

MINUTES OF THE EXECUTIVE MEETING
Monday, 17th January 2005 at 7.00 pm

PRESENT: Councillor John (Chair), Councillor Coughlin (Vice-Chair) and Councillors Beswick, Fox, Jones, D Long and Lyon.

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

Councillors Fiegel, HB Patel, Moher, Ms Shaw and Van Colle also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

None.

2. Minutes of the Previous Meetings

RESOLVED:-

that the minutes of the previous meeting held on 13th December 2004 be approved as an accurate record subject to recording Councillor Moher as also present at the meeting.

3. Matter Arising

Councillor Lyon informed the Executive that Menorah High School had withdrawn its request for voluntary aided status. Officers had accordingly informed the relevant government departments. The Executive expressed its disappointment at this news.

3. Save King Edward Park Campaign – Petition

The Council had received a petition from the save King Edward's Park campaign objecting to the disposal of land forming part of King Edward's Recreation ground.

The petitioners addressed the meeting stating that they wished to protect their local park from encroachment by Capital City Academy. They disputed the amount of land involved and asked that an independent survey be carried out. They asked the Council not to ignore the views of local people as expressed in their petition.

Councillor Ms Shaw also addressed the meeting and called for an independent survey of the amount of land involved and an investigation into the procedures followed in arriving at the current position.

RESOLVED:-

that the views of the petitioners be noted and taken into account when considering the item on the Grant of New Lease to Capital City Academy.

4. Authority to Invite Tenders for the New-Build Early Years Centre at Preston Park Primary School

This report sought approval to invite tenders in respect of the above named works contract as required by Council Contract Standing Orders 89 and 90 and to evaluate tenders.

RESOLVED:-

- (i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraphs 3.4, 3.5 and 3.6 of the report;
- (ii) that officers invite tenders and evaluate them in accordance with the approved evaluation criteria, as referred to in resolution (i) above.

5. Proposed Admissions Arrangements for Brent Community Schools – September 2006

This report advised members of the need to agree proposed admissions arrangements for Brent's Community Schools for the September 2006 intake. Once agreed, these arrangements would be formally consulted upon, and Members asked to determine the final admission arrangements for these schools before 15th April 2005.

RESOLVED:-

- (i) that the proposed admissions arrangements as outlined in Appendices C & D of the report be agreed and forwarded for statutory consultation;
- (ii) that in addition, further consideration of the proposals made by the governing body of Wembley High Technology College, attached as Appendix E to the report, be referred to the Lifelong Learning Scrutiny Panel for comment and the proposals and any comments received be considered when determining final admissions arrangements for Community Schools before 15th April 2005.

6. 2003/2004 Joint Audit and Inspection Letter

This report accompanied the Joint Audit and Inspection Letter for 2003/2004. This was issued by the Audit Commission and PricewaterhouseCoopers (PwC).

The Relationship Manager from the Audit Commission introduced the report and stated that it was clear that the Council had delivered improvements in a number of key areas which had led to a Comprehensive Performance Assessment rating of 'good'. A representative of the PwC pointed out that the accounts had been signed off earlier in the year than before and that the Council was looking to bring this even further forward in future years. He was pleased to see an increase in the level of balances and improved budgetary and financial management processes. He supported the comments made on the Council's progress by the Audit Commission.

RESOLVED:-

- (i) that the report 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 are presented to the Executive to address areas for improvement highlighted within it;
- (iii) that it placed on record the Council's appreciation of the support received from the Audit Commission and PricewaterhouseCoopers on the Council's drive to improve standards across the board.

7. Vital Signs Performance Digest Quarter Two July to September 2004

This report introduced the Vital Signs for the period January to March 2004 and a full year summary review of performance for 2003/04.

The Vital Signs set out the data on the Council's performance against the key priority indicators.

The Vital Signs are colour coded:

- green for improvement against same quarter in previous year
- red where performance has fallen against same quarter in previous year
- yellow where there is incomplete data

RESOLVED:-

that the digest providing a clear and concise summary of performance over the previous 5 quarters, with comments from Executive Lead Members and key officers be noted.

8. Collection Fund Surplus/Deficit at 31st March 2005

As part of the Council Tax setting process for 2005/2006, the Council is required to estimate the amount of any surplus or deficit on the Collection Fund as at 31st March 2005. This must be done by the 15th January 2005 (or first working day thereafter), and this report asked Members to approve the balance projected.

RESOLVED:-

that the calculation of the estimated Collection Fund balance as at 31st March 2005 be agreed as a deficit of £1,500,000.

9. Authority to Invite Tenders for the Provision of Credit and Debit Card Acquiring Services Contract

This report concerns the future provision of the Credit and Debit Card Acquiring Services. The nature of the service is set out at Appendix A to the report. This report requests approval to invite tenders in respect of the proposed Credit and Debit Card Acquiring Services contract to start 1 August 2005 and contains the relevant pre-tender considerations, as required by Contract Standing orders 88 and 89.

The Executive also had before them appendix B 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 for the acquisition of property or the supply of goods and services.

RESOLVED:-

- (i) that the pre-tender considerations and the criteria to be used to evaluate the tenders as set out in 3.9 of this report be approved;
- (ii) that tenders be invited and evaluated in accordance with the approved criteria referred to in resolution (i) above;
- (iii) that the Director of Finance be delegated authority to negotiate terms of the contract provided that any negotiations are in compliance with the Public Service Contracts Regulations 1993 ("EU Regulations").

10. **Freedom of Information Act – Information Provision Arrangements**

The Freedom of Information Act 2000 came fully into force on 1st January 2005. The Act gives any person making a request for information to a public authority the right:

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request (whether in electronic or printed form); and
- (b) if that is the case, to have that information communicated to them within 20 working days.

Full details of the regulations relating to charging for the provision of information under the Act were received by the Authority on 17th December 2004. This report dealt with the decisions that needed to be made by the authority in line with those regulations.

RESOLVED:-

- (i) that in line with the options available to local authorities under the charging regulations for the Freedom of Information Act, the Council's policy be not to provide information where the cost of doing so would be greater than "the appropriate limit" as defined by the regulations (this is where the costs are estimated to be greater

than £450 as calculated in line with parameters set out in the regulations);

- (ii) that, in accordance with the decision taken by the Executive on 13th December 2004 for requests where the costs fall below “the appropriate limit” the allowable charges under the Act be levied;
- (iii) that the position be reviewed and a further report providing details of the experience of requests received be submitted to the Executive after 6 months.

11. Temporary Accommodation Update

This report provided Members with an updated supply and demand analysis for housing, including lettings performance to date, and numbers in temporary accommodation.

The report also provided an update regarding expenditure on temporary accommodation budgets within the General Fund for the current financial year, with an analysis of the key factors which will have an impact on expenditure and numbers in temporary accommodation.

An update regarding the Home Office amnesty to asylum seekers currently assisted under the Interim Provisions was also included.

In presenting the report Councillor Thomas pointed out the severe demand on meeting the needs of the homeless. The Director of Housing explained that overall demand was increasing whilst the supply of family accommodation was at best static. Whilst it had been possible to reduce the use of bed and breakfast the use of temporary accommodation had increased. The Executive felt that the information contained in the report should be drawn to the attention of all members.

RESOLVED:-

- (i) that the following be noted:-
 - (a) the updated supply and demand analysis for housing, including lettings performance to date and numbers in temporary accommodation;
 - (b) the update regarding expenditure on temporary accommodation within the General Fund for the current financial year, and analysis of the key factors which will have an impact on expenditure and numbers in temporary accommodation; and
 - (c) the update on the Home Office amnesty to Asylum Seekers currently assisted under the Interim Provisions;
- (ii) that a copy of the report be circulated to all members of the Council for information.

12. “Heatstreets” Project

“Heatstreets” is a proposed two-year cross-Borough energy efficiency scheme covering the 7 West London boroughs comprising the “West London Sub Region”. This involves improvements to cavity and/or wall insulation, and heating systems. Funding has already been agreed by the Government Office for London (GOL). This report sought authority to proceed with this project, with the London Borough of Hounslow as the lead authority, ensuring compliance with the terms of the grant determination letter from GOL.

RESOLVED:-

- (i) that authority be given to the “Heatstreets” scheme proceeding with the London Borough of Hounslow as the lead authority;
- (ii) that the Director of Housing be authorised to enter into a legal agreement with the London Borough of Hounslow and the other local authorities involved in the scheme (“the Inter-Borough Agreement”) defining the responsibilities of all partners and for the procurement of services from Powergen through its Agreement with the London Borough of Hounslow;
- (iii) that in accordance with Standing Order 85(a) it be determined that there are good financial and operational reasons not to comply with the requirements of Standing Orders 89 and 90 in relation to the approval of pre-tender considerations in relation to the Heatstreets scheme;
- (iv) that a further report be submitted to the Executive in due course providing an update on the operation scheme.

13. Joint Commissioning Strategy for Older People – 2004/ 2009 and National Service Framework for Older People Action Plan

This report presented Brent’s first joint commissioning strategy for older people (2004-09). This shows how Brent Primary Care Trust and Brent Social Services will work with Brent Housing and Supporting People as partners in the commissioning process together with other key organisations in the borough, to improve and develop services for older people over the next five years.

The Strategy also includes the National Service Framework (NSF) standards and reflects the Brent NSF Action Plan.

Councillor Fox pointed out the incomplete appendix 2 to the report listing the eight standards and tabled a complete version.

RESOLVED:-

- (i) that the Joint Commissioning Strategy presented as appendix 1 to the report be agreed;

- (ii) that it be noted that the Joint Commissioning Strategy will take forward the requirements of the NSF.

14. Chalkhill Children's Centre

This report set out the proposed development of Barnhill Social Services Nursery (in Barnhill Road) to become a Children's Centre in line with guidance from the Sure Start Unit. This follows from the Children's Centres Strategic Proposal report, approved by the Executive on 13th October 2003. The Centre will combine education, day-care, health and outreach services for children aged 0-5 and their families within the defined catchment area of Barnhill.

Councillor Lyon added that he was very pleased to see the effective collaboration between social services and education on this project.

RESOLVED:-

- (i) that the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 3.5 of the report be approved;
- (ii) that officers be authorised to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in resolution (i) above.

15. Local Development Framework - Statement of Community Involvement

This report sought approval of a draft Statement of Community Involvement (SCI) for formal public consultation. The SCI is one of the documents the Council must produce under the new planning system introduced by the Planning and Compulsory Purchase Act 2004. It sets out the Council's proposals for involving the community not only in the preparation of the new development plan but also in the assessment of planning applications.

RESOLVED:-

That the draft Statement of Community Involvement, presented as Appendix 1 to the report, be agreed for public consultation.

16. Retendering of Leisure Management Contract

This report related to the re-tendering of the leisure management contract for the operation of Charteris and Vale Farm Sports Centres. The current contract expires on 31st April 2006 and the report requested approval from the Executive for the Director of Environment to invite tenders leading to the award of a new contract commencing on 1st May 2006 as required by Contract Standing Orders 89 and 90.

RESOLVED:

- (i) That the pre-tender considerations for the proposed leisure management contract for the operation of Charteris and Vale Farm Sports Centres and the criteria to be used to evaluate tenders as set out in paragraph 3.7 of the report be approved;
- (ii) that officers be authorised to invite tenders and evaluate them in accordance with the outline evaluation criteria referred to in resolution (i) above and the pre-tender considerations set out in the table at paragraph 3.7 of the report be agreed.

17. Proposed relocation of the CCTV and 24-7 Control Rooms

This report sought approval for the relocation of the existing CCTV and 24-7 Control Rooms from their present location at Pyramid House, Fourth Way, Wembley to Brent House, High Road, Wembley.

The 24-7 Control Room is set up to become an Emergency Planning Control Centre in the event of a civil emergency.

RESOLVED:-

- (i) that the relocation of the CCTV and 24-7 Control Rooms be approved;
- (ii) that the relocation be funded from savings elsewhere in the Environment Directorate's revenue budgets for 2004-05 and 2005-06;
- (iii) that it be noted that the relocation will involve the award of a services contract for this purpose and further that the pre-tender considerations and the criteria to be used to evaluate tenders for the award of this contract be as set out in section 3.13 of the report;
- (iv) that it be noted that the Director of Environment proposes to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in section 3.13 of the report.

18. Proposed Article 4(2) Direction for Nine of the Borough's Conservation Areas

Over the last four years officers from the Planning Service have been carrying out a thorough review of the Borough's Conservation Areas. From this review a series of proposals for the future of the Borough's historic areas have been developed which include the designation of Article 4 Directions in all of the best preserved areas. At present there are 22 Conservation Areas within the Borough, of which seven are subject to Article 4 direction. The Council's review has established that there has been a more accelerated loss of character to the Conservation Areas which are not protected by an Article 4 Direction.

Councillor John reported that she had received comments from Councillor R Colwill supporting the proposals for Northwick Circle.

RESOLVED:-

That Directions under Article 4(2) of the Town and Country Planning General Permitted Development Order 1995 as amended, be made to control the types of development as listed in Schedule A, attached as appendix A to the report, in the following Conservation Areas: Northwick Circle, Buck Lane, Kensal Green, Kilburn, Homestead Park, Sudbury Cottages, Wembley High Street, Brondesbury, St Andrews.

19. Mapesbury Dell Doorstep Green

This report seeks Members consent to enter into a deed of covenant with the Mapesbury Conservation Area Trust.

RESOLVED:-

that the Council enters into a deed of covenant in favour of the Trustees of the Mapesbury Conservation Area Trust for a period of 80 years to use the property as Doorstep Green and not to dispose of the open space without their consent

20. Voucher Parking & Review of Parking Charges

This report provided outcome of investigations undertaken by officers on the feasibility of introducing a voucher parking scheme for Brent's on and off-street parking places, in response to on-going vandalism and theft from 'pay & display' machines, and the resultant loss of income to the parking account. The report requested approval to proceed with a programme of introducing voucher parking for a trial period in conjunction with the existing 'pay & display' parking schemes in Brent.

The report also informed the Executive on the review of parking charges in Brent's Controlled Parking Zones and sought approval in principle to a uniform 'pay & display' parking charge structure in Brent's parking places.

RESOLVED:-

- (i) that the report be noted;
- (ii) that a voucher parking scheme be introduced for a trial period of between 6 and 12 months in Brent's on and off-street parking places and charges for vouchers as detailed in paragraph 3.20 of the report be approved and it be noted that a further report will be presented to the Executive on the outcome of the trial period and any proposals to extend it for a further period including any necessary procurement issues;
- (iii) that the procurement of a suitably qualified contractor to operate the voucher parking scheme for a trial period on behalf of Brent Council be approved;

- (iv) that it be agreed, in principle but subject to consultation, that a uniform 'pay & display' parking charge structure be introduced boroughwide as detailed in paragraph 3.27 of the report and the Director of Environment be authorised to determine whether to adopt the new parking fees having considered the responses to consultation;
- (v) that Director of Environment be authorised to undertake the necessary statutory processes for the making of Experimental Traffic Management Orders to facilitate the implementation of voucher parking and if he so determines, following consideration of the responses to consultation, to amend the existing Parking Places Orders to implement the revised charges.

21. Grant of New Lease to Capital City Academy

This report sought authority for the variation of the existing lease granted to the Capital City Academy (CCA) so as to incorporate approximately 184 square metres of the King Edward VII Recreation Ground into the CCA site and the acquisition of approximately 175 square metres of the CCA site for use by the Council as part of the King Edward VII Recreation Ground.

The Director of Environment responded to the points made by the petitioners earlier in the meeting by reference to photographs and plans tabled at the meeting.

Councillor Jones drew attention to the small amount of land lost overall to the park and to the advantages gained of a new fence. She reported that she had received an email from Doyle Gardens Neighbourhood Watch indicating they did not support the terms of the petition.

RESOLVED:-

- (i) that the objections received to the disposal of open space be noted;
- (ii) that notwithstanding the objections the Council grants a lease of approximately 184 square metres of the King Edward VII Recreation Ground to CCA for use as part of the CCA site upon the same terms as the lease granted to the CCA by the Council on 30th September 2004, with an additional obligation to maintain the fence;
- (iii) that the Council acquires part of the CCA site measuring approximately 175 square metres from the CCA and incorporates it into the King Edward VII Recreation Ground;
- (iv) that the Director of Environment in consultation with the Manager, Corporate Property Services agree the detailed terms of the variation and acquisition detailed in resolutions (ii) and (iii) above and on such other terms with the CAA as are in the best interests of the Council (i.e. the maintenance of the fence).

22. Exclusion of Press and Public

RESOLVED:-

that the press and public be now excluded from the meeting as the following reports are not for publication as they contain the following categories of exempt information as specified in paragraphs 8 and 9 of Schedule 12A of the Local Government Act 1972:

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

‘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’.

23. Authority to Award Borough-Wide Contract for Domiciliary Care Services for Older People and Adults with Disabilities

On 8 March 2004 the Executive approved the re-tendering of the provision of domiciliary care services for older people and adults with disabilities and the packaging of the service into nine contracts:

- one borough wide contract,
- three main geographical contracts each covering one third of the borough,
- three secondary geographical contracts as back up to the main contracts,
- one intermediate care contract, and
- one contract for the provision of domiciliary care in extra care sheltered accommodation.

The Executive approved using a two stage process 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 report presented to the Executive on 15 November 2004 regarding the award of the geographical domiciliary care, intermediate care and extra care contracts explained that due to the complex nature of the pension arrangements relating to former Brent staff transferred in 1999 it had not been possible to recommend the award of the borough wide contract. Those negotiations and clarifications have now been concluded.

This report sought authority to award the remaining borough-wide contract as required by Contract Standing Order No. 89. It summarised the process undertaken in tendering this contract, explained the evaluation of the tenders, set out details about the pension arrangements and recommended to whom the borough-wide contract should be awarded.

RESOLVED:-

- (i) that subject to the General Purposes Committee agreeing to the departure from the Council's current admission criteria described at paragraph 4.19 of the report and agreeing to admit BCAH to the pension scheme, the borough-wide contract be awarded to Goldsbrough Home Care Ltd trading as Brent Care at Home (BCAH);
- (ii) that subject to resolution (i) above the contract with BCAH should contain a mechanism for reasonable contract price variations in respect of the contractor's pension costs for transferred staff as indicated in paragraph 4.14 of the report in respect of the admission agreement referred to in resolution (i) above.

24. South Kilburn Master Plan Implementation

This report advised Members of the outcome of the review conducted by officers of the South Kilburn Masterplan options presented to Members in July 2004. It also sought a number of decisions on the manner in which the Masterplan was to be delivered and, in relation to the improvement of homes on the South Kilburn estate, whether this should be done through retention of the stock by the Council or through a form of transfer to a Delivery Partner.

Councillor Thomas reported on the receipt of an open letter to all members of the Executive from residents' representatives drawing attention to the implications for balloting tenants of agreeing a tenanted or vacant possession transfer.

The Director of Housing stated that from the consultation there was general support for the Masterplan but that if the Council did decide to pursue a non-tenanted transfer the Council might still wish to consult affected tenants on this. He further drew attention to the recommendation asking the Executive to consider options for delivery of the Masterplan and the recommendation of officers that this be through a transfer to the Delivery Partner.

Councillor John acknowledged the open letter from residents' representatives and suggested an additional resolution committing the Council to consultation.

The Director of Policy and Regeneration reported from discussions at the South Kilburn New Deal for Communities Board and the view that the Executive should receive a further report on the non housing element of the Masterplan which the Board considered to be as important as the housing element.

RESOLVED:-

- (i) that the Council's commitment to the overall Masterplan programme be reiterated and officers be authorised to proceed with the necessary steps to allow for its implementation;

- (ii) that the Director of Housing be authorised to seek expressions of interest for a delivery partner or delivery consortium ("Delivery Partner") for the demolition and rebuilding of 1,534 existing units on the South Kilburn estate, the building of approximately 1,419 new units for private sale by the same Delivery Partner in the South Kilburn area and the delivery of the non-housing elements to support and sustain the community as envisaged in the Masterplan;
- (iii) that in accordance with Standing Order 85(a) it be determined that there are good financial and/or operational reasons not to comply with the requirements of Standing Orders 89 and 90 in relation to the approval of pre-tender considerations relating to the procurement of the Delivery Partner;
- (iv) that in place of the standard pre-tender considerations usually considered by Members, the outline process described within the report be noted and in particular the outline process and evaluation criteria listed at paragraphs 3.96 to 3.108 of the report;
- (v) that it be noted that there is currently an estimated overall funding gap in relation to the delivery of the Masterplan of approximately £38,100,000;
- (vi) that it be noted that officers intend to establish through the procurement process whether bidders arrive at the same funding gap and that the Director of Finance in consultation with the Director of Housing will consider proposals by bidders for narrowing any funding gap that they arrive at, and decide how the gap could be bridged taking account of all material factors including the need to preserve as many aspects of the South Kilburn regeneration programme as possible, and taking account of the views of relevant stakeholders including, in particular, the views of the South Kilburn New Deal for Communities;
- (vii) that implementation of the Masterplan be achieved through a transfer of ownership of the South Kilburn estate as well as the transfer of other non-housing land to the Delivery Partner, or a member thereof;
- (viii) that in light of the decision in resolution (vii) above the Director of Housing in consultation with the Director of Finance be authorised to determine through the tender process whether the Council should pursue a tenanted transfer (under Schedule 3A of the Housing Act 1985) or a vacant possession transfer (under Ground 10A Schedule 2 to the Housing Act 1985);
- (ix) that if in the event a vacant possession transfer is proposed then a test of opinion or a ballot of affected secure tenants be undertaken;
- (x) that officers be authorised to submit an application to the Office of the Deputy Prime Minister (ODPM) by 28th January 2005, to be included on the stock transfer register for the period 2006 to 2007;

- (xi) that it be noted that of the overall funding gap of £38.1M, £10M is attributable to the Single Regeneration Pot (SRP) homes (as described in paragraphs 3.22 to 3.46 of the report) and that a recommendation will be made to Full Council on 28 February 2005 for the approval of borrowing through the Housing Revenue Account to meet this funding gap and to authorise the Director of Finance to arrange such borrowing through the prudential borrowing regime, if required;
- (xii) that the Design Team and Client Team pre-tender considerations for the SRP Homes as set out in paragraphs 3.44 and 3.46 of the report be approved;
- (xiii) that a report on implementation of the non housing element of the Masterplan be submitted to a future meeting of the Executive.

25. Land Adjacent to 93 Burnley Road NW10 and Land at 3 Morland Gardens NW10 Disposal to Ujima Housing Association

This report sought approval to dispose of 2 small sites to Ujima Housing Association for affordable housing development.

RESOLVED:-

- (i) that the freeholds of both the former garages site adjacent to 93 Burnley Road and the former scouts hut site at 3 Morland Gardens be disposed of to Ujima Housing Association for affordable housing development at such price as may be considered by the Manager, Corporate Property Services to be the best price reasonably obtainable by the Council having regard to the content of the report, requirements imposed by the Planning Service including but not limited to requirements to reduce the density of the proposed development schemes, S106 obligations that may materially affect the value of the sites, or any other physical factors that may diminish the value of the sites;
- (ii) that the Manager, Corporate Property Services be authorised to agree such other terms as are in the best financial interest of the Council.

26. Lease and Sub Lease of Land off Hannah Close, Wembley

This report sought consent to the acquisition of a lease of land off Hannah Close and the grant of a sub lease.

RESOLVED:-

that a twelve month lease of land off Hannah Close Wembley be acquired from Scottish Amicable Life Assurance Society and a sub lease of the property be granted to Mr and/or Mrs McArdle and/or one or more of the

McArdle group of companies (McArdles) upon the terms indicated in the report.

The meeting ended at 9.00 pm

A JOHN
Chair

Mins0405/Executive/exec17jak