

**Meeting of the Executive
Wednesday 23rd August 2006 at 7.00 pm**

PRESENT: Councillor Lorber (Chair), Councillor Blackman (Vice Chair) and Councillors Allie, D Brown, V Brown, Castle, O'Sullivan, Van Colle and Wharton.

Councillors Corcoran, Detre, Dunwell, Hashmi, Hirani, J Moher, Motley and Tancred also attended the meeting.

Apologies for absence were submitted on behalf of Councillor Colwill.

1. Declarations of personal and prejudicial interest

Councillor Wharton declared a prejudicial interest in the item relating to the Wembley Casino took no part in the discussion and left the meeting for that item.

2. Minutes of previous meeting

RESOLVED:

that the minutes of the previous meeting held on 17th July 2006 be approved as an accurate record.

3. Deputation – Queen's Park Tower

Mr Cokeliss addressed the meeting on behalf of residents of Queen's Park opposed to a high level building development on the Queen's Park car park site. He supported the proposal in the report from the Director of Environment and Culture to withdraw the planning brief agreed in July 2003 and to prepare a new planning brief that in particular would not support a very high development. Mr Cokeliss stated that residents were largely in favour of the proposed changes to the new brief however he felt that it would be preferable if the SPD precluded future high rise development, as building height was the main public concern. He also did not accept the assertion in the report that a height limit on the car park site would cap the height of future development on nearby Albert Road adversely affecting the viability of the South Kilburn development scheme. Mr Cokeliss welcomed proposals for further consultation but also felt that the SPD should not limit the design of the development nor the size of the area.

4. Queen's Park Station Revision of Planning Brief

The Executive had received a deputation earlier in the evening from Mr Cokeliss on behalf of residents expressing opposition to high level building development on the Queen's Park Station car park site. The Executive had before them the report from the Director of Environment and Culture which referred to Queen's Park Station Planning Brief, approved by the Council in July 2003, which proposed the withdrawal of the current planning brief and instructed officers to prepare a new planning brief based on the principles set out in the report that reflected best architectural and other advice and met latest guidance on sustainability. Circulated at the meeting was additional information from the Director of Environment and

Culture setting out responses to points raised in a letter from South Kilburn New Deal for Communities received on 18th August and also proposals from Councillor Arnold (Ward Councilor, Kilburn) both of which were noted.

In response to a question from Councillor Lorber, Mr Cokeliss on behalf of residents, advised that a survey of members of Queen's Park Residents Association found that 90% of people wanted a building of less than 10 storeys. The Director of Environment and Culture advised that it was the intention that the planning brief should set a number of principles with which to work with residents and on which they could comment. The Southern Area Team Manager, representing the Director of Planning, outlined the relationship between the proposed development and the surrounding area advising that as there was little prospect of funding for a new station in the near future, the proposals were for improvements. He referred to the financial viability options if a height limit was placed on the development and also referred to the work of architects Muckenbeck and Marshall which identified the significant benefits of the alternative form of development.

Councillor Motley (Ward Councillor, Queen's Park) commended the campaign of residents in bringing about the withdrawal of the 2003 planning brief. He added that while the site was in need of development there was now an opportunity for an environmental building of which all could be proud. Councillor Van Colle concurred adding that a full consultation process would bring about a more acceptable and viable development.

Councillor Lorber put forward a motion amending the recommendations in the report proposing a new brief with wide consultation, welcoming a courtyard development with a maximum height of no more than 12 storeys and taking into account the work on the South Kilburn Regeneration programme. Councillor Allie (Lead Member, Housing and Customer Care) sought confirmation that it was the intention for the Queen's Park development not to negatively impact on the plans for the renovation of the adjacent South Kilburn. The Executive discussed the rationale for drawing a connection between the Queen's Park Station development and the South Kilburn regeneration and the Director of Environment and Culture emphasised that the area was part of the South Kilburn NDC Masterplan site. Councillor Lorber confirmed that in the development of Queen's Park Station, serious account would be taken of the South Kilburn regeneration plans.

In response a question from Councillor Blackman on financial viability, the Director of Planning's representative confirmed that should the development contain a lower percentage of affordable housing this would impact on funding availability as would higher specification units or a reduced number of units. He also confirmed that while there had been contact with the GLA over the earlier plans (which they had not supported), there had been none since the new designs had been prepared.

Councillor Lorber's motion as circulated was agreed and he requested that interested parties, in particular the residents of Cowan Court be informed.

RESOLVED:-

- (i) that the planning brief for Queen's Park Station car park, which recently gave rise to applications for 26 and 18 storey buildings on part of the site be withdrawn;
- (ii) that officers be instructed to prepare a new Planning Brief (as a Supplementary Planning Document) for the Queen's Park Station Car Park site;
- (iii) that there be wide consultation on the principles set out in the report;
- (iv) that the idea of a courtyard development of mostly 4 and 5 storeys in height be specifically welcomed, and that the maximum height element (for a small part of the development) be restricted to no higher than 12 storeys as indicated in the drawings in the report – this total number to include retail/commercial/leisure elements on the ground floor, and residential development above;
- (v) that the Local Development Scheme be amended to reflect the SPD production timetable;
- (vi) that the revised brief should take account of the work on the South Kilburn Regeneration Programme.

5. Order of Business

The Executive agreed to take the Casino report as the next item of business.

6. Deputation - Wembley Regeneration and the Casino Advisory Panel

The Executive received a deputation from Mr Hawkey, Head of Planning, Quintain Estates and Development. He advised members of the need for a development on the site to bring in additional resources and stated that the proposed casino development would only take up 7% of the available floor space. Mr Hawkey added that any development could be sited close to the North Circular Road so as to minimise disruption and referred to the positive effects a casino could have on employment, economic development, infrastructure and roads. A casino development would also be able to provide additional parking spaces for the new national stadium. Mr Hawkey felt that to withdraw the application for a casino at this stage was wasting an opportunity and added that the casino did not necessarily have to be located in the Wembley area. He also felt that such a decision could be interpreted as a reluctance to work with the private sector in addition to other adverse consequences. Mr Hawkey confirmed that the developers would be happy to consider alternatives to 24 hour opening acknowledging that it was usual for such facilities to be open in the early hours of the morning.

Councillor Corcoran (Ward Councillor, Tokyngton) stated that residents were not in favour of a casino in the Wembley area and referred to the potential for traffic problems and late parking once tube and rail transport

had ended for the night. He advised that this had been evidenced by recent pop concerts following which there had been chaos. Councillor Corcoran also felt that the licensing hours would be similar to those for the stadium, allowing for 24 hour drinking.

7. Wembley Regeneration and the Casino Advisory Panel

The Executive had received a deputation earlier in the evening from Mr Hawkey, Head of Planning, Quintain Estates and Development, in support of the bid for a regional casino.

Andy Donald, Deputy Director of Regeneration, introduced the report which updated members on progress relating to the potential for Brent to host a regional casino. It set out developments since the last Executive report in March 2006, restated the findings of the independent economic and social impact assessments of a potential regional style casino at Wembley that were commissioned prior to this date, and summarised the results of the recent public consultation process. The report also asked members to consider whether to continue to support a regional casino in the Borough. The Deputy Director stated that the development would still be subject to planning permission and there would be an open competition to identify a developer and operator.

The Deputy Director reminded the Executive that the Examinations in Public sessions were due to commence for the eight shortlisted candidates and referred to the implications of withdrawing support for a regional casino particularly the adverse effect on the speed of regeneration and on the reputation of the borough with central government and the private sector.

The Council had hosted a 'Great Casino Debate' on 25th July 2006 for local residents to discuss issues relating to a regional casino and the Director of Communications outlined the results of a survey undertaken to find out local residents' views on a regional casino. Circulated at the meeting was the summary analysis report. Despite the short consultation period there had still been 3,626 respondents, of which 67% were opposed to a casino in the Wembley and Brent area with 22% in support. The Director pointed out that 39% of respondents indicated had a moral objection to gambling and hence were unlikely to be persuaded by economic or social arguments. The Director drew attention to views expressed in relation to crime, parking, benefits for business and employment and also referred to the ethnic background and age of respondents which indicated that the sample was not representative of the borough's population.

Councillor Castle (Ward Councillor, Tokyngton) felt that notwithstanding the profile of the respondents the Council could not ignore the strength of feeling against the proposals and felt that there must be other options for developments that would bring in revenue funding. Councillor Blackman referred to the adverse effects of gambling on individuals asserting that there was no guarantee that a casino would employ local residents but instead attract more people from outside the borough increasing demand for scarce housing and services with a possible rise in crime levels. Councillor Blackman added that neither party in the current Administration had

supported a regional casino for the Borough and now having reviewed the evidence, the plans should not proceed.

Councillor Lorber (Leader of the Council) felt that the results of the survey were very clear and that it would be unwise to rely on resources coming from international conferencing particularly in the current times troubled by terrorist threats and given that such a facility was as yet untried in the UK. Councillor Lorber also agreed with a view expressed during the Great Debate that young people were the most vulnerable and likely to be drawn into gambling. He accepted that the credibility of the Council was at stake however felt it was better for the decision to withdraw support to be taken now rather than later. Councillor Lorber did not accept that the Council would be able to exert control over a casino development as national licensing and planning regulations would have to be adhered to. He accepted that there may be employment opportunities however felt there were more acceptable ways of generating employment, such as through retail. Councillor Lorber felt it was important to have regard to the concerns of residents and assured those present that the Council would work with all parties to ensure the success of the Wembley regeneration project.

Councillor Lorber put forward a motion that in the light of the findings of the consultation, the benefits and advantages outlined by officers were outweighed by the perceived disadvantages and as such, the Casino Advisory Panel should be advised that the Council no longer supported a regional casino in Brent. The Borough Solicitor advised of the legal implications of the motion, that it was possible for the Council to indicate it was not in support of a regional casino and while the results of the consultation could be considered inconclusive they still needed to be taken into account. The Executive was required to take a balanced view. In response to a question from Councillor J Moher, Councillor Lorber confirmed that the decision to be taken referred only to this current round of bidding for a regional casino and future administrations could take different decisions. Members also commented that it was regrettable that there were no alternative plans in place should the Borough's application for a regional casino not have been successful and considered the area was well suited for retail use, which would have the support of residents.

The Executive also heard contributions from the public urging caution over the consultation process, the need to ensure that basic arguments were well presented and requests to listen to the residents. Councillor Lorber commented that the report reflected officers' professional opinion and felt it was now for members to make a judgement on the advice given.

The Executive then voted on the motion in the name of Councillor Lorber which was agreed.

RESOLVED:-

the Executive notes the findings of the impact assessments, the statement of case, the responses to consultation, including the Big Debate and the survey and all other matters addressed by the report and by officers. The Executive notes the likely benefits and disadvantages claimed for a regional casino and taking all factors into account is of the view that the likely

disadvantages outweigh the likely benefits claimed and therefore resolves to instruct officers to inform the Casino Advisory Panel that the Council no longer supports a regional casino in Brent.

(Councillor Wharton declared a prejudicial interest in the item relating to the Wembley Casino as his employer KPMG was involved with partners bidding for casinos, took no part in the discussion and left the meeting for that item).

8. Joint Municipal Waste Strategy for West London Waste Authority

The report from the Director of Environment and Culture provided an update on the process of agreeing a joint municipal waste strategy for the West London Waste Authority. The Director advised that the waste contract currently being negotiated would fit in with the strategy. The Lead Member (Environment, Planning and Culture) Councillor Van Colle, advised of changes to the West London Waste Authority which was now a recycling authority and which had adopted the Strategy without dissent.

RESOLVED:-

that approval be given to the adoption of the West London Waste Authority area Joint Municipal Waste Management Strategy with the amendments shown at Appendix C2 and C3 of the Strategy appended to the report from the Director of Environment and Culture.

9. Compulsory Purchase - Land at Central Square, Wembley

This report from the Director of Environment and Culture sought authorisation for the Council to exercise its statutory powers under the Town and Country Planning Act 1990 for the compulsory purchase of lands at Central Square Wembley to support the implementation of a significant town centre development that would enhance the shopping centre and the environment fronting Wembley Central Station. The Director circulated an addendum to the report which included revised recommendations, and advised of the developers' request for minor additional rights outside of the area shown in the plan referred to in the report. This concerned the alley situated on a concrete plinth which runs underneath the high road and over sailing rights over certain areas during the construction period, indicated on the amended plan. The report as amended was agreed.

RESOLVED:-

that subject to an agreement being put in place with the developers of the Central Square site to ensure that the full costs of acquisition are borne by the Developers including the funding of all of the Council's legal, surveyors and administrative costs plus an indemnity for payment of money under the statutory compensation code (including where the CPO is abandoned) and the blight provisions:-

- (i) approval be given to the making of a Compulsory Purchase Order (CPO) to acquire any or all of the interests and rights in land at Wembley Central Square, Wembley shown edged in black on the plan at Appendix 1 (save for the rights of Sowcrest Limited and

Network Rail Infrastructure Limited) (“the CPO Land”) and rights to intrude into the air space above the areas shown cross hatched red on the plan to facilitate the construction of the development under Section 226 (1)(a) and (Section 226 (3)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) for the purposes of securing the carrying out, development, redevelopment or improvement on or in relation to Central Square (“the Scheme”);

- (ii) to authorise the submission of the CPO, once made, to the Secretary of State for confirmation;
- (iii) to authorise the Director of Environment and Culture to enter into agreements and make undertakings on behalf of the Council with the holders of interests in the CPO Land or parties otherwise affected by the Scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPO and including the offering back of any part of the Order Land not required by the Developers after the completion of the development or the acquisition of rights over the CPO Land in place of freehold acquisition, where such agreements are appropriate;
- (iv) to authorise the making of one or more general vesting declarations or service of Notices to Treat and Notices of Entry (as appropriate) pursuant to the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 respectively should the CPO be confirmed by the Secretary of State;
- (v) to authorise service of all requisite notices on the holders of the CPO Land relating to the making and confirmation of the CPO;
- (vi) to authorise the Director of Environment and Culture to remove from the CPO any plot (or interest therein) not required to be acquired compulsorily for the scheme to proceed and to amend the interests scheduled in the CPO accordingly and to amend the interests to be acquired so as to include the acquisition of new rights including minor rights and interests outside the area shown on the map if these are required for the carrying out of the Scheme (if so advised);
- (vii) to authorise the Director of Environment of Environment and Culture within the defined boundary of the CPO Land, to acquire land and/or new rights by agreement either in advance of the confirmation of compulsory purchase powers, if so advised, or following the confirmation of compulsory powers by the Secretary of State;
- (viii) to authorised the Borough Solicitor to instruct Counsel and experts to represent the Council and provide evidence at any inquiry into the confirmation of the CPO if necessary;
- (ix) to authorise the Director of Environment and Culture, if so advised, to seek to acquire for the Council by agreement any interest in land wholly or partly within the limits of the CPO Land for which a blight notice has been validly served.

10. **St Mary Magdalen RCJ – criteria for evaluation of tenders for proposed new-build school**

This report requested approval for the trustees of St Mary Magdalen's RC Junior School, on behalf of the Council, 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. Councillor Wharton (Lead Member, Children and Families) reminded the Executive that the majority of funding for the new-build was through central government grant with the Council's contribution being limited to £10,000. The re-build was necessary as existing premises had been identified as being cramped and deficient in the Council's Asset Management Plan and school's 2004 OFSTED report.

RESOLVED:-

- (i) that approval be given to pre-tender considerations and the outline evaluation criteria to be used to evaluate tenders as set out in paragraph 3.21 of the report from the Director of Children and Families;
- (ii) that the Trustees of the school invite tenders and evaluate them in accordance with the approved evaluation criteria, as referred to in paragraph (i) above;
- (iii) that it be noted that a further report recommending award of the contract in March 2007 would be submitted.

11. **Authority to enter into a Partnership Arrangement under Section 31, Mental Health Act 1999 for services for people with mental health and substance misuse problems**

This report requested approval to develop and implement an agreement under Section 31 of the Health Act 1999 and a pooled budget between Brent Teaching Primary Care Trust's (tPCT) and the Council for the purchase of services for people with mental health illness and substance misuse problems (Dual Diagnosis Services).

RESOLVED:-

- (i) that approval be given to entering into a partnership arrangement of up to 5 years duration for provision of Dual Diagnosis Services with the Brent tPCT under Section 31 of the Health Act 1999 as set out in the report from the Director of Housing and Community Care;
- (ii) that a pooled budget with Brent tPCT be set up under the partnership agreement and the Council's pro rata contribution of £201,930 for the financial year 2006/07 be transferred to that budget;
- (iii) that approval be given to the Council being the budget holder for the pooled budget as set out in paragraph 3.7 of the report;

- (iv) that it be noted that a written agreement is required to be entered into between the Council and the tPCT in respect of the proposed partnership and that the Director of Housing and Community Care be authorised, in consultation with the Borough Solicitor, to agree the exact form of that agreement.

12. Authority to tender contract for the provision of Brent's Integrated Community Equipment Service

This report concerned the provision of Brent's community equipment services (ICES) for people with disabilities. The service was jointly commissioned with Brent Teaching Primary Care Trust (tPCT), providing equipment and minor adaptations for health and social care users who meet eligibility criteria. There was currently a joint equipment store managed by Housing and Community Care under a formal partnership agreement with Brent tPCT. On 14th November 2005 approval was given to the drawing up of a tender specification for an improved service due to limitations of the current premises. This report requested approval to invite tenders in respect of Brent's ICES as required by Contract Standing Orders 88 and 89. The Director of Housing and Community Care circulated an update to the original report indicating that the contract would have to be classified as a supply contract rather than a services contract and as such would be subject to the full application of the EU Public Contract Regulations 2006 and would need to be advertised in the OJEU. The Director set out the new pre-tender considerations.

The Executive agreed the report as amended.

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 3.6 – 3.8 of the report from the Director of Community Care, as amended;
- (ii) that officers invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in (i) above.

13. Workforce Monitoring Report

The Director of Human Resources and Diversity introduced this report, the Council's fifth annual Workforce and Equalities Monitoring Report. It provided a profile of Brent's workforce by gender, ethnicity, age and disability besides the impact of Brent's employment practices. The report also included a profile of councillors, agency staff and contractors as well as benchmarking the borough with Newham. The Executive noted the up date on the action plan from last year's report and the new action plan for 2006-07.

RESOLVED:-

that the report be noted.

14. **Vital Signs Performance Digest Quarter 4 – Jan – March 2006**

This report introduced the Vital Signs for the period January to March 2006 (quarter four). The Vital Signs monitored the Council's performance against key indicators. This report also provided a summary of performance over the year.

RESOLVED:-

that the Council's performance against key performance indicators be noted.

15. **Press and Public**

RESOLVED:

that the press and public be permitted to remain for the discussion of the following item as it is in the public interest however, the detail of the report in particular the financial information, should remain not for publication.

16. **Disposal of 3 Former School Caretakers' Houses**

This report sought the Executive's approval for the disposal of three former caretaker's houses at either open market value or to meet social housing needs. The Director of Finance indicated a wish to obtain the capital from the sale as soon as possible and the Director of Housing and Community Care added that a number of housing associations had expressed an interest. Members referred to the serious housing shortage particularly for houses of this size and emphasised the need to identify other unoccupied properties that could be brought back into use as quickly as possible.

RESOLVED:-

- (i) that approval be given to the disposal of 8 Minet Gardens Harlesden NW10; 73 Dagmar Avenue, Wembley and 1 Attewood Avenue, Neasden NW10;
- (ii) that the Head of Property and Asset Management be authorized to offer the Council's preferred RSL partners (including BHP) first option to acquire the above premises at market value and dependent upon the response to this offer to then, either dispose of the properties to a preferred RSL or alternatively, proceed with the three disposals on the open market for the best consideration reasonably obtainable.

17. **Exclusion of Press and Public**

RESOLVED:

that the press and public be now excluded from the meeting as the following reports contain categories of exempt information specified in Schedule 12 A of the Local Government Act 1972:

Information relating to the financial or business affairs of any particular person (including the authority holding the information)

18. **Deputation - John Billam Sports Pavilion – Disposal of long lease to Gujarati Arya Association (London)**

Mr Narendra Morar, Chairman of the Trust Board of GAA addressed the meeting regarding the Association's purchase of the lease for the Pavilion and advised that banking arrangements had been finalised earlier in the week that would enable them to complete the purchase. He stressed that the organisation was a long standing charity and sought members' forbearance to allow arrangements to proceed to a satisfactory conclusion.

19. **John Billam Sports Pavilion – Disposal of long lease to Gujarati Arya Association (London)**

This report informed the Executive of the current position regarding the prospective disposal of the above pavilion to Gujarati Arya Association (GAA). The Director of Finance and Corporate Services reminded members of events since the decision to dispose of the Pavilion to the GAA in January 2001 and outlined the nature of negotiations to date. Members instructed the Director to set a deadline for the receipt of funding and to proceed as indicated in the report providing a further update to the next meeting if necessary.

RESOLVED:-

- (i) that the current position regarding the prospective disposal of the property to GAA, identified on the location plan attached to the report, be noted;
- (ii) that the Head of Property and Asset Management serve notice to complete the lease and in the event that GAA fail to complete the lease then the Head of Property and Asset Management pursue re-possession of the property.

The meeting ended at 9.30pm

P LORBER
Chair