

**MINUTES OF THE FORWARD PLAN SELECT COMMITTEE**  
**Wednesday, 26<sup>th</sup> September 2007 at 7.30 pm**

PRESENT: Councillor Coughlin (Chair) and Councillors V Brown, Castle, Dunwell (alternate for Councillor Detre), Malik and Powney.

Apologies for absence were received from Councillors Blackman, Detre, Leaman and J Long.

Also present was Councillor Lorber (part).

**1. Declarations of Personal and Prejudicial Interests**

None

**2. Deputations**

None

**3. Minutes of Last Meeting – 22<sup>nd</sup> August 2007**

RESOLVED:-

that the minutes of the meeting held on 22<sup>nd</sup> August 2007 be received and approved as an accurate record.

**4. Matters Arising**

None

**5. Call-in of Executive Decisions from the meeting of the Executive on Tuesday, 11<sup>th</sup> September 2007**

There were none.

**6. The Executive List of Decisions for the meeting that took place on Tuesday, 11<sup>th</sup> September 2007**

RESOLVED:-

that the Executive List of Decisions for the meeting that took place on Tuesday, 11<sup>th</sup> September 2007 be noted.

**7. Briefing notes/information updates requested by the Select Committee following consideration of earlier versions of the Forward Plan (2007/08)**

**(i) *Briefing Report for the Proposed Disposal of Clock Cottage, together with surrounding land and premises, Kenton Road, Kenton***

Members of the public were not permitted to attend the meeting during discussion of this item as appendices to the briefing note were not for

publication, as they contained a category of information exempt from the provisions of Schedule 12 of the Local Government (Access to Information Act) 1972 namely:

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

Richard Barrett (Head of Property and Asset Management) introduced the briefing note, advising Members that a number of meetings had taken place with interested parties in respect of the future of the site. The initial offer for the Clock Cottage site from St Luke’s had not been accepted, however discussions with St Luke’s continued as the Council sought a new offer with improved terms. The Scout site had previously been approved as a potential site for a Private Financial Initiative (PFI) housing scheme and informal discussions had been taking place with Brent Co-Efficient (BCE) who were the preferred bidder for the Housing PFI, as well as St Luke’s and the appropriate Scout Troop. Richard Barrett advised that any future reports would include consideration of Clock Cottage, the Scout site and also the Electricity Sub Station land, which St Luke’s had expressed an interest in but the Council was considering retaining.

Councillor Dunwell queried whether limiting negotiations to a small number of organisations would hinder the Council’s efforts to obtain a best value agreement. He stressed that the Local Development Framework was to place emphasis not only in providing accommodation but also the appropriate amenities and facilities, and with this in mind he questioned whether St Luke’s would be able to address all the relevant issues for this site. He commented that consideration as to the future of the site seemed primarily concerned with the financial aspect and he hoped that a future report would also contain a full assessment of the socio-economic and community factors.

Councillor V Brown enquired whether any acceptance of a PFI bid for the Clock Cottage part of the site would mean the Council would have to relinquish the land at no cost. She also sought clarification with regard to the Electricity Sub Station part of the site. Councillor Castle enquired whether consideration of a best value offer took into account socio-economic factors and whether any consideration would be given to such factors in any decision made with regard to the site. Councillor Powney sought clarification as to the degree of interest that St Luke’s had in the Scout Hut land part of the site and why they might have an interest in acquiring part of a Council-owned park which abutted the site.

The Chair sought details with regard to the timescale for PFI units bidding and the prospects of St Luke’s acquiring the Scout Hut land part of the site. Officers were asked whether St Luke’s had been informed of the type of offer the Council would consider. The Chair also enquired what consideration would be given to the social, economic and community factors, commenting that these factors should be given equal weighting along with obtaining best value.

In reply to the issues raised, Peter Stachniewski (Deputy Director, Finance & Corporate Resources) advised Members that the PFI bid for the Clock Cottage part of the site had been withdrawn. However, up to 200 further PFI units could be bided in the middle part of 2008 and it was possible that the Clock Cottage part of the site could be re-considered as a potential site, although it would only be able to accommodate up to 8 units. The bid to CLG for PFI credits for the additional 200 units was expected to be submitted shortly after 30<sup>th</sup> November 2007. Peter Stachniewski added that the Council would argue that it should secure a receipt from disposal of Council-owned land for the additional 200 PFI units as the Council had already made a considerable financial contribution for the initial 400 units. Maggie Rafalowicz (Assistant Director, Housing Strategy and Regeneration) added that BCE were currently only interested in Scout Hut Land part of the site.

Richard Barrett advised that whilst consideration of other factors, such as socio-economic benefits to the community, were to be taken into account, he was obliged to try to obtain best value for the site, hence the refusal of St Luke's initial offer and the continuance of negotiations with them. The Executive could choose as to what weight it would place on other factors in addition to best value when deciding the future of the site. However, it was hoped that negotiations would reduce the gap between the Council's and St Luke's valuation of the site. Details were also being sought from St Luke's as to the specific uses they were intending and these would be reported to Members. St Luke's were aware that the Council was seeking best value and that their current offer did not achieve that. In addition, although St Luke's retained an interest in obtaining the Scout Hut land part of the land, it was not clear that they had the resources to acquire the entire site. Richard Barrett confirmed that when he referred to best value he was specifically referring to obtaining best financial return, which would equate to market value. With regard to the Electricity Sub Station part of the site, the Select Committee heard that this was of small value to the Council, however options were being kept open in respect of this land as there were possible access issues to consider in respect of EDF, the electricity supply company who leased the land from the Council. Richard Barrett advised the Select Committee that St Luke's were interested in a section of a Council owned park abutting the site as it would be easier to develop the site and Parks Services had indicated that it would be beneficial to relinquish this part of the park, subject to consultation with park users.

Duncan McLeod (Director, Finance & Corporate Resources) stated that officers from Adult and Social Care would be responsible for input into the report in respect of the social, economic and community benefits of any bid. The Select Committee were also advised that if the offer from St Luke's was significantly below market value, it was possible that it could not be legally accepted and that any decision would be subject to legal advice.

The Select Committee then agreed to the Chair's motion that the next report to the Executive with regard to the Clock Cottage site provide equal balance between the financial considerations and the social, economic and community well being aspects should it be sold to St Luke's and to take into account the overall amenities that would be provided by such a sale and lack of amenity to

its patients and their families if St Luke's were denied acquisition on a favourable basis, pursuant to the Council's powers under Section 2 of the Local Government Act 2000.

RESOLVED:-

- (i) that the briefing note and update be noted; and
- (ii) that the next report to the Executive with regard to the Clock Cottage site provide equal balance between the financial considerations and the social, economic and community well being aspects should it be sold to St Luke's; and to take into account the overall amenities that would be provided by such a sale and lack of amenity to its patients and their families if St Luke's were denied acquisition on a favourable basis, pursuant to the Council's powers under Section 2 of the Local Government Act 2000.

***(ii) Award of Contract for the Non HRA Housing and Social Care PFI Project***

Maggie Rafalowicz introduced the briefing note, advising Members that a deadline of 30<sup>th</sup> November 2007 had been set for the finalisation of all necessary agreements and documents through negotiation that was currently being undertaken with BCE, the preferred PFI bidder. Members heard that because of an affordability gap due to increased costs, savings initiatives had been necessary, however changes to the specification of the project were still required. This had resulted in the total number of properties being reduced from 500 to 400, a reduction in the average size of units from 3 bedrooms to 2.5 bedrooms and a revised allocation between social housing at affordable rents and social housing at market rents. Maggie Rafalowicz advised that the new specification not only addressed the affordability gap, but the revised property mix also reflected the best configuration that was achievable when taking into account the planning and development constraints across each site. She emphasised the need to ensure that the affordability gap had been closed in time for finalisation of the project.

Maggie Rafalowicz stated that advanced negotiations were underway with regard to proposed changes to the Council's Allocation Scheme. The Select Committee noted that 9 schemes representing a total of 228 units under phase 1 of the project were currently going through the planning process, and that a further 172 units would be due for approval next year.

During Members' discussion, the Chair enquired on the possibility of the Council withdrawing from the project if it was not satisfied with the terms. He sought clarification concerning linkage in terms of financial resources between phases 1 and 2 of the project. Commenting on the greater risks involved in phase 2, the Chair sought information on what would happen to the project in the event of it not being able to secure the sites identified at this stage.

Councillor Dunwell asked whether any of the schemes proposed under phase 1 had potential planning permission issues, and in particular the likelihood of any scheme being at risk from judicial review under planning law.

In response, Peter Stachniewski advised the Select Committee that Hyde Housing Group, one of the organisations that the BCE was comprised of, had secured an option on all the sites identified. However, he stated that there was a possible risk that, were planning permission not granted for a particular site, additional costs could be incurred on any alternative site identified. Peter Stachniewski said that there was potential within the project to limit the financial impact of this on the council by reviewing the balance between properties in the project which were at affordable rent and those at market rent. He confirmed that construction cost overruns once schemes had been approved would be BCE's responsibility. In addition, Peter Stachniewski highlighted rising interest rates as another potential risk to the scheme, although the project had factored this in and had assumed a higher interest rate than the current level. In response to a query from the Chair concerning changes to the housing element, Peter Stachniewski advised that the Council could be required to allocate more units at market value where alternative sites had to be sought. However, he stated that where market rents increased at a higher rate than inflation, which they had done in the past, then the reverse would be true with some market value units being re-allocated to affordable or social housing units. In the event of any sites being subject to a judicial review, Peter Stachniewski advised that any delay would mean additional costs; however, the risk of this had to be offset against the cost of delaying start on site. With regard to withdrawing from the project, Peter Stachniewski advised that the alternative option would be to re-instate the social housing grant through the Capital Programme, however, the result would be a maximum of 100 units at affordable rents compared to the 200 plus units at affordable rents through the PFI scheme.

Maggie Rafalowicz added that to withdraw from the PFI project could possibly harm the Council's reputation. She advised the Select Committee that as Hyde Housing Group had already secured options on each of the sites, they were aware of what could be delivered on the sites and every effort had been made to minimise risks in terms of obtaining planning permission. Of the 9 schemes, 4 sites still needed to obtain planning permission before 30<sup>th</sup> November 2007. The Select Committee heard that there was an issue with regard to relocating trees at a site in Stonebridge, however, this is not a PFI site though adjacent to it. However Maggie Rafalowicz added that she was not aware of any interested party potentially raising a judicial review for any of the sites.

RESOLVED:-

that the briefing note be noted.

***(iii) Review of Free Parking Areas***

RESOLVED:-

- (i) that the briefing note be noted; and
- (ii) that a further briefing note be submitted to the meeting of the Forward Plan Select Committee on 24<sup>th</sup> October 2007 updating Members on the progress of this report.

**8. Briefing notes/ information updates requested by the Select Committee following consideration of Version 4 (03.09.2007 to 04.01.2008) of the Forward Plan**

***(i) Authority to Award Contracts for the Provision of Consultancy Services for the Civic Centre Project***

Members of the public were not permitted to attend the meeting during discussion of this item as appendices to the briefing note were not for publication, as they contained a category of information exempt from the provisions of Schedule 12 of the Local Government (Access to Information Act) 1972 namely:

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

Duncan McLeod introduced the briefing note, stating that a report on the final feasibility stage of the Civic Centre project would be presented to the Executive in February 2008. Duncan McLeod then drew Members’ attention to report to the Executive on 11<sup>th</sup> September 2007, stating that it described the scoring methodology that would be used to award the contract.

Councillor Lorber stated that the principal attraction in terms of a new civic centre was the opportunity to locate all services centrally, as opposed to the numerous buildings the Council currently operated from. A new civic centre would provide opportunity for rationalisation, and significant efficiency savings, compared with operating from a number of sites with high running costs. Councillor Lorber added that because of the regeneration that was being undertaken in Wembley, it was important that the Council maximised any agreement that was made for a new civic centre. He added that it was the intention to provide a new civic centre at existing office costs.

During discussion by Members, Councillor Dunwell, whilst acknowledging the financial considerations, emphasised the need to investigate the environmental viability of such a move and he enquired whether the report to the Executive would provide detailed consideration as to the environmental impact of moving all services to 1 area. He raised the issue of charging staff for parking and whether there would be extensive consultation with staff in respect of this. Councillor Dunwell also enquired whether a travel plan would be drawn up for staff.

The Chair sought details as to why the Council's Legal Services were not able to bid for the legal advice aspect of the contract. Councillor Powney enquired why legal advice costs seemed disproportionately higher than other types of advice.

In reply, Councillor Lorber stated that environmental issues, parking and travel plans would all be considered as part of the feasibility study and he stressed that identifying a location with good public transport access was essential to the project. He stated that any new building would be required to operate more efficiently and be environmentally friendly.

Duncan McLeod added that the issue of sustainability was part of the evaluation criteria and included for example, consideration of CO2 usage. The Select Committee heard that it was anticipated that much less parking would be available to staff at the new site and that a staff travel plan would shortly be published and Council Oyster Cards were already available to staff travelling around the Borough on Brent business. Duncan McLeod advised Members that the legal advice aspect was for a longer period than others, hence the disproportionately higher costs, whilst financial and architectural advice was provisionally up until March 2008, although this could be extended if necessary.

The Legal Adviser confirmed that the Borough Solicitor would write to the Chair clarifying the reasons why the Council's Legal Services could not bid to provide legal advice in respect of consultancy services for this project.

RESOLVED:-

that the briefing note be noted.

***(ii) Olympic Way – Management of Highway***

RESOLVED:-

that the briefing note be noted.

***(iii) Award of Contract for the Provision of a Day Service for Asian Older People***

RESOLVED:-

that the briefing note be noted.

***(iv) Progress in the Contract for the Provision of a Multicultural Day Care Service for Older People***

RESOLVED:-

that the briefing note be noted.

**(v) Proposal for Borough Wide Controlled Drinking Zone**

RESOLVED:-

- (i) that the briefing note be noted;
- (ii) that a further briefing note be submitted to the meeting of the Forward Plan Select Committee on 24<sup>th</sup> October 2007 providing clarification of the decisions taken at the Executive meeting on 8<sup>th</sup> October 2007; and
- (iii) that the Lead Member for Crime Prevention and Public Safety and the relevant lead officer attend the meeting on 24<sup>th</sup> October 2007 to respond to Members' questions on this item.

**9. The Forward Plan – Issue 5 (2007/08)**

Issue 5 of the Forward Plan (08.10.07 to 01.02.08) was before members of the Select Committee. Following consideration of Issue 5 of the Forward Plan, the Select Committee made the following requests:-

**(i) Land at Coniston Gardens, Kingsbury**

The Select Committee requested a briefing note on this item updating Members on the progress of this report.

*The relevant Lead Member and lead officer for this item were not requested to attend the meeting and respond to Members' questions.*

**(ii) Stag Lane, Kingsbury**

The Select Committee requested a briefing note on this item updating Members on the progress of this report.

*The relevant Lead Member and lead officer for this item were not requested to attend the meeting and respond to Members' questions.*

**(iii) South Kilburn New Deals for Communities – Review of Governance Arrangements**

The Select Committee requested a briefing note on this item providing clarification of the decision taken at the Executive on the 8<sup>th</sup> October 2007.

*The relevant Lead Member and lead officer were requested to attend the meeting and respond to Members' questions.*

**(iv) South Kilburn Regeneration - Update**

The Select Committee requested a briefing note on this item providing clarification of the decision taken at the Executive on the 8<sup>th</sup> October 2007.



*The relevant Lead Members and lead officers were requested to attend the meeting and respond to Members' questions.*

**(v) Update on the Proposed Second City Academy at Wembley Park**

The Select Committee requested that the Executive report of the 8<sup>th</sup> October 2007 be attached for information.

*The relevant Lead Member and lead officer for this item were not requested to attend the meeting.*

**(vi) Delegation of Anti-Social Behaviour Order Functions to Brent Housing Partnership**

The Select Committee requested a briefing note on this item updating Members on the progress of this report.

*The relevant Lead Member and lead officer were requested to attend the meeting and respond to Members' questions.*

Councillor Powney expressed concern that a decision on Barham Park Estate Redevelopment Options was still outstanding.

***Briefing notes previously requested and due for consideration at the meeting of the Select Committee on 24<sup>th</sup> October 2007, subject to confirmation about the timescales for decision making:-***

- (i) Wembley Security Arrangements
- (ii) Stonebridge HAT Ballot Result
- (iii) Borough-Wide Roll-Out of Voucher Parking Trial
- (iv) Carolyn Print

***Briefing notes previously requested and due for consideration at the meeting of the Select Committee on 28<sup>th</sup> November 2007, subject to confirmation about the timescales for decision making:-***

One Stop Shops and Tricycle Theatre

**10. Items considered by the Executive that were not included in the Forward Plan**

There were none.

**11. Date of Next Meeting**

The next meeting of the Forward Plan Select Committee will be held on Wednesday, 24<sup>th</sup> October 2007.

12. **Any Other Urgent Business**

None

The meeting ended at 9.10 pm.

D COUGHLIN  
Chair