LONDON BOROUGH OF WALTHAM FOREST
CABINET MEETING – Thursday, 11 July 2019

RECORD OF DECISIONS TAKEN

This document outlines the decisions taken at the above Cabinet meeting.

Unless otherwise indicated, executive decisions listed in this document will come into force and may then be implemented 5 working days after publication of this document unless the decision is called in. During that period the Director of Governance and Law may call-in a decision for scrutiny if so required by no fewer than 4 Members of the Council (Paragraph 11 of Part 6 of the Council’s Constitution; Scrutiny Procedure Rules: Call-in Procedures).

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Last Date for Call-In:
18 July 2019

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1. COMMUNITIES SCRUTINY COMMITTEE THEMED REVIEW 18-19: PUBLIC HEALTH APPROACH TO REDUCING VIOLENT CRIME

Cabinet agreed that:
(1) the Communities Scrutiny Committee Themed Review report be noted;
(2) the recommendations outlined in the report be adopted and taken forward as outlined in the proposed response in appendix 2 to the report.

OPTIONS & ALTERNATIVES CONSIDERED

The Committee has reviewed the Council’s policy and practice, and its proposals relate to current service delivery. It is a requirement for the Cabinet to consider each individual scrutiny committee themed review and respond to the recommendations within the report.

2. PRIVATE SECTOR PROPERTY LICENSING

Cabinet:
(1) considered the outcome of the consultation process detailed in the Consultation Report (May 2019) (Appendix 1 to the report refers), in particular the representations received and the Council’s consideration of, and response to, these representations [Appendix 2 to the report refers];
(2) noted that the Consultation Evidence Report [Appendix 3 to the report refers] highlights the scale of problems relating to poor housing conditions and anti-social behaviour (ASB) in the private rented sector, identifies the objectives that a selective licensing designation would help the Council achieve and possible alternatives to such a designation;

(3) noted that the Consultation Evidence Report [Appendix 3 to the report refers] also highlights the scale of problems relating to poorly managed HMOs in the private rented sector, identifies the objectives that an additional licensing designation would help the Council achieve and possible alternatives to such a designation;

(4) upon consideration of the matters at (1) and (2) above and using its powers under s.80 Housing Act 2004, agreed to the designation of 18 wards (excluding Hatch Lane and Endlebury) of Waltham Forest as a selective licensing area from 1st April 2020 as delineated and edged red on the map at Appendix 4 to the report;

(5) upon consideration of the matters at (1) and (3) and using its powers under s.56 Housing Act 2004, agreed to the borough wide designation of Waltham Forest as an additional HMO licensing area from 1st April 2020 as delineated and edged red on the map at Appendix 5 to the report;

(6) agreed the proposed scheme objectives as detailed in Appendix 6 to the report;

(7) agreed to the proposed fee structure for licence applications made under the selective and additional licensing schemes at Appendix 7 to the report;

(8) agreed the proposed licence conditions that would accompany any granted selective licence at Appendix 8 to the report;

(9) agreed the proposed licence conditions that would accompany any granted additional licence at Appendix 9 to the report;

(10) agreed the policy regarding the granting of full-term licences under any new licensing designations and the granting or variation of licences under the existing selective licensing scheme at Appendix 10 to the report;

(11) delegated to the Lead Member for Housing and the Strategic Director of Neighbourhoods and Commercial Services responsibility for agreeing the final document requesting confirmation of the selective licensing designation from the Ministry of Housing, Communities and Local Government (MHCLG) in consultation with the Director of Governance and Law;

(12) delegated to the Lead Member for Housing and the Strategic Director of Neighbourhoods and Commercial Services authority to agree changes to the proposed implementation of the schemes where necessary and to ensure that all statutory notifications are carried out in the prescribed manner for the designations and to take all necessary steps to provide for the operational delivery of any licensing schemes agreed by Cabinet including but not limited to the procurement of services subject to the Council’s Contract Procedure Rules (including authority to alter the fees
structure if necessary);

(13) delegated to the Lead Member for Housing and the Strategic Director of Neighbourhoods and Commercial Services responsibility for determining whether to consult on a possible further designation of two wards (Hatch Lane and Endlebury) under the criteria of ASB, subject to a review of the evidence and in consultation with the Director of Governance and Law; and

(14) noted the recommendations to Cabinet detailed in the reference from the Housing Scrutiny Committee (Appendix 11 to the report refers).

OPTIONS & ALTERNATIVES CONSIDERED

The Council could decide to only designate an additional licensing scheme and not a selective licensing scheme. The alternatives to a selective licensing scheme were investigated and put forward as part of the consultation. The alternative powers would not deliver the necessary outcomes that selective licensing can.

The Council could decide to only put forward an 18-ward selective licensing scheme and not pursue the borough wide additional licensing scheme. This would have the effect of leaving a number of small HMOs unlicensed or regulated through less appropriate selective licensing regulations. These properties are some of the most poorly managed and make the most demands on council services.

The Council could decide not to adopt either the additional HMO licensing scheme or seek Secretary of State approval for any further selective licensing scheme. Such a decision would leave only mandatory HMO licensing as the means of regulatory enforcement of housing management of properties that are HMOs.

In relation to the setting of fees Cabinet could opt not to levy a fee on a cost recovery basis as proposed. Such a decision would mean that alternative funding streams for the proposed designations would need to be identified.

3. **RE-DESIGNATION OF HIGHAMS PARK NEIGHBOURHOOD AREA/FORUM**

Cabinet:

(1) agreed to re-designate the area in Highams Park, shown on the plan at Appendix A to the report, as a Neighbourhood Planning Area; and

(2) agreed to re-designate the Highams Park Planning Group as a Neighbourhood Forum.

OPTIONS & ALTERNATIVES CONSIDERED

The Council should aim to designate an area/forum applied for but can refuse where it considers the area is not appropriate. In such a case, a statement setting out the decision and the reasons must be provided. According to the Planning Practice Guidance, the Council must use its power of designation to
ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas. It is considered that the area should be designated for the reasons given above.

4. **COMMUNITY ASSET REVIEW**

Cabinet:

(1) agreed further forward funding of £480,000 from the Investment Fund to enable the delivery of the programme over a 2 year period to support the production and implementation of the Community Asset Strategy;

(2) approved the use of the CBAT tool for awarding rent subsidies capped at a maximum level of 70%, to VCSOs leasing the Council’s community buildings;

(3) agreed to the creation of Community Hubs across the Connecting Communities Network areas; and

(4) delegated authority to review and implement the outputs of the 2 year programme to the Deputy Chief Executive Officer and Strategic Director for Economic Growth and Housing.

**OPTIONS & ALTERNATIVES CONSIDERED**

To do nothing is not an option for the reasons set out in this report and would result in a missed opportunity by the Council in the efficient use of its assets and resources to support residents and VCSOs in the Borough. The greater risk to the council is the failure of VCSOs to expand and enhance provision of local services to communities which would ultimately cost the Council more in delivery. Approximately 70% of leases have expired presenting a significant risk to the Council and requiring remedial action.

5. **ADOPTION OF STRATEGIC ASSET MANAGEMENT PLAN (SAMP)**

Cabinet:

(1) approved and adopt the enclosed Strategic Asset Management Plan; and

(2) delegated authority to the Commercial Director – Property and Delivery to finalise and publish the document and to action the recommendations contained in the SAMP.

**OPTIONS & ALTERNATIVES CONSIDERED**

A ‘Do Nothing’ approach was not an option - which if adopted, would have resulted in the Council failing in its ability to deliver its priorities and its support for service delivery into the community and business outcomes.
6. AVENUE ROAD ESTATE AND HOUSING REGENERATION UPDATE

Cabinet:

(1) approved a budget of £650k for the appointment of a project team and relevant consultants to:
   (a) develop and implement an engagement strategy at Avenue Road Estate
   (b) progress initial design towards RIBA (Royal Institute British Architects) Stages 1 / 2
   (c) develop a brief for the procurement of a preferred developer partner
   (d) provide initial cost consultancy on the financial viability of the options brought forward
   (e) carry out site surveys to support possible future development options

(2) agreed to delegate all decisions required to award a contract for consultancy services for the project team to the interim Commercial Director of Housing Delivery;

(3) agreed to carry out soft market testing and prepare a brief for the procurement of a preferred developer partner;

(4) agreed that the Commercial Director, Property and Delivery begins initial discussions and negotiation on all leaseholder and freeholder interests at Avenue Road Estate;

(5) agreed to serve an Initial Demolition Notice on Avenue Road Estate;

(6) agreed to delegate the decision to designate Avenue Road Estate for ‘priority-decant-status’ to the Corporate Director of Housing for those residents affected by the structural survey; and

(7) agreed to remove ‘priority-decant-status’ from Montague Road Estate.

OPTIONS & ALTERNATIVES CONSIDERED

The Council is exploring all available options in considering regeneration or major repairs and refurbishment as outlined in this report.

It has been established that it is necessary for the Council to undertake some form of works at Avenue Road as improvements are required in the short to medium term. The full extent of the works and whether this takes the form of repair or regeneration will be dependent on comprehensive resident engagement and consultation in addition to the outcome of the surveys currently underway.

In terms of regeneration options, the site could be disposed to Sixty Bricks for redevelopment. This option has been considered, however due to the level of re-provision of affordable housing and compensation packages required it may not be viable for the company to undertake.
7. **HOUSING DELIVERY TEST ACTION PLAN**

Cabinet:

(1) adopted the Housing Delivery Test Action Plan (attached at Appendix 1 to the report);

(2) delegated any alterations to the Housing Delivery Test Action Plan made prior to publication to the Strategic Director of Economic Growth in consultation with the Portfolio Lead Member for Economic Growth and Housing Development; and

(3) delegated the adoption of future Housing Delivery Test Action Plans to the Portfolio Lead Member for Economic Growth and Housing Development.

**OPTIONS & ALTERNATIVES CONSIDERED**

The alternative is not to adopt the Housing Delivery Action Plan. The risk with this option is that the Council will find it harder to demonstrate its proactive approach to housing delivery and stepping up delivery to the new London Plan target of 1,794. This option is not recommended as proactive measures are required to ensure future passing of the Housing Delivery Test and the Housing Delivery Test Action Plan acts as evidence in planning decisions by the Council when required (i.e. it can be used as a material consideration in the determination of planning applications).

8. **WALTHAM FOREST DRAFT LOCAL PLAN CONSULTATION**

Cabinet:

(1) approved the draft plan for publication and consultation attached as Appendix A to the report;

(2) delegated authority to make final changes to the draft plan ahead of consultation, to the Director of Planning in consultation with the Portfolio Lead for Economic Growth and Housing Development; and

(3) noted the next steps of the plan preparation process and the timetable changes.

**OPTIONS & ALTERNATIVES CONSIDERED**

It is a statutory requirement for all Councils to prepare a Local Plan and ensure that it is up to date. There are no alternatives.

The absence of an up to date Local Plan would leave the Council in a weaker position in promoting investment and defending planning decisions. It would also leave the Council at risk of Government intervention in decision making and undesirable ad-hoc applications for development would be more difficult to refuse.
9. **NURSING HOME BLOCK CONTRACT**

Cabinet agreed to fund 50% of the Clinical Commissioning Group’s block contract with HC-One for nursing beds via a Memorandum of Understanding.

**OPTIONS & ALTERNATIVES CONSIDERED**

Officers reviewed the current planning register to determine whether any other facilities are available to be commissioned into service that have the necessary planning consents for provision of residential nursing beds. It has been confirmed that Forest Lodge, owned by HC-One is the only vacant building in the borough with existing registration and the required planning permission to operate as a nursing home.

The CCG were considering the development of a building on the Goodmayes Hospital site that had previously operated as a residential nursing home, despite the fact that this is out of borough, and is situated just over the border in Redbridge. The CCG have confirmed that this option is not currently viable with other uses now being preferred for the site.

HC-One have been clear that block contracting for either 50% or 75% of the capacity of Forest Lodge are the only options they are prepared to consider at present, outside of the premises remaining unchanged and occupied by the Property Guardians scheme.

The option of a block contract for 50% of the capacity of the nursing home was not pursued as the increase in the weekly rate to £925 per week would have made the proposal less competitive when compared with other nursing home rates currently available both in and out of the borough.

Given the commitment by the CCG to undertake the contract with the provider for 75% of the capacity, having reviewed all the alternatives, the remaining option for the council is to maintain the status quo and allow the CCG to remain sole contractor for the block contract. This option is not recommended as it would remove any assurance of access to the new capacity at the negotiated rate of £875 per week. The provider would be able to make the remaining 25% of capacity available to the Council, self-funders or other local authorities, but these placements would be spot-purchased with the weekly rates negotiated on a case by case basis.

10. **PROPOSED CLOSURE OF SNOWBERRY NURSERY**

Cabinet:

1. agreed to the closure of Snowberry Nursery by 30th August 2019; and
2. noted the arrangements, as outlined in paragraphs 3.1.8 and 3.2.9 of the report, that will be put in place to support families to find alternative provision and assist with transition arrangements for children, if the closure of the nursery is agreed.
OPTIONS & ALTERNATIVES CONSIDERED

The Local Authority continues to provide early education and childcare at Snowberry Nursery. This was rejected as this is not in line with the legal requirement of the Children Act 2006 as outlined in 3.2.2 above. In addition, the resources required to oversee the strategic and operational management of the nursery provision would redirect valuable resources from delivering the Council's statutory duties with regards to Early Education and Childcare.

11. REVENUE AND CAPITAL OUTTURN REPORT 2018/19

Cabinet:

(1) noted the Revenue and Capital Outturn for 2018/19;

(2) approved the Capital carry-forwards in respect of programme slippage totalling £23.538 million at Appendix 3(i) to the report;

(3) approved the transfer of the net underspend of £7,000 to the Budget Strategy Reserve (BSR); and

(4) noted the movement of reserves at Appendix 2 to the report.

OPTIONS & ALTERNATIVES CONSIDERED

Carry-forward proposals were considered and are recommended for approval where there was sufficient justification.

Since the working balance is now at the upper end of the target of £10 to £15 million, it is recommended that the final underspend of £7,000 is transferred to the BSR.

12. FINANCIAL MONITORING: MONTH 2 (MAY)

Cabinet:

(1) noted the projected revenue expenditure position of an overspend of £4.254 million as at month 2 and that the Council will report any mitigating actions in the month 3 monitor;

(2) noted that budgets for demographic pressure continue to be held corporately and distributed to mitigate reported pressures within Families and Homes as required;

(3) agreed the savings proposals detailed in Appendix 1 to the report;

(4) noted that the Ground rules for Financial Control (Appendix 2 to the report) approved at Cabinet on 11 July 2017 remain in place;

(5) noted costs for strategic governance review of the Council’s Local Authority Trading Companies (LATCs) of approximately £35,000 to be
(6) noted costs for Local London Partnership subscriptions of £50,000 to be funded from contingency;
(7) noted costs for Low Hall Depot upgrade of £200,000 to be funded from the BSR Investment Reserve;
(8) noted costs for Leyton Phase 2a works of £165,000 to be funded from the BSR Investment Reserve;
(9) noted costs for London Office of Technology and Innovation (LOTI) of £30,000 per annum for 3 years to be funded from the BSR Investment Reserve;
(10) noted additional costs for GDPR requirement of £300,000 to be funded from contingency; and
(11) noted the Beach Volleyball continental cup costs of £40,000 to be funded from contingency.

OPTIONS & ALTERNATIVES CONSIDERED

Much of this report is concerned with provision of information, for which alternative options is not a relevant consideration.

13. VIOLENCE REDUCTION PARTNERSHIP
Cabinet noted the progress and risks to success.

OPTIONS & ALTERNATIVES CONSIDERED

We considered a council-only approach to tackling violence that was focussed on the council’s remit, rather than a partnership approach. However, this would have severely constrained the effectiveness of the approach given that a large number of the points of intervention are in the control of our strategic partners.

The creation and implementation VRP is not a statutory obligation and was instead borne out of the Council Leader’s call to action to all statutory and non-statutory partners to collaborate and work to deliver a public health approach to violence. The commitments and pledges within the partnership are a live document and will evolve through the life of the programme.

14. CORPORATE DEVELOPMENT: SENIOR MANAGEMENT STRUCTURE
Cabinet approved the deletion of the Divisional Director of Transformation and HR and agreed the creation of the Divisional Director of Strategy and Change, and Divisional Director of Employee Experience posts.

OPTIONS & ALTERNATIVES CONSIDERED
An option to maintain the existing senior management structure was considered
by the Strategic Director for Corporate Development. However, it was deemed that due to the expansion of the current Director of Transformation and HR role, the Council may struggle to recruit to this role given the broad range of services within it.

As such, it was deemed that the Council would be better placed to proceed with two distinct director roles to ensure the Corporate Development Management Team has the necessary experience and expertise to appropriately direct these functions.