

**Meeting of the Executive
Tuesday 26th May 2009 at 7.00 pm
LIST OF DECISIONS**

PRESENT: Councillor Lorber (Chair), Councillor Blackman (Vice Chair), and Councillors Allie, D Brown, Detre, Colwill, Sneddon, Van Colle and Wharton.

Councillors Butt, Dunwell and Mistry also attended the meeting.

Apologies for absence were submitted on behalf of Councillor Matthews.

ITEM 1 Villiers Road Playground

Summary:	This report is in response to a petition presented to Brent Council regarding proposals to develop and improve Villiers Road open space.
Ward(s):	Willesden Green
Decision Taken:	(i) that note the petition submitted by residents objecting to the refurbishment of Villiers Road playground be noted; (ii) that implement the proposed refurbishment as detailed in this report, including actions designed to reduce the risk of crime and anti-social behaviour; (iii) that the open space retain the name of Learie Constantine Open Space subject to the usual consultation arrangements.

ITEM 2 Property Searches Proposed Fee (local land charges)

Summary:	This report seeks approval to set a charge for access to property records provided by the Local Land Charges Office and to re-set the current property search fees in accordance with the new charges set out in Property Searches Regulations 2008.
Ward(s):	None
Decision Taken:	(i) that the implications of the new regulations made on 16 th December 2008 which came into force on 23 rd December 2008: - <i>"The Local Authorities (England) (Charges for Property Searches) Regulations 2008"</i> , known as the Regulations, which enables the Council to charge for providing access to property records from 6 April 2009 be noted; (ii) that approval be given to the fees for access to property records as set out in Appendix A to the report from the Director of Environment and Culture which in accordance with the new Regulations have been calculated on a cost recovery basis as shown in Appendix B; (iii) that approval be given to the existing fee structure for charges for property searches under the new regulations attached as Appendix C for 2009-10 to the report from the Director of Environment and Culture; (iv) that since the new Regulations were in force from 6 April, the new access to property records fee and revised property search fees will be applied with immediate effect.

ITEM 3 Old Kenton Lane Allotments

Summary:	The purpose of this report is to seek Members' approval to the grant of a lease of the Old Kenton Lane Allotment site to the newly constituted Old Kenton Lane Allotments Association
Ward(s):	Fryent
Decision Taken:	(i) that approval be given to grant a 7-years less two days lease of the Old Kenton Lane Allotment site to Old Kenton Lane Allotments Association (a non-profit making body set up for the purpose of administering the allotments and associated activities) provided that the Head of Property and Asset Management is satisfied with the terms of the constitution of the Association; (ii) that the Head of Property & Asset Management be authorised to agree such other terms as are in the best financial interest of the Council in granting the lease.

ITEM 4 Lease Renewal of Suites 122 and 123 , 1st Floor, 1 Olympic Way, Wembley

Summary:	To renew the lease at Suites 122 and 123, 1 st Floor, 1 Olympic Way, Wembley.
Ward(s):	Tokyngham
Decision Taken:	That authority be delegated to the Head of Property and Asset Management in conjunction with the Borough Solicitor to renew the lease in accordance with the details set out in the report from the Director of Finance and Corporate Resources.

ITEM 5 Edward Harvist Trust Fund – amendment in criteria 2009/10

Summary:	This report concerns the allocation of the Edward Harvist Trust Grant in 2009/10. It seeks Members approval to amend the current criteria used to assess applications for the Fund. The report is requesting that the current maximum amount awardable to any organisation be reduced to £5,000 from the current £7,000. The reduction in the maximum is being requested to reflect the limited fund that we anticipate will be available for allocation in 2009/10.
Ward(s):	None
Decision Taken:	(i) that approval be given to the changes to the criteria for the Edward Harvist Trust as set out in Appendix A of the report from the Director of Housing and Community Care; (ii) that approval be given to the proposal to reduce the maximum level of funding from £7,000 to £5,000 to individual groups/projects applying for the grant. (iii) that approval be given to the proposal that only one round will be advertised in 2009/10. The proposed timescales/schedule for this is attached as Appendix C to the Director's report.

ITEM 6**Adult Social Care Review of Fees and Charges 2009/10**

Summary:	This report seeks agreement to a charge for a new service or increased fees and charges for some Adult Social Care (ASC) Community Services. All services have been reviewed with the aim of identifying opportunities for additional income (where there is no conflict with other council priorities) as required by the council's policy direction on fees and charges. The council generates income from such charges to enable it to provide the necessary level of services to some of the most vulnerable people in Brent.
Ward(s):	None
Decision Taken:	<p>(i) that a new charge for the new re-ablement care service is introduced from Monday 6 July 2009 at the same rate as is currently charged for 1 hour of homecare (£17.48 per hour);</p> <p>(ii) that the charge for social care in Extra Care Sheltered schemes is increased for new residents who take up tenancies on or after 6 July 2009 based on the criteria for admittance into Extra Care of 7 hours of homecare at the current homecare rate (£17.48 per hour X 7 hours = £122.36 per week);</p> <p>(iii) that a transitional scheme is implemented for charging for social care services for residents of Extra Care Sheltered schemes where their tenancy starts before 6 July 2009 increasing the weekly charge by £10 per week. The aim of this transitional scheme is to bring existing tenants into line with the new charge over time but limiting their increase to £10 per week. This amount being added to each April by the same increment until the charge reaches the level payable by tenants who took up their tenancy on or after 6 July 2009;</p> <p>(iv) that it be agreed to await the decision of central government on charging for community care services and then to consider options for social care in Brent and therefore not to introduce a charge for day care;</p> <p>(v) that the Director of Housing and Community Care make savings in the department's budget for 2009/10 to off-set any loss of income arising from lower fees and charges than assumed in the council's Budget and detailed at paragraph 4.3 of the Director's report.</p>

ITEM 7**Commissioning Services for Carers 2009-2011- partnership arrangements**

Summary:	This report considers the best approach to deliver seamless, effective, efficient, good quality and value for money services for carers in Brent for the period 2009-10 and 2010-11 and recommends entering into a partnership arrangement with NHS Brent pursuant to Section 75 National Health Services Act 2006, to deliver such services.
Ward(s):	None
Decision Taken:	(i) that approval be given to the Council entering into partnership arrangements with NHS Brent for the establishment of a pooled budget for the period 2009-2011 with joint commissioning

ITEM 10**Authority to tender for housing support services for people with mental health issues, and associated supporting people contract issues**

Summary:	This report seeks authority to invite suitable providers to tender for four framework Agreements as required by Contract Standing Orders 88 and 89. Three Framework agreements will be for the provision of Supporting People funded accommodation services (two frameworks for accommodation based services and one for floating support services) and one additional framework agreement for the provision of accommodation based Health and Adult Social Care services for individuals with mental health issues who are returning to the Borough from out-of-borough placements. This latter service will be procured as a Collaborative Procurement between Brent NHS and Brent Adult Social Care Services and will be led by Brent Adult Social Care. The report additionally seeks authority to extend current Supporting People Mental Health contracts until September 2010.
Ward(s):	None
Decision Taken:	<p>(i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for three Frameworks for housing support services (some incorporating care services) as set out in section 6.12 of the report;</p> <p>(ii) that approval be given to the invite of tenders for three Frameworks for housing support services and their evaluation in accordance with the approved evaluation criteria referred to in paragraph 6.12 of the report from the Director of Housing and Community Care;</p> <p>(iii) that approval be given to a further extension of Supporting People contracts for Mental Health as specified in paragraph 5.2 and section 7 of the Director's report until 30th September 2010;</p> <p>(iv) that approval be given to a collaborative procurement of a fourth framework agreement with Brent Primary Care Trust (Brent NHS) for Adult Social Care accommodation based services for people with mental health issues who have been placed outside the borough and who are returning to Brent;</p> <p>(v) that approval be given to the pre-tender considerations and evaluation criteria specified in paragraph 6.12 of the Director's report and agree to tenders being invited for the collaborative procurement described in paragraph (iv) above.</p>

ITEM 11**Authority to Tender for Procurement and Management of Temporary Accommodation Contract**

Summary:	This report seeks authority in accordance with Contract Standing Orders 88 and 89 to invite tenders for a new contract for the Procurement and Management of Temporary Accommodation, to commence from 1 February 2010 for a period of three years, with an option to extend for up to a further two years.
Ward(s):	None
Decision Taken:	(i) that approval be given to the pre-tender considerations and

	<p>the evaluation criteria to be used to evaluate the tenders for the Procurement and Management of Temporary Accommodation contract as set out in paragraph 3.2.1 of the Director of Housing and Community Care's report;</p> <p>(ii) that approval be given to the invite of tenders and their evaluation in accordance with the approved evaluation criteria referred to in paragraph (i) above.</p>
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ITEM 12 Barham Park Estate Redevelopment

Summary:	<p>This report is to update Members on the progress that has been made on the Barham Park development since the last report to the Executive on 16 June 2008.</p> <p>It also seeks members' decisions for a range of items in order to progress the regeneration objectives for the site.</p>
Ward(s):	Sudbury
Decision taken	<p>(i) that approval be given to the scheme as proposed in section 3 of this report. "The Scheme", consists of the demolition of the residential units on the Barham Park Estate, a commercial unit on the Harrow Road frontage and the re-provision of some 358 new units created for private sale, rent or intermediate tenure together with commercial/retail space and community space;</p> <p>(ii) That the selection of Notting Hill Housing Trust ("NHHT") as the delivery partner for the redevelopment of the Barham Park Estate (the "Estate") in conjunction with its development partner, Countryside Properties ("CP UK Limited") be confirmed;</p> <p>(iii) that agreement be given to the disposal of the land currently comprised in the Estate to NHHT and/or CP UK Limited in accordance with the main terms set out in section 6 of this report;</p> <p>(iv) that the Director of Housing and Community Care be authorised, in consultation with the Director of Finance and Corporate Resources and the Borough Solicitor, to enter into a Principal Development Agreement ("PDA") with NHHT and CP UK Limited on such terms as the Director considers reasonable but reflecting the main terms set out in section 6 of this report subject to the Scheme receiving funding from the Homes and Communities Agency (HCA). Members should note that May 2009 is the target date to conclude negotiations;</p> <p>(v) that the Director of Housing and Community Care be authorised to enter into nomination agreements in respect of the newly constructed social housing units built as part of the redevelopment;</p> <p>(vi) that the Director of Housing and Community Care be authorised to consult with the existing residents of the Estate on the detailed proposals within the Scheme;</p> <p>(vii) that approval be given to the immediate cessation of permanent lettings on the Estate in order to assist the decanting process and note that all decants will be given band A status to enable the Council to fulfil its obligation in the PDA;</p> <p>(viii) That approval be given to the service of demolition notices in relation to properties on the Estate and authorise the Director of Housing and Community Care to issue all and any notices required to be issued in connection with such demolition;</p> <p>(ix) that the Director of Housing and Community Care be</p>

	<p>authorised to seek the Secretary of State's consent to the phased disposal and redevelopment of the Estate for the purposes of ground 10A of Schedule 2 to the Housing Act 1985 to enable the Council to apply for a court order to obtain vacant possession of residential dwellings let under secure tenancies;</p> <p>(x) that the Director of Housing and Community Care be authorised to seek the Secretary of State's consent for the disposal of the housing land on the Estate to NHHT and CP UK Limited in accordance with Section 32 of the Housing Act 1985 and section 25 of the Local Government Act 1988..</p> <p>(xi) That the proposed decant strategy for the redevelopment of the Estate in section 3 of this report and authorise the Director of Housing and Community Care to implement such strategy be noted;</p> <p>(xii) that the Director of Housing and Community Care be authorised to commence and comply with the procedure as set out in section 122(2A) of the Local Government Act 1972 to agree that the open space land on 776-778 Harrow Road is no longer required for the purpose for which it is currently held and to appropriate the land for housing purposes. In addition to this, to consider any objections made to the appropriation, and unless there are objections received which in his opinion are significant, to implement the appropriation. If such objections are received then a further report will be brought back to the Executive for consideration;</p> <p>(xiii) that support be given to the de-designation and re-use of the former Elms Court Allotment site as a decant site for the Scheme and instruct officers to work with NHHT to secure appropriate development, subject to de-designation being supported by the Secretary of State;</p> <p>(xiv) that approval be given to the making of compulsory purchase orders (CPOs) to acquire (a) the leasehold interests listed in appendix 4 being interests in the Estate which leasehold interests are referred to hereafter as "the CPO Land" under section 226 (1)(a) of the Town and Country Planning Act 1990 and (b) any new rights in the CPO Land which may be required under section 13 of the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(xv) 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 on such terms as may be agreed by the Director of Finance and Corporate Resources;</p> <p>(xvi) that authority be given to the:</p> <p>(1) Director of Housing and Community Care 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 CPO 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;</p> <p>(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;</p>
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	<p>(3) service of all requisite notices on the holders of the CPO Land relating to the making and confirmation of the CPOs;</p> <p>(4) Director of Housing and Community Care 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);</p> <p>(5) Director of Housing and Community Care 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;</p> <p>(xvii) that the Director of Housing and Community Care 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.</p>
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ITEM 13 Review of Housing Revenue Account (HRA) Council Dwellings Rent Increase for 2009-10

Summary:	<p>The Executive, on 16 February 2009, agreed to increase HRA Council Dwelling Rents for 2009-10 by an average of 6.01% or £5.18 per dwelling per week. This increase was fully in line with the Government's rent restructuring policy, which assumed that National Guideline Rents would increase by 6.2% in 2009-10. The Executive also noted that local, London wide, and national government lobbying was taking place on the HRA settlement for 2009-10 and they agreed that in the event that this lobbying were successful, and additional subsidy was paid to Brent in 2009-10, then consideration be given to reducing rent in line with rent restructuring to reflect this. On 6 March 2009, the Minister for Housing announced that average national guideline rents for 2009-10 would be reduced from 6.2% to 3.1%, and that funding would be made available to support Local Authorities to reduce planned rent increases for 2009-10. In light of these changes, this report asks Members to reconsider the rent increase for the HRA Council Dwellings for 2009-10.</p>
Ward(s):	None
Decision Taken:	<p>(i) that the Government's offer of a revised guideline rent increase for 2009-10 of 2.66% (instead of 5.8%) which will increase the amount of Housing Subsidy that the Council receives in 2009-10 by £1.227m be accepted;</p> <p>(ii) that agreement be given to reduce the overall average HRA Council Dwelling actual rent increase (excluding service charges) for 2009-10 from £5.18 to £2.18 per week per dwelling, which means that the overall increase will be reduced from 6.01% to 2.53%. This reduced increase is to be applied on an individual basis to each property based on the Government's rent convergence guidelines as detailed in paragraphs 3.14 to 3.16. This will raise a revised additional £1.056m rent income in 2009-10 when compared to 2008-09, and reduce the current rent income budget for 2009-10 by £1.452m.</p> <p>(iii) that the revised rent increase set out in paragraph (ii) above</p>

	<p>be implemented on 6 July 2009 or as soon as practically possible after that date, and that the revised increase be effective from 6 April 2009;</p> <p>(iv) that approval be given to the virements for the HRA Budget for 2009-10 as set out in paragraph 3.18 of the report from the Director of Housing and Community Care.</p>
ITEM 14	Local Authority (LA) Governor Appointment Procedure
Summary:	This report sets out relatively minor changes to the council procedure for appointing LA governors and for dealing with any complaints made against them.
Ward(s):	None
Decision Taken:	that agreement be given to the procedures set out as appendix one of the report from the Director of Children and Families.
ITEM 15	Sudbury Primary School – Primary Capital Programme funding required to enable necessary school expansion
Summary:	Recent projections of demographics point to a shortage of between 5FE and 13 FE at Primary level, adopting respectively a 5% and a 10% level of surplus places to enable choice and diversity within the borough. The Council and Sudbury School Governors have consulted on the statutory proposal to expand the school by 1FE to help meet the shortfall of places. The expansion of Sudbury School features as a high priority in the Council's recent submission to the DCSF for funding from Primary Capital Programme (PCP). The report therefore seeks approval from the Executive for the proposal to fund expansion at Sudbury Primary School as a means to meet the sharply rising demand for school places in the borough, to be funded primarily from PCP.
Ward(s):	Sudbury
Decision Taken:	<p>(i) that approval be given to the allocation of up to £6.50m in total, from Primary Capital Programme funding, to support the expansion proposal at Sudbury School;</p> <p>(ii) that approval be given to the approach to be taken with Sudbury School that will assist in alleviating the continued pressure on school places as well as supporting the school's wider education vision, to incorporate community cohesion and participation.</p>
ITEM 16	Authority to award contract for the provision of education, employment, training and careers connexions services in Brent
Summary:	This report requests authority to award a contract for the provision of education, employment, training and careers Connexions services to the Council as required by Contract Standing Order No 88. This report summarises 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.
Ward(s):	None
Decision Taken:	That the contract for the provision of education, employment,

	training and careers Connexions services be awarded to to Prospects Services Limited for an initial contract period of twenty months from 1 st August 2009 to 31 st March 2011 with an option for the Council to extend by any number of periods up to an aggregate of 2 years.
ITEM 17	Redevelopment of SEN Provision at the Hay Lane and Grove Park School Sites
Summary:	<p>Hay Lane and Grove Park are all-age community special schools. They are adjacent to each other and share a site. The buildings of both schools are facing major suitability and condition problems.</p> <p>This report sets out the business and educational case for the redevelopment of the schools. It seeks Executive approval to proceed with the redevelopment. The proposed resourcing arrangements are set out in the report and are subject to approval from the Schools Forum.</p> <p>This report also proposes the relocation of the split site respite facilities currently at Crawford Avenue and Clement Close to be co-located onto the Hay Lane and Grove Park school site. This will not only realise efficiency savings but also lead to improvements in the quality of respite provision in the borough.</p>
Ward(s):	None
Decision Taken:	<p>(i) that agreement be given to proceed to the design phase for the scheme based on:</p> <ul style="list-style-type: none"> (a) the total rebuild of both Hay Lane and Grove Park special schools, with the exception of the new post 16 block, on the existing site (b) the relocation of Respite Centres from Crawford Avenue and Clement Close to the Hay Lane/Grove Park site and declaring both the former sites surplus to Children & Families requirements (c) the use of the £8m Targeted Capital Fund on the rebuild project (d) the use of ongoing savings generated towards financing the the costs of the scheme, including the requirement to seek approval from the Schools Forum for an annual contribution from the schools budget (e) the acquisition of the Roberts Court Land <p>(ii) that it be noted that the current projections show that the costs will exceed savings in the first few years of the project. This would require the Council to identify funding streams to cover these costs;</p> <p>(iii) that it be noted that through the design stage further opportunities for reducing construction costs and realising revenue funding from land sales of housing development will be fully explored. If successful, this would reduce the project costs and reduce any potential contribution required from the General Fund.</p> <p>(iv) that it be noted that a further report will be brought to the Executive for a final decision on the redevelopment of Hay Lane and Grove Park school sites.</p>

ITEM 18	Wembley Park Academy : award of Design & Build (D&B) contract and entry into a development agreement (DA) with Ark
Summary:	At their meeting of 15 th December 2008 the Executive gave approval, to the draft Final Business Case with authority being delegated to the Director of Children and Families (C&F), in consultation with the Director of Finance and Corporate Resources to approve the final business case for onwards submission to Partnership for Schools (PfS). This report updates members on progress since December 2008 and seeks approval to the award of the D&B contract to Willmott Dixon Construction Limited (Willmott Dixon) and the entering into a Development agreement with Ark.
Ward(s):	Preston
Decision Taken:	(i) that approval be given to award the Design and Build contract for the construction of the Academy to Willmott Dixon subject to (a) Granting of planning permission (b) Approval of Final Business Case (FBC) (ii) that approval be given to to enter into the Development Agreement for the construction of the Academy with ARK.
ITEM 19	Appointments to Committees 2009/10
Summary:	
Ward(s):	None
Decision Taken:	That the following appointments be approved: Highways Committee: D BROWN Lorber Allie MATTHEWS Allie Sneddon WHARTON Sneddon Lorber DETRE Blackman Colwill VAN COLLE Colwill Blackman London Councils Grants Committee (Associated Joint Committee) COLWILL Detre (Deputy) Blackman (Deputy) Van Colle (Deputy)

BELOW THE LINE REPORT

ITEM 14 **Final terms for the Sale of Granville New Homes to Brent Housing Partnership**

Summary:	At its meeting on 15 December 2008, the Executive agreed to dispose of Granville New Homes to Brent Housing Partnership. This report sets out some changes to the circumstances surrounding the disposal and seeks agreement to revised terms for the final deal.
Ward(s):	None
Decision Taken:	That approval be given to the final terms for the sale of Granville New Homes to Brent Housing Partnership as detailed in the report from the Director of Housing and Community Care.

P Lorber
Chair