

CABINET

Tuesday 26 November 2013 at 7.00pm

Minutes

PRESENT:

Councillors Bell (Chair), Anand, Johnson, Mahfouz, Reeves, Taylor and Walker.

ALSO PRESENT:

In accordance with paragraph 2.6(a) of the Constitution, Councillor Malcolm addressed the Cabinet with regard to the following items:

Item 12 – Durdans Park Cricket Ground (Councillor Malcolm)

Item 14 – Property Strategy Progress Update (Councillors Malcolm)

Item 15 – Review of the Council's Corporate Enforcement Policy (Councillor Malcolm)

1. Apologies for Absence

Councillor Dheer.

2. Urgent Matters

Cabinet welcomed Yasmin Rufo, Youth Mayor, who was shadowing Councillor Mahfouz as part of the Children's Commissioner's Takeover Day.

3. Matters to be Considered in Private

Items 9, 10 and 14 contained confidential appendices but were not taken in private as it was not necessary to discuss the confidential information provided.

4. Declarations of Interest

Councillor Mahfouz declared an interest in the following items:

Item 10 by virtue of being employed by A2 Dominion;

Item 11 by virtue of Councillor Mahfouz's wife being employed by Ealing Council and also by virtue of him having a plot in Greenford Cemetery.

Councillor Malcolm declared an interest in item 14 by virtue of living close to the one of the sites referred to in the report.

5. Minutes

Resolved:

That the minutes of the Cabinet meeting held on 22 October 2013 be agreed and signed as a true and correct record.

6. Appointments to Sub-Committees and Outside Bodies

Resolved.

There were none.

7. Award of Public Health Contracts

Resolved

The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of this Committee.

That Cabinet:

- i) notes the arrangements and timelines for the review of the current services and the procurement of new public health contracts.
- ii) agrees that the public health contracts set out in this report and Appendix 1 be extended for one year from 1st April 2014 to 31st March 2015.
- iii) supports collaboration on commissioning with the other West London Alliance (WLA) boroughs (save for London Borough of Hillingdon), plus other non WLA boroughs where appropriate to secure the best value for 2015/16 and beyond.
- iv) authorises the completion of a further Collaboration Agreement with other London boroughs for the purpose of securing contracted GUM services.
- v) extends the current School Nursing contract for a further period of two years from 1st April 2014 until 31st March 2016.

Reasons for Decisions and Options Considered

The responsibility for commissioning public health services moved to local authorities from the NHS from the 1st April 2013. As a result of the statutory transfer, a significant number of public health contracts were novated to the Council by operation of the statutory transfer scheme. All of those contracts had been extended for one year prior to the transfer by the PCT and have an expiry date of 31st March 2014. In addition to these contracts, there were a number of services where contracts had not been extended in advance of the transfer which expired on 31st March 2013. For those contracts, the Council entered into new contracts with the same providers for a period of one year to ensure continuity of these services.

A list of the public health contracts and the services provided below a value of £0.250m per annum is attached at Appendix 1 of the report.

A number of the contracts have a value of more than £0.250m per annum and these are listed in the report.

Many Sexual Health (GUM) contracts for 2013/14 remain in negotiation across London and other areas. The Council is continuing to work collaboratively with the WLA boroughs and Tri-Borough to secure contract arrangements for this year, with management of those contracts being provided by the NWL Commissioning Support Unit. It is anticipated that the contracts will be signed by the end of November 2013 for the period 1st April 2013 to 31st March 2014 with further collaborative work continuing for future years.

In North West London (NWL), discussions between the West London Alliance (WLA) boroughs and the Tri-Boroughs confirm these boroughs agree to collaborate on future commissioning for 2014/15 and 2015/16 with a view to ensuring continuity of services and access, containment of financial risks so far as possible and the delivery of robust activity and cost data to inform future service planning.

8. SEN Transport Services SEN Home to School Transport including Adult Day Centre Transport, College Transport and Adhoc Transport Services Resolved

That Cabinet:

- i) authorises the Executive Director of Children and Adults to invite and evaluate tenders to set up a multi-supplier framework for the provision of SEN transport for the provision of different vehicle types to meet the transport requirements of the Council which other local authorities and schools will also be able to use.

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- ii) delegates authority to the Director of Children and Families, following consultation with the appropriate Portfolio Holder to call off contracts from the SEN Transport framework as required upon its completion.
- iii) delegates authority to the Director of Adult's Services, following consultation with the appropriate Portfolio Holder to call off contracts from the SEN Transport framework as required upon its completion.
- iv) delegates authority to all other appropriate Directors Ealing Council, following consultation with the appropriate Portfolio Holder to call off contracts from the SEN Transport framework as required upon its completion.

Reasons for Decisions and Options Considered

In 2008, a SEN Transport tendering exercise was undertaken by Ealing for a Framework Agreement, and new contracts were awarded to 17 providers. These contracts were to last for four years, until 2012. However, about this time Ealing Council joined the collaboration of West London Alliance Boroughs of Brent, Hounslow, Harrow, and Barnet to undertake a joint Transport procurement exercise for SEN and Adults. In order to ensure sufficient capacity, Officers sought and were given a 1 year extension to the Ealing SEN Transport contracts with a view to ensuring a seamless transfer of routes and to guarantee a continued and reliable service. However, the WLA Transport Framework has not delivered all the services required. Ealing have now exercised a final contract extension, and the existing Ealing SEN Transport framework will end next July at the end of the 2013/14 academic year. It is necessary to have a service in place for the 2014/15 academic year, hence the request for approval to set up a new framework.

9. Children's Services Capital Works Approvals

Resolved:

That Cabinet:

- i) accepts the tender submitted by T&B (Contractors) Ltd in the sum detailed in confidential Appendix A for the Windmill Children Centre SEN Expansion. The works are scheduled to commence in February 2014, and practical completion is planned in October 2014.
- ii) approves the total expenditure as set out in Confidential Appendix A of the report, for the Windmill Children Centre SEN Expansion Works project, which will be funded from the existing capital programme.
- iii) authorises the Executive Director for Children and Adults to invite and evaluate tenders for Phase 3 of the expansion of Selborne Primary School (the final phase) and, following consultation with the Portfolio Holder, to accept the most economically advantageous tender and award the contract. This expansion will be funded from the existing capital programme.
- iv) authorises the Executive Director for Children and Adults to seek all necessary planning and statutory approvals for the works described in this report;
- v) authorises the Executive Director for Children and Adults, to invite and evaluate tenders for the expansion of the existing 6th Form and canteen spaces at Villiers High School and, following consultation with the portfolio holder, accept the most economically advantageous tender and award the contract;
- vi) approves the addition of £0.780m to the Schools Service Capital Programme to fund the proposed 6th Form and canteen spaces expansion project at Villiers High School, to be funded by the BSF reserve, with any shortfall being met from the Schools Revenue budget

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- vii) approves the re-alignment and reduction by £13.864m of the existing Schools Service Capital Programme as set out in section 4 of the report.

Reasons for Decisions and Options Considered

Cabinet, on 23 July 2013, gave authority for the project to expand Windmill Children Centre to proceed including the invitation and evaluation of tenders for the works required. The tender procedure has now been completed and authority to award the contract is required as set out in this report.

In September 2010, Cabinet authorised phases 1 & 2 of the expansion of Selborne Primary School from 2FE to 3FE to provide additional school places in response to projected increases in school age population in the borough and for a Primary Support Base (PSB) to occupy an area of the new build accommodation. The Phase 1 & 2 building work is now complete and it is now necessary to re-provide the accommodation given over to the PSB for the use of Year 4, 5 and 6 mainstream pupils. It is proposed to achieve this by the addition of a small, single-storey, 3-classroom extension to the school's Gilbert White block in the centre of the site and this will cause the least disruption to the school and its neighbours.

Cabinet approval is required to proceed on the proposed project at Villiers High School;

Cabinet approval is required to make changes to an approved existing capital programme.

10. Green Man Lane Regeneration and St John's Primary School Rebuild and Determination of Statutory Proposals

Resolved

That Cabinet:

- i) agrees the enlargement of St John's Primary School by increasing the school's Published Admission Number by 30 pupils, to admit 90 pupils into each reception year from September 2016 onwards (increasing the capacity of the school by 210 places in total, an increase of 33%) conditional on the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by January 2015;
- ii) authorises the Executive Director for Regeneration and Housing, following consultation with the Executive Director for Children and Adults and Portfolio Holders for Housing and Children and Young People, to agree and sign Development Heads of Terms with Rydon and A2 Dominion for the inclusion of a rebuild and expansion of St John's Primary as part of the wider regeneration scheme at Green Man Lane;
- iii) authorises the Executive Director of Regeneration and Housing to negotiate and enter into a varied Principal Development Agreement (PDA) in accordance with the agreed Heads of Terms following consultation with the Executive Director for Children and Adults and Portfolio Holders for Housing and Children and Young People;
- iv) authorises the Executive Director for Children and Adults to seek all necessary statutory consents for the statutory proposals for school expansion described in this report;
- v) agrees in principle, subject to any consent required from the Secretary of State, to the appropriation of the housing land shown coloured purple and highways land shown coloured brown on the plan in appendix 6 of the report for education purposes and to

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- a) the appropriation of the land held for education purposes shown coloured red on the plan attached to the report, for planning purposes, and;
 - b) authorises the Executive Director of Regeneration and Housing to complete the appropriation formalities when required
- vi) authorises the Executive Director of Regeneration and Housing to make a Compulsory Purchase Order in respect of Phase 4a of the Green Man Lane project generally under the Acquisition of Land Act 1981 and specifically under section 226(1) (a) of the Town & Country Planning Act 1990 as shown within the red line on the plan in appendix 7 of the report;
- vii) authorises the Executive Director of Regeneration and Housing to take any steps, procedures and measures necessary to discharge all interest and rights to which the land may be subject to enable the Council to meet its obligations under the varied PDA;
- viii) authorises the Executive Director of Regeneration and Housing to take any necessary steps to progress Phase 4a of the proposal including but not limited to entering into any necessary agreements, licences, undertakings and the service of any notices or orders, seeking any consents and amending the boundary of the land to be acquired, appropriated and transferred (as necessary);
- ix) authorises the Executive Director of Regeneration and Housing to undertake Ground 10A consultation for Phase 4A and to allocate LOCATA Band A status to all tenants in Phase 4A;
- x) authorises the Executive Director of Regeneration and Housing to consider options for the temporary relocation of the Jubilee Community Centre and to enter into any arrangements to facilitate the relocation.

Reason for Decision and Options Considered

The decisions are required to enable the Council to progress to the next stage of the process for expanding school provision to meet its statutory duty to secure sufficient school places. The Council has a statutory responsibility to promote high educational standards, ensure fair access to educational opportunity and promote the fulfillment of every child's educational potential. The Council must also promote diversity and increase choice. Decisions are also required to enable the council to enter into the necessary legal agreements with the proposed developers of the Green Man Lane Housing Estate, Rydon and A2 Dominion, to build a replacement school, and to enable plans to progress towards the submission of a planning application for works in Spring 2014.

The Legal Framework within which cabinet must consider the proposals is set out in section 5 of the report.

The relevant background report is as follows:

Green Man Lane Regeneration – Housing and Education Proposals (March 2013)

<http://www.ealing.gov.uk/meetings/meeting/234/cabinet>

11. Budget Strategy 2014/15 including Proposals Affecting Employees Resolved

That Cabinet:

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Budget Review: Revenue savings and growth proposals

- i) notes £84.464m of savings have been either agreed or noted as proposals in development by Cabinet to date as part of the budget review processes from 2011/12 – 2013/14, and which contribute to the overall £85m savings target set for the period 2011/12 -2014/15 by Cabinet in June 2011 (para 4.3.4 of the report).
- ii) notes that of the £84.464m, £84.054m savings have been approved by Cabinet to date for 2011/12 – 2015/16. Of this, £6.270m relates to 2014/15 and £0.426m relates to 2015/16 (para 4.3.4 of the report).
- iii) in addition, approves the re-profiling of £0.050m HR related savings and £0.010m HR related proposal in development from 2014/15 to 2015/16, and the one-off replacement savings in 2014/15 from Corporate Resources supplies and services budgets (see para 4.3.6 of the report).
- iv) notes this leaves £0.350m savings as proposals in development in 2014/15 and £0.060m in 2015/16, from the various budget review processes and will be brought to future Cabinets for approval (para 4.3.7, appendix 2 of the report)
- v) approves £2.224m savings for 2014/15, submitted as part of the 2014/15 budget review process (para 4.4.4, appendix 1A of the report).
- vi) approves £0.201m growth bids submitted as part of the 2014/15 budget review process (para 4.5.1, appendix 1B of the report).
- vii) notes that where information comes to light which indicates that particular proposed savings have important implications not set out in this report, for example relevant to the council's equalities duties, then those implications will be fully explored and if necessary a further report will be considered by cabinet or the relevant officer or portfolio holder, before a final decision is taken on whether or not to proceed to implementation. Where a decision is taken not to proceed with any savings proposal then alternative proposals will be brought forward for consideration (para 4.4.2 of the report).

Budget Review: Capital

- viii) approves the new General Fund capital proposals 2014/15 - 2017/18 as detailed in Appendix 3 of the report, prior to final decisions being made on the entire capital programme and its financing at Cabinet and Full Council in February 2014 (para 4.10 of the report).

Staff savings from 2012/13 and 2013/14 budget review processes

- ix) notes the information on numbers and types of staff posts affected across service areas by budget proposals for 2014/15 (para 3.4 of the report).
- x) notes the proposals and rationale set out in addendum 1 of the report and authorises the Director of Business Services Group to re-organise and/or delete posts arising from budget proposals in the Business Services Group Directorate to make any amendments to the proposed staffing structures and/or the timetable for implementation as necessary arising from the consultation process.
- xi) notes that in respect of recommendation 1.3.2 of the report, the relevant officers will consult on any significant alternative or amended proposals put forward as a result of consultation, with the Leader, the Portfolio Holder for Finance and Performance and the appropriate Portfolio Holder for the relevant service area.

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- xii) notes that a summary of the proposal can be found in addendum 1 attached to this cabinet report. HR related Equality Analysis Assessments (EAAs) can be found in appendix 4a of this cabinet report.

Other Factors affecting Medium Term Finance Strategy

- xiii) notes the central government funding for 2014/15 – 2016/17, which is currently built into the medium term financial strategy (para 4.7 of the report).
xiv) notes the continuing uncertainty, from 2014/15 going forward, around the level of funding and grants to be allocated to Ealing for the Settlement Funding Allocation (para 4.7 of the report).

2013/14 Revenue and Capital Budget Developments

- xv) approves a virement within Corporate Resources of £0.500m between legal services and corporate management (para 4.2.1 of the report).
xvi) notes that provision of £0.070m will be made within the 2013/14 parking services budget to enable the offer of free weekend Christmas parking (para 4.2.2 of the report).
xvii) approves an addition to the capital programme and spend of £2.056m for a programme of Enhanced Infrastructure Renewal Programme, this will be funded by a revenue contribution to capital (RCCO) (para 4.2.3 of the report).
xviii) thanks officers for their hard work.

Reason for Decision and Options Considered

This is the latest update for Members on the 2014/15 budget strategy and Medium term financial strategy, which details further savings and efficiencies that have been identified and reflects the impact of the government's Spending Review, to enable Cabinet to develop and initiate budget proposals before Full Council finalise the budget and set council tax levels in February 2014.

This report enables Cabinet to consider further budget proposals relating to 2014/15, which were originally proposed as part of the budget review process held in 2012/13 and contribute to balancing the budget for 2014/15.

This report also enables Cabinet to consider budget proposals relating to 2014/15, which are proposed as part of the 2014/15 budget review process and contribute to balancing the budget for the year.

The requirement to reduce budgets has driven service reviews that are still ongoing. The proposals in this report, which were either previously in development or newly proposed, will contribute to the savings agreed in the budget strategy.

Consultation with employees and the recognised trades unions, UNISON and GMB, commenced on 12 November 2013. Statutory consultation will continue for at least the minimum statutory consultation period of 30 days.

Any appeals (except those against redundancy dismissal) should have been completed by mid-December 2013. It is anticipated that any employees who are given

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notice of redundancy and have not been re-deployed would leave the Council from mid-January 2014 onwards, dependent upon contractual notice periods. It is anticipated that service areas will implement proposals from mid-January 2014 onwards, dependent upon when those under notice of redundancy leave the Council.

To achieve the challenging savings, the Council:

- Is looking at every service in the search for savings.
- Is considering all budgets and all sources of spending and income.
- Will realise "cross-cutting" corporate savings.
- Will invest where it will generate greater efficiency.
- Is conducting a review of management structures.

12. Durdans Park Cricket Ground Resolved

That Cabinet:

- i) notes the project costs and funding sources for the works at Durdans Park Cricket Ground as detailed in Table 1.1 of the report.
- ii) delegates authority to the Executive Director of Environment and Customer Services to invite and evaluate tenders for the construction of the new sports pavilion and facilities for this project, and if suitable tenders received to award contract(s).
- iii) authorises, subject to a successful contract award, the works to proceed.
- iv) notes the selection process undertaken to select a preferred partner and agrees to the appointment of the Ramgarhia Sports and Social Club as the preferred bidder.
- v) authorises, following confirmation of successful grant award, the addition to the capital programme of £900k external funding listed in paragraph 4.2 of the report.
- vi) authorises, following confirmation of successful grant award, the capital budget virement of £10k requested in paragraph 4.3 of the report.
- vii) delegates authority to the Executive Director Environment and Customer Services to negotiate and grant a minimum 25 year lease of the ground shown outlined in bold on the attached plan to appendix 1 of the report, to Ramgarhia Sports and Social Club upon completion of the project subject to the outcome of consideration of any objections received pursuant to notice given under section 123(2A) of the Local Government Act 1972.
- viii) thanks officers for their work on this project.

Reason for Decision and Options Considered

Durdans Park Cricket Ground was previously leased to Southall Cricket Club, who ceased operating in June 2011, which left the premises vacant. It also left the 3 football pitches vacant, which are adjacent to the cricket ground on King Georges Playing Fields because local football clubs used the changing facilities at the Ground. A dilapidation survey was carried out of the existing pavilion at the Ground by EC Harris in July 2011, which showed the building was not fit for purpose and that a new building would be required if the facilities were to be brought back in to use. An asbestos survey was also carried out by Frankham in September 2011 and all asbestos has been removed from the site.

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In the Ealing Sports Facility Strategy, adopted by the Council in February 2013, it identifies that cricket and football facilities particularly in the Southall area are generally not of the required standard to meet the demands and needs of cricket and football clubs, therefore restricting local cricket and football clubs entering in to leagues. The Strategy concludes that the future demand for quality cricket and football facilities can be met in a number of ways including bringing dormant Council pitches back in to use, through lease arrangements with local sports clubs providing all year round playing, cricket in summer and football in winter.

In December 2011 the officers completed a selection process, part of the Asset Transfer model and identified Ramgarhia Sports and Social Club (RSSC) as their preferred Partner/tenant for the Durdans Park Cricket Ground in Southall. Cabinet is now asked to confirm their selection as preferred bidder.

13. Developing an Ealing Markets Strategy and an Update on Markets Resolved

That Cabinet:

- i) notes the update on Ealing's existing markets.
- ii) notes the findings of Ealing Markets consultation as at 26th September 2013.
- iii) notes progress made to date on the Ealing Markets Strategy – which aims to shape the future of market activity in the borough.
- iv) endorses the recommendation to operate markets under the provision of Part III of the Food Act 1984.
- v) agrees in principle that Cabinet considers a further report in due course on the final version of the Ealing Markets Strategy with a view to recommending it for adoption.

Reasons for Decisions and Options Considered

There are four markets currently in operation in Ealing, to date there is not a clear policy or strategy on how markets are set up, managed and monitored in the borough. The council also currently does not have a clear policy for charging market operators for the use of public highway and as such incurs costs in terms of cleaning, maintenance and enforcement monitoring.

It is also recognised that markets are popular and can help to achieve regeneration benefits in terms of encouraging greater footfall and vibrancy to town centres and supporting new business start-ups.

In order to address the above, Ealing Council is working on the production of a new Markets Strategy that will:

- establish a clear direction for the style of markets desired in Ealing
- offer recommendations to help improve its existing markets
- identify potential suitable locations for new markets
- establish a market policy that sets out how markets are allocated, how they operate and are monitored – endeavouring to ensure that market licences are issued equitably and the market operations are professional, financially viable, environmentally friendly and add value to the community.

The market strategy will seek to cover the following aspects: -

- Benefits of setting up new markets
- Potential locations for markets
- Which legislation the Council will use to operate and manage the markets

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- The level of fees that should be charged to recover costs
- Applying quality and monitoring elements
- The Council's role in setting up and managing markets
- Creative/innovative ideas to support markets and local businesses
- Potential linkages to pop-up shops as a progression route

14. Property Strategy Progress Update Resolved

That Cabinet:

- i) notes the progress being made to implement the Council's 2010 Property Strategy, including the progress being made on the Service Centre facilities in Southall and the new Service Centre in Greenford.
- ii) agrees to an adjustment to the 2010 Property Strategy in relation to the retention of sites in the South Acton area which had previously been identified in the Property Strategy for potential disposal as detailed in section 2.5 of this report.
- iii) notes that Acton Library has been registered as an Asset of Community Value.
- iv) (a) authorises the Executive Director of Regeneration and Housing to negotiate and accept the surrender of the lease at Adelaide Dock/Wharf, Endsleigh Road, Southall as shown on the attached plan at Appendix 6 of the report.
(b) subject to the surrender of the lease, agrees in principle to the appropriation of the site for housing for the purposes of the Council's new build housing programme.
(c) authorises the Executive Director Regeneration and Housing to finalise the appropriation process.
- v) authorises the Assistant Director of Regeneration and Planning Policy to instruct the Council's managing agents to enter into negotiations with a view to acquiring additional surplus land adjacent to Acton Health Centre, subject to a further report to Cabinet seeking authority to proceed with any acquisition in due course.
- vi) notes that recommendation 6 on the report has been withdrawn.

Reasons for Decisions and Options Considered

At its meeting of 14th September 2010, Cabinet agreed to receive regular progress reports on the Property Strategy and this is the eighth report.

The Property Strategy sets out requirements for service centres across the Borough for the provision of Adult and Children Services. There were originally 3 service centres proposed in Acton (in the new Acton Leisure and Library Centre Development at the old Town Hall), in Greenford (at Ravenor Farm) and in Southall (at Phoenix House or the Dominion Centre). Following a review of the Service Centre component of the Property Strategy and further analysis of the requirements for space for Adult and Children Services, it was decided that service needs can be met by the provision of a larger Service Centre in Greenford and with flexible Adult Services activity space and additional community space at the Dominion Centre in Southall alongside the proposed new library development (Cabinet January 2013). Work on all three projects is progressing ready for completion and occupation in 2014.

The Property Strategy also identified a number of assets that would become surplus over time as the Strategy is implemented or as the requirements of Council services change. The Council's property agents have undertaken valuations of these assets following an extensive exercise with the Council's Planning Services to assess the level of development that can be delivered on the sites. The overall financial position regarding proposed disposals is shown at Confidential Appendix 1 of the report.

The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of this Committee.

15. Review of the Council's Corporate Enforcement Policy

Resolved

That Cabinet:

- i) approves the amendments to the current Corporate Enforcement Policy attached in Appendix 1 of the report and to recommend the Policy for adoption by full Council.
- ii) authorises the Director of Safer Communities to make minor amendments to the adopted Policy as required to reflect changes in legislation or guidance and codes of practice where a full review of the Policy is not warranted.

Reasons for Decisions and Options Considered

The Policy is being reviewed to take account of changes in legislation and the introduction of a new Regulators Code. Also the scope of the existing policy is limited and the revised policy has incorporated a fuller range of the Council's statutory enforcement functions. Due to statutory requirements the policy must be approved by both Cabinet and Council. (See point 2.2 of the report). The intention of the new policy is to create a clearer, consistent approach covering all regulatory service across the Council. This is to further enhance and formalise our joint working and partnership approach.

16. Date of Next meeting

Resolved

The next meeting of Cabinet will be held on Tuesday 17 December 2013 at 7pm.

Councillor Julian Bell, Chair

Date

The meeting concluded at 7:50pm having completed its business.

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