

**MINUTES OF THE EXECUTIVE MEETING**  
**Monday 15<sup>th</sup> November 2004 at 7.00pm**

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

Councillors R Blackman, Fiegel, Kansagra, Lemmon, Moher and Van Colle also attended the meeting.

**1. Declarations of Personal and Prejudicial Interests**

There were none at this meeting.

**2. Minutes**

RESOLVED:-

that the minutes of the previous meeting held on 11<sup>th</sup> October 2004 be approved as an accurate record subject to recording Councillor John (Chair) and Councillor Coughlin (Vice Chair) present at the meeting.

**3. Review of Special Education Needs Provision in Brent**

This report summarised the work which had been undertaken in reviewing special educational needs provision in Brent. It proposed a medium term approach to special school organisation and asked for members' approval to undertake more detailed consultation. It also set out recommendations for short term action.

Councillor Lyon (The Lead Member) outlined the objectives of the approach which included to improve and increase SEN provision and increase integration with between special and mainstream schools. He drew attention to both the short term actions planned for individual special schools and long term rebuilding proposals, funding for which had yet to be identified but for which preparatory work could commence.

Councillor D Long referred to a letter received from the Headteacher at Grove Park commenting on the report and expressing some concerns. Councillor Lyon clarified the intentions behind the report and assured that the points raised would be addressed in the second round of consultation. Councillor John acknowledged that special educational needs were a sensitive area, that the authority were mindful of the impact of change and therefore proposals had to result in a better outcome for all. In response to a question about the possibility of using of green field sites for rebuilding, Councillor Lyon responded that the best and most efficient use would be made of land and the Director added that land use had yet to be considered in detail.

RESOLVED:-

- (i) that the general approach to the future organisation of SEN provision in Brent as outlined in the report be endorsed and approval be given

for the second stage of consultation to proceed on that basis (paragraph 3.31 of the report refers);

- (ii) that the following short term action be recommended:
  - i) Proceed with building a 16-19 unit at Woodfield School, within existing capital budgets, for completion by September 2005 (paragraphs 3.14, 3.26, 3.30 of the report refers);
  - ii) Establish more flexible use of the Hay Lane and Grove Park sites from September 2005, creating more capacity for placing pupils with profound and multiple learning difficulties, severe learning difficulties and autism. Details of the arrangements will need to be drawn up in liaison with the head teachers of Hay Lane and Grove Park Schools. (Paragraphs 3.11, 3.12, 3.13 of the report refer);
  - iii) Undertake further work to cost the accommodation requirements of Vernon House School to enable placement of pupils on a part-time and/or temporary basis from September 2005. (Paragraphs 3.14, 3.27 of the report refer);
  - iv) Develop detailed proposals on the establishment of an additional Secondary Pupil Referral Unit and report back to members in early 2005 (Paragraphs 3.16, 3.17, 3.19 refer).

#### **4. Loan Scheme for Schools – Response to Consultation**

This report informed the Executive of the response to the consultation on the proposal for offering a loan scheme to schools under the prudential capital arrangements and asked for confirmation of approval to the proposal and its submission to the DfES for approval.

Councillor Lyon proposed an addition to the recommendations in the report indicating that applications may be refused if the LEA considered that approval would have an adverse effect on the budget position. This was agreed.

RESOLVED:-

- (i) that agreement be given to the Scheme of Delegation as set out in the appendix to this report, noting that applications from schools with deficits will be considered on their merits and may be turned down if the LEA considers that the repayments will have a detrimental impact on the school's budget position;
- (ii) that the amendment to the Scheme of Delegation agreed under either (i) above be submitted to the DfES for approval;

- (iii) that the arrangements for funding the scheme as agreed at its meeting on 16th August 2004 and as set out in the Financial Implications of the report be noted.

**5. Authority to award contract for the New Build Sports and Performance Arts Hall at Chalkhill Primary School**

This report requested authority to award the contract for the new-build multi sports hall and performance arts hall at Chalkhill Primary School as required by Contract Standing Order 89. This report summarises the process undertaken in tendering and, following the completion of the evaluation of the tenders, recommended the award of the contract.

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

'The amount of any expenditure proposed to be incurred by the authority under any particular contract of the acquisition of property or the supply of goods or services'.

RESOLVED:-

that following Big Lottery Fund (formerly New Opportunities Fund) ("BLF") granting project fund approval in April 2004, the contract for the new-build multi-sports hall and performance arts hall at Chalkhill Primary School (the "Project") be awarded to Lakehouse Contracts Limited.

**6. Design Development and outline planning application for John Kelly (Boys and Girls) Schools**

In the absence of an announcement (by the Secretary of State for Education & Skills) on support for BSF schemes, the report from the Director of Education, Arts and Libraries sought the agreement of the Executive for an outline scheme to be prepared for the rebuilding of John Kelly Girls and Boys Schools (Technology Colleges) on a site expanded to include part of the Dollis Hill Industrial estate. This represented a one-off opportunity for the expansion of the two schools. The report also updated the Executive on the position regarding the Capital support by the DfES for Menorah High School.

RESOLVED:-

- (i) that a Planning application be made for outline planning permission for the demolition and new build of an expanded John Kelly Boys and Girls Schools making use of the existing site but expanding the site to include part of the Dollis Hill Industrial Estate;
- (ii) that it be agreed to fund the costs for developing an outline scheme for the proposed newbuild school (showing massing, siting and access details) to a level that is sufficient for obtaining outline Planning permission.

- (iii) that it be noted that any costs (which will be identified and reported verbally to the Executive on the 15th November 2004) incurred now will be funded from the Council's existing Capital resources - and that such costs will be contained in the Capital Investment Plan 2004/05 for Education, Arts and Libraries;
- (iv) that it be noted, that the DfES have not approved Menorah High School's request for increased (by 168%) Capital funding.

## **7. Service Tenancies**

This report followed on from the previous submitted on 8th December 2003 dealing with service tenancies, setting out the latest position and proposed course of action regarding Education, Arts and Libraries caretakers' service tenancies. The Director of Education, Arts and Libraries stated that this would now regularise the position and that in future governing bodies would be advised to charge rents at similar levels as those for social housing. The trades unions had agreed the proposals.

RESOLVED:-

- (i) that it be agreed as from 16th November in respect of any new service tenancies of Council property held by residential caretakers at Community or voluntary-aided schools, governing bodies be requested to charge rents that are in-line with social housing rents charged by the Council to secure tenants;
- (ii) that it be noted, with one exception, all outstanding legal issues with school caretakers have now been resolved;
- (iii) that it be agreed no new service tenancies of Council property be granted to school caretakers without the authority of the Chief Executive.

## **8. Audit Commission Inspection of the Planning Service in Brent**

This report introduced the result of the Audit Commission's Inspection of Brent's Planning Service in June 2004 which had assessed the service as providing a good (two star) service that had excellent prospects for improvement. Councillor Jones (Lead Member) was pleased to highlight the strengths of the service as identified by the Commission and the impressive list of achievements. No other borough had a higher star rating. Councillor Jones also acknowledged that there was some room for improvement for which an Action Plan had been drafted to take the recommendations forward.

The Director of Environment expressed gratitude for the work of the colleagues that had supported the Planning Service in particular the Policy and Regeneration Unit and staff on the Capital Board.

RESOLVED:-

- (i) that the inspection result and comments made in the Inspection Report be noted;
- (ii) that the Action Plan to address the issues raised in the report be approved;
- (iii) that the staff be congratulated for achieving such a positive Audit Commission report with a good two star rating with excellent prospects for improvement.

**9. Citizen's Application Checking**

This report sought member approval to introduce a new service to check citizenship applications prior to dispatch to the Home Office. This would speed up the decision making process for applicants by ensuring accuracy and completeness of the application form. The report also sought member approval for a fee structure that recovered the full cost of providing the service. Members welcomed the initiative which would also reduce the need for applicants having to send original documents by post. This would be the first such initiative in the country and publicity would encourage take up.

RESOLVED:-

- (i) that the proposal to introduce a check and send service for citizenship applications be agreed;
- (ii) that a fee of £20 to recover the full cost of providing the service on a Best Value accounting basis be agreed.

**10. Supporting the achievement of Fairtrade Borough status for Brent**

Councillor Jones introduced this report which outlined the Fairtrade Foundation initiative to promote the sale and purchase of fair trade products at a local level. It outlined the work undertaken to date through the voluntary Brent Fairtrade Network and sought a corporate commitment to support such action, initially by ensuring fair trade tea and coffee products are served at Council and Executive meetings.

Councillor Van Colle queried whether the Council could encourage local shops to stock Fairtrade produce and Councillor John confirmed that this was one of the five goals to achieve Fairtrade Borough status. The Executive joined Councillor Fox in extending congratulations to Councillor Peter Lemmon for his work and persistence in progressing Fairtrade issues and the achievements so far. Councillor Lemmon expressed a wish that all meetings held at the Town Hall be served Fairtrade products. Councillor John agreed that consideration should also be given to the use of Fairtrade drinking waterfountains.

RESOLVED:-

- (i) that the work undertaken to date by the Brent Fairtrade Network in support of achieving Fairtrade Borough status for Brent be noted;
- (ii) that it be agreed at future Council and Executive meetings fair trade tea and coffee products will be served;
- (iii) that it be agreed where appropriate, and within existing resources and relevant legislation, Officers investigate and seek to implement opportunities for taking further action in support of the uptake of fair trade products (as detailed in paragraphs 7.10 - 7.12 of the report).

#### 11. **Statement of Licensing Policy**

This report introduced the Council's amended Statement of Licensing Policy to the Committee for approval and for onward submission to the Full Council meeting on 29th November for adoption. The Executive noted that the views of the Overview Committee had been circulated to members and that, where possible, the statement had been amended in accordance with the Committee's suggestions. The issue of accumulated impact would have to be the subject of future consultation and subsequent amendment to the policy. The Executive also noted that extensive training for members had been arranged on the impact of the new legislation, particularly for those expected to serve on the new Licensing Committee.

RESOLVED:-

- (i) that the comments of the Overview Committee held on 27<sup>th</sup> October 2004 be noted;
- (ii) that the Council's Statement of Licensing Policy as amended (attached as Appendix A to the report) be approved;

RECOMMENDED:

that the full Council to adopt the Statement of Licensing Policy as amended, at its meeting on 29th November 2004.

#### 12. **Social Services Annual Review of Performance**

Councillor Fox (Lead Member) was pleased to introduce the Social Services Performance Review Report 2004 which was very positive. He highlighted areas of improvement which had been included in the Service Development Plan. The Executive congratulated staff on the report and the positive comments.

RESOLVED:-

- (i) that the Social Services Performance Review Report 2004 produced by the Commission for Social Care Inspection be noted;
- (ii) that the significant number of improvements observed in Social Services performance since the last Performance Review Report in 2003 be noted;
- (iii) that the areas for further improvement as set out in the Performance Review Report be noted;
- (iv) that the staff be congratulated for achieving such a good report.

RESOLVED:-

### 13. **Pooled Funds and Health and Social Care Partnerships**

This report sought the agreement of members to a strategy for improving partnership arrangements between the Council and Brent Primary Care Trust. It was proposed that a framework agreement be established between the two agencies for the use of powers under section 31 of the Health Act 1999, and that a number of section 31 agreements (including pooled funds) be established within the framework agreement. The Primary Care Trust Board would be considering a similar report.

RESOLVED:-

- (i) that the broad strategic approach to partnership working between Brent Council and the Primary Care Trust be approved and noted;
- (ii) that the principle of the establishment of a framework partnership agreement under Section 31 of the Health Act 1999 be agreed;
- (iii) that it be agreed to receive a further report proposing the detailed framework agreement in order to simplify the process of establishing section 31 partnership arrangements, including pooled funds, or amending the scope of existing ones;
- (iv) that the progress in establishing section 31 partnerships and pooled fund arrangements to date between Brent Social Services and the Primary Care Trust (PCT) be noted;
- (v) that it be agreed to receive further reports detailing arrangements in respect of each service to be subject to partnership arrangements and each pooled fund before it is established.

#### **14. Children and Young People's Local Preventative Strategy**

The government has asked Local Authorities to take the lead in ensuring that all those responsible for planning, commissioning and delivering services to children and young people agree a Local Preventative Strategy (LPS). Councillor Fox pointed out that to introduce a strategy at this stage was considered to be good practice and would be included in the Children Plan once the Children Bill had come into effect.

RESOLVED:-

that the strategy attached as Appendix A to the report from the Director of Social Services be agreed.

#### **15. Paul Daisley Hall Charges Increases**

This report sought agreement to raise charges for the hire of the Paul Daisley Hall with immediate effect for all new lettings. Councillor Coughlin pointed out that the Best Value Review of fees and charges had found that the previous charges were below market rates and added that the increased income would help maintain the facility and allow future capital investment. Special arrangements would be made for local groups hiring the premises and regular users making block bookings could qualify for discounts.

RESOLVED:-

that an increase of 19% be made to the price of Paul Daisley Hall lettings.

#### **16. 2004/05 Capital Budget Monitoring Report**

The report from the Director of Finance reviewed the latest position on the 2004/2005 Capital Programme. Councillor Coughlin highlighted main variations and stated that overall there was a small surplus, offset by slippage. In answer to a question from Councillor Van Colle, Councillor John confirmed that the capital receipt from the sale of the John Billam Sports Pavilion was ready to be paid over.

RESOLVED:-

- (i) that the latest position was noted and agreed the revised budget in respect of the 2004/2005 programme, as per paragraph 3.1 of the report from the Director of Finance;
- (ii) that the usage of the capital receipt from the John Billam sports pavilion, per paragraph 2.5 of the report, be considered when this is received;
- (iii) that the implication of the report entitled 'Design Development and Outline Planning Application for John Kelly (Boys and Girls) School', and its implications for the 2004/2005 Capital Programme be noted.



## 17. **Implementation of Verification Framework : Housing Benefits**

This report explained the Verification Framework, the likely impact on implementation for the Benefit service and made recommendations about the timing and cost of implementation. The recommendations were based on information obtained from Department for Work and Pensions (DWP) guidance, a detailed meeting with DWP, information obtained from other Local Authorities operating the scheme successfully and cost modelling.

RESOLVED:-

- (i) that agreement in principle be given to the implementation of the Verification Framework;
- (ii) that the timetable for implementation as shown at Appendix A to the report be adopted subject to development of a detailed project plan. This will involve the implementation of the Visiting and Reviews Modules in July 2005 and further cost modelling to determine the feasibility of implementing the New Claims Module in July 2006;
- (iii) that the growth requirement identified at paragraph 4.1 of the report be agreed in principle with a final decision being made by Full Council as part of the overall budget setting.

## 18. **Brent Crime, Disorder and Misuse of Drugs Audit**

Councillor Beswick (Lead Member) introduced this report which described the process being followed by the Brent Community Safety Partnership to produce the Brent Crime, Disorder and Misuse of Drugs Strategy 2005-2008 via an audit and public consultation process and seeks the views of the Executive on the proposed priorities as required under the Crime and Disorder Act 1988. He reminded the Executive of the provisions of Section 17 of the Act which required local authorities to take into account crime and disorder implications when making decisions. The report also recommended ways in which the Council's implementation of Section 17 could be strengthened through the audit and strategy development process. An extensive consultation process would include statutory partners and also 'hard-to-reach' groups and new and emerging communities.

RESOLVED:-

- (i) that the report be noted;
- (ii) that the priorities and areas of activity proposed in the Brent Crime Audit be endorsed for inclusion in the Brent Crime, Disorder and Misuse of drugs strategy 2005-2008 or suggest alternatives, as per paragraph 3.5;

- (iii) that the actions taken to ensure that the Crime and Disorder Act 1998 and the actions proposed therein be approved, and be embedded into the operation of the Council as per paragraph 3.15 of the report.

**19. Exclusion of Press and Public**

RESOLVED:-

that the press and public be now excluded from the meeting as the following items contain exempt information as specified in Paragraph 9 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 negotiations for a contract or for the acquisition or disposal of property or supply of goods or services.”

“The amount of expenditure to be incurred by the authority under any particular contract for the acquisition of property of the supply of goods or services.”

“Information relating to the financial or business affairs of any particular person (other than the Authority). Any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.”

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).

**20. Wembley Sports Association, Vale Farm Sports Complex – lease extension**

This report sought the Executive’s consent to extend the lease held by the trustees of Wembley Sports Association (WSA) over its pavilion and playing fields at the Vale Farm Sports Complex, in order that WSA qualify for approved grant funding from the England and Wales Cricket Board (ECB), to enable continuation and increase of cricket development work in local schools and in the local community.

RESOLVED:-

- (i) that it be agreed to extend WSA's lease of its premises by a term of 5 years on the main terms set out in the Detail of the report and on such other terms which the Director of the Environment and the Manager of Corporate Property Services consider to be in the best interest of the Council;
- (ii) that the Director of Environmental Services be authorised to advertise the proposed disposal within the open space as required by Section 123(2A) of the Local Government Act 1972 and to consider any objections received and take such actions as he considers appropriate after considering all relevant matters (including taking all actions as necessary to implement the recommendation in (i) and to report back to the Executive only if he considers it reasonably necessary.

**21. Invitation for tenders for the Council's Organic Waste Service**

This report sought permission from the Executive to commence a tendering process that would provide a composting outlet for the Council's collected organic waste, and further tendering processes to procure vehicles and bins for an expanded collection service.

RESOLVED:-

- (i) that the pre-tender considerations and the criteria to be used to evaluate tenders as set out in section 8 of the Report be approved;
- (ii) that approval be given to officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in section 8 of the Report.

**22. Authority to Award Contract for Domiciliary Care Services for Older People and Adults with Disabilities**

This report followed from the Executive's approval on 8 March 2004 to re-tender the provision of domiciliary care services for older people and adults with disabilities. A two stage process was used to invite expressions of interest to be short listed in accordance with minimum standards on financial standing and technical ability and to invite tenders from those short listed. The service was packaged into nine contracts. This report requested authority to award contracts as required by Contract Standing Order Number 89. Following the completion of the evaluation of the tenders the report recommended to whom the contracts should be awarded. A report on the remaining contract would be submitted to the December or January meeting.

- (i) that it be noted the award of the Borough Wide contract cannot be recommended at this stage;
- (ii) that the Main Geographical contracts be awarded as follows:
  - (a) South Taylor Gordon trading as Plan Personnel

- (b) North London Care PLC
- (c) Central Quality Care

(iii) that the Secondary Geographical contracts be awarded as follows:

- (a) South The Homecare Partnership Ltd
- (b) North Enara Community Care
- (c) Central Jays Homecare Ltd

(iv) that the Intermediate Care contract be awarded to The Homecare Partnership Ltd

(v) that the Domiciliary Care in Extra Care Sheltered Accommodation contract be awarded to The Homecare Partnership Ltd

**23. Proposed Settlement of High Court Litigation by Whitewater Leisure Management Limited and Marjess Limited regarding Brent Sports Centres**

This report related to the proposed settlement of High Court proceedings against Brent Council by Whitewater Leisure Management Limited and Marjess Limited in respect of Whitewater's management of Brent sports centres between 1995 and 1998. The Director of Environment outlined the background to the contract, the problems that had arisen during its lifetime and reasons why this course of action was being recommended. Clive Romaine (Legal Services) confirmed that no further adjustment would be made and the provisionally agreed settlement figure would stand. Councillor John on behalf of the Executive thanked officers that had taken part in the mediation process which had finally resulted in a settlement.

RESOLVED:-

that the settlement of the High Court proceedings under case numbers HQ02X04334 and HQ03X03689 be approved by a payment as contained within the report to Whitewater Leisure Management Limited and Marjess Limited this sum to be inclusive of all principal sums, interest and costs, and this payment to be made within fourteen days of such approval by the Executive.

The meeting ended at 7.55 pm

A John  
Chair

*Mins0405/Executive/exec15Novsj*