

CABINET

10 October 2016

Present: Mayor (Chair)

Councillors P Taylor, K Collett, S Johnson, I Sharpe and
M Watkin

Also present: Councillor Nigel Bell (Labour)
Councillor Jagtar Singh Dhindsa (Labour)
Councillor Anne Joynes (Labour)
Councillor Asif Khan (Labour)
Councillor Mo Mills (Labour)
Councillor Anne Rindl (Liberal Democrat)

Officers: Managing Director
Shared Director of Finance
Head of Democracy and Governance
Head of Community and Customer Services
Communications and Engagement Section Head
Culture and Community Section Head
Partnerships and Performance Section Head
Democratic Services Manager
Committee and Scrutiny Support Officer (AG)

34 **Apologies for Absence**

No apologies were received.

35 **Disclosure of Interest (if any)**

There were no disclosures of interest.

36 **Minutes of previous meeting**

The minutes of the meeting held on 12 September 2016 were submitted and signed.

37 **Conduct of meeting**

Councillor Bell spoke on behalf of the Labour group.

38 **Investment in Watford's Adventure Playgrounds**

A report was received from the Head of Community and Customer Services on proposals for investment in two of the Council's Adventure Playgrounds.

The Mayor introduced the report and explained that council members wanted to make sure that the right decision was made after considering everything raised following the last meeting. The council had received advice, including legal advice. It was up to the Cabinet to determine what sort of service was run in Watford and prior to the meeting there had been considerable discussions and briefings. There were four things for Cabinet to consider: 1. the possibility of a legal challenge, 2. the proposal received from the SWAPS (Save Watford Adventure Playgrounds) group, 3. the feedback received, 4. the recommendations contained in the report.

The Head of Democracy and Governance commented that, as stated in the report, the council had received a legal letter challenging the previous decision. Whilst officers did not agree all grounds, it was prudent to consider the decision again. The council had a discretionary power under section 19 (1) Local Government Miscellaneous Provisions Act 1976 to provide adventure playgrounds (APG); therefore, there was no statutory duty to consult on future provision. However, all comments received since the proposals had become public in June 2016 had been included in the report and copies had been given to Cabinet. The report contained a detailed Equalities Impact Analysis (EIA) and members' attention was drawn to its contents, and paragraph 5.6 of the report commented on issues raised regarding crime and disorder. Correspondence had been received from Hertfordshire County Council (HCC) who had confirmed that under Sections 507 and 508 of the Education Act 1996 there was a separate and distinct statutory duty placed on HCC as the education authority not Watford Borough Council. HCC did not require the use of APG in order to discharge their duty in Watford. The County Council used children's centres and an HCC owned youth centre. The APG were not registered as child care provision as they were open access sites where children were free to come and go.

The Head of Community and Customer Services explained that, in terms of Appendix B to the report, he had circulated a revised proposal at the meeting which showed a larger tower at the Harebreaks site following feedback. He continued that a key reason for the decision was that the council had a £3m gap in the revenue budget due to the removal of the government grant. The proposals would provide modern, enhanced equipment available all year which

would be done using capital money. There would be revenue savings of £250k per year, and it would preserve the areas for play. There was no statutory duty to undertake formal consultation. The council had consulted staff as an employer. As part of this consultation a submission was received from staff (the SWAPs' submission). Whilst the submission was admirable, it failed to address the investment needed in the equipment whilst achieving the revenue savings. It also had an ambitious target for fundraising and hire. Therefore, the proposal could not be recommended.

The Head of Community and Customer Services continued that the EIA was contained in the report as was consideration of the public sector equality duty as well as responses to the contact and petition received from the public. There would be Easter and summer holiday activities. He highlighted that with regards to Harebreaks Wood, surveys had been undertaken as well as contact with the Friends of Harebreaks Wood group which had concluded that there was no significant impact.

The Head of Community and Customer Services addressed the issue of crime and disorder and explained that Watford was a safe place, where the existing parks and open spaces were not supervised and were also not a great source of anti-social behaviour (ASB). Where ASB did occur, there was a multi-agency response to end the activity in that location. Whilst there was a possibility of some vandalism the council would look to deploy CCTV during the building phase and just after the playgrounds had opened.

The Mayor then invited Anita Grant from Islington Play Association, as the registered speaker, to address Cabinet.

Ms Grant explained that she ran the Islington Play Association. This organisation ran a play centre and six adventure playgrounds. There were models which meant that APG could be kept open and also make savings. In Islington the council had protected the sites through deeds of dedication. They had also committed to pay through a contract and tender for APG to remain open for children aged 6+ and the organisation had just won another three year contract.

Ms Grant commented that when APG were turned into playgrounds parents worried about children walking through streets and who they would meet. When this occurred then parents would put the children in front of a computer at home which added to obesity and other issues for children. Parents trusted Islington APGs because they were staffed.

Ms Grant continued that there were children in Islington with additional needs, and there were also children living in flats with no gardens. Her organisation worked closely with the local authority to ensure any issues were identified early

and would refer families to services. As a charity, the association raised £100k in addition to the contract. The playgrounds cost £88-92k pa to operate. Having an external partnership meant it was possible to harness community action to create better services.

The Mayor thanked Ms Grant. She commented that Islington was a unitary authority and a London borough therefore the funding weighting was different and a district council did not have the same abilities.

The Mayor requested that the Managing Director should meet with councillors for both wards where the APG were located to hear key issues on crime and disorder and vulnerable families so that contact could be made with appropriate partner organisations like the police and HCC to address any issues arising.

In response to a question from Councillor Watkin, the Shared Director of Finance explained that local authorities had strict rules around revenue and capital expenditure. Revenue was to be used for staff costs and running buildings; capital was for maintaining assets. The council could not spend capital money on revenue items.

Councillor Bell commented that, whilst the council was under no duty to consult, it would have made more sense to have launched a meaningful consultation and reassured families that the council would listen to their views. He commented that the council could give the alternative proposals a year.

The Mayor responded that the council was aware that it was a service valued by the people who used it. In the interim time between meetings, cabinet had made sure they listened and challenged but having regard to the contents of the report had reached the same conclusion as before.

Councillor Collett commented that currently the APG were closed most of the time. However, the new playgrounds were going to be free, inclusive, accessible and open to more young people with high quality equipment. Play was changing and culture was changing, the council would keep the two playgrounds open but with a different sense of play.

Following a question from Councillor Bell the Shared Director of Finance explained that under recent rule changes it was possible to use some capital money for redundancy costs.

RESOLVED

That Cabinet:

1. having had full regard to the content of the report, including comments and views expressed by members of the public and users of the current service and having regard to the attached equality impact analysis, and the implications for crime and disorder, that the outline design plans for the investment of up to £1.4 million into the two Adventure Playgrounds be approved.
2. ratifies the service of termination notices on the Adventure Playground staff issued on 26 August 2016 and that the current staffed service be terminated with effect from 31 October 2016.
3. agrees that play activities be commissioned for the 2 week Easter break and for 6 weeks in the summer.
4. agrees that the new adventurous play areas be opened for public use in Spring 2017.
5. agrees that an additional £150,000 be added to the capital programme of £1.25m for this project.

39

Four year funding settlement

Cabinet received a report of the Head of Finance (Shared Services) regarding the decision on whether to accept the Government's offer.

The Shared Director of Finance explained that there was a four year deal offered by the government for funding until 2019-2020. The recommendation was that the council accepted the deal. This was in order to provide some certainty for future funding, and it was unlikely that those that did not accept the deal would gain a better settlement.

In response to a question from Councillor Taylor, the Shared Director of Finance explained that some councils had not accepted the offer either due to negative revenue support grant or for political reasons. The vast majority of authorities had or were indicating that they would accept the government's offer.

The Mayor commented that the report would be going to the Council meeting on the following evening, 11 October.

RESOLVED

That Cabinet recommends to Council that:

1. the offer be accepted

2. if Council accepts the government's offer then they should also agree and approve the Efficiency Plan at Appendix 1 of the report to allow the four-year settlement to be taken.

40

Procurement of ICT network services and Revenues and Benefits software support.

A report was received from the Shared Director of Finance asking Cabinet to note two contract exemptions. One for the support of the Revenues and Benefits (Academy) system and one for the provision of network support services.

Councillor Watkin introduced the report and explained that Cabinet was asked to note exemptions from normal procurement rules.

The Managing Director explained that there were a number of contract exemptions submitted on ICT which was due to the urgency of the situation. It was important to follow the procurement code and it was not something the council's leadership team would easily let through.

RESOLVED

That Cabinet notes the approved exemption to the Council's Procurement Procedures in relation to the appointment of support to the Academy system and also the provision of network services.

41

Procurement of technical/professional support for the procurement of the Parking Management Contract due to commence in 2018 - exemption to contract procedures

A report was received from the Transport and Infrastructure Section Head setting out that in 2018 the council would commence a new parking management contract following a procurement process.

Councillor Sharpe introduced the report and explained that the council was in the process of retendering the parking management contract in partnership with Three Rivers. As part of that process it was useful to have technical support and advice of the kind that the councils did not have in-house. It was a specialist and technical area and the tendering process was lengthy and complex. Parking Associates, a specialist parking management consultancy, had specific expertise in that area. It was the best option by far to get advice in order to re-tender the contract.

In response to a question from Councillor Bell, Councillor Sharpe confirmed that the company had been used previously in the last piece of work.

The Managing Director explained that the rules for exemptions were specified as:

- acquisition or disposal of land
- unforeseeable emergency
- exceptional circumstances
- limited market

Requests for exemptions were measured against these standards as set out in the contract procedure rules.

RESOLVED

That Cabinet notes the approved exemption to the Council's procurement procedures in relation to the appointment of specialist support for the procurement of a Parking Management Contractor.

Mayor

The Meeting started at 7.00 pm
and finished at 7.55 pm