

MINUTES OF THE EXECUTIVE
Wednesday, 7th January 2004 at 7.00 pm

PRESENT: Councillor John (Chair), Councillor Coughlin (Vice-Chair) and Councillors Beswick, Jones, Kagan, D Long, Lyon, R S Patel and Thomas.

An apology for absence was submitted on behalf of Councillor Fox.

Councillors Duffin, Mrs Fernandes, Freeson, Moloney, H B Patel, Rands and Van Colle also attended the meeting.

1. Season's Greetings

Councillor John extended season's greetings to all present and her best wishes for a good New Year.

2. Order of Business

It was agreed to change the order of business to allow early consideration of the report relating to the Tree Replacement Programme.

3. Declarations of Personal and Prejudicial Interest

Councillor Moloney declared a personal interest in the item relating to Dollis Hill House as local resident. Councillor Thomas declared a personal interest as a Board member of Network and Willow Housing Associations.

4. Petition – Burrows Road: Tree Replacement

Ms Forgione representing residents of Burrows Road, addressed the meeting regarding the proposed tree removal programme which was being introduced to reduce the financial risk to the Council presented by subsidence claims. She admitted that there was a cross section of opinion on the proposals and presented the results of a door to door consultation exercise carried out subsequent to the December meeting. Residents were canvassed for views on whether mature trees should be maintained, removed or replaced. Some residents valued to trees contribution to the environment while others had concerns over leaf damage, restrictions on sunlight, and the likelihood of small young replacement trees being vandalised. Ms Forgione questioned whether the property damage and subsidence, could have other causes and felt that the proposals were an easy option, cost cutting exercise which should not be entered into lightly.

Councillor Jones (Lead Member) responded that at the meeting for Burrows Road residents, held on 3rd December, attended by independent consultants, the majority were in favour of the new tree policy. The purpose of the policy was to reduce financial risk to the Council and resultant financial savings would benefit all Council Tax payers. Councillor Jones asserted that the policy does acknowledge the value of trees and agreed that the methods of protecting the new, young trees should be investigated.

She said that the damage to property and pavements alleged to be caused by the mature trees was of concern to the Council and the programme was extensive and imaginative. Councillor Jones assured that residents would be fully consulted.

The Director of Environment, Richard Saunders, referred to the earlier report considered by the October Executive which stated that eleven roads had been identified as having particularly high insurance claims and also high trees. Residents in other roads had not raised substantial objections, independent consultants had been available and the majority of residents in Burrows Road were in favour. He felt that the programme should proceed. The Director of Finance, Stephen Hughes, advised that more than £750,000 pa was being spent on insurance claims. Previously, the pruning programme was a defence against insurance claims but this was no longer the case and the Council could no longer sustain the losses.

The Deputy Leader, Councillor Coughlin, emphasised the need to balance the loss of the mature trees against the protection of Council Tax payers and felt that indemnities were not a solution. Councillor Jones suggested that, in an effort to gain consensus, further consultation take place with those residents who had indicated that they were still not in favour of the proposals. This was agreed. Councillor Moloney referred to the damage caused to pavements caused by large tree roots which sometimes caused accidents.

Councillor John thanked Ms Forgione for attending the meeting and presenting residents' views.

5. Tree Removal & Replacement Programme 2003-04

The Executive then went on to consider the report from the Director of Environment. The report referred to the previous decision taken on 13th October 2003 to approve a new Street Tree Management Policy with a programme of tree removal and replacement in eleven roads in the Borough and that results from the consultation be reported back if they revealed substantial objections or concerns.

The consultation exercise resulted in concerns from residents in Burrows Road, NW10, presented by way of a petition and received earlier in the meeting. Responses to the consultation in the other ten roads affected were overwhelmingly positive. The report informed the Executive of the details of the petition and the concerns raised by petitioners. It also informed the Executive of the issues raised at a public meeting with residents of Burrows Road to discuss the Council's proposals.

RESOLVED:-

- (i) that the receipt and details of a petition received by residents of Burrows Road, NW10 concerning the Council's proposals to remove and replace street trees in the road be noted;

- (ii) that the points raised by residents at a public meeting to discuss the Council's proposals, and officers' responses to those points be noted;
- (iii) that the proposals to remove and replace street trees in Burrows Road, NW10 be approved and officers instructed to proceed;
- (iv) that the views from residents of Burrows Road, NW10 be sought on the proposed tree locations and species, and those views accommodated as far as practicable;
- (v) that further consultation take place with those householders who indicated on the supplementary petition carried door-to-door by residents, that they would wish to retain the mature trees.

6. 2002/2003 Audit Letter from PricewaterhouseCoopers

This report accompanied the Audit Letter, in respect of the 2002/2003 Audit, issued by PricewaterhouseCoopers (PwC) in its role of external auditor to Brent Council. It was noted the formal response would also be considered by the Performance and Finance Select Committee. Councillor John was pleased to note that the Council had received positive Audit Letters in recent years.

RESOLVED:-

- (i) that the contents of the Audit Letter be noted;
- (ii) that the Chief Executive be instructed to ensure that the Letter is made widely available throughout the organisation, and that realistic plans and timetables are presented to the Executive to meet the recommendations.

7. The Collection Fund – Surplus/Deficit at 31st March 2004

As part of the Council Tax setting process for 2004/05, the Council is required to estimate the amount of any surplus or deficit on the Collection Fund as at 31st March 2004. This must be done by the 15th January 2004, and the report from the Director of Finance asked members to approve the balance projected.

RESOLVED:-

that the calculation of the estimated Collection Fund balance as at the 31st March 2004 be agreed as a deficit of £1,500,000.

8. IT Facilities for Members 2003

Councillor Coughlin (Lead Member) introduced the report proposing to extend the current pilot scheme for IT facilities for members to a full

programme which would allow all members to have access to standard laptop computers, printers, office software and broadband connections to the Internet from their homes. The scheme would also improve the IT facilities available to Members from the group offices in the Town Hall. Councillor Coughlin stated that the results of the pilot scheme had been positive and outlined the feedback received particularly the financial savings arising from the use of email and less telephone calls. He proposed an additional recommendation that costs be funded from the Council's E-Government programme which was agreed.

RESOLVED:-

- (i) that the report be approved and it be agreed that the current pilot arrangements be made available to all Members;
- (ii) that this proposal be given high priority consideration for funding in 2004/5 and in future years as part of the Council's E-Government programme;
- (iii) that to provide the widest and fairest take up of the proposed scheme, all indicated costs are to be funded through the Council's E-Government programme.

9. Brent's Participation in Local NHS 'LIFT'

This report set out progress with the development of the Local Improvement Finance Trust (LIFT) and sought approval for a number of decisions relating to the authority's continuing involvement. Councillor Coughlin stated that discussions had taken place with the other London Boroughs and a private sector partner had been identified. The project presented another opportunity to obtain capital funding. He also drew attention to the fact that, following legal advice indicated in the report, it was now proposed that the Council enter into the agreement at Level 2. The Director of Corporate Services, Bernard Diamant drew the Executive's attention to the recommendation in the report relating to the disposal of the freehold interest of Vale Farm House, Watford Road.

Additional information estimating capital receipts from the disposal of land had been circulated as an Appendix to the report, marked not for publication because it contained exempt information as specified in paragraph 8, Schedule 12A of the Local Government Act 1972 namely:

"Any terms proposed, or to be proposed, by or to the authority in the course of negotiation for a contract for the acquisition or disposal of property or supply of goods or services."

RESOLVED:-

- (i) that it be agreed to sign up to the Strategic Partnering Agreement (SPA) at financial close and the Council participate in the Strategic

Partnering Board (SPB) and it be noted that the Director of Corporate Services will initially be attending on behalf of the Council;

- (ii) that approval be given to the Council's participation in the Brent, Harrow & Hillingdon LIFT at Level 2;
- (iii) that the terms of the Lease Plus Agreement (LPA) be noted;
- (iv) that the process that has taken place for the procurement of the LIFT private sector partner be noted and endorsed;
- (v) that the possible inclusion of Social Services schemes in Phase II and future phases of development be noted;
- (vi) that the potential for maximising the benefit of joint health and social care service arrangements through the provision of shared accommodation be noted;
- (vii) that the progress on the three initial schemes proposed by Brent Primary Care Trust, within Brent, be noted;
- (viii) that it be agreed to dispose of the freehold interest of Vale Farm House, Watford Road, Sudbury in accordance with the details set out in the confidential annex, and grant rights to park up to 20 cars in the adjacent car parks.

10. **Wembley High Road, Enhancement Scheme**

This report sought consent to an exemption from Contract Standing Orders in order to allow for the award by the Director of Environment of a contract for Phase 3 of the Wembley High Road Enhancement scheme to McNicholas plc, without the need for prior competition. Councillor Jones referred to previous work carried out in the area by the contractor which was to a good standard.

RESOLVED:-

that it be agreed there are good operational and financial reasons (set out in the report) for not complying with the requirements of Contract Standing Orders with respect to the Phase 3 works and accordingly an exemption be made from Contract Standing Orders in respect of the award of a contract for the Phase 3.

11. **Neasden Town Centre**

This report presented a framework for the regeneration of Neasden Town Centre, reported proposals for planning briefs within the town centre area, and the agreement of CPZ proposals for that area. It also reported on tenders received for a contract for de-pedestrianisation, repaving and landscaping, and discussed options for funding the proposed contract for

these works. Delays had in part been due to the gap between funding available and costs indicated on receipt of tenders. Councillor Jones was pleased that progress was being made on the project as residents were anxious for improvement. Councillor Beswick echoed these sentiments.

RESOLVED:-

- (i) that the Neasden Town Centre Regeneration Framework be adopted;
- (ii) that the proposals for planning briefs related to the Regeneration Framework, the progress made in taking these forward, and the agreement of proposals for a CPZ for the Town Centre area be noted;
- (iii) that consideration be given to the cost of the lowest tender received for the de-pedestrianisation, repaving and landscaping works and the options for taking these forward and the temporary allocation of £350,000 of capital from the contingency budget be agreed to fund the contract and the associated fees and planting costs, noting that the full allocation will not be spent in the 2003-04 financial year.

12. Stadium Access Corridor Project

This report summarised the progress made to date in relation to Section 1 of the Stadium Access Corridor (SAC) project and the associated application for planning permission and promotion of a Compulsory Purchase Order (CPO). The report sought authorisation for the Council to exercise its statutory powers under the Highways Act 1980 for the compulsory purchase of lands to allow the SAC to proceed.

Additional information relating to the implications of the Council resulting from the resolution to make a Compulsory Purchase Order had been circulated as an Appendix to the report, marked not for publication because it contained exempt information as specified in paragraph 8, Schedule 12A of the Local Government Act 1972 namely:

"Any terms proposed, or to be proposed, by or to the authority in the course of negotiation for a contract for the acquisition or disposal of property or supply of goods or services."

The Director of Environment, Richard Saunders, circulated supplementary papers which set out an additional financial implication relating to the cost of construction at Section 1 of the SAC which was said to currently stand at £6.634m. Also, there was a revised Appendix 2, circulated in accordance with the latest legal advice indicating the removal of Plot 7 from the Order as it is in the ownership of the London Borough of Brent. Finally, the Executive were asked to approve an additional recommendation which gave the Director of Environment authority to revise the Order Map and Schedule to include any necessary parcel of public open space, should legal advice so advise. The additional papers were noted and agreed.

RESOLVED:-

- (i) that the progress made on the development of the Stadium Access Corridor project be noted;
- (ii) that the making of a Compulsory Purchase Order under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 be approved for the purposes of:
 - (a) the construction of new highway and the improvement of the highway known as Great Central Way from its junction with Hannah Close, then east along Great Central Way to its junction with South Way and Fourth Way;
 - (b) the improvement of the junction of Fourth Way and South Way with Great Central Way;
 - (c) the provision of new means of access to premises;
 - (d) the use by the Council of land in connection with the construction and improvement of the highways as aforesaid;
 - (e) the improvement of frontages to the above-mentioned highways or of the land adjoining or adjacent thereto; and
 - (f) mitigating the adverse effect which the existence or use of the highways proposed to be constructed or improved as mentioned above will have on the surroundings thereof;

to acquire any or all of the land (or rights over that land) described in the draft of the Order Schedule attached to this report at Appendix II to this report and which is also delineated on the drawing attached at Appendix II.

- (iii) that the submission by the Director of Environment of the Compulsory Purchase Order, once made, to the Secretary of State for Transport for confirmation be authorised;
- (iv) that, within the defined boundary of the Compulsory Purchase Order, the Director of Environment be authorised to:
 - (a) acquire land and/or new rights compulsorily;
 - (b) acquire land and/or new rights by agreement either in advance of the confirmation of compulsory purchase powers, if so advised, or following the confirmation of compulsory powers by the Secretary of State;
 - (c) enter into agreements and make undertakings on behalf of the Council with the holders of interests in the land subject to the CPO or parties otherwise affected by the proposed scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPO and including the offering back of Order Lands not required by the Council after the completion of the SAC Scheme or the acquisition of rights over the Order

Lands in place of freehold acquisition, where such agreements are appropriate;

- (d) make one or more general vesting declarations or serve Notices to Treat and Notices of Entry (as appropriate) pursuant to the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 respectively should the Compulsory Purchase Order be confirmed by the Secretary of State;
 - (e) Serve all requisite notices on the holders of the Order Lands relating to the making and confirmation of the Compulsory Purchase Order;
 - (f) Remove from the Compulsory Purchase Order any plot (or interest therein) no longer required to be acquired compulsorily for the scheme to proceed and to amend the interests scheduled in the Compulsory Purchase Order if so advised and to alter the nature of the proposed acquisition from an acquisition of existing property interests to an acquisition of new rights;
- (v) that the Director of Environment be authorised to Instruct Counsel and experts to represent the Council and provide evidence at any inquiry into the confirmation of the Compulsory Purchase Order;
 - (vi) that the confidential information in Appendix I of the report be noted and the Director of Environment be authorised to seek advice from the Council's appointed consultants in relation to any notice received in respect of the matters contained in the said Appendix I and if so advised by such consultants to serve all relevant notices;
 - (vii) that the Director of Environment be authorised, if so advised, to seek to acquire for the Council by agreement any interest in land wholly or partly within the limits of the intended Compulsory Purchase Order boundary for the Stadium Access Corridor Section 1 for which a blight notice has been validly served;
 - (viii) that the Director of Environment be authorised to consider, where appropriate or if an approach is made by the owners of relevant lands affected by the proposed highway but not subject to the Compulsory Purchase Order (including those falling within the intended route of Sections 2 and 3 of the Stadium Access Corridor) whether the Council should exercise its powers under Section 246 of the Highways Act 1980 to acquire by agreement any land to mitigate the adverse effect which the existence or use of the Stadium Access Corridor will have on the surroundings of the highway, or the enjoyment of which is likely to be seriously affected by the construction or use of the Stadium Access Corridor, subject to

officers reporting on the background and terms of such acquisition to members prior to the acquisition taking place.

- (ix) that the Executive authorise the Director of Environment to include any part of the Brent Open Space that is required for the SAC works in the Order if advised to do so, and, if so advised, make an application to the First Secretary of State and Deputy Prime Minister under Section 19 of the Acquisition of Land Act 1981 for a certificate that the acquisition of land and/or rights over all or part of the River Brent open space does not require the SAC Order to be the subject of special Parliamentary procedure, on the basis that the land and rights are required for the widening of a highway and no replacement open space land in exchange is necessary in the interests of the public; and thereafter to comply with the directions of the First Secretary of State regarding the advertisement of the said application and to take all necessary steps to secure the said certificate from the First Secretary of State including the attendance at an inquiry called by the First Secretary of State into the issue of the certificate.

13. **Association of London Government Grants Scheme**

Councillor Kagan advised that following the resignation of the London Borough of Richmond as the designated borough for the existing scheme, the report sought members' agreement to a new Association of London Government Grants Scheme under section 48 of the Local Government Act 1985. The report also detailed the recommendation from the ALG for the budget for the ALG Grants Committee for 2004/5 and recommended that members approve that budget.

RESOLVED:-

- (i) that the new ALG Grants Scheme set out at Schedule 2 of Appendix 2 to the report be agreed;
- (ii) that it be agreed the Council enter into the Variation of Agreement as set out at Appendix 2 to the report;
- (iii) that authority be delegated to the Borough Solicitor to agree any minor variation to the Variation of Agreement;
- (iv) that it be noted the designated borough for the new ALG Grants Scheme referred to in recommendation 1 will be the Common Council of the City of London (the Corporation of London).
- (v) that the budget for the ALG Grants Committee for 2004/5 as detailed in Appendix 3 be agreed, namely:
 - (a) an overall level of expenditure for the London Borough Grants Scheme in 2004/5 of £28,028,788; and

- (b) predicted bank interest of £100,000 for 2004/5 and estimated balanced of £1,500,000 should contribute to the overall level of expenditure, leaving a net amount of £26,428,788 to form the total level of borough contributions for 2004/5.

12. **Called-In Items – considered by Forward Plan Select Committee on 6th January**

Circulated at the meeting were recommendations made the Forward Plan Select Committee on 6 January 2003⁴ relating to three items called in for consideration.

(a) ***Dollis Hill House and Stables Gallery***

Councillor Jones advised the Executive of announcement by the Deputy Leader, the previous evening at the Forward Plan Select Committee, that the GLA representative, Toby Harris had indicated that GLA funding would be made available to support the refurbishment of Dollis Hill House and that this was being investigated further. As a result, Councillor Jones proposed that this announcement be noted, that the previous decision taken at the 8th December meeting to proceed with option 5 be deferred and that in relation to Stables Gallery, the Director of Environment proceed with option 6, namely repairs and access improvements to comply with the Disability Discrimination Act.

Councillor John welcomed the announcement and noted the views of the Forward Plan Select Committee. She recognised that no information was currently available on timescales however discussions would take place with the GLA on how to proceed. Councillor John confirmed that a press release had been issued confirming the Brent & Harrow GLA representatives' intentions. Concern was expressed that the Council should not lose the option to demolish the House should this be necessary and it was noted that discussions would take place with the Dollis Hill House Trust following consultations with the GLA.

In answer to Councillor Van Colle's enquiry as to how much funding had been offered, Councillor John responded that it should be sufficient to cover the rebuilding costs however a satisfactory business plan would need to be presented and the GLA would need to be satisfied that the project represented value for money and addressed cultural and green space concerns.

RESOLVED:-

- (i) that the decision of 8th December 2003, the recommendations of the Forward Plan Select Committee on 6th January 2004, and the announcement by the Deputy Leader on 6th January of support from the GLA Member for Brent and Harrow to rebuild Dollis Hill House be noted.

- (ii) that in relation to Dollis Hill House, the Executive resolves to defer proceeding with option 5 (relating to demolition) set out in para 2.6 in the report to the Executive dated 8th December 2003 and instead instructs the Director of Environment to identify potential rebuilding proposals for Dollis Hill House through funding support from the Greater London Authority.
- (iii) that in relation to Stables Art Gallery the Executive resolves that the Director of Environment proceeds with option 6 (repairs etc.) set out in para 2.7 in the report to the Executive dated 8th December 2003.

(b) **Conservation Areas Consultation**

The Executive noted the concerns expressed by the Forward Plan Select Committee in response to the decision taken on 8th December. However it was agreed to confirm the previous decision and proceed with the de-designation of ten conservation areas and designation of six areas as being Areas of Distinctive Residential Character. It was further agreed that letters of explanation be sent to residents setting out the protection available under the new designation.

RESOLVED:-

- (i) that the previous decision on 8th December 2003 and the recommendations of the Forward Plan Select Committee on 6th January 2004 be noted.
- (ii) that the decision made on 8th December 2003 be confirmed, namely:
 - i) that the report from the Director of Environment be noted in respect of the Review of Conservation Areas and that, although the consultation exercise had identified that a high number of the residents of some Conservation Areas wished to retain Conservation Area designations, approval be given to the following Conservation Areas being de-designated as Statutory Conservation Areas, because they do not retain a sufficient level of preservation to technically justify in planning terms, national conservation status.
 - (a) The de-designation of Butlers Green as a Conservation Area
 - (b) The de-designation of the Kenton Conservation Area.
 - (c) The de-designation of Stanley Avenue as a Conservation Area
 - (d) The de-designation of Woodheyes and Gresham Conservation Area
 - (e) The de-designation of Slough Lane Conservation Area
 - (f) The de-designation of Manor Close as a Conservation Area.

- (g) The de-designation of Wembley Hill as a Conservation Area
 - (h) The de-designation of Preston Park as a Conservation Area
 - (i) The de-designation of Queens Walk as a Conservation Area.
 - (j) The de-designation of King Edward VII Conservation Area.
- ii) that following de-designation the Conservation areas below be designated as “Areas of Distinctive Residential Character” through the Council’s BE9, Areas of Distinctive Residential Character in the Unitary Development Plan (replacement) 2000-2010:
- (a) Kenton Conservation Area
 - (b) Slough Lane Conservation Area
 - (c) Wembley Hill Conservation Area
 - (d) Preston Park Conservation Area
 - (e) Queens Walk Conservation Area
 - (f) King Edward VII Conservation Area

(c) ***Authority to Award Contract for Supply of Standard and Kosher Frozen Meals and to Negotiate for the Supply of Asian Vegetarian and Halal and Caribbean Frozen Meals***

The Director of Social Services clarified that concerns raised at the previous meeting and at the Forward Plan Select Committee relating to quality and quantity of Asian and Caribbean frozen meals would be addressed through a review of the *specification*. A review of the means of providing meals to individual ethnic communities would not be feasible at this stage would be a reversal of the decision taken at the February 2003 Executive. The Executive agreed that the 8th December decisions be endorsed.

RESOLVED:-

that the recommendations of the Forward Plan Select Committee be noted but that the original decision made on 8th December should stand.

13. **Exclusion of Press and Public**

RESOLVED:-

that the press and public be now excluded from the meeting as the following items contain categories of exempt information as specified in Schedule 12A, of the Local Government (Access to Information) Act 1972, namely:-

‘Information relating to the financial or business affairs of any particular person (other than the authority).’

'Any instructions to Counsel and any opinion of Counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:

- (a) any legal proceedings by or against the Authority, or
- (b) the determination of any matter affecting the Authority.

(whether, in either case, proceedings have been commenced or are in contemplation).'

14. Variations to the Contract for the Provision of Care for Older People in Residential Homes

This report outlined proposed changes to the above contract due to changing demand for residential care and following negotiation with Willow Housing Ltd (and previously with Network Housing Association Ltd (now called Stadium Housing Ltd). The Director of Social Services advised that the change was required as demand for low level residential care had fallen and there was an increased need for specialist residential care. Additionally, a number of factors which came into effect in April 2003 required the application of a new price mechanism.

RESOLVED:-

- (i) that the contract variations set out at paragraph 7.6 and 7.10 of the report be agreed, subject to the obtaining of any necessary consent from the Secretary of State;
- (ii) that approval be given to apply the revised formula for calculating the annual contract price from 1st April 2003.

15. Quanton Street – Litigation

This report updated members in connection with the above legal action, which concerned the Swaminarayan Hindu Mission's claim against the Council for recovery of a sum paid by way of planning agreement contribution and a further claim for a secret profit made by way of the deposit of that money.

Ian Chisnell (Legal Services) advised that authority was sought for the Director of Environment to settle the action if the other side were so agreed otherwise the matter would proceed to trial the following week.

The Director of Environment corrected the reference in the report (para 6.8 refers) to the Section 52 sum agreed on 21st March 1990 to read '£550,000'.

RESOLVED:-

- (i) that provided a settlement can be reached with the claimants, the Director of Environment be authorised in consultation with the Director of Finance and Borough Solicitor to settle the action known as Patel and others - v- London Borough of Brent Claim No: HC0100775;
- (ii) that the successful outcome of the Trust Action be noted.

The meeting ended at 7.55 pm

A JOHN
Chair