers were injured by a pit-bull type dog during a raid on a house in E15.

The majority of dangerous dogs seized are from rented residential properties therefore the recommendations are targeted towards the tenanted housing sector which now constitutes 70% of all housing in the Borough.

Councillor Scoresby highlighted the anti social behaviour associated with dangerous dogs. Cabinet heard from an Animal Welfare Officer who outlined the work being done to prevent dogs from becoming violent, including animal 'chipping' which sought to promote responsible ownership. The Mayor requested a further report for submission to a future meeting setting out the Council's policy on prosecuting owners of dangerous dogs.

Decisions:

The Mayor in consultation with Cabinet agreed:

- 1. to the full enforcement of the conditions of tenancy related to pet permissions for Newham Housing tenants/ leaseholders from 30 September 2012 after the expiry of the period for voluntary permissions;**
- 2. that all Registered Providers of social housing operating in the Borough be required to sign a code of practice by the end of 2012 based on the pet's policy used by Newham Housing Services. Also, the Homes and Community Agency, as the regulatory body, is asked to support this initiative;**

- 3. to consider a Capital Programme bid for the funding of an additional 8 specialist kennels to detain dangerous dogs pending enforcement action at a cost of £80,000 and to explore other options to increase business income to support enforcement;**
- 4. to monitor the performance of the Metropolitan Police Service's (MPS) actions regarding dangerous dogs, including the activity of their Status Dogs Unit, to ensure proportionate action continues to be taken within Newham. Further, there is a formal approach to the London Mayor's Office for Policing and Crime (Greater London Authority) for a review of MPS activity in relation to dangerous dogs across London in the light of the prevailing lack of resources and accountability;**
- 5. to note that, subject to the recommendations above, the total number of seizures of dangerous dogs and legal actions under the DDA will be doubled in 2012/13 in comparison to 2011/12. This will include using all available measures to ensure cases are 'fast tracked' through the courts so that animals are retained as evidence for the shortest possible time in the interests of animal welfare;**
- 6. to note that a quarterly report regarding dangerous dog enforcement activity will be submitted to the Mayor's enforcement meetings including case details of landlord actions where appropriate and that the Mayor and Cabinet receive a further progress report on this area in March 2013; and**
- 7. to receive a further report for submission to a future meeting of cabinet setting out the Council's policy on prosecuting owners of dangerous dogs.**

Reasons for the Decision

There is strong commitment to tackle dangerous dogs within the Borough. Newham is one of the few Councils that are active in enforcement under the Dangerous Dogs Act, seizing these animals, taking legal proceedings against the owners and destroying the dogs where necessary.

The existing enforcement activity by the Council may be increased and made more effective by providing additional support to key areas for the Animal Welfare team including a Capital Programme bid for additional specialist kennels and re-charging for dangerous dog activity undertaken on behalf of housing providers.

In order to effectively tackle the problem of dangerous dogs there is a need for more partnership working and coordinated action across enforcement services. Accordingly, the recommendations seek to build upon existing police liaison by improving contact between the specialist dangerous dog enforcers within the Metropolitan Police and the Council.

In addition, dangerous dogs are a particular problem within tenanted properties that must be addressed through a combination of action within the private sector through Borough wide property licensing, specialist support to the existing permissions regime for pet ownership within Newham Housing Management, and securing the commitment of Registered Providers in tackling the problem.

The report and decision have complied with Part 4.5, paragraph 16 of the Constitution. The decision is not subject to the Call-In process and may be implemented immediately.

10. Redesign of Mental Health Services - Adult Social Care

Grainne Siggins, Director - Adult Social Care, presented this report which set out proposals for the future of Mental Health Day Opportunities Service and the changes that are required to ensure, choice and control, a personalised approach, improved access to quality provision, and value for money are achieved for the people of Newham.

Adult Mental Health Services aims to deliver a “Model of Care” in Newham that enables people to create their own sustainable solutions to their social care needs. The new Model of Care is based on more effective use of universal service provision, timely and targeted prevention and enablement, maximising choice and control, whilst ensuring vulnerable Service Users requiring on-going support are assisted to determine their own solutions from a more responsive market place.

The Mayor stated that there was a need to be able to provide a universal offer for service users. He also highlighted that the Community Hubs would bring services together and that the services should be delivered through the Hubs. The Mayor also commented on the proposals set out in the report and requested evidence of the outcomes against the money spent.

Councillor Scoresby stated that there was a need to ensure a robust assessment process is in place and for re-assessments where circumstances change.

Marie Gabriel highlighted the work being done by NHS East London and City in this area including undertaking a pilot to help people into work.

The Mayor noted that there were various officers across the Council who were responsible in some way for getting people into jobs. He requested that the Chief Executive arrange a meeting involving all of these officers, as well as representatives from other public sector organisations delivering services in Newham, in order to ensure a coordinated approach to addressing the problem.

Decisions:

The Mayor in consultation with Cabinet agreed:

- 1. to open a consultation period in order to obtain feedback from Service Users, Carers, Families, Staff, Trade Unions and Stakeholders with a view to the modernising of the Mental Health Day Opportunities Service;**
- 2. to receive a follow up report following the period of consultation, detailing recommendations on the future redesign of Mental Health Day Opportunities; and**
- 3. that the Chief Executive arrange a meeting to be held in September 2012, bringing together officers from across the Council and other public sector organisations responsible for employment, with a view to agreeing a shared approach to getting people into jobs.**

Reasons for the Decisions

The reasons for the decisions are:

- There are viable, more cost-effective services available elsewhere in Newham.
- Demand for this service has dropped considerably over the last 18 months as less people are choosing the traditional Day Centre Model opting for User choice through Self Directed Support (SDS).
- There is a need to maximise choice and control by offering people personal budgets.
- The current service model does not fit with Newham's strategies and the national Putting People First agenda or the Mayors Resilience agenda.

The report and decision have complied with Part 4.5, paragraph 16 of the Constitution. The decision is not subject to the Call-In process and may be implemented immediately.

11. Executive Decision Making Procedure During Games Time

Helen Sidwell, Director – Legal, People and Change, presented this report which outlined the current arrangements set out in the Officers Scheme of Delegations to enable the Chief Executive (or in his absence the relevant Executive Director) to take urgent Executive decisions during the Games Time period.

Decisions:

The Mayor in consultation with Cabinet agreed to:

- 1. note the existing arrangements for the Chief Executive (or in his absence the relevant Executive Director) to make urgent decisions within their area of responsibility, which is not otherwise delegated to them under the Officers Schemes of Delegation or the Constitution, as set out in paragraph 2.1 of this report provided they do so in consultation with the Mayor and/or relevant Lead member; and**

2. **the arrangements to reserve urgent decisions which are not appropriate for officer decision under recommendation 1 above to be dealt with at one of the provisional Cabinet meeting dates, as set out in paragraph 2.5 of this report.**

Reasons for the Recommendations

The proposals in the report aim to put in place arrangements to facilitate any unforeseen urgent decisions which may be required during the Games Time period, by highlighting the current provisions set out in the Officers Scheme of Delegations and through the provisional Cabinet meetings which have been scheduled in the Council Programme of Meetings.

The report and decision have complied with Part 4.5, paragraph 16 of the Constitution. The decision is not subject to the Call-In process and may be implemented immediately.

12. Items scheduled on the Forward Plan for this meeting that have not been submitted

The Mayor noted:

1. the items originally scheduled for this meeting of Cabinet but which were not submitted, together with the reason for the delay and the rescheduled date; and
2. those items listed on the Forward Plan scheduled to be considered at the next meeting of Cabinet.

13. Local Government Act 1972, as Amended by the Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

Agreed to exclude the press and the public from the remainder of the meeting during consideration of the following exempt information:

- Exempt appendix 2 for Agenda item 5 - Article 4 Direction: Introduction of a requirement removing “permitted development” rights for a change of use

14. Securing a Community and Regeneration Legacy for the Olympic Stadium

The Chief Executive, Kim Bromley-Derry, verbally reported that he had implemented the delegated authority granted to him by Council on 28 March 2012, to secure the community and regeneration legacy for the Olympic Stadium.