

MINUTES OF THE EXECUTIVE MEETING
Monday, 11th February 2008 at 7.00 pm

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

Councillors Anwar, Butt, Detre, Dunwell, Joseph, Hashmi, Hirani, Mistry, Motley Powney and Thomas also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

The following declarations of personal interest were made:

- Councillor Blackman - in item relating to Additional Reception places for September 2008 as a governor at Wembley Primary School;
- Councillor Wharton –in the reports on lunchtime catering services for Kingsbury High School and the proposal to dispose of the caretaker's house, having children in attendance at the school;
- Councillor O'Sullivan - in the ALMO report as a board member of Brent Housing Partnership.

2. Minutes of the Previous Meeting

RESOLVED:-

that the minutes of the previous meeting held on 14th January 2008 be approved as an accurate record.

3. Order of Business

RESOLVED:

that the order of business be changed to take early in the meeting those items for which members of the public and non- Executive members were present.

4. Petition – Willesden Social Club

Councillor Powney (Ward Councillor) presented a petition on behalf of Kensal Green Residents and asked the Executive to proceed with a compulsory purchase order on the former Willesden Social Club, Rucklidge Avenue site and to set a deadline for a response from the owner. Councillor Joseph (Ward Councillor) also addressed the meeting and reminded the Executive that the derelict state of the premises had been raised with the Council over a number of years. The site was an on-going problem and it was put that residents had not been consulted on the original decision to sell the property. The Executive were urged to approve the making of a Compulsory Purchase Order and, in the meantime, consider boarding up the premises.

5. Compulsory purchase of Land (former Willesden Social Club and Toilets) at Rucklidge Avenue

The report before the Executive sought authorisation for the Council to exercise its statutory powers under S226 of the Town and Country Planning

Act 1990 for the compulsory purchase of the former Willesden Social Club and other land at Rucklidge Avenue, NW10.

Having received a petition from residents earlier in the evening, members in discussion questioned the reasons behind the decision taken in 2000 to sell under the agreed terms and it was suggested that circumstances of this deal be investigated by internal audit. The Director of Environment and Culture stated that the Council had limited powers and that the most appropriate route was to proceed with the CPO. Members agreed that the premises should be either restored for community use or demolished and replaced by a housing development and that steps be taken to ensure the best value for the public purse.

RESOLVED:-

- (i) that approval be given to the making of a Compulsory Purchase Order (CPO) to acquire the interests and rights in land at the site of the former Willesden Social Club and toilets at Rucklidge Avenue London NW2 which is edged by a thick plan line on the plan attached to this report at Appendix 1 under Section 226(1)(a) of the Town and Country Planning Act 1990; (subject to an agreement being put in place with a developer to ensure that the full costs of acquisition are borne by the developer 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;
- (ii) that approval be given to the submission of the CPO, once made, to the Secretary of State for confirmation; and
- (iii) that the Head of Property and Asset Management be authorised to undertake the following:
 - a 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;
 - b 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;
 - b Service of all requisite notices on the holders of the CPO Land relating to the making and confirmation of the CPO;
 - d To acquire land and/or new rights by agreement within the boundary of the CPO Land 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
 - e 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

and

- (iv) that the Borough Solicitor be authorised to instruct Counsel and experts to represent the Council and provide evidence at any inquiry into the confirmation of the CPO if necessary;
- (v) that the Head of Property and Asset Management be authorised, 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;
- (vi) that residents be kept informed of the CPO process and actions taken;
- (vii) that Internal Audit investigate the circumstances of the original sale in 2000.

6. Petition and Deputation - London Transport Site: request for a public inquiry

Mr John Woods (Barnhill Residents Association) presented a petition on behalf of local residents calling for a public inquiry into the proposed development on the London Transport site in Bridge Road, Wembley Park of a second Academy. He said that residents would like the site for community use and as a sports ground and regretted the loss of pitches especially when the cost of hiring alternative facilities was prohibitive. He suggested that a public inquiry be also conducted into the traffic situation in Wembley generally in particular that generated by the Asda Superstore. Mr Woods stated that the school should be for local children to avoid pupils commuting from other parts of the borough with the resultant adverse effects on the environment. Mr Woods also had concerns over the proximity between the proposed Academy and nearby schools increasing the opportunity for bullying. He felt that election promises not to build a school on the Wembley Park had not been kept and, in conclusion, stated that the proposed school should be built in the south of the borough.

David Kubenk (Wembley Park Action Group) a Brent resident and local school teacher, spoke against the Academy model seeing this as central Government privatising schooling. He also was not in favour of a school which had a catchment area outside of the locality and which would involve taking away the current facilities from local residents. He stated that teachers would continue to fight the proposed development.

7. Additional Reception places for September 2008

This report advised members of the need for additional reception classes for September 2008 to meet the Council's statutory duty to provide sufficient school places, and identified schools that may be able to provide them.

Councillor Wharton (Lead Member, Children and Families) in introducing the report, referred to the large number of applicants for school places which was far in excess of what was available. While additional places had been made available at four schools, this was insufficient. There was a need for 6 extra classes and so the intention was for two at proposed Academy site, one at Wembley Primary starting in September 2008; and then expansions at Stonebridge, Sudbury and Preston Park Schools subject to consultation with the governing bodies of the schools. The consultation process for the new Academy would take its course. Councillor Wharton also pointed out that the

Council would have to meet the costs of the additional places other than those for the proposed Academy.

RESOLVED:-

- (i) that agreement be given to increase the admissions number of Stonebridge Primary school from 30 to 60 for 2008. (1FE);
- (ii) that agreement be given to increase the admission number and expand Preston Park Primary school from an admission number of 90 to 120. (1FE);
- (iii) that approval be given to increase the admission number and expand Sudbury Primary School from an admission number of 90 to 120. (1FE).

(Councillor Blackman declared a personal interest in this item as a governor at Wembley Primary School).

8. Update on the Proposed Second Academy at Wembley Park: submission of outline business case and bringing forward the opening of the Academy in temporary buildings

Councillor Wharton (Lead Member, Children and Families) introduced this report which provided an update on the proposals for setting up Brent's proposed Second Academy (Wembley Park Academy) making available an education offer for children and young people aged 3 to post 16 as well as community facilities for their families and local communities. It sought approval to proceed with the submission of the Outline Business Case (OBC) to Partnerships for Schools (PfS) and the Department for Children Schools and Families (DCSF) subject to the scheme being contained within the PfS Funding Allocation Model (FAM) at £35.03m. Councillor Wharton advised the initial £31m allocated by Central Government had increased to £35m.

The Executive also had before them appendices to the report, together with a revised Appendix 6 circulated in advance of the meeting, which were not for publication as they contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

Councillor Wharton stated that the new school would not be larger than 20% of the entire site so that the existing fields could be left as playing fields. The temporary buildings to be erected in September 2008 would be removed in 2010 when the actual school building was completed. He pointed out that the early opening of the school would be subject to the grant of planning permission. In response to the comments made earlier in the meeting by the petitioner and the deputation. Councillor Wharton clarified that the football pitches remaining would be open for community use. Contrary to views expressed earlier, Councillor Wharton stated that the proposed school would have a dual catchment: one for local primary children especially from the Wembley Stadium housing area and, one for secondary aged children, based on a centre point in Stonebridge. Councillor D Brown (Lead Member,

Highways and Transportation) contributed that the focus should be on providing school places for children and not about the principle of Academies and he cited an example of the great distance children currently have to travel from the north of the borough to a school on the other side of the borough which needed to be resolved. The Council had no other means of funding a new school and Councillor Brown felt that the proximity to other schools in the area should not be an issue.

Councillor Blackman (Deputy Leader, Lead Member, Resources) spoke against the proposed Academy and questioned whether, with the proposal to take in children at all levels, simultaneously, there would be sufficient places for those primary children primary further along into their school lives. He referred to an opportunity to increase the number of secondary places at Copland School which needed to be progressed quickly before it was too late. Councillor Blackman also referred to the traffic situation in the Wembley Park area which he stated was grid-locked throughout the day and would worsen with a new school. He felt the Wembley Park site should be restored and regenerated for sporting facilities and that residents' quality of life would be seriously affected if the new Wembley Park Academy was built. Councillor Blackman put forward alternative sites for a new school that he considered to be preferable: in Brentfield Road, Stonebridge from an expansion of the Centre for Staff Development site or, alternatively, the Ducker Pond site in Sudbury. Councillor Van Colle, (Lead Member, Environment, Planning and Culture) expressed regret that the commitment not to build a school on the Wembley Park site had not been kept.

The Director of Children and Families, John Christie, in response, accepted that it was usual practice for new schools to build up from reception classes however, given the shortage of places, different options were being considered. Negotiations would take place with the school on this issue. Discussions have been taking place with planning officers over the two extra forms of entry at Copland School and written confirmation would be sent. The land deal was also being progressed. However, it would not be feasible to build a new primary school on the Copland site given the planning constraints and also as the Council would have to meet the costs. In response to concerns over the proximity between a new school on the Bridge Road site and Preston Manor School, the Director felt that any potential problems were not insurmountable and were not considered significant by secondary headteacher representatives. John Christie assured that the search for new site continued and that while other sites put forward as alternatives may be feasible in the long term, they could not be made ready in the near future when places were needed. Increased demand from projected population increases was further justification for a school in the Wembley area, the Council did not have resources to build without central government financial support and the second Academy would help fulfil the Council's statutory obligations.

The Chair, Councillor Lorber, stated that in building an Academy on the Wembley Park site, the open space land would be protected for the school, regretting that this was not the case for the new Copland School being built on playing fields and with funding from a tower block housing development. He added that if the land were not used for a school, it was likely that it would be developed for commercial use or for housing with a serious risk of a loss of the large part of the playing fields. In response to the suggestion for a school on Brentfield Road, Councillor Lorber referred to the high levels of traffic in the

area, no nearby train station and relatively few bus routes. He was not aware that a school on the Ducker Pond site had not been put forward as an option; there was no funding available to build a school on the Stonebridge School site, and a site mentioned in the Chalkhill/Blackbird Hill area was subject to flooding. Councillor Lorber stressed that the needs of young people in the area had to take priority over politics and the site at Wembley Park was available now.

RESOLVED:-

- (i) that agreement be given, subject to the Secretary of State's signing of the Funding Agreement, to the earlier opening of the Academy with effect from September 2008 to be delivered as follows:

on the Wembley Park (Bridge Road) site (Preferred Option), subject to agreement reached with London Underground Limited, agree to the opening of the primary department of the Academy with 60 reception places (Reception Year or YR) with effect from September 2008 as set out in Paragraph 3.1 to be followed by six Year 7 classes of the secondary school in September 2009;

or

should it become impracticable to provide temporary accommodation on the Wembley Park (Bridge Road) site, to house on the Wembley Primary School site for 2008/09 only, the Primary only department of the Academy (60 Reception places) with effect from September 2008, as set out in paragraph 3.3 of the report from the Director subject to an agreement with the Governing Body, in accommodation not immediately required on the newly built (by September 2008) Wembley Primary School site;

- (ii) that separate planning applications be submitted for the temporary accommodation for September 2008 and the substantive buildings for September 2010 to be sited on the Wembley Park (Bridge Road) site;
- (iii) that the Director of Children and Families be authorised, in consultation with the Director for Finance and Corporate Resources to submit the Letter of Commitment (Appendix 7) and the OBC to PfS subject to no additional construction costs beyond the funding allocation model currently at £35.03M made by the DCSF falling to the Council;
- (iv) that the following be authorised:
- (1) The Section 151 officer to issue the letter confirming the affordability of the scheme (Appendix 3), subject to it being contained within the FAM allocation currently at £35.03m by PfS;.
- (2) The Director of Children and Families, in consultation with the Director of Finance and Corporate Resources, to enter into such lease, sub-lease and/or other agreements as are necessary to give effect to the resolution in paragraph 2.1 above, and delegate to the Director of Children and Families (in conjunction with the Head of Property and Asset Management) the approval of the terms of such lease, sub-lease

and/or other agreements including the area of land to be used for the temporary accommodation;

(3) The Director of Children and Families to sign the Memorandum of Understanding, between the Local Authority and PfS in the terms set out in Appendix 4 or with such amendments as he, in consultation with the Borough Solicitor, considers to be appropriate;

- (v) that approval be given to the procurement route for the Wembley Park Academy and the criteria to be used to shortlist tenderers and evaluate tenders as set out in paragraph 6.6 of the report;
- (vi) that approval be given, subject to PfS approving the OBC, to officers to invite expressions of interest, shortlist bidders and invite tenders for the construction of the Wembley Park Academy and evaluate them in accordance with the approved evaluation criteria referred to in (v) above;
- (vii) that the Director of Children and Families be authorised, in consultation with the Borough Solicitor to agree the selection of the preferred bidder for the Design and Build Contract following evaluation of tenders;
- (viii) that it be agreed that for the reasons set out in paragraphs 5.15 to 5.17 in the context of the confidential details in Appendix 10 to this report, there are good financial and operational reasons to appoint a Project Manager through to completion of the Academy newbuild without seeking quotes in accordance with the Council's Standing Orders;
- (ix) that it be noted that officers will appoint Technical Advisors to support the Academy Project as set out in paragraph 5.15;
- (x) that it be agreed that the future stages of the project are resourced as set out in paragraphs 5.15 and 8.0 below;
- (xi) that the risks of the scheme and the proposals set out for managing the risks be noted.

(Councillors Blackman, Colwill, O'Sullivan and Van Colle asked that their dissent from the above decision be recorded).

9. Exclusion of Press and Public

RESOLVED:-

that the press and public be excluded from the meeting for the next item as it contains the following category of exempt information specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

The owner was permitted to remain for part of the discussion.

10. **Compulsory Purchase Order Application for 1 Barnhill Cottages Chalkhill**

This report sought authorisation for the Council to exercise its statutory powers under section 226(1) (a) of the Town and Country Planning Act 1990 for the compulsory purchase of 1 Barnhill Cottages, Barnhill Road, Wembley, HA9 9BU. The report also sought approval for the disposal of the combined sites of 1 and 2 Barnhill Cottages in order for the redevelopment of these sites to be undertaken as part of the Council's Housing and Social Care Private Finance Initiative (PFI) scheme.

The Executive also had before them appendices to the report which were not for publication as they contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

The Executive agreed to the owner of the property addressing the meeting and setting out her concerns over the offer made by the Housing Association. The Director of Housing and Community Care advised the Executive of the progress being made on the PFI deal and the implications if negotiations were not successful.

In the absence of the owner, the Director of Housing and Community Care set out the options available as indicated in his report.

The Executive agreed the recommendations in the report that negotiations should continue and noted that that if agreement were not reached, an independent evaluation would be carried out by the Lands Tribunal.

RESOLVED:-

- (i) that the Council's agreement to the redevelopment of 1 and 2 Barnhill Cottages, Barnhill Road, Wembley HA9 9BU which is part of the Brent PFI scheme being delivered by Brent Coefficient (BCE) be noted;
- (ii) that approval be given to the making of a Compulsory Purchase Order (CPO) to acquire (save those already owned by the Council) all of the interests and rights in land and premises at Barnhill Cottages which is cross hatched on the plan attached to this report at Appendix 1 ("the CPO Land") under Section 226(1) (a) of the Town and Country Planning Act 1990 subject to an agreement being put in place with the BCE to ensure that the full costs of acquisition are borne by the BCE 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;
- (iii) that approval be given to the submission of the CPO, once made, to the Secretary of State for confirmation;

- (iv) that authority be given to the:
 - a Head of Property and Asset Management 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 Council 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;
 - b 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;
 - c Service of all requisite notices on the holders of the CPO Land relating to the making and confirmation of the CPO;
 - d Head of Property and Asset Management to remove from the CPO any plot (or interest therein) no longer required to be acquired compulsorily for the scheme to proceed and to amend the interests scheduled in the CPO (if so advised) and to alter the nature of the proposed acquisition from an acquisition of existing property interests to an acquisition of new rights (if so advised);
 - e Head of Property and Asset Management 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;
 - f Head of Property and Asset Management to approve the terms of acquiring such interests including disturbance and other payments, in accordance with Compulsory Purchase legislation and case law.
- (v) that the Borough Solicitor be authorised to instruct Counsel and experts to represent the Council and provide evidence at any inquiry into the confirmation of the CPO if necessary;
- (vi) that the Head of Property and Asset Management be authorised, 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;
- (vii) that the Head of Property and Asset Management be authorised to consider any valid objections received concerning the loss of public open space (see 5.3 below) and to accommodate appropriate changes

to the disposal terms, provided that in his opinion there is no material detriment to the proposed development;

- (viii) that the Head of Property and Asset Management be authorised to enter into such conditional agreement with BCE as may be required by them whereby (if the CPO is confirmed and the Council acquires the property) the Council agrees to dispose of 1, Barnhill Cottages solely to BCE provided that BCE has agreed to fully indemnify the Council against the costs of the CPO as set out above, the exact terms of such an agreement to be determined by the Head of Property and Asset Management in consultation with the Borough Solicitor;
- (ix) that officers only proceed with the disposal of 2, Barnhill Cottages (pursuant to its resolution made on 8 October 2007) if this takes place simultaneously with the disposal to BCE of 1, Barnhill Cottages (whether pursuant to the CPO or as a result of BCE acquiring that property by voluntary acquisition).

11. Readmission of Press and Public

The press and public were re-admitted to the meeting for the announcement of the decision in the above matter and for the remainder of the meeting.

12. Dollis Hill House – Evaluation of Proposal Submitted by Training for Life

Councillor Van Colle (Lead Member, Environment, Planning and Culture) introduced the report which provided members with an evaluation of the feasibility study for the future of Dollis Hill House as submitted by Training for Life (TFL) and recommended future action. He pointed out that the outcome of funding applications was expected to be made known over the next six months and also that the status of the financial support offered by the London Mayor had yet to be confirmed.

The Director of Environment and Culture referred members to the supplementary report circulated at the meeting which advised that TFL had indicated that they were happy to agree conditions detailed in the Director's report. The supplementary report requested that officers support TFL for 12 months after tonight's decision, that is, up until February 2009. Members raised the question of consultation with local residents and recognised TFL would have to gain a consensus as part of the planning process in order to have any chance of a success outcome.

Councillor Van Colle proposed an additional recommendation that should there be any problems with the first two major funding milestones, then the matter be referred back for further consideration and this was agreed.

RESOLVED:-

- (i) that the evaluation of the TFL feasibility study be noted;
- (ii) that officers support 'Training for Life' in further developing their proposal, subject to the following:
 - a) Training for Life to agree to keep the Council up to date with progress made and allow the Council to monitor progress

against agreed key milestones as discussed in paragraph 3.13 of the report from the Directors of Environment and Culture and of Finance and Corporate Resources;

- b) Training for Life to provide the Council with copies of all funding applications as they are submitted and the outcome as soon as it is known;
 - c) that if it becomes apparent that the first two major funding milestones have any problems the matter should be referred back to the Executive for further consideration;
- (iii) that it be noted that Training for Life have agreed to paragraph (ii) above, and that officers should provide further support to Training for Life until February 2009;
- (iv) that progress made by officers with preparations for an application for listed building consent to demolish Dollis Hill House be noted and agreement be given that this is put on hold whilst TFL further develop their proposals.

13. **2008/09 Budget and Council Tax Report**

Councillor Blackman (Deputy Leader, Lead Member, Resources) introduced the report on the 2008/09 Budget and Council Tax. He thanked staff, in particular the Director of Finance and Corporate Resources and his team, other officers and members of the Executive for their contributions to the budget making process. Councillor Blackman referred to the settlement from central Government which was below the level of inflation and that the level of funding will reduce over the next two years. Councillor Blackman proposed a motion in his name and referred to the severe budgetary constraints within which the Council had to operate including increases in landfill tax, other precepts and levies, housing benefit reductions and tPCT cost transfers. Councillor Blackman stated that without these increases there would be no need to increase the Council Tax. He referred to the discussion at the meeting of the Budget Panel held on 7th February and noted their concern over the Adult and Social Care budget and whether the provision made would be adequate given its potential to overspend. However, Councillor Blackman was pleased to announce that despite the financial constraints, the budget being proposed still included growth items allowing the Council to be able to continue to provide key services delivering for the people of Brent and helping make the borough a cleaner, greener place to live.

The Director of Finance and Corporate Resources outlined the timetable for the announcement of the GLA precept and also drew members' attention to the main recommendations from the Budget Panel whose deliberations were part of the budget making process.

Councillor Lorber also referred to the demands placed on the Council by increased levies which were increasing faster than inflation and were, he felt, part of an on-going shift from central to local taxation. However, the recommended increase in the Council Tax was lower than those levied in the recent past by the previous Administration.

The Executive noted the recommendations of the Budget Panel meeting held on 7th February 2008 and the motion in the name of Councillor Blackman.

RESOLVED:-

1. The Executive notes that the formula grant cash increase compared with 2007/08 is only £3.1m (2%). This does not even cover inflation, currently running at over 4%, and makes no allowance for Brent's significant population rises and ever increasing demand for services.
2. Additionally the budget has had to fund items over which the Council has little or no control that have been imposed by central government and other outside agencies. These include:
 - (i) The Government has increased Landfill Tax by 33.33% which will cost Brent Residents an extra £940k.
 - (ii) Over 3% of the total budget goes to the West London Waste Authority, the Environment Agency, London Pensions Fund Authority and Lee Valley Regional Park. Even excluding the landfill tax these levies have increased by around £1m.
 - (iii) The Government has cut Housing Benefit for accommodating homeless families. The overall reduction in the last two years now costs Brent Residents an extra £2.5m.
 - (iv) The cost transfers from the NHS will cost Brent Residents around £7m extra through their Council Tax bills without any new funding provided from central government to cover this additional responsibility.

We note that without all these additional burdens the Council Tax in Brent could have been frozen for the 2nd year running.

3. We note that over 23% of the total Council Tax paid by Brent Residents goes to fund the GLA. The GLA precept has gone up by over 150% since 2000/01 when the GLA was formed.
4. Despite the above we note that these budget proposals bring a continuation of the real growth in the Council's front-line services that the Administration heralded in last year's budget. Major areas of planned service improvement where extra resources have been earmarked include:
 - £5.7m to meet the rising demand for adult social care
 - New library in Harlesden and a major refurbishment of Neasden Library
 - £300k to libraries which will support longer opening hours and new books
 - Full roll out of Neighbourhood Working with £20k per ward available for locally agreed projects
 - Use of Area Based Grants to fund additional activities for young people including the Youth Parliament
 - Roll out of extended schools
 - Phase 3 of the Children's Centres
 - Over half a million pounds a year for upgrading roads and pavements in the Capital Programme
 - A further £483k for street lighting

- New CCTV cameras at transport interchanges
 - £50,000 a year towards the planting of at least 2,010 new trees across Brent by 2010
 - More Street Recycling bins at stations
5. We have funded the majority of this growth from efficiency savings and fees and charges levied at the point of service delivery. Front-line services have been protected.
 6. The Executive therefore notes the comments and recommendations of the Budget Panel and thanks them for their informed input to the overall process.
 7. The Executive notes the report and agrees to forward it as amended by:
 - (a) the final Greater London Authority precept; and
 - (b) any other significant changes to the budget figures,

to Full Council on 3rd March 2008 who are asked to agree the recommendations 2.1 to 2.37.

14. **Waste Policy and Compulsory Recycling**

The report from the Director of Environment and Culture requested approval to formally adopt the Waste Policy and to implement compulsory recycling in 2008. Councillor Van Colle (Lead Member, Environment, Planning and Culture) introduced the report and advised that during consultation, the proposals for compulsory recycling had been well received. He set out the reasons why a phased approach was not being recommended and expressed the wish that residents would readily take part in the initiative. The aim was for a reduction in the waste tonnage sent to landfill and compulsion would be a last resort.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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In response to concerns raised by Councillor Detre and the suggestion that a pilot scheme be tried prior to entering into a borough wide contractual arrangement, the Director of Environment responded that a leisurely approach was not an option given the new central Government recycling targets and the increased levels of landfill tax. Other members spoke in support of the proposals, noting that boroughs that had adopted a phased approach had moved to compulsion. It was felt that the Council had a responsibility to set an example in protecting the environment and to make the community aware of the financial impact on Council tax levels.

RESOLVED:-

- (i) that the response from the consultation on the Waste Policy for Brent be noted;

- (ii) that approval be given to the formal adoption of the Waste Policy for Brent (attached at Appendix A to the report from the Director of Environment and Culture);
- (iii) that officers to implement compulsory recycling in the 2007/08 year;
- (iv) that the Director of Environment and Culture be authorised to enter into further discussions with Veolia on the additional collection costs and the final details of the timetable for introducing compulsory recycling and make decisions thereupon.

15. The Schools Budget and Review of School Funding Formula 2008/09 to 2010/11

This report requested the Executive to approve the Schools Budget (SB) and to agree to proposed changes to the Fair Funding Formula for Brent schools in respect of factors relating to Additional Educational Need (AEN) and the delegation of the budget for Threshold and Performance Pay for the three year period 2008/09 to 2010 /11.

RESOLVED:-

- (i) that approval be given to the Schools Budget for 2008/09 and provisional budgets for 2009/10 and 2010/11 as detailed in Appendix 1 (with supporting detail in Appendix 2);
- (ii) that approval be given to the Schools Budget for 2008/09 and provisional budgets for 2009/10 and 2010/11 as detailed in Appendix 1 (with supporting detail in Appendix 2);
- (iii) that any variation in the DSG that may arise when actual January 2008 pupil numbers are taken account of, is accommodated by an adjustment to the rising rolls contingency and the amount allocated to the ISB for pupil number growth.
- (iii) that the five existing formula factors for SEN Non Statemented, Needs Led, Social Deprivation, Mobility and Pupil Retention be replaced with three new factors for Attainment, Social Deprivation and Underachieving Groups as detailed in paras 3.30 to 3.44;
- (iv) that the basis of allocation of the three new formula factors to be actual pupil numbers with the exception of the Attainment factor for primary and nursery schools where 25% of the resources would be allocated on the basis of the number of qualifying pupils expressed as a percentage of roll (Model C);
- (v) that the allocation of growth funding to the new formula factors for 2008/09 and the indicative allocations for 2009/10 and 2010/11 be as set out in para 3.55;
- (vi) that approval be given to the delegation of the budget for Threshold and Performance Pay in respect of Nursery, Primary and Secondary schools with effect from 2008/09 with the resources being allocated on the basis of Aged Weighted Pupil Units;

- (vii) that in respect of the delegation of Threshold and Performance Pay that transitional protection should be provided to limit gains and losses in year 1 (2008/09) to 33.3%, Year 2 to 66.6% with full allocation in year 3;
- (viii) that approval be given to the deferral of the delegation of the budget share for Threshold and Performance Pay in respect of Special schools pending a planned review of the Special School formula during 2008.

16. **The proposed rebuild of John Kelly Boys' and Girls' School (or its successor) – Compulsory Purchase of Land at Dollis Hill Industrial Estate, Brook Road, London NW2**

This report sought approval for the making of a CPO also under Section 530 (1)(c) following the approval in principle of the submission of an Expression of Interest (Eoi) for John Kelly Schools to achieve Academy status.

The Executive also had before them appendices to the report which were not for publication as they contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:-

- (i) that approval be given to the making of compulsory purchase orders (CPOs) to acquire (save those already owned by the Council) all of the interests and rights in land at Dollis Hill Industrial Estate, Brook Road London NW2 which is edged by a thick line on the plan attached to Appendix 1 of this report ("the CPO Land") firstly (in respect of the Land shown hatched) under section 530 (1)(a) and (c) of the Education Act 1996 for the purposes of the John Kelly Boys Technical College and the John Kelly Girls Technical College which are maintained by the Council (and any successor school) and if those schools (or either of them) becomes or are to become an academy or academies, for the purposes of that academy or academies and secondly in respect of the remainder of the Land under section 226 (1)(a) of the Town and Country Planning Act 1990;
- (ii) that approval be given to the submission of the CPOs, once made, to the Secretary of State for confirmation, whilst at the same time seeking to acquire the land by private negotiated treaty.
- (iii) that authority be given to:
 - (1) Director of Children and Families 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 CPOs and including the offering back of any part of the Order Land not required by the Council 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;

(2) 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 CPOs be confirmed by the Secretary of State;

(3) Service of all requisite notices on the holders of the CPO Land relating to the making and confirmation of the CPOs;

(4) Director of Children and Families to remove from the CPOs any plot (or interest therein) no longer required to be acquired compulsorily for the scheme to proceed and to amend the interests scheduled in the CPOs (if so advised) and to alter the nature of the proposed acquisition from an acquisition of existing property interests to an acquisition of new rights (if so advised);

(5) Director of Children and Families 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;

(iv) that the Borough Solicitor be authorised to instruct Counsel and experts to represent the Council and provide evidence at any inquiry into the confirmation of the CPOs if necessary.

(v) that the Director of Children and Families be authorised, 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.

17. 2007 Annual Performance Assessment of Services for Children and Young People in the London Borough of Brent

This report summarised the judgements of the Office For Standards in Education (Ofsted) on the 2007 Annual Performance Assessment (APA) of services for children and young people in Brent. The Lead Member, Councillor Wharton stated that this was a positive result for that reflected the transformation programme and thanked the staff teams involved.

RESOLVED:-

that the note the outcome of the 2007 Annual Performance Assessment of services for children and young people in Brent and its contribution to the Audit Commission's comprehensive performance assessment (CPA) in 2007 be noted.

18. Authority to tender contract for the procurement of lunchtime catering services for Kingsbury High School

The report requested approval to invite tenders in respect of the provision of catering services for Kingsbury High School as required by Contract Standing Orders 88 and 89.

RESOLVED:-

- (i) that the tendering procedure followed to date be noted and approval given to the pre - tender considerations and the criteria to be used to evaluate tenders for the provision of catering services to Kingsbury High School as set out in paragraph 3.11 (vi) of the report from the Director of Children and Families;
- (ii) that officers continue with the tender process for the catering services contract and to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in (i) above.

(Councillor Wharton expressed a personal interest in this item, having children in attendance at the school).

19. **Authority to tender contract for the procurement of catering services for Claremont High**

This report requested approval to invite tenders in respect of the provision of a catering service for Claremont High School as required by Contract Standing Orders 88 and 89.

RESOLVED:-

- (i) that the tendering procedure followed to date be noted and approval given to the pre - tender considerations and the criteria to be used to evaluate tenders for the provision of a catering service to Claremont High School as set out in paragraph 3.11(vi) of the report from the Director of Children and Families;
- (ii) that approval be given to officers continuing with the tender process for the catering services contract and to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in (i) above.

20. **Kingsbury High (Foundation) Schools – proposal to dispose of the caretaker’s house, provided no alternate use has been decided**

Kingsbury High School had given notice on 29th November 2007 to the Director of Children and Families that the governing body intended to dispose of the former caretaker’s house at 75 Roe Green, Kingsbury, NW9 (as shown on the plan attached to the report from the Director of Children and Families, edged in red, in Appendix 1) (“Site”) and that they wish to use 100% of the proceeds of the disposal to support the development of 6th form study facilities and to also refurbish the Technology block.

Their notice was pending the decision of the Executive that the Council has no relevant use of this site that overrides the need of the school to reinvest 100% of the proceeds to improve the existing infrastructure of the school, so to enhance the quality of teaching and learning, thus helping the school’s continuing drive to raise standards of achievement.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as

specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:-

- (i) that it be agreed that the Council is unable to demonstrate that it has a use for this site that overrides the needs of the school to use the proceeds from disposal of this site in the renewal of the teaching and learning accommodation;
- (ii) that agreement be given to the governing body disposing of their interest in the former Caretaker's house on condition that
 - (a) The property is first offered for sale for a period of up to 30 days from the date of this Executive meeting to the Council, at a price to be agreed between the parties, for residential or other Service User purposes and the Council not wishing to purchase it ;
 - (b) 100% proceeds of the disposal are re-invested in improving education provision by developing its 6th Form study facilities and improving the Technology block.

21. Fees and charges for 2008/09

Councillor Blackman introduced this report which set out the proposed fees and charges for Council services in 2008/09. It also set out how officers proposed to take forward work carried out for the Council on fees and charges by PricewaterhouseCoopers (PWC). The proposals in the report from the Director of Finance and Corporate Resources were reflected in the separate report before the meeting on the 2008/09 Budget and Council Tax. He referred to the measures that were being taken to achieve additional income and reminded the Executive that the Budget Panel would be giving the report detailed consideration on 18th February.

RESOLVED:-

that approval be given to:-

- (i) to the measures to achieve the £1.5m target for additional income in 2008/09 set out in Appendix A;
- (ii) the proposed fees and charges set out in Appendices B and C, to apply from 1 April 2008;
- (iii) the approach to taking forward the work PWC have carried out on revenue income optimisation (section 5).

22. National Non Domestic Rate Relief Policy

The Council has the discretion to award rate relief to charities or non-profit making bodies. This report proposed revisions to the existing rate relief policy

designed to both simplify and clarify the qualifying conditions and reduce the administration involved of both members and officers in determining claims for rate relief.

RESOLVED:-

- (i) that the amendments to the policy for Discretionary Relief be approved and agreement given to the implementation of the new policy;
- (ii) that agreement be given to an implementation date of 1st April 2008 for this policy.

23. Local Development Framework Site Specific Allocations: Omission sites and boundary changes

This report presented the proposed "Omission Sites and Boundary Changes" Site Specific Allocations Submission stage Development Plan Document of the emerging Local Development Framework. The document contained proposed new sites (i.e. omission sites) and proposed new boundaries to existing sites following Submission stage public consultation. Circulated in advance of the meeting was a supplementary report which corrected an error in the map relating to site S111, Harlesden Plaza, which was noted.

RESOLVED:-

- (i) that approval be given to the document being put to public consultation for a period of 6 weeks on or about the 15th of February 2008 and responses reported to the Secretary of State in accordance with guidance;
- (ii) that agreement be given to the Council's responses to the proposed changes as set out in paragraphs 3.7, 3.11, 3.14, 3.16, 3.18, 3.20, 3.22, 3.24, 3.26, 3.28, 3.31 and 3.33 of the report from the Director of Environment and Culture.

24. Housing Revenue Account (HRA) Budget Report 2008-9

This report presented to members the Revised (Probable) Budget for 2007/2008 and the Draft Budget for 2008/2009 as required by the Local Government and Housing Act 1989. Members were required to consider these budget estimates and the associated options. There was a requirement to set a Housing Revenue Account (HRA) budget that does not show a deficit and in particular there was a need to consider and agree the level of rents for 2008/2009.

RESOLVED:-

- (i) that approval be given to the Revised (Probable) Budget for 2007/2008 (Appendix 2 Table 1 of the report from the Director of Housing and Community Care);
- (ii) that the draft Budget for 2008-09 (Appendix 2 Table 1) be noted in the light of Officers' advice contained in the report from the Director of Housing and Community Care;

- (iii) that agreement be given to the growth items, totalling £581k, as set out in paragraph 3.41 of the report;
- (iv) that agreement be given to the savings/budget reductions as set out in paragraph 3.46 of the report;
- (v) that approval be given to an average overall rent increase (excluding service charges) of £4.23 per week, which is an average overall increase of 5.16%. This to be applied on an individual basis to each property based on the Government's rent convergence guidelines as detailed in paragraphs 3.18 to 3.22. This will raise an additional £2.044m;
- (vi) that approval be given to increase service charges by 3.9% raising an additional £90K;
- (vii) that agreement be given to increase the rents on Middlesex House (including Service Charges) by 3.9% raising £30K;
- (vii) that agreement be given to increase the rents on the Brent Stonebridge Dwellings by an average 5.5%, raising £82k, and to increase the service charges by 5.95%, raising £5k;
- (ix) that the Director of Housing and Community Care is delegated to agree the ALMO management fee after negotiations with that organisation on the basis it is funded from agreed overall financial resources for the financial year 2008/09.

25. **ALMO Settled Homes Initiative**

A report to the Executive on 16th August 2007 provided 'in principle' approval for the Council's Arm Length Management Organisation (ALMO), Brent Housing Partnership Limited (BHP) to deliver a pilot Temporary To Permanent Housing Scheme to deliver up to 260 new homes using funding of £5m allocated by the Housing Corporation under their Settled Homes Initiative. This report set out the arrangements for delivering that scheme, including the proposal to establish a Special Purpose Vehicle (SPV) and how the SPV would deliver the pilot scheme following further legal and financial advice received by BHP and the Council.

RESOLVED:-

- (i) that agreement be given to proceed with the settled homes initiative comprising the acquisition of some 260 properties to be used for temporary accommodation for homeless families and to agree that such properties may be owned and managed by BHP and/or an SPV established for that purpose;
- (ii) that BHP establish a Special Purpose Vehicle (SPV) as a wholly owned subsidiary to deliver the Settled Homes Initiative described in this report;
- (iii) that it be noted that a further report would be submitted to the Executive setting out the revised financial model for the scheme, the tax implications including SDLT, the proposed composition and constitution

of the SPV (including any proposal to obtain charitable status), the proposed loan agreements to be entered into (and any requested loan guarantees to be given by either BHP or the Council), the form of the leases to be granted by the SPV to BHP and the proposals for paying for voids and using surpluses;

- (iv) that it be noted that the further report would also set out the changes required to be made to BHP's constitution and/or the Management Agreement in order to facilitate the scheme;
- (v) that authority be delegated to the Director of Housing and Community Care to agree a nominations protocol but to note that any contractual arrangements concerning nominations will be the subject of a further report to members which will include any tax implications associated therewith;
- (vi) that it be noted that the swap scheme would be the subject of a further report to members and is excluded from the Settled Homes Initiative now described in this report.

Councillor O'Sullivan declared a personal interest in the above item as a board member of Brent Housing Partnership.

26. Authority to award contract for the West London Sub-Regional Temporary to Permanent Housing Scheme

This report requested authority to award a contract for the Sub Regional Temporary to Permanent (TTP) Housing Schemes as required by Contract Standing Order No 88. This report summarised the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:-

- (i) that approval be given to the award of the contracts for the procurement and supply of units of accommodation and the management and maintenance services for Brent Council (and the other participating West London Boroughs) for the Sub Regional TTP Housing scheme to the Special Purpose Vehicle to be established by the Lloyds Consortium, subject to the Director of Finance and Corporate Resources, in consultation with the Borough Solicitor, being satisfied that any outstanding contractual and operational issues have been resolved;
- (ii) that it be noted that there are a number of outstanding contractual and operational issues (as set out in section 4 of this report) that still need to be finalised;

- (iii) that authority be delegated to the Director of Housing and Community Care to determine the exact terms of the various agreements to be entered into, in consultation with the Director of Finance and Corporate Resources and the Borough Solicitor, specifically the terms of:
 - (a) The overarching multi-party agreement with the other participating West London Boroughs which form the West London Housing Partnership; and
 - (b) The agreement specific to Brent Council (including the heads of terms of lease agreement and the heads of terms of the facilities management agreement).
- (iv) that the Director of Housing and Community Care be authorised to agree a Sub Regional nominations protocol and form of agreement with the other participating West London Boroughs for the effective working of the Sub Regional scheme.

27. Item called in by the Forward Plan Select Committee - 30th January 2008: Public Right of Way Improvement Plan – approval to consult

RESOLVED:

that the recommendation from the Select Committee be noted.

28. Exclusion of Press and Public

RESOLVED:-

that the press and public be excluded from the meeting for the next item as it contains the following category of exempt information specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

29. Clock Cottage, Kenton Road, Harrow

This report set out proposals for the future of Clock Cottage, Kenton Road, Harrow.

RESOLVED:

- (i) that approval be given to dispose of the “Clock Cottage” site and adjacent park land shown hatched red on the attached plan, (Appendix 2) but in the case of the latter subject to paragraph 2.4 of the report and for the price indicated in the report from the Director from the Director of Finance and Corporate Resources subject to the conditions set out therein;
- (ii) that the Head of Property and Asset Management be authorised to agree such other terms for the disposal of the Clock Cottage site as shall be in the best interests of the Council, but in particular, shall include

- (a) where the completion of this disposal is deferred for any significant period to seek to apply an appropriate indexed increase to the above purchase price; and
 - (b) each party shall pay its own costs in the disposal.
- (iii) that authority be delegated to the Head of Property and Asset Management to consider any objections which may be received to the proposed disposal of the area of park land and to exclude this area from the disposal if he considers that the objections are valid.

30. Renewal of Leases of Office Accommodation on Ground to 4th Floor, Brent House, 349-357 High Road, Wembley HA9 6BZ

Circulated in advance of the meeting was a report from the Director of Finance and Corporate Resources, but not included on the Forward Plan of key decisions, which sought approval to amalgamate the existing leases at Brent House into one lease on terms as contained within the Director's report.

The Chair certified the report as urgent as it was considered advantageous to the Council to amalgamate two existing leases into one lease at renewal. The landlord was agreeable to the amalgamation but for its own reasons required the lease to be completed immediately.

RESOLVED:-

- (i) that approval be given to the amalgamation of current leases at renewal of the lease as set out in the detail of the report from the Director of Finance and Corporate Resources;
- (ii) that the Head of Property and Asset Management be authorised to agree such other terms as appropriate in order to approve and agree completion of this lease.

The meeting ended at 9.30 pm.

P LORBER
Chair