

MINUTES OF THE EXECUTIVE
Monday, 15th August 2005 at 7.00 pm

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

Also present was Councillor Sayers.

An apology for absence was submitted on behalf of Councillors Kagan and Lyon.

1. Order of Business

RESOLVED:

that the order of business be varied so as to bring forward consideration of the item on Short Lived Properties in Allington Road, South Kilburn.

2. Declarations of Personal and Prejudicial Interests

Councillors Fox and Thomas declared a personal and prejudicial interest in item 6 – Non Housing Revenue Account Private Finance Initiative Scheme – Approval of Evaluation Criteria by virtue of being on outside bodies that might be interested in submitting bids.

3. Minutes of the Previous Meeting

RESOLVED:-

that the minutes of the previous meeting held on 11th July 2005 be approved as an accurate record.

4. Short Lived Properties in Allington Road, South Kilburn

This report outlined the position in respect of a number of properties in Allington Road which have been let under licence to Brent Community Housing (BCH) for a number of years and are now required to be returned to the Council as part of the refurbishment programme being undertaken by Brent Housing Partnership (BHP).

Manila Disilvestro addressed the meeting on behalf of residents of Allington Road who were licensees of BCH and who faced being made homeless under the proposals before the Executive. She said that the master plan for the area stated that all residents would benefit from the proposals but this was not the case for residents of Allington Road. She drew attention to the proposal to convert some of the properties into larger units to meet a borough wide demand beyond the South Kilburn area. To achieve this the residents of Allington Road would have to be moved out but this had not in the past been made clear when discussions had taken place on proposals for the area. The licensees had received correspondence suggesting they would continue to be part of the plans for the area but were now being told

they were not wanted. Manila Disilvestro claimed that the Executive would be acting unreasonably if it agreed the proposals in the report and asked that the Council's allocation policy be amended to allow the licensees to remain in the Kilburn area.

The Leader acknowledged receipt of a letter from Brent Community Law Centre, a copy of which had been passed to each member of the Executive.

Councillor Thomas explained that the properties were required to allow BHP to refurbish them. Many meetings with the licencees had been held and requests had been received to change the Council's allocations policy but this was a request the Council could not agree to in light of the housing crisis the borough faced. He re-iterated what was set out in the report that the licensees remained the responsibility of BCH.

Martin Cheeseman (Director of Housing and Customer Services) added that in July 2004 it was made clear to the licencees that the Council would have no obligation to rehouse them but it was then thought that the timescale would allow the Council to offer other short life property in the area. However, the report now before the Executive indicated that the timescale had changed. He admitted that the idea of converting some of the properties into larger units had not then been outlined but stressed that this did not affect the decision faced by the Council to give notice of requiring vacant possession of the properties. As had been mentioned it would require a change in the Council's allocation policy to rehouse the licensees and he could not recommend that in light of the housing situation in the borough. Martin Cheeseman added that discussions were being held with BCH both to see if a phased handover of properties to BHP could be accommodated and to see if there were alternative properties in the borough that BCH might be able to use. On this latter point Councillor Thomas expressed optimism that the Council would be able to offer BCH other short life properties.

In response to the claim by the residents and the Law Centre that future arrangements for the licensees in Allington Road had not always been made clear, the Executive was advised that sufficient information on what the position was for the licensees had been made known and the Council did not have a legal obligation towards them.

The Leader stated that all members of the Executive were well aware of this difficult situation and expressed sympathy with the licencees position. However the Executive was faced with having to make a decision that upheld the integrity of the Council's allocation policy. She hoped other properties would become available to BCH.

RESOLVED:-

- (i) that the current position in respect of the redevelopment of Allington Road be noted;

- (ii) that the decision of the Director of Housing and Customer Services that no exception is made to current allocation policies and that no permanent property is offered to Brent Community Housing sub-licensees currently living in Allington Road, be confirmed;
- (iii) that it be noted that (ii) above in no way effects the Council's obligation to assess any individual who applies for re-housing;
- (iv) that priority be given to allocating any property suitable for short living to BCH, and that BCH be encouraged to allocate any such properties to the sub-licensees currently in Allington Road properties.

5. **The Local Implementation Plan**

The Local Implementation Plan (LIP) is a statutory document that every London Borough is in the process of preparing for submission to the Mayor in 2005. The document details how the Borough plans to implement the relevant priorities, policies and proposals included within the Mayor's Transport Strategy. This includes broad programmes of physical works that the Council will continue to progress over the course of the plan. The LIP process was reported to the 15th February 2005 Executive and officers were instructed to report back to the Executive on the results of the consultation with a recommended 'Final' LIP document.

The Transportation Unit has now prepared the final LIP, following the submission of a draft LIP document to Transport for London and detailed consultation which has been ongoing between March-July 2005. This final LIP is expected to be completed and ready for submission to the Mayor in September 2005. The Mayor of London requires 100 days to approve the Local Implementation Plan, and wants all London LIPs to be in place (approved) before the end of 2005.

RESOLVED:-

- (i) that the draft Local Implementation Plan (LIP) be agreed and submitted to full Council on 19 September 2005 for approval;
- (ii) that the submission arrangements/timescales for submission of the final LIP to the Mayor of London be noted;
- (iii) that it be noted that the Council has not received the official feedback report on the draft LIP from Transport for London and the Director of Environment and Culture, upon receipt of this official feedback report, be instructed to make any necessary non significant or minor amendments to the draft LIP, prepare the final LIP and subject to no material representation or objections being received from Transport for London submit the final LIP to the Mayor of London, via Full Council, for approval;
- (iv) that the Director of Environment and Culture be instructed not to submit the final LIP to the Mayor of London for approval and to

report back to the Executive for approval of the final LIP, should the official feedback from Transport for London or the result of the borough wide consultation require significant or major amendments to the draft LIP

6. Local Development Framework – Issues and Options Consultation

In preparing the new Local Development Framework, there is a requirement to involve the community at an early stage in the process so that the new plan can reflect community needs and aspirations. This report set out proposals for undertaking this round of consultation and presented a series of draft Issues and Options papers which will form the basis for the community's consideration of the key planning issues.

RESOLVED:-

- (i) that the proposals for issues and options consultation, including options put forward in the draft Issues and Options papers attached as Appendix 1 to the report, be agreed as a basis for consultation;
- (ii) that the Director of Environment and Culture, in consultation with the Lead Member for Environment, Planning and Culture, be authorised to finalise the draft Issues and Options papers for consultation.

7. Non Housing Revenue Account Private Finance Initiative Scheme – Approval of Evaluation Criteria

Councillors Fox and Thomas, having declared a personal and prejudicial interest in this item left the room during consideration of this item.

This report described developments in the prospective PFI scheme since the Executive last considered the item on 11th October 2004. It also described the evaluation criteria it was proposed to use in determining which consortia should be invited to submit detailed proposals in response to an Invitation to Negotiate to be issued in October 2005.

The Director of Housing and Customer Services clarified that the estimated value of works was £97M and not £9.7M as indicated in paragraph 4.2 of the report.

RESOLVED:-

that the pre-tender consideration and the evaluation criteria (set out in section 3 of the report) to be used in selecting a shortlist of bidders be approved.

8. Amendments to Brent Housing Partnership's Memorandum and Articles of Association

This report sought approval of a new set of Memorandum & Articles of Association of the Council's wholly owned arms length management organisation, Brent Housing Partnership Ltd ("BHP"). Since it commenced

operating on 1st October 2002 BHP had sought agreement to several minor amendments to its Articles, which had been agreed by the Director of Housing and Customer Services in his role as the Council's representative for the purposes of BHP business. Through oversight BHP had not registered those amendments with Companies House and now that BHP has sought further amendments to both the Memorandum and Articles, it was felt appropriate for Members to consider the amendments in their entirety.

RESOLVED:-

- (i) that the new Memorandum & Articles of Association of Brent Housing Partnership Ltd, amended as highlighted in the documents attached at Appendix 1 & 2 to the report be agreed including that:
 - the objects of BHP be changed to allow the company to operate beyond the geographical boundaries of the London Borough of Brent, subject to specific approval of each such venture, as shown in the highlighted changes at Appendix 1,
 - the arrangements for the tenure and election of Tenant Board Members and for Independent Board Members be changed as shown in the highlighted changes to Articles 15 and 16 of the Articles of Association at Appendix 2;
- (ii) that officers be authorised to seal the Special Resolution attached as Appendix 3 to give effect to the above decision;
- (iii) that the Director of Housing & Customer Services continue to be the Council's representative for the purposes of the management agreement ("the Agreement") between the Council and BHP, as referred to in paragraph 59 of the Agreement, and for the purposes of section 375 of the Companies Act 1985, as amended;
- (iv) that the Council's representative be authorised to consider, and if s/he deems it appropriate after undertaking a risk assessment, and on the advice of the Director of Finance & Corporate Resources and the Borough Solicitor, approve requests by BHP to trade, whether within or beyond the geographical boundary of the London Borough of Brent.

9. **Private Sector Housing Strategy 2005 - 2010**

This report provided information on new legislation and outlined key pointers to the proposed strategy. The major changes introduced by the Housing Act, 2004 which require action by local authorities, are the Housing Health & Safety Rating System, licensing of HMOs, the empty dwelling management orders and overcrowding notices. The need to increase the Decent Homes Standard for vulnerable households, in response to the Audit Commission's Key Lines of Enquiry was also addressed.

The proposals were designed to maximise the powers the Council had under the Housing Act 2004 and to contribute to the Council's overall housing strategy.

RESOLVED:-

- (i) that the strategy and action plan (attached as Appendix 1 and 1A to the report) be agreed with particular regard to the following;
- (ii) that the Council will supplement the mandatory enforcement actions on hazards, bands A-C, with discretionary enforcement of hazards assessed within bands D-E (999-200 points), allowing action to be taken on hazards which are likely to get worse over time such as on-going water penetration;
- (iii) that the procedure similar to the "minded to notice" be retained under the name of "draft notice";
- (iv) that the Director of Housing and Customer Services be delegated authority to agree details of the procedure and fee to be charged when implementing the mandatory licensing of high risk houses in multiple occupation (HMOs);
- (v) to note the use of Empty Dwelling Management Orders (EDMO) as a means to remove control from an owner for a limited period but enable the Council to bring empty properties back into use;
- (vi) that a one off loan to a maximum of £7,500 be introduced and given as a last resort to vulnerable owner occupiers whose homes fall below the Decent Homes Standard with repayment triggered on sale;
- (vii) that an amendment be made to the eligibility criterion for small works grants (SWG) to make all applicants subject to the same conditions, except where a SWG funded application is more appropriate for a person with a disability (irrespective of Income Support Status) than a disabled facilities grant;
- (viii) that the empty property grant be used to fund unforeseen extras at the same percentage rate as the grant funding for the entire project (currently extras are 100% funded by the empty property grant);
- (ix) that unforeseen extras on empty property grants be funded at the same percentage basis as the grant is calculated;
- (x) that in order to prevent any possibility of abuse of empty property grants, an additional qualifying condition be attached that if the dwelling was previously tenanted and the tenant was evicted through no fault of their own within the preceding 12 months prior to an application being made, no grant would be given.

10. **Remuneration Report**

This report concerned a review of senior staff pay. The report had also been submitted to the General Purposes Committee on 10th August 2005 and it now sought approval to the virement of funds to pay for the increases in 2005/06.

Councillor John circulated a motion in her name which was agreed.

RESOLVED:-

- (i) to note that the General Purposes Committee on 10th August 2005 agreed the recommended changes to pay and conditions as set out in Appendix A of the report.;
- (ii) that the additional resources required to fund the recommendations in 2005/6 be met from the responsible Service Areas' existing resources;
- (iii) that an update on how this will be achieved be included in the next revenue budget monitoring report;
- (iv) to note that the funding costs in 2006/7 and beyond will be considered in the general framework agreed for the next budget round.

11. **Wembley Manor – Outcome of Statutory Notice**

The Leader certified as urgent, consideration of this report because a decision had to be obtained from the Executive prior to the School Organisation Committee meeting scheduled for 9th September 2005.

The report set out the responses to the Public Notice and the Council's comments on those responses on the future organisation of Wembley Manor Infant (with a nursery) and Wembley Manor Junior schools. The proposal was to amalgamate the two schools and then expand the new primary school from 3 form entry to 4 form entry.

The Executive was advised that there was a division of opinion on the proposals but it was felt that the remaining objections could be overcome. A very thorough consultation had taken place as a result of which some of the original proposals had been amended. The School Organisation Committee would have the final say on the proposals but if the groups represented on that committee could not reach a unanimous view (or abstain) the proposals would be referred to the Schools Adjudicator

RESOLVED:-

- (i) that the outcome of the Public Notice period referred to in paragraphs 3.6-3.9 of the report following the publication of the statutory notice

required under sections 28(1) and 29(1) of the School Standards and Framework Act 1998, be noted with regard to the Council's proposal to:

- discontinue Wembley Manor 3FE Infant and 3FE Junior Schools with effect from 31 August 2006;
- establish a new primary school with effect from 1st September 2006, initially with the capacity of 3FE (with nursery) on the same site, expanding to 4FE (with nursery) in January 2008 in new buildings on the same site;

- (ii) that objections to the proposal received during the formal consultation period be submitted to the School Organisation Committee (SOC) for decision, as the body with statutory powers to determine such proposals.

12. **Exclusion of Press and Public**

RESOLVED:-

that the press and public be now excluded from the meeting as the following report is not for publication as it contains the following category of exempt information as specified in 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

13. **Award of Tender for Granville New Homes**

The report set out the interview and selection process leading up to the recommendation to award the contract. The report explains the linkages to other contract awards that will be required to deliver the Granville New Homes scheme.

RESOLVED:-

- (i) That the report be noted;
- (ii) that the client team contract be awarded to Baily Garner;
- (iii) to note that it is essential that a minimum construction spend is achieved by 31st March 2006 to prevent any potential clawback from the Office of the Deputy Prime Minister;
- (iv) that further reports for Granville New Homes to award the contract to the contractor team be presented to the Executive in the coming months.

The meeting ended at 8.00 pm

A JOHN
Chair

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