

MINUTES OF THE EXECUTIVE
Monday 16th February 2009 at 7.00 pm

PRESENT: Councillor Lorber (Chair), Councillor Blackman (Vice Chair), and Councillors Allie, D Brown, Colwill, Matthews, Sneddon, Van Colle and Wharton.

Councillors Dunwell, Hashmi, Malik, Mistry, J Moher, R Moher and HM Patel also attended the meeting.

Apologies for absence were submitted on behalf of Councillor Detre.

1. Declarations of Personal and Prejudicial Interests

Councillors Blackman, Colwill, Lorber and Wharton declared an interest in item 12 – 2009/10 Budget and Council Tax, by virtue of being LEA appointed school governors and Councillors Colwill, Van Colle and Wharton also declared an interest in item 12 – 2009/10 Budget and Council Tax, by virtue of being holders of a Freedom Pass.

2. Minutes of the Previous Meeting

RESOLVED:-

that the minutes of the previous meeting held on 19th January 2009 be approved as an accurate record.

3. Deputation

The Executive agreed to bring forward consideration of the following item and heard from the chair of the Valley Farm Residents Association.

4. Reference of items considered by Forward Plan Select Committee – 4th February 2009

Petition against the Kingsbury Road Local Safety Scheme

At the meeting of the Forward Plan Select Committee on Wednesday, 4th February 2009, Members had discussed decisions called-in with regard to the *Petition Against the Kingsbury Road Local Safety Scheme* report considered at the Highways Committee meeting on Tuesday, 20th January 2009 relating to the stretch of the Kingsbury Road between Valley Drive and Roe Green. The Select Committee had agreed to submit the following recommendations to the Executive:

- (i) that upon considering the report from the Director of Transportation, the decisions made by the Highways Committee be noted; and
- (ii) that the Select Committee requests that the Executive re-consider the Kingsbury Road local safety scheme, including re-consulting residents, ward councillors and partner agencies before a new scheme is proposed.

Councillor J Moher, as a local ward councillor, was invited to address the meeting. He stated that the Forward Plan Select Committee had been persuaded that the scheme was ill-considered and had not been properly consulted on. He added that it would not tackle the issue of speed and would create traffic delays. The possible loss of funding from Transport for London for the scheme was less important than getting the scheme right.

Julia Day, Chair of the Valley Farm Residents Association, was invited to address the meeting. She explained that residents had already voiced their opposition to the scheme at the Highways Committee. She said that the consultation had made it clear that it was considered that the scheme would only have a minor impact on the estate and so the majority of residents on the estate had not been invited to put their views. She disputed the impact it would have on the estate and stated that everyone on the estate should have been consulted. She explained that of the 18 accidents referred to along this stretch of road only a few had been caused by speeding and the majority of these were either in the early morning or late at night when reducing the traffic lanes would not solve the problem.

The Executive was advised that the consultation process had been in line with the Council's policy used since 2003. It was explained that e-mails about the scheme had been sent to all the local councillors, the police had been consulted and following a further meeting with Councillor Moher amendments to the scheme had been made to try to accommodate the suggestions put forward. Arising from the consultation process 58% of respondents had supported the scheme. The Executive was advised on the criteria necessary to meet before speed cameras could be installed and the restrictions on installing speed tables, all of which meant the scheme as proposed was the most suitable. If the scheme did not proceed funding for it would be lost and with it the opportunity to improve safety.

Councillor Wharton (Lead Member for Children and Families) emphasised the safety considerations in view of the high volume of child pedestrians using this stretch of road. He referred to the many residents that felt they should have been consulted because they used the road but stated that many people from far and wide used the road. The residents association was afforded a meeting with officers and the scheme was subsequently amended. Similarly the ward councillors had an input but had not been present at the Highways Committee when it was discussed. Councillor Brown (Lead Member for Highways and Transportation) and Councillor Lorber (Leader and Lead Member for Corporate Strategy and Policy Co-ordination) supported the scheme as agreed referring to the excessive speed of vehicles using the stretch of road, the road safety aspects of the scheme and pointing out that if it did not go ahead it would delay doing anything for up to two years while an alternative scheme was devised, consulted on and funded. The professional advice of officers had been followed and they expressed the view that the scheme should proceed.

Councillor Van-Colle (Lead Member for Environment, Planning and Culture) referred to the split vote at Highways Committee on which the scheme had been passed. He stated that this stretch of road served the

local population extensively and that the scheme should be re-considered. He added that the consultation process followed by the Council should be updated to include more people and that losing funding for the scheme was not a primary consideration. Councillor Blackman (Deputy Leader and Lead Member for Resources) supported the call to refer the scheme back to Highways Committee. He felt residents from Valley Drive estate were affected and so should have been consulted and that past measures introduced to other parts of Kingsbury Road had not worked and had reduced the effectiveness of the road. He stated that it would be wrong to proceed with a scheme until it had the support of local residents and councillors.

RESOLVED:-

that the Kingsbury Road local safety traffic scheme be not referred back to the Highways Committee.

5. **Authority to award contract for provision of bailiff services for parking enforcement**

Councillor D Brown (Lead Member for Highways and Transportation) introduced the report which related to the enforcement and collection of unpaid Penalty Charge Notices (PCNs) by bailiffs. The report summarised the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, sought approval to the award of the two contracts, as required by Contract Standing Orders 88 and 89.

The Executive also had before them appendices 1 and 2 to the report which were not for publication as they contained the following category of exempt information as specified in Schedule 12A of the Local Government Act 1972, namely:

Information relating to the financial or business affairs of any particular person (including the Authority holding that information).

RESOLVED:-

that the two contracts for the provision of Bailiff Services for unpaid Penalty Charge Notices be awarded to Newlyn PLC and to TASK Enforcement Limited with both contracts to run from 1st April 2009 until 31st March 2011, with an option to extend the contracts for up to a further two years.

6. **2008 Annual Performance Assessment of services for children and young people in the London Borough of Brent**

Councillor Wharton (Lead Member for Children and Families) introduced the report which summarised the judgements of the Office for Standards in Education (Ofsted) for Brent's 2008 Annual Performance Assessment (APA) of services delivered during the period April 2007 to March 2008. Councillor Wharton pointed out that the Ofsted inspectors had judged the

Council as delivering good services and that its capacity to improve was good.

RESOLVED:-

- (i) that the outcome of the 2008 Annual Performance Assessment of services for children and young people in Brent and its contribution to the Audit Commission's Comprehensive Area Assessment (CAA) be noted;
- (ii) that the action plan produced to address the areas of development identified as part of the APA process, attached as appendix 3 to the report, be endorsed.

7. The Schools Budget and Review of School Funding Formula 2009/10 and 2010/11

This report requested the Executive to approve the Schools Budget and to agree to proposed changes to the Fair Funding Formula for Brent schools in respect of factors relating to Lump Sum Formula Allocation and the funding for Special Schools and Special Units in certain mainstream schools. Councillor Wharton (Lead Member for Children and Families) pointed out that the dedicated schools grant stood at £196M and the remainder of the funding came from the Learning and Skills Council. In deciding how to allocate the money the Council had consulted with the Schools Forum as it was required to do. He thanked members of the forum for all the work they had undertaken during the year in their role.

It was pointed out that as a result of receiving the final submissions from the Schools Forum an amended appendix 1 to the report had been tabled as part of a motion relating to the 2009/10 Budget and Council Tax (see item 8 below).

RESOLVED:-

that in respect of:

the Schools Budget:

- (a) the schools budget for 2009/10 and provisional budget for 2010/11 be approved, as detailed in the revised Appendix 1 to the report;
- (b) that any variation in the Dedicated Schools Grant that may arise when actual January 2009 pupil numbers are taken account of, be accommodated by an adjustment to the amount allocated to the Individual Schools Budget and/or the contingency provision for pupil numbers growth.

Schools Formula:

- (c) the proposed change to the Lump Sum factor be approved so that there is a fixed sum for each sector, i.e. deleting the thresholds for group size in the existing formula factors.
- (d) the change to formula factors in respect of special schools, units and outreach be approved with effect from 2009/10 as detailed in paragraphs 3.29 to 3.52 of the report, with the additional funding required to be met from within the agreed Individual Schools Budget.

8. Review of Housing Revenue Account Business Plan

This report updated Members on the long-term financial position of the Council's Housing Revenue Account (HRA), following the commissioning of a report from consultants.

RESOLVED:-

that the report be noted and a further report be submitted to the Executive once the stock condition data has been updated and the outcome of the Government's review of council housing finance is known.

9. Housing Revenue Account (HRA) Budget 2009/10 and rent increase proposals for council dwellings for 2009/10

Councillor Allie (Lead Member for Housing and Customer Services) introduced the report which presented the revised (probable) HRA budget for 2008-09 and the draft HRA budget for 2009/2010 as required by the Local Government and Housing Act 1989. It informed members that it was a requirement to consider these budget estimates and the associated options, taking account of the requirement to set a Housing Revenue Account (HRA) budget that does not show a deficit and in particular that a level of HRA dwelling rents and service charges for 2009-10 needed to be agreed.

Councillor Allie added that he would have preferred to keep rent increases low but the Government formula imposed higher increases. Government had been lobbied on the effects of its formula but the Council had not received a response from the Minister.

The Brent Housing Partnership Board had been made aware of the views of the Executive at an informal meeting on 11th February 2009. The Executive was informed that the BHP Board had reluctantly accepted the proposed rent rise and supported the Council's lobbying efforts. It welcomed the additional capital resources being created for health and safety works at South Kilburn. The Board members had noted that the HRA position was likely to get worse in future years and had stressed the need for proper debt counselling and advice to be available. Board

members had asked that if the subsidy position did improve that the Council agree to reduce rents to reflect this.

Councillor Blackman (Deputy Leader and Lead Member for Resources) pointed out the two year forecast detailed under paragraph 3.29 of the report from the Director of Housing and Community Care which showed that substantial rent rises would continue to be necessary to achieve a balanced budget. Councillor Lorber (Leader and Lead Member for Corporate Strategy and Policy Co-ordination) concluded that it was a position that neither the Council nor BHP wanted to be in.

RESOLVED:-

- (i) that the revised (probable) HRA budget for 2008/2009 as set out in Appendix 2 Table 1 of the report be approved;
- (ii) that the draft Budget for 2009-10 as set out in Appendix 2 Table 1 of the report be received having regard to the officers' advice contained in the report;
- (iii) that the growth items, totalling £546k, as set out in paragraph 3.39 of the report be agreed;
- (iv) that the allocation of HRA useable balances of £2.245m as set out in paragraph 3.44 of the report be agreed;
- (v) that an average overall rent increase (excluding service charges) of £5.18 per week be approved, which is an average overall increase of 6.01%; to be applied on an individual basis to each property based on the Government's rent convergence guidelines as detailed in paragraphs 3.16 to 3.20 of the report, noting that this will raise an additional £2.508m rent income;
- (vi) that service charges be increased by 5.0% (RPI at September 2008) raising an additional £131K;
- (vii) that the rents on Middlesex House (including Service Charges) be increased by 5% raising £38K (full year effect);
- (viii) that the rents on the Brent Stonebridge dwellings be increased by an average 6.2%, raising £99k, and the service charges be decreased by an average of 22%, decreasing income by £24k;
- (ix) that the Director of Housing and Community Care be delegated authority to agree the ALMO management fee after negotiations with that organisation on the basis it is funded from agreed overall financial resources for the financial year 2009/10;
- (x) that the local, London wide and national government lobbying that is taking place on the HRA settlement for 2009/10 be noted and in the event that this lobbying is successful and additional subsidy is paid

to Brent in 2009/10, consideration be given to reducing rent in line with rent restructuring policy to reflect this.

10. **Authority to award three framework agreements of Supporting People Services and - Older People Floating Support and Handyperson Services**

Councillor Colwill (Lead Member for Adults, Health and Social Care) introduced the report which concerned the tendering of three Supporting People framework agreements for Older People Floating Support and Handyperson Services, undertaken over the past 6 months.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12A of the Local Government Act 1972, namely:

Information relating to the financial or business affairs of any particular person (including the authority holding the information).

RESOLVED:-

- (i) that the appointment of the following organisations to the framework agreements for Older People Floating Support and Handyperson services be approved for a period of three years (plus provision for extension of up to one year) commencing on 1st July 2009:

Framework 1 - Tenure Neutral Older People Floating Support & Welfare Benefits Officer

Willow Housing & Care and St Mungo's jointly
Innisfree Housing Association
Notting Hill Housing Trust

Framework 2 - Hospital Discharge & Hospital Admission Prevention Workers

Willow Housing & Care
Notting Hill Housing Trust

Framework 3 - Handyperson, Co-ordinator & Accident Prevention Workers

Elders Voice

- (ii) that the award of the following call-off contracts be approved for a period of three years, commencing on 1st July 2009, with an option to extend the contracts for a further one year period:

- A contract called off from Framework 1 for tenure neutral older people floating support service plus welfare benefits services, for up to 300 hours per week (inclusive of front line managers) to Willow Housing & Care & St Mungos jointly.

- A contract called off from Framework 2 for floating support hospital discharge and hospital admission prevention service, for 105 hours per week, working in collaboration with Brent Hospital Discharge Team and Adult Social Care Integrated Care Team, to Willow Housing and Care.

11. Extension of contract with Penderels Trust for a Direct Payments Support and Advice Service Contract

Councillor Colwill (Lead Member for Adults, Health and Social Care) introduced the report which sought approval for the extension of the Council's existing Direct Payments Support and Advice Service contract with Penderels Trust.

RESOLVED:-

- that the delay in the procurement process for the new Direct Payments Support and Advice Service Contract be noted;
- that the current contract with Penderels Trust be extended for a further three months from 1st April 2009 until 30th June 2009.

12. 2009/10 Budget and Council Tax

Councillor Blackman (Lead Member for Resources) thanked everybody involved for the work put in to producing the budget for 2009/10. He felt it was a strong budget given the economic circumstances. He commended the Budget Panel for its work and pointed out that following his presentation of the budget to the last meeting of the Panel, the Panel had issued its second report. Councillor Blackman drew attention to the growth included and in particular the extra £1m to further strengthen the Council's child protection services. The budget included a 2.5% increase in Council Tax which when put with the zero increase in the GLA precept meant an overall increase of 1.9%. This maintained Brent's position as having one of the lowest Council Taxes in outer London. In introducing the report before the Executive, Councillor Blackman explained that there were two decisions the Executive was being recommended to take on staffing matters and key decisions on the budget and the revenue and capital budget and Council Tax to be recommended to Full Council.

RESOLVED:-

- this budget continues the Administration's concentration on sound financial policies. It delivers efficiencies and value for money to fund frontline service improvements while maintaining a fair level of Council Tax. Brent's Council Tax is the 17th lowest of the 20 Outer London Boroughs. This prudent budget has been successfully produced despite the worst economic conditions for a generation that seem certain to deteriorate even further;

- (ii) we have provided over £5m of growth to fund our priorities. This includes:
 - more than £1m to further strengthen our child protection services;
 - £500k on recycling;
 - £500k on supporting the rebuilding or major redevelopment of Brent's secondary schools;
 - £800k on sport and youth activities;
 - £245k on combating climate change and carbon reduction;
 - £830k on Adult Social Care;
 - £500k on Temporary Accommodation;
 - £100k on extra library books.
- (iii) we are very conscious of the impact the recession is having on our residents. The budget has provided extra resources to provide additional housing and debt advice and to help ensure that families receive all benefits they are entitled to. We have also sought to redirect capital expenditure from later years to the next two financial years to stimulate construction and other works in the Borough;
- (iv) that the comments and recommendations of the Budget Panel be noted and the Budget Panel be thanked for their informed input into the overall process;
- (v) that an amended Appendix K(i) – the Schools Budget tabled at the meeting be noted following consultation with the Schools Forum on 10th February 2009;
- (vi) that the deletion of the current Assistant Director (Finance and Resources for Adult Social Care) and Head of Finance (Housing) posts be agreed in principle and the Director of Housing and Community Care be authorised to confirm the decision, subject to consultation with the affected postholders;
- (vii) that a new Assistant Director (Finance and Resources for Housing and Community Care) post to head up the finance function within the Housing and Community Care Directorate be agreed in principle and the Director of Housing and Community Care be authorised to confirm the decision, subject to consultation with the affected postholders;
- (viii) that the estimates shown in paragraph 2.37 of the report be agreed;
- (ix) that the recommendations in the report be agreed for forwarding to Full Council on 2nd March 2009 for approval (excluding 2.6 and 2.7 which have been dealt with above under (vi) and (vii));
- (x) that it be noted that the report will be updated by the Director of Finance and Corporate Resources prior to the Council budget setting meeting to take account of any adjustments to the figures appearing in the report.

13. **Review of fees and charges for 2009/10**

Councillor Blackman (Lead Member for Resources) introduced the report from the Director of Finance and Corporate Resources which set out the proposed fees and charges for council services in 2009/10. Both the Audit Commission and government ministers have encouraged councils to look at ways of optimising income from fees and charges to help them manage pressure on resources. The proposals in the report applied an average 5% increase to fees and charges for most services although this might vary across a particular service because of rounding issues or the need to correct previous anomalies. There were some exceptions detailed in the report. All additional income from fees and charges would be used to re-invest in services or keep the council tax increase down.

RESOLVED:-

- (i) that the proposed fees and charges set out in Appendix A to the report be agreed, to apply from 1 April 2009 (unless otherwise stated);
- (ii) that decisions on changes to the basis of care charges which were subject to a recent consultation be deferred pending the Council giving consideration to the responses to the consultation;
- (iii) that the approach that has been taken to the introduction of new VAT rates be noted.

14. **Authority to award contract for Brent Civic Centre Design Team**

This report summarised the procurement process undertaken by the Council to procure a Design Team and requested authority to award a contract for the appointment of a Design Team for the new Civic Centre.

The Executive also had before them appendices to the report which were not for publication as they contained the following category of exempt information as specified in Schedule 12A of the Local Government Act 1972, namely:

Information relating to the financial or business affairs of any particular person (including the authority holding the information).

RESOLVED:-

- (i) that a contract for the provision of design services for the Civic Centre project be awarded to Hopkins for the duration of the construction project and any retention period;
- (ii) that in the event Hopkins does not enter into a contract with the Council, a contract for the provision of design services for the Civic Centre project be awarded to BDP for the duration of the construction project and any retention period;

- (iii) that the Borough Solicitor be authorised to finalise the terms of appointment.

15. Authority to award contract for supply of energy to the council

Councillor Blackman (Lead Member for Resources) introduced the report which related to the procurement of both gas and electricity across the Council. The report requested approval to award two call-off contracts under a flexible energy procurement framework operated by Kent County Council as required by Contract Standing Orders 88 and 89.

RESOLVED:-

- (i) that a call-off contract from the Laser Framework for the supply of gas via flexible procurement be awarded to British Gas Limited and Kent County Council for 3 years from 1st September 2009 requiring Laser to spot purchase gas on the Council's behalf.;
- (ii) that a call-off contract from the Laser Framework for the supply of electricity via flexible procurement be awarded to N Power Limited and Kent County Council for 3 years from 1st September 2009 requiring Laser to spot purchase electricity on the Council's behalf.

The meeting ended at 8.30 pm.

P LORBER
Chair