

MINUTES OF THE EXECUTIVE MEETING
Monday, 23rd May 2005 at 7.00 pm

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

Councillor Hughes also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

None.

2. Minutes of the Previous Meeting

RESOLVED:-

that the minutes of the previous meeting held on 12 April 2005 be approved as an accurate record.

3. Petition – Sale of Council Land in Wembley

The Executive received a petition submitted by the Councillors for Wembley Central Ward, signed by local residents, opposing the proposed sale of land next to Copland School to enable the erection of a tower block housing development and the building on any part of the open space and playing fields next to the School. Councillor Hughes spoke in support of the petition stating that the proposed tower block and land sale would adversely affect residents and neighbouring schools and that the Council would profit from the sale. He referred to Labour Manifesto pledges to protect and enhance green and open spaces and felt that the environment would suffer and a major precedent set. Councillor Hughes also stated that the development of a new school should be funded by central government.

4. Copland School: Sale of Land

The Executive received a report from the Director of Finance which proposed three property transactions in respect of interests in land owned by the Council to facilitate the proposed redevelopment of Copland School, planning permission for which had been given at the Council's Planning Committee on 3 March 2005. The consent was for the demolition of the existing school; the construction of a new 3-storey school; the erection of mixed-use commercial and residential development; and associated access and other works. The Executive also noted the petition that had been presented earlier in the meeting opposing the proposed land sale.

The Corporate Property Manager, Marcus Perry, introduced the report stating that a land exchange was required in keeping with the terms of an existing covenant. Rights of access to facilities would be available to the neighbouring primary schools. There would also be benefits to the youth and community centre to the rear of the site and also to the Dennis Jackson Centre. The actual land loss would be small. Councillor Lyon

(Lead Member, Education, Arts and Libraries) referred to Manifesto commitments to improve education provision and the progress made to date. He emphasised that it was a land swap deal and that operational agreements would be in place to give neighbouring primary schools enhanced rights to facilities. He supported the Copland School Governing Body's commitment to concluding the land sale as soon as possible so the development could start.

Councillor Coughlin (Lead Member for Corporate Resources) proposed an amendment to the recommendations in the report to include specific protection of the rights of the Trustees of the Dennis Jackson Centre and those of adjacent primary schools to use playing fields. Councillor Coughlin also spoke in support of the development reminding that local taxpayers would not have contribute and many were in support of the proposals. The amendment was accepted.

RESOLVED:-

- (i) that the Council enters into such land transactions as determined by the Borough Solicitor as reasonably necessary to amend the existing 99 year lease to Copland School of land indicated "A" and "B" on the plan attached to the report to extend instead to the equivalent areas indicated "B" and "C";
- (ii) that the Council's freehold reversion in the Dennis Jackson Centre, indicated on the plan attached to the report and extending to 0.24 hectares (0.6 acres) or thereabouts be transferred to Copland School subject to Copland entering in to such undertaking as determined by the Borough Solicitor as reasonably necessary to protect the ability of the Trustees of the Dennis Jackson Centre to continue to provide their current services to the Community after the transfer of the land;
- (iii) that the Council's freehold interest in the land around the Wembley Youth and Community Centre indicated on the plan attached to the report and extending to 0.127 hectares or thereabouts be transferred to Copland School;
- (iv) that, in respect of the rights the Council holds over Copland School's freehold land for St Joseph's Schools and Elsley School to use that land for sporting and other outdoor activities, the Council agrees that such rights shall be released in respect of that part of that land on which the new school buildings are to be constructed provided that the schools' right to use the playing fields are protected as outlined in paragraph 3.9 of the report;
- (v) that the consideration payable by Copland School shall be as set out in the Appendix to the report and that the associated capital receipt shall be applied to the renovation of the Wembley Youth and Community Centre.

5. **Review of No Smoking Policy**

This report from the Director of Human Resources outlined a review of the Council's No Smoking policy and put forward recommendations to reduce the health risks to employees and members of the public caused by smoking. The Director reminded the Executive that in order for the Council to set an example to the community, the General Purposes Committee on 23 March had already reviewed the smoking policy in so far as it affected staff in public buildings. Agreement was now sought for a no smoking policy to be adopted in the Town Hall including the foyer of the Paul Daisley Hall, with effect from 1 July 2005.

Councillor Coughlin stated that he would welcome the proposals had they been part of a broad health agenda. He outlined evidence in support of smoking and referred to other practices that damage health on which he felt action could be taken such as car use which can cause death and contributes to asthma. He pointed out that some staff take work to do during a smoking break and stated that contrary to indications in the report regarding trade union views, one union opposed the ban and while recognising the health benefits, felt smoking rooms should be provided for staff while another union felt the ban should not be all day. He pointed out that some staff had received medical advice stating that it would not be in their interest to try to give up smoking at this time and he questioned the anticipated level of lost income from lettings of the Paul Daisley Hall. Finally, Councillor Coughlin regretted that the report had not included evidence from pro-smoking organisations such as FOREST which would have allowed a more balanced argument to be presented.

The Executive noted Councillor Coughlin's views, however supported the recommendations in the report.

RESOLVED:-

that following the decision of the General Purposes Committee 23 March to withdraw staff smoking facilities in Council buildings, smoking be not permitted in the Town Hall in all areas including the foyer area of the Paul Daisley Hall (paragraph 3.9 of the report refers) with effect from the 1 July 2005.

6. **Local Government Pension Scheme Internal Dispute Resolution Procedure (IDRP)**

The Pensions Act 1995 requires that the trustees or managers of a pension scheme have in place a two-tier procedure for resolving disputes. Under the Council's approved procedure under regulation 102 of the Local Government Pension Scheme Regulations the Deputy Director of Corporate Services was responsible for determination of applications at stage 2 of the procedure. The report sought members' approval to an indemnity being granted to the Deputy Director in respect of this role following a recent Order which gives the Council specific powers to grant such an indemnity (these new powers being exercisable by the Executive).

RESOLVED:-

- (i) that it be agreed an indemnity in the form in Appendix 1 to the report be granted to the Deputy Director of Corporate Services and to any other officer in the future with responsibility for the determination of 2nd stage appeals under the IDRPs;
- (ii) that it be noted a further report will be brought to them in due course on the Council's general approach to and procedures for dealing with indemnities under the Local Authorities (Indemnities for Members and Officers) Order 2004 which will address the wider implications of the Order.

7. The Domestic Household and Bulky Waste Collection Report Produced by the Task Group of the Performance and Finance Select Committee

This report presented the recommendations of the Performance and Finance Select Committee's Task Group on 'Domestic household and bulky waste collection' along with the service department's response and advice on the financial, legal, and diversity implications. Councillor Kagan (Lead Member, Local Democracy and Consultation) stated that the service area had accepted the Task Group's recommendations, many of which related to ONYX (the waste management contractor) and many had been actioned. Lesley Jones (Lead Member, Environment, Planning and Culture) thanked the Task Group for their report stating that she had confidence in actions taken to date but regretting that it was not feasible for the Council to unilaterally update the ONYX contract.

Councillor John, on behalf of the Executive, thanked the Task Group members Councillors J Long, Gladbaum and Nerva for their work. She noted that the Assistant Director of Environment's discussions were still taking place, action was being taken where possible and she looked forward to the resultant changes.

RESOLVED:-

that the recommendations made in this review be noted, and thanks be given to the Task Group for their work and the service area for implementing the recommendations.

8. The Intermediate Care in Brent Report of the Scrutiny Task Group

This report provided officer comments and information on the legal, financial and diversity implications of the Scrutiny Task Group's report entitled 'Intermediate Care in Brent'. The service area have accepted the Task Group's recommendations and are engaged in implementation.

Councillor Fox (Lead Member, Adults, Health and Social Care) thanked the Task Group, in particular the Chair Councillor Mrs Fernandes, for their report which he considered to be fair and to reflect the excellent being

carried out. The Director, Jenny Goodall felt the report was a thoughtful measured piece of work with sound findings indicating a positive way forward.

RESOLVED:-

that the recommendations made in the review of Intermediate Care in Brent be noted, and thanks be given to the Task Group for their work, and the service area for implementing the recommendations.

9. Review of Fees and Charges – Parks Services

This report set out the main findings of a review of the pricing policy for sports pitches and courts in parks. The report made recommendations for changes to the policy in order that it better help meet objectives within both the Strategy for Sport and Physical Activity and the Parks Pitch Strategy and that where applicable it aligned with the pricing policy for leisure centres.

RESOLVED:-

- (i) that the changes to the parks pricing policy as summarised in paragraph 3.13 of the report from the Director of Environment be agreed and it be resolved to set the actual charges for 2005-6 as set out in Appendix 2 to the report;
- (ii) that it be noted that the new charging policy would have immediate effect and that sports clubs have been informed of the likely increase.

10. Wembley Park Station Bridge Strengthening

This report advised the Executive of the current situation regarding the bridge strengthening works at Bridge Road Wembley which are part of the Council's Capital Programme for this year, funded by Transport for London. The report requested approval to invite tenders, in respect of the bridge strengthening works, as required by standing orders 89 and 90. Due to the need to complete works before the opening of the National Stadium and the limited amount of working space, it is intended that the appointed contractor would also carry out works to improve the public transport interchange facilities at Wembley Park Station. It is intended that these additional works will be funded by S106 monies from the Quintain development.

RESOLVED:-

- (i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 3.11 of the report for the contract for the strengthening of Bridge Road Wembley Park over Network Rail and London Underground;

- (ii) that approval be given to officers to invite tenders and evaluate them in accordance with the approved criteria referred to in paragraph (i) above and to report back for approval for the award of the contract.

11. **South Kilburn Delivery Vehicle Selection Process**

This report advised Members on progress to date with expressions of interest and the short listing of interested parties. It is now proposed to invite the short listed organisations to submit tenders. This report further advised Members of the involvement of residents' representatives from South Kilburn.

The Lead Member for Housing & Customer Service, Councillor Thomas, advised that 47 requests for pre-qualification questionnaires had been received. Of the nine submissions made by the closing date, five were being recommended for short listing. All had indicated stock transfer as their method of delivery. A response from the Office of the Deputy Prime Minister on the Council's application to be included on the stock transfer register, submitted in January 2005, was still awaited. All the short listed bidders indicated that they would address the current funding gap. Two of the bidders currently do not have a register social landlord partner working with them. Additionally, Councillor Thomas advised, it was not yet possible to evaluate whether the stock transfer would be tenanted or non-tenanted and so bidders would be asked to submit on both possibilities.

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

'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.'

RESOLVED:-

- (i) that the progress with seeking expressions of interest be noted;
- (ii) that the shortlist of bidders led by the following organisations be approved:

1. Compendium Venture Co
2. Genesis Housing Group
3. Hyde Housing Association Ltd
4. Berkeley Homes (west London)
5. Taylor Woodrow PLC

and it be agreed that those organisations should be invited to submit detailed tenders;

- (iii) that it be noted further reports will be received from the Director of Housing updating members on the tender process and

recommending the parties with whom the Council should enter into negotiations.

12. Chalkhill Combined Facilities Building

This report concerned the Chalkhill Combined Facilities Building (CFB) in particular the cost of construction and the associated land disposal. The Executive noted that revised versions of Appendix 3 (not for publication) and Appendix 4 had been circulated prior to the meeting. Councillor Thomas advised that the proposals had been submitted for planning approval and the Director of Housing added that spend of the capital receipt from the sale of the site would not have to be restricted to the Chalkhill area.

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

‘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.’

RESOLVED:-

- (i) that the receipt of rent for part of the temporary health centre premises and the payment of compensation to Brent Primary Care Trust be noted;
- (ii) that it be agreed to pay the total development cost of the community centre up to the maximum of the estimate in table 1, appendix 3 of the report, plus 5%, such payment to be made from the amount set aside for the purpose from the ‘council’s disposal receipt’, with authority given to the Director of Housing to agree the manner of payment and the total sum paid, subject to maximum stated;
- (iii) that it be agreed to dispose of the Combined Facilities Building site to Metropolitan Housing Trust (MHT) for the market value, less the apportionment to the community centre, as determined by CB Richard Ellis;
- (iv) that the principles of a development agreement between the council and MHT, as in paragraph 3.20 of the report be agreed and the Director of Housing authorised to finalise this agreement subject to these principles being maintained;
- (v) that it be noted there will be a capital receipt arising from the disposal of the site shown on the plan in appendix 2 of the report, in accordance with the valuation in appendix 5. This receipt is not included in the disposals programme and officers will report to a future meeting of the Executive, proposals for the use of this additional resource.

13. **Wembley Manor Junior and Infants Schools – Procurement of Architectural and Consultancy Services**

This report requested approval to invite expressions of interest and tenders for the proposed Architectural and Consultancy Services contract (RIBA stages A-L) in respect of the proposed development of Wembley Manor Junior and Infants Schools (“the Wembley Manor Schools”). The estimated commencement date of the contract is no earlier than September 2005. This report contained the relevant pre-tender considerations as required by Contract Standing Orders 89 and 90.

RESOLVED:-

- (i) that the outline pre-tender considerations and the outline evaluation criteria to be used to evaluate the tenders for the Wembley Manor Junior and Infants Schools Architecture and Consultancy Services Contract as set out in paragraph 3.21 of this report be approved;
- (ii) that officers be authorised to invite expressions of interest and tenders and evaluate them in accordance with the approved outline criteria referred to in paragraph (i) above.

14. **The Avenue School’s Request to Delay the Voluntary Aided Status Implementation Date from 1 April 2005 to 1 September 2005**

The Executive had before them the report from the Director of Education and Libraries outlining the background to decision to grant VA status from 1 April 2005 taken in November 2004 and why the School now wish for the implementation date to be retrospectively delayed for one term. The School Governing Body, having received detail of their budget share from the LEA, were not certain they could work with the funding available. Councillor Lyon (Lead Member Education, Arts and Libraries) advised that the Governing Body had indicated that they were not confident they could maintain the desired level of Arabic and Qu’ranic studies and needed more time to decide the best course of action.

Councillor Lyon felt that for the school to go back to independent status would leave the LEA and parents in a difficult position and it was not clear whether the implementation date of 1 April 2005 could be changed retrospectively. His hope was for the school to be able to balance its budget and put a reasonable proposition to parents. The School Organisation Committee was due to meet on the coming Friday. Revised recommendations were circulated at the meeting which resisted the undoing of the VA decision which were agreed.

RESOLVED:-

- (i) that the School Organisation Committee be advised of the LEA’s position namely that it does not support any delay in implementation of VA status from 1st April to 1st September or to any other date;

- (ii) that all parties should implement the VA status of The Avenue School.

15. 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 & 9, Schedule 12A of the Local Government Act 1972:

‘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 or services.’

“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 supply of goods or services”

16. Authority to Award a Construction Contract for Wembley Stadium Access Corridor – Phase II, Section I

This report concerned Section 1 of the Stadium Access Corridor Phase 2 (SAC) project, which would provide the main vehicular access to the English National Stadium currently being redeveloped to the west of the SAC. The report provided an update on the report previously submitted for approval to proceed with the construction of Phase 2 Section 1 of the Stadium Access Corridor road scheme and to award the construction contract. The Director of Environment outlined the outcome of the recent legal action and the reasons for the increase costs.

RESOLVED:-

- (i) that the content of the report and the progress to date on the Stadium Access Corridor scheme be noted and the risk of serious prejudice to the project should the contract not be awarded to PJ Carey as set out by officers at paragraph 3.19, 3.29 and 5.6 of the report be noted;
- (ii) that the award of the Stadium Access Corridor Phase 2 Section 1 construction contract to PJ Carey (Contractors) Ltd at the increased price as set out in the report be approved.

17. Award of Design Team Contract South Kilburn Masterplan, Granville New Homes

This report set out the consultation, procurement, design and construction strategy for the delivery of the project known as Granville New Homes. It explained the interview and selection process and provided information of other contracts that would need to be awarded in order to deliver the Granville New Homes Scheme.

RESOLVED:-

- (i) that the content of this report and, in particular, the timescales and spend profile required to deliver this project without the loss of part of the funding that has been secured be noted;
- (ii) that the recommendation to award the Design Team Contract to Levitt Bernstein Associates be agreed;
- (iii) that it be noted a decision will be required in due course once whether the Council is to retain the Granville New Homes as part of its housing stock or whether they are to be transferred to the South Kilburn Masterplan Delivery partner that is currently being procured;
- (iv) that it be noted that further reports for Granville New Homes will be presented to award contracts to the Client Team and Contractor Team in the coming months.

18. Lease of Premises at 1 Olympic Way, Wembley

This report requested authority for the Council to enter into a lease of premises. Councillor Coughlin in presenting the report from the Director of Finance added that the premises would be taken over by Brent In2 Work who were in need of additional space and there would be nil effect on the Council's budget.

RESOLVED:-

that it be agreed the Council takes a lease of business premises at 1 Olympic Way, Wembley for accommodation for Brent In2 Work on the terms noted in the details of the report from the Director of Finance.

The meeting ended at 7.55 pm

A JOHN
Chair

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