



Executive

Monday, 12 December 2011 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Lead Member Councillors:

Portfolio

John (Chair)	Leader/Lead Member for Corporate Strategy and Policy Co-ordination
Butt (Vice-Chair)	Deputy Leader/Lead Member for Resources
Arnold	Lead Member for Children and Families
Beswick	Lead Member for Crime and Public Safety
Crane	Lead Member for Regeneration and Major Projects
Jones	Lead Member for Customers and Citizens
Long	Lead Member for Housing
J Moher	Lead Member for Highways and Transportation
R Moher	Lead Member for Adults and Health
Powney	Lead Member for Environment and Neighbourhoods

For further information contact: Anne Reid, Principal Democratic Services Officer
020 8937 1359, anne.reid@brent.gov.uk

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item	Page
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1	Declarations of personal and prejudicial interests	
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Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

2	Minutes of the previous meeting	1 - 4
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3	Matters arising (if any)	
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4	Deputations (if any)	
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Environment and Neighbourhood Services reports

5	Arboricultural Services	5 - 12
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This report requests authority to establish a Framework Agreement for the provision of Arboricultural services, as required by Contract Standing Order No 88. This report summarises the process undertaken in tendering these requirements and, following the evaluation of the tenders, recommends which supplier should be appointed to the Framework Agreement. It is anticipated that the favorable prices obtained via this process mean that even with the £75k budget reduction forecast for next year, similar volumes of work will be undertaken.

Appendices also below

Ward Affected:
All Wards

Lead Member: Councillor Powney
Contact Officer: David Furse, Procurement,
David Thrale, Director of Environmental Health
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david.thrale@brent.gov.uk

6	Parking contract extension	13 - 18
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This report sets out current plans for re-tendering of Brent's contracts for parking enforcement and notice processing. In light of concerns about the timing of the new contracts in relation to the 2012 Olympic Games, and fresh opportunities for collaboration in retendering which have arisen, recommends that the existing contracts be extended for a twelve month period.

Appendices also below

Ward Affected:
All Wards

Lead Member: Councillor Powney
Contact Officer: Michael Read, AD (Policy and Regulation)
Tel: 020 8937 5302 michael.read@brent.gov.uk

Regeneration and Major Projects reports

7 South Kilburn Neighbourhood Trust - proposed constitutional amendments 19 - 22

This report proposes minor changes to the Memorandum and Articles of Association of the South Kilburn Neighbourhood Trust. In summary the amendments provide for the Trust to appoint a non-Director to the chair, which in turn will allow for the role to be remunerated. These changes have been agreed by the South Kilburn Neighbourhood Trust board, but the terms of the framework agreement between the Trust and the Council requires that all constitutional changes are agreed in writing by the Council. The report also proposes that any future minor amendments to the Memorandum and Articles of Association of the South Kilburn Trust be delegated to the Director of Regeneration & Major Projects in conjunction with the Director of Legal Services.

Ward Affected:
Kilburn

Lead Member: Councillor Crane
Contact Officer: Andrew Donald, Director of Regeneration and Major Projects
Tel: 020 8937 1049
andrew.donald@brent.gov.uk

8 LDF - submission of Joint West London Waste Plan 23 - 30

This report presents a draft of the proposed submission version of the Joint West London Waste Plan to be agreed for statutory public consultation across west London. It highlights the latest position on the proposed designation of sites for processing waste within Brent. It asks Executive to agree the Plan for publication and public consultation for 6 weeks commencing in February 2012.

Ward Affected:
All Wards

Lead Member: Councillor Crane
Contact Officer: Ken Hullock, Policy and Research Team
Tel: 020 8937 5309 ken.hullock@brent.gov.uk

Central Reports

9 Quarter 2 - Performance and Finance review 31 - 34

The purpose of this report is to provide members with a corporate overview of Finance and Performance information to support informed decision-making and manage performance effectively.

Appendices circulated separately

Ward Affected:

All Wards

Lead Member: Councillor John

Contact Officer: Clive Heaphy, Director of Finance and Corporate Services, Phil Newby, Director of Strategy, Partnerships and Improvement

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phil.newby@brent.gov.uk

10 Insurance tender - authority to award contract

35 - 36

This report requests delegated authority for the Director of Finance and Corporate Services to award the insurance contract that is currently out to tender.

Ward Affected:

All Wards

Lead Member: Councillor Butt

Contact Officer: Martin Spriggs, Exchequer and Investment

Tel: 020 8937 1472

martin.spriggs@brent.gov.uk

11 Collection Fund Surplus/Deficit at 31 March 2012

37 - 40

As part of the Council Tax setting process for 2012/2013 the Council is required to estimate the amount of any surplus or deficit on the Collection Fund as at 31 March 2012. This must be done by the 15 January 2012 and this report asks Members to approve the balance projected.

Ward Affected:

All Wards

Lead Member: Councillor Butt

Contact Officer: Mick Bowden, Deputy Director of Finance

Tel: 020 8937 1460 mick.bowden@brent.gov.uk

Children and Families reports

12 Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

13 Reference of item considered by Call in Overview and Scrutiny Committee (if any)

14 Exclusion of Press and Public

The following item(s) is/are not for publication as it/they relate to the following category of exempt information as specified in the Local Government Act 1972 namely:

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

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

APPENDICES:

- Arboricultural Services
- Parking contract extension

15 The Mead, Oxhey, Watford, WD19 5BY

This report informs the Executive of the disposal of the dwelling house 5 The Mead, previously occupied by a former service tenant and seeks the Executive's decision to proceed with the disposal by auction.

Ward Affected:

n/a

Lead Member: Councillor Crane

Contact Officer: James Young, Property and Asset Management

Tel: 020 8937 1398 james.young@brent.gov.uk

Date of the next meeting: Monday, 16 January 2012



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- The meeting room is accessible by lift and seats will be provided for members of the public.
- Toilets are available on the second floor.
- Catering facilities can be found on the first floor near The Paul Daisley Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Monday, 14 November 2011 at 7.00 pm

PRESENT: Councillor John (Chair), Councillor Butt (Vice-Chair) and Councillors Arnold, Crane, Long, J Moher, R Moher and Powney

APOLOGIES: Councillors Beswick and Jones

ALSO PRESENT: Councillors Chohan, Gladbaum, Mashari and Sneddon

1. Declarations of personal and prejudicial interests

None made.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 17 October 2011 be approved as an accurate record of the meeting.

3. Deputations - Dog Control Orders

With the consent of the Executive, local resident Carol Nicholls addressed the meeting in connection with the report from the Director of Environment and Neighbourhood Services which proposed the introduction of Dog Control Orders in Brent's parks and open spaces under the provisions of Section 55 of the Clean Neighbourhoods and Environment Act 2005. The Orders would cover the maximum number of dogs which may be taken onto land and areas where dogs would be excluded or kept on leads. While Ms Nicholls welcomed the introduction of the Orders she expressed concern at the proposals for one dog walker to be responsible for up to six dogs which she considered excessive. Ms Nicholls stated that local authorities were required to take into account other factors and referred to the fact that while some neighbouring boroughs had yet to decide, others set maximums of four or two. She felt there should be a unified approach and urged the Executive to reconsider. Additionally, Ms Nicholls felt that the length of the lead should be short enough to allow the dog walker to be kept in view. Ms Nicholls referred to improvements to local parks and open spaces in particular Willesden Sports Centre, Doyle Gardens and the nearby Children's Centre which had attracted more users but whose usage was spoiled by the presence of some dogs not properly controlled, frightening children and fouling playing fields and sports pitches which created a hazard.

Ms Nicholls recommended that the maximum length of a lead should be 48 inches, the number of dogs for which one dog walker could be responsible be limited to four and dogs to be banned from Willesden Sports Centre or, at least, kept on a lead.

Martin Francis, speaking on behalf of the voluntary organisation 'Brent School Without Walls' which frequently used Fryent Country Park, expressed concern at the activities of professional dog walkers who have been known to have responsibility for an excessive number of dogs who were allowed to run free into areas where they could not be seen and also worried horses. Mr Francis also stressed the need for the arrangements to be properly monitored.

The Chair thanked Ms Nicholls and Mr Francis for their contributions.

4. Dog Control Orders

The report from the Director of Environment and Neighbourhood Services proposed the introduction of Dog Control Orders in Brent's parks and open spaces. These would be made under Section 55 of the Clean Neighbourhoods and Environment Act 2005. Public consultation was undertaken between 7 February and 3 May 2011 the details of which were included in the report.

Councillor Powney (Lead Member, Environment and Neighbourhoods) summarised the provisions proposed to apply to Brent's Parks and, in response to concerns raised in deputations earlier in the evening, acknowledged that monitoring would be a key issue. Visits by officers would take place and there would be an opportunity for the arrangements to be reviewed.

Councillor Sneddon (Ward Councillor, Willesden Green) felt the additional dogs to be permitted in Brent compared to maximum numbers allowed in some neighbouring boroughs would adversely affect the perception of the borough. From the consultation he thought the maximum number supported to be four and asked that a review be carried out in six months' time.

RESOLVED:-

- (i) that approval be given to the introduction of the Dog Control Orders in parks and open spaces as set out in paragraphs 3.4 to 3.7 of the report from the Director of Environment and Neighbourhood Services;
- (ii) that the arrangements be reviewed after six months of operation.

5. Crest Academies: Award of Design and Build Contract to Rebuild the Crest Girls' and Crest Boys' Academies

The report from the Director of Regeneration and Major Projects sought authority to award the Design and Build Contract to completely rebuild the Crest Girls' and Crest Boys' Academies. The report outlined the project background and the procurement process undertaken. It also sought approval to enter into a Development Agreement with the Academies' sponsors and approval to submit the Final Business Case to Partnerships for Schools in order to subsequently award the Design and Build contract.

Councillor Crane (Lead Member, Regeneration and Major Projects) welcomed the development particularly in the light of the condition of the existing buildings. He drew attention to the financial implications as set out in the report and the funding to be provided by Partnership for Schools. It was anticipated that both schools buildings would be completed by April 2014.

The Chair drew members' attention to an appendix to the report, the Equalities Impact Assessment that had been circulated in advance of the meeting. The Executive also had before them other 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 draft Final Business Case (FBC) for the rebuild of the Crest Girls' and Crest Boys' Academies in the form annexed as Appendix 1 and delegate to the Director of Regeneration and Major Projects in consultation with the Director of Finance and Corporate Services authority to approve the FBC and to submit it to Partnerships for Schools (PfS);
- (ii) that approval be given to award the Design and Build Contract to Wates Construction Ltd for the rebuild of the Crest Girls' and Crest Boys' Academies subject to approval of the FBC from PfS and the Council entering into a Development Agreement with the Sponsor;
- (iii) that approval be given to the council entering into a Development Agreement in connection with the rebuild of the Crest Girls' and Crest Boys' Academies with the Sponsor;
- (iv) that the financial implications for the council (as detailed in paragraphs 4.1 – 4.13 and Appendices 3 and 4) of the report from the Director of Regeneration and Major Projects be noted;
- (v) that the arrangements for project management and technical advice for this project (as detailed in paragraphs 3.6 – 3.8) of the Director's report be noted;
- (vi) that the risks attached to this project and the strategy outlined for managing risk (as detailed in paragraphs 3.34 – 3.36) of the Director's report be noted.
- (vii) that officers' intention to appoint Wates Construction Ltd to undertake additional works outside of the Design and Build Contract (as detailed in paragraph 3.37) of Director's report be noted.

6. Willesden Green Redevelopment Project

Consideration of this item was deferred.

7. Programme Athena - Phase I - Human Resources and Payroll

Councillor Butt, (Lead Member, Resources) introduced the report from the Director of Finance and Corporate Services which concerned the transfer of the council's human resources and payroll system from a Logica based system onto an Oracle IT platform. The report requested approval to participate in a collaborative procurement with five other London boroughs to establish a framework agreement for Oracle 12 Joint Service Implementation. The recommendations in the report were part of a London-wide project, Project Athena, which was supported by Capital Ambition, aimed at looking at increased integration of back-office systems and processes across London boroughs. Councillor Butt indicated that it was hoped that, in time, other boroughs would join, further reducing costs. He also referred to the risks involved and the mitigating actions being taken.

RESOLVED:-

- (i) that approval be given for the council to participate in a collaborative procurement exercise leading to the establishment of a framework agreement for Oracle 12 Joint Service Implementation;
- (ii) that approval be given to the collaborative procurement exercise detailed in (i) above being exempted from the normal requirements of Brent's Contract Standing Orders in accordance with Contract Standing Orders 85(c) and 84(a) on the basis that there are good financial and operational reasons as set out in the report from the Director of Finance and Corporate Services.

8. Any Other Urgent Business

None.

The meeting ended at 7.25 pm

A JOHN
Chair

	<p style="text-align: center;">Executive 12 December 2011</p> <p style="text-align: center;">Report from the Director of Environment and Neighbourhood Services</p>
For Action	Wards Affected: ALL
Authority to establish a framework agreement for the provision of Arboricultural Services	

Appendix 2 of this report is not for publication as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"

1.0 Summary

- 1.1 This report requests authority to establish a Framework Agreement for the provision of Arboricultural services, as required by Contract Standing Order No 88. This report summarises the process undertaken in tendering these requirements and, following the evaluation of the tenders, recommends which supplier should be appointed to the Framework Agreement. It is anticipated that the favorable prices obtained via this process mean that even with the £75k budget reduction forecast for next year, similar volumes of work will be undertaken.

2.0 Recommendations

- 2.1 That the Executive agrees to the award of a Framework Agreement for Arboricultural Services to Gristwood and Toms Ltd.
- 2.2 That the Executive agrees to the award of a call-off contract under the Framework agreement referred to in 2.1 to Gristwood and Toms Ltd for a term of 4 years with a possible 2 year extension.

3.0 Detail

Background

- 3.1 Arboricultural services for the Highway tree stock has historically been an area of significant spend in order to limit the volume of insurance claims for tree root damage and subsidence. A one off budget reduction of £75k was made in 2011-12 and it is anticipated that an additional saving will be applied in 2012-13.
- 3.2 The council previously outsourced the Highway requirement via a stand alone 5 year contract with Gristwood and Toms, in 2009 the option to extend for the maximum term of a further 3 years was agreed and this contract comes to an end in March 2012.
- 3.3 Park Services currently undertake their own works wherever possible or bring in contractors on an ad hoc basis if required. The new framework agreement will now be available for both Highways and Parks, in addition BHP have also contributed to the tender process in the expectation of joining the framework if prices are deemed favorable
- 3.4 The framework will also be made available to all members of the West London Alliance (WLA) at no charge. Preliminary investigations have shown that at least two WLA members have contracts due to expire at similar times so this framework will be actively promoted following successful implementation in Brent.
- 3.5 The new framework agreement will be let using the Council's terms and conditions for a period of four years with the possibility of call-off contracts being awarded for a term up to a maximum of six years.
- 3.6 The Executive gave approval to seek tenders at April 2011 by using a two-stage restricted tendering process and in accordance with the provisions of the Council's Contract Standing orders and Financial Regulations.

Tender Process

- 3.7 Adverts seeking initial Expressions of Interest appeared in an early May issue of Arboricultural Weekly and also the Wembley Observer. As this service is deemed a Part B service under the Public Contract Regulations 2006 there was no requirement to post a Contract Notice in OJEU, however an Award Notice will be posted following the award of the Framework Agreement.
- 3.8 Pre-Qualification Questionnaires (PQQ) were available for download via the council's website. In total, 11 companies expressed an initial interest and 10 completed PQQs were returned within the time limit.
- 3.9 The 10 returned PQQs were evaluated on the basis of:
 - Business Probity

- Economic and Financial Standing
- Ability and Technical Capacity including:
 - Staff and Training
 - Health and Safety
 - Quality Assurance
 - Relevant Experience and References
 - Equal Opportunities
- Environment and Sustainability

5 companies were shortlisted in June 2011 to receive Invitations to Tender (ITT).

3.10 There were two main reasons for the 5 companies not being selected for Invite to Tender, firstly the size of the contract meant that any company to be considered had turnover well in excess of £1m per annum and also extensive experience in Arboriculture was required and not just garden or parks maintenance.

3.11 The tendering instructions stated that the Framework Agreement would be awarded on the basis of the most economically advantageous offer to the Council and that, in evaluating tenders, the Council would have regard to the following:

- Price - weighting 60%
- Quality - weighting 40%

These criteria were further sub-divided as follows:

Price

Emergency Works	3%
Ground Works	8%
Reinstatements	2%
Tree Inspections	4%
Programme Works	38%
Tree Planting	3%
Miscellaneous	2%

Quality

Demonstrated ability to provide the services required for this Contract	20%
Proposed systems and working methods	10%
Approach to customer care, client care and equalities	5%
Approach to Environmental issues	5%

- 3.12 Tenderers were required to submit a detailed pricing document for each of the seven elements for Price and additionally information in the form of Method Statements providing details of their proposed arrangements for performing the services covering each of the above Quality aspects.
- 3.13 Tender packs were sent out 29 July 2011 to the five shortlisted companies. Prior to tenders going out it was confirmed with the incumbent that TUPE would have no practical application in this instance as all deployed staff wanted to remain with their current supplier regardless of the outcome of the process.

Evaluation process

- 3.14 Tenders were due for return at midday 12 September and were opened the same day. Four of the five companies invited to tender returned bids, the one company not to return cited a lack of time despite additional days being permitted for return of tenders.
- 3.15 The tender evaluation was undertaken in isolation by a panel of officers from across the council including the Arboricultural Officers, Parks Services and Brent Housing Partnership. The process was overseen by representatives from Finance, Legal and Procurement, and Health and Safety.
- 3.16 The panel met to agree a consolidated score for each of the four quality sub criteria for each of the four suppliers and the results are contained within the table below in accordance with the marking scheme contained in Appendix 1. The names of each of the tenderers are detailed in Appendix 2.

Tenderer	Ability	Systems/Working Methods	Care and Equalities	Env	Weighted Total
1	1	2	2	3	16.25
2	1	2	2	1	13.75
3	2	2	2	2	20
4	3	3	3	3	30

Tenderers 1 and 2 scored adequate in 2 of the 4 elements, however they scored poorly on demonstrated ability to provide the services required for this Contract which was the highest weighted element. This sub criterion looked at the proposals for the Programmed Works, how they would be scheduled, the flexibility of the programme and the methodology for ad hoc works such as re-instatements as well as reporting on finished works and meeting legislative requirements.

Sub criteria 2 reviewed the proposed systems and working methods which included approach to ensuring the Health and Safety of the general public and the workforce, this was generally well responded to by all 4 bidders.

The third method statement examined customer service proposals and details

of complaints and/or prosecutions in previous years. All responses to this were considered to be at least adequate. The last section reviewed approach to Environmental Issues and only tenderer 2 scored less than adequate.

Tenderer 4 scored consistently 'good' in four sections whilst tenderer 3 responses were deemed adequate in all four sections.

- 3.17 The evaluation of prices was slightly more complex as there were 32 separate prices for the Programme Works alone. The table below shows the relative score by each tenderer against the corresponding sub criteria:-

	1	2	3	4	Total Weighting
Emergency Works	1.97	3	1.47	1.97	3%
Ground Works	4.87	8	5.32	4.08	8%
Reinstatements	0.6	0.68	0.59	2	2%
Tree Inspections	1.81	1.48	1.42	4	4%
Programme Works	17.82	17.35	17.35	33.04	38%
Tree Planting	1.84	1.87	1.17	3	3%
Miscellaneous	1.4	0.10	1.19	2	2%

Prices submitted were generally perceived as competitive but tenderer 4 scored highest in 5 of the 7 elements including Programme Works which was the highest weighted element.

- 3.18 The final consolidated scores for both Price and Quality are detailed below and clearly demonstrate that Tenderer 4, Gristwood & Toms provide the most economically advantageous tender, however it is worth noting that they in fact scored highest in both Price and Quality elements.

Tenderer	Price	Quality	Final	Position
1	34.31	16.25	50.56	2
2	34.36	13.75	48.11	4
3	30.29	20	50.29	3
4	53.00	30	83.00	1

4.0 Financial Implications

- 4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval of the award of the contract.
- 4.2 The framework agreement itself will not commit the Council to any expenditure. The estimated value of the call-off contract is £3.4m during the maximum 6 year life of the Call-Off. With the annual budget reductions of

£75k, the total budget of the contract for 2012-13 is £575,000, however as a result of this tender process, it is envisaged that a similar level of works as in 2011-12 will be undertaken despite the reduction in budget.

5.0 Legal Implications

- 5.1 The provision of arboricultural services falls within Part B Services under the Public Contract Regulations 2006 (“the Regulations”) and the contract therefore is not subject to the full application of the EU Regulations. It is however, subject to the overriding EU principles of equality of treatment, fairness and transparency in the award process. In addition the procurement and award of the contract is subject to the Council’s Contract Standing Orders in respect of High Value contracts and Financial Regulations.
- 5.2 As the Framework Agreement and Call-off contracts are classified as ‘High Value’ contracts under the Council’s Contract Standing Orders, Executive approval is required for both the award of the Framework Agreement and the Call-off Contract.

6.0 Diversity Implications

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

7.0 Staff Implications

- 7.1 There are no TUPE implications to be considered in the contract by the Council in the award of the Framework Agreement or Call-off contract.

8.0 Accommodation Implications

- 8.1 None

9.0 Background Papers

- 9.1 Executive Report - Authority to Tender for Provision of Arboricultural Services – April 2011.

Contact Officers

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Sue Harper
Director of Environment and Neighbourhood Services


Appendix 1

TENDER EVALUATION SHEET

Scores for Quality were awarded against each criterion using the following general marking regime and taking into account the considerations described in the commentary for each criterion:

Assessment	Score	Interpretation
Unacceptable	0	Fails to meet requirement - major omissions/weaknesses
Weak	1	Limited evidence of ability to meet requirement - omissions/weaknesses in key areas
Adequate	2	Meets requirement but with some minor omissions/weaknesses
Good	3	Fully meets requirement
Excellent	4	Fully meets requirement demonstrating added value in proposals for delivery of service

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	<p style="text-align: center;">Executive 12 December 2011</p> <p style="text-align: center;">Report from the Director of Environment and Neighbourhood Services</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p>Parking Contracts Extension</p>	

Appendix 1 and 2 to this report are not for publication

1.0 Summary

- 1.1 This report sets out current plans for re-tendering of Brent's contracts for parking enforcement and notice processing. In light of concerns about the timing of the new contracts in relation to the 2012 Olympic Games, and fresh opportunities for collaboration in retendering which have arisen, recommends that the existing contracts be extended for a twelve month period.

2.0 Recommendations

- 2.1 That the Executive note the concerns about the existing tendering timetable set out in paragraphs 3.3 and 3.4 and the potential for securing a better outcome through collaboration with West London Alliance partners set out in paragraphs 3.5 to 3.7.
- 2.2 That the Executive note the legal advice about the risks associated with extending the existing contract set out in paragraphs 5.1 to 5.7.
- 2.3 That the Executive agree the extension of the parking enforcement and notice processing contracts with APCOA for a period of twelve months and that authority be delegated to the Director of Environment & Neighbourhood Services in consultation with the Director of Finance & Corporate Services and the Director of Legal and Procurement to agree the final terms of the extension.

- 2.4 That the Executive agree in principle the revised approach to tendering the contracts collaboratively set out in paragraph 3.9 and 3.11.

3. Detail

Present Plans for Re-tendering Brent's Parking Contracts

- 3.1 Following approval from The Executive on 18th July 2011, arrangements are presently being made to let parking services via two contracts, for a four year period (with an option to extend for up to a further four years) in two lots:
- a) *On street enforcement* operation, including moving traffic contraventions, bus lane, fixed and mobile CCTV enforcement as well as off street car park enforcement.
 - b) A “back office” *notice processing* function to include including provision of a management information system, statutory documents processing, permit administration system etc.

Two aspects are being tendered as discretionary options:

- c) *vehicle removal and car pound operation* – the costs of such an operation are high, and as the majority of London authorities do not remove any vehicles, we are more closely examining the obligations, economics and practicalities of removals; and
 - d) *processing of fixed penalty notices*(FPN) not related to parking enforcement, to bring efficiencies of scale to other non-parking types of FPN across the Council, such as for dumped waste etc.
- 3.2 The OJEU notice was published on 5th September 2011 and invitation to tender is planned for December 2011. The decision to award the contracts is planned for the 12 March 2012 Executive meeting, with the new contracts starting on 4 July 2012.

Risks Associated with the 2012 Olympics and the Contract Start Up

- 3.3 Detailed consideration of the risks associated with the planned process has identified a particular problem around the start-up period. The contracts are planned to commence on 4 July 2012, just three weeks before the start of the Olympic competition. Any failure in the parking service at this period could cause reputational damage to the borough. Issues are arising now which require joint planning with the contractor for the effective operation of the parking service during the Olympic period. These issues include securing sufficient trained Civil Enforcement Officers, planning deployment of people and other resources, and mitigating the risk of loss of staff to other Boroughs during the expected period of intense competition for experienced staff. Leaving this planning until the appointment of the new contractor in March 2012 will not be acceptable.

- 3.4 An option to mitigate this risk is to consider a further short extension to the contract period to beyond the closing date for the Olympics and Paralympics. The contract was for an initial five year term and the option for a two year extension has already been exercised. , Our contractor for enforcement and for notice processing, APCOA, has raised with us the desirability of an extension to secure stability through this critical period.

Opportunities for Collaborative Procurement

- 3.5 Recent discussions with officers from other boroughs within the West London Alliance (WLA) have identified that Ealing and Hounslow both plan to put out to tender their notice processing services in the near future. Both boroughs presently provide this service in house and believe that substantial efficiencies could be obtained through out sourcing, and that a back office service such as this is a natural candidate for collaboration. In addition, Hillingdon and Kensington & Chelsea have parking enforcement contracts expiring in July and August 2013 respectively. Hillingdon have expressed interest and Kensington & Chelsea may be interested in collaboration.
- 3.6 The draft timetable for such a joint procurement would require that the formal procurement process begin in April 2012 with contract award in December 2012 ready for a start in June or July 2013.
- 3.7 The opportunities for Brent arising from such a collaborative procurement could be considerable. The notice processing service is essentially a back office service provided through a call centre. Economies of scale, were this service to be provided to a common specification from a single location, can be expected to generate savings in shared management, accommodation, ICT Systems procurement and configuration and a range of other areas. The enforcement contract has a number of fixed cost areas such as the provision and staffing of a car pound and the overall management of the contract which could be shared. In addition, competition for such a substantial contract can be expected to be keener than for a single borough contract. Officers consider that the Council should seek to participate in the proposed collaboration in respect of both notice processing and enforcement.

Optimum Extension Period

- 3.8 Any contract extension to avoid the clash between the contract start date and the 2012 Olympic period would need to be at least six months to ensure that no contract award decision is made until after the end of the Olympic period. A six month extension would mean that the last month of the mobilisation period would be over the Christmas 2012 period which would create operational difficulties for a new contractor in securing the ICT and other resources needed. A minimum extension period of eight months is therefore indicated. Discussions have identified that the preferred extension period to

allow a joint procurement process to take place would be 12 months. A 12 month extension is considered optimal in addressing both concerns.

- 3.9 The Executive is recommended to agree that a twelve month extension be agreed to the APCOA contracts and that, in principle, Brent should tender its requirements for parking services in collaboration with West London partners. A further report would be brought to the Executive when the detail of the proposed tender process is available.
- 3.10 Negotiation with APCOA has led to broad agreement on the terms on which such an extension could be agreed with some issues to be resolved. The broad terms of the proposed agreement are set out in Appendix 1. Members are recommended to delegate authority to agree the final terms of the award of the extension to the Director of Environment & Neighbourhood Services in consultation with the Director of Finance & Corporate Services and the Director of Legal and Procurement.
- 3.11 If the contract extension is approved and implemented, then the current OJEU notice and tender process would be aborted and interested bidders that submitted a Pre-Qualification Questionnaire would be notified accordingly. Thereafter, it is envisaged that a fresh collaborative procurement process would commence for whatever collective requirements have been established.
- 3.12 In considering whether to recommend such an extension officers have had regard to the risks of challenge under EU law. The further extension of the contract is not considered to introduce conditions which, had they been part of the original award procedure, would have allowed for the admission of different tenders or acceptance of a tender other than the one accepted. The longer contract period would not have been material to the decision of potential contractors as to whether to bid and would not have changed the balance of competition within that bidding process. Although the extension would extend the scope of the contract to cover services not initially covered (ie those for the further twelve month period) this is not considered to be a considerable increase, and is driven by circumstances which could not have been anticipated when the contract was let (ie the 2012 Olympic Games). Finally, the approach adopted in the negotiation of terms for the extension will ensure that the economic balance of the contract does not change in favour of the contractor.

4.0 Financial Implications

- 4.1 The costs of the procurement process are being met from within existing resources. It is believed that the costs of the proposed collaborative procurement process will be less for the Borough and can, similarly, be met from existing resources.

- 4.2 It is anticipated that the eventual cost of the collaboratively tendered service should be significantly lower than that presently budgeted for the reasons set out in paragraph 3.7 above.
- 4.3 Subject to achieving a satisfactory conclusion to the negotiations presently underway with APCOA it is anticipated that significant savings against the present budget for 2012-13 can be achieved.

5.0 Legal Implications

- 5.1 Under UK law the proposed extension to the two parking contracts is treated as a contract variation, which the parties are free to agree. However, under EU law, a contract extension can be treated as a new contract if it consists of the agreement of terms which are “materially different” from the contract originally tendered.
- 5.2 The parking services (IT notice processing and parking enforcement) fall under Part A and B of the Public Contract Regulations 2006 (as amended) respectively (“the EU Regulations”). Further, the contracts were both tendered in accordance with the requirements of Part A services and were both advertised in the OJEU, therefore, subject to the full application of the EU Regulations at the time. an advert has been placed in the OJEU on 5th September 2011, inviting interested organisations to express an interest and complete a pre-qualification questionnaire. A local authority has a broad discretion to abandon an initial procurement process and to commence a second one where applicable (case of *APCOA Parking (UK) Ltd v. Westminster City Council* [2010]). Officers must consider the general principles of EU Law, which are applicable to any decision to terminate a process, taking into account proportionality.
- 5.3 Under Brent’s Constitution, Executive approval is required for the extensions.
- 5.4 Members are referred to Appendix 2 for further Legal Implications.


6.0 Diversity Implications

- 6.1 The proposal to extend the existing parking services contracts has been screened for any potential adverse impacts on groups sharing a protected characteristic and no such impacts are believed to exist.

Contact Officer(s)

- Michael Read, Assistant Director, Environment & Protection. X5302
- David Thrale, Head of Service, Safer Streets. x5454

Background Papers : None

	<p style="text-align: center;">Executive 12 December 2011</p> <p style="text-align: center;">Report from the Director of Regeneration and Major Projects</p>
<p>For Action Wards affected: Kilburn</p>	
<p>South Kilburn Neighbourhood Trust – Proposed Constitutional Amendments</p>	

1.0 Summary

- 1.1 This report proposes minor changes to the Memorandum and Articles of Association of the South Kilburn Neighbourhood Trust. In summary the amendments provide for the Trust to appoint a non-Director to the chair, which in turn will allow for the role to be remunerated. These changes have been agreed by the South Kilburn Neighbourhood Trust board, but the terms of the framework agreement between the Trust and the Council requires that all constitutional changes are agreed in writing by the Council.
- 1.2 The report also proposes that any future minor amendments to the Memorandum and Articles of Association of the South Kilburn Trust be delegated to the Director of Regeneration & Major Projects in conjunction with the Director of Legal Services.

2.0 Recommendations

- 2.1 It is recommended that the Executive agree the following amendments to the Memorandum and Articles of Association of the South Kilburn Neighbourhood Trust:
- (i) Article 4 – to remove any reference to the Chair of the South Kilburn Partnership either becoming or ceasing to be a Director of the South Kilburn Neighbourhood Trust

- (ii) Article 19.3 – to include the Chair (now not always being a Director) within the complaints procedure
- (iii) Article 25 – to allow a person who is not a Director to become Chair, and to give some flexibility as to when this appointment is made

2.2 It is recommended that the Executive agree to delegate responsibility for approval of future minor amendments to the Memorandum and Articles of Association of South Kilburn Trust to the Director of Regeneration & Major Projects, in conjunction with the Director of Legal and Procurement.

3.0 Detail

3.1 In 2008, following the resignation of the previous chair of the South Kilburn Partnership Board, it was agreed to appoint an independent and remunerated chair of the Board to oversee the close down of the South Kilburn New Deal for Communities programme, the development of a clear succession strategy, and the subsequent implementation of that strategy. The role was funded by New Deal for Communities resources.

3.2 A key component of that succession strategy was to establish the South Kilburn Neighbourhood Trust. The chair of the South Kilburn Partnership subsequently took on the unpaid role of chair of the South Kilburn Neighbourhood Trust. The remaining Trust directors include residents, service providers and the Council's Lead Member for Regeneration & Major Projects.

3.3 Following the closure down of the New Deal for Communities programme, the South Kilburn Neighbourhood Trust have taken over responsibility for the management of the South Kilburn Partnership Board. At the Trust meeting on 16th February 2011, the Trust Board agreed to combine the paid role of the Chair of the South Kilburn Partnership with the unpaid role of the Chair of the South Kilburn Neighbourhood Trust. On this basis, it was recognised that the Chair of the South Kilburn Neighbourhood Trust could no longer be a trust director as charity rules forbid trustees from benefiting financially for their work.

3.4 It is therefore necessary for the current Chair of the Trust to resign as a Trust Director and for the Trust constitution to be amended to reflect the changed circumstances – ie. that the chair of the Trust Board need not necessarily be a Trust director. This requires amendments to three areas of the Trust constitution:

- (i) Article 4 – to remove any reference to the Chair of the South Kilburn Partnership either becoming or ceasing to be a Director of the South Kilburn Neighbourhood Trust
- (ii) Article 19.3 – to include the Chair (now not always being a Director) within the complaints procedure

(iii) Article 25 – to allow a person who is not a Director to become Chair, and to give some flexibility as to when this appointment is made

3.5 Under the Framework Agreement that South Kilburn Neighbourhood Trust has with the London Borough of Brent, South Kilburn Neighbourhood Trust must obtain the written consent of the Council before making any changes to the constitution, hence the rationale for this Executive report. The Trust are satisfied that the consent of the Charity commission to these changes is not required.

3.6 From time to time there may be other future minor changes that need to be made to the constitution of the South Kilburn Neighbourhood Trust. In order to streamline the approval process, it is recommended that it would be prudent to delegate responsibility for approving these changes to the Director of Regeneration & Major Projects in conjunction with the Director of Legal & Procurement.

4.0 Financial Implications

4.1 There are no direct financial implications for the Council.

5.0 Legal Implications

5.1 .

6.0 Diversity Implications

6.1 There are no direct diversity implications.

7.0 Staffing & Accommodation Implications

7.1 There are no direct staffing or accommodation implications.


Contact Officers

Andy Donald
Director of Regeneration & Major Projects

Arnold Meagher
Legal & Procurement

Andy Donald
Director of Regeneration and Major Projects

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	<p style="text-align: center;">Executive 12 December 2011</p> <p style="text-align: center;">Report from the Director of Regeneration and Major Projects</p>
<p style="text-align: right;">Wards affected: All</p>	
<p>West London Waste Plan</p>	

1.0 Summary

- 1.1 This report presents a draft of the proposed submission version of the Joint West London Waste Plan to be agreed for statutory public consultation across west London. It highlights the latest position on the proposed designation of sites for processing waste within Brent. It asks Executive to agree the Plan for publication and public consultation for 6 weeks commencing in February 2012.

2.0 Recommendations

- 2.1 That Executive agrees the Proposed Submission Draft Joint West London Waste Plan for publication and public consultation for 6 weeks commencing in February 2012.
- 2.2 That Executive grants delegated authority to the Director of Regeneration and Major Projects to make minor editing and textual changes to the Proposed Submission Draft of the West London Waste Plan before it is formally published.

3.0 Detail

Introduction

- 3.1 The 6 London Boroughs which comprise the West London Waste Authority (Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames) agreed to prepare a Joint West London Waste Plan (WLWP). In November 2010 Executive agreed a draft West London Waste Plan for public consultation. At that time the plan proposed 6 sites within Brent, out of 24 sites in total across west London, for the treatment of waste as follows:

Existing Waste Transfer Sites

Proposed New Sites

Asia Sky site, Abbey Road
Rail sidings, Premier Park Road
Alpertons Lane industrial area, Marsh Road
Hannah Close / Great Central Way

- 3.2 The Plan, when adopted, will form part of Brent's LDF. The WLWP will, in due course, provide an up-to-date policy framework to assess planning applications for waste management facilities across the six West London boroughs. Public consultation on the draft Waste Plan ended in March 2011. Since then, consultants acting on behalf of the 6 boroughs have been modifying the Plan in light of comments received, changes to the estimates of the amount of waste to be processed as set out in the new London Plan and an assessment carried out on the deliverability of sites.

Public Consultation

- 3.3 Almost 600 responses from organisations and individuals were received, excluding 2 petitions with 2200 signatures. The overwhelming focus of the consultation responses was on the 24 sites proposed for potential waste management use. The main objections were to a site in Hillingdon (the Tavistock Road former Coal Depot at West Drayton in Hillingdon) and to proposed sites in Park Royal. In addition to individual responses, petitions were submitted regarding the proposals at Tavistock Road and in Park Royal.
- 3.4 One third of total responses to the draft WLWP opposed the sites proposed at Park Royal. Many of these expressed local residents' concerns at the designation of several sites for waste use in such close proximity. A 193-signature petition from Ealing residents was received on this issue. The main concerns raised by the petitioners were: the unfairness of locating so many sites in the area; the cumulative impact of new sites when added to existing waste and industrial facilities; proximity to housing; increased traffic; air pollution and the health impacts of pollution.
- 3.5 In terms of the sites proposed in Brent, objections were received from the owners of new sites proposed for waste treatment at Twyford Tip and Marsh Road Alpertons and from some businesses and other land owners in the Brent part of Park Royal to Park Royal sites in general.

Revised West London Waste Plan for Submission

- 3.6 The full revised draft West London Waste Plan is attached as Appendix 1. The main changes to the draft Plan are set out below.

Land Take Requirement for the WLWP

- 3.7 The consultation draft plan stated that West London needed to identify a maximum of 56 ha of land for waste management facilities to ensure that the 2008 London Plan apportionment is met. The revised plan (at Table 3-4) now includes a maximum of 22.4 ha to ensure that the 2011 London Plan apportionment is met. The reduction in the land take requirement is largely because the 2008 London Plan included very high and unrealistic projections for municipal solid waste and commercial and industrial waste arisings.

The Brent sites proposed for inclusion in the submission document are existing sites

:

Twyford Waste Transfer Station
Veolia Transfer Station, Marsh Road

- 3.7 Executive will note that none of the new sites in Brent proposed last year in the draft plan are included in the revised Plan. This is in part because the Hannah Close / Great Central Way site is now operational and, therefore, no longer proposed. The remaining three sites are, for one reason or another, considered to be difficult to deliver. This, combined with a need to identify a significantly reduced land area for waste processing than originally set out in the draft plan, has meant that there is no need to designate any new sites in Brent.
- 3.8 As stated in paragraph 3.7 above, the land take requirement is a maximum of 22.4 ha to ensure that the 2011 London Plan apportionment is met. An additional amount of land is required in the WLWP to ensure some flexibility in the event that sites do not come forward. The Proposed Submission draft of the WLWP includes 8 existing sites totalling 19.39 hectares and 3 new sites totalling 9.15 hectares, which amount to a total of 28.54 hectares. The Proposed WLWP therefore includes sufficient land for waste management facilities to ensure that the 2011 London Plan apportionment is met.
- 3.9 There have been a number of other changes made to the draft Plan, in particular relating to policies within the document to guide development of waste management facilities.

Changes to draft Policy

- 3.10 In order to be in conformity with the London Plan adopted in July 2011, a further policy has been introduced. This makes clear that existing and proposed waste management and transfer sites in west London will be safeguarded for waste use. Development for non-waste uses will not be considered unless compensatory and equal provision of sites for waste, in scale and quality, is made elsewhere within the west London boroughs.
- 3.11 The wording of policy on the location of waste development has been amended in order to strengthen the requirement to ensure that there is no loss in existing capacity at existing or allocated waste sites.
- 3.12 The wording of the policy on ensuring high quality development has been amended, with several new additions to protect the amenities of the area; to incorporate sustainable urban drainage systems; to ensure no increased flood risk in the area; to

protect heritage assets such as conservation areas and listed buildings; and to ensure that adjacent development proposals do not prejudice the use of sites allocated for waste purposes.

- 3.13 Policy on decentralised energy remains unchanged and the policy on sustainable site waste management has been strengthened to ensure that construction plans are comprehensive and capable of being delivered.
- 3.14 A substantial amount of information has been added at Section 3.2 in order to explain the volumes of different waste flows, in order to meet the requirements of central Government planning guidance.
- 3.15 The Sustainability Appraisal is being updated and an Equalities Impact Assessment has also been undertaken for the proposed policies and both will be published as part of the public consultation documents.

Next Steps

- 3.14 Planning Committee considered a report on the draft Plan on 16th November and recommend that Executive approve the proposed submission version of the West London Waste Plan for publication and public consultation.
- 3.15 Once the document has been agreed by all 6 boroughs it will be published and made available for a further 6 week public consultation in February 2012. Authority will then be sought from each borough, i.e. in Brent's case from Executive and Full Council, to submit the Plan to the Secretary of State for Examination in Public. It is anticipated that an Examination in Public will be held in late 2012 and that the WLWP should be adopted by the 6 boroughs in early 2013.

4.0 Financial Implications

- 4.1 Brent's financial contribution towards the preparation of a joint WLWP is provided from Planning & Development's existing budget. This varies from year to year but averages out at about £30,000 p.a. This is included in the Planning & Development service budget.
- 4.2 There is an urgent need for west London boroughs to identify land for processing waste through the development plan so that sites can deal with waste locally rather than it being sent to landfill, for which there is a tariff which increases year on year.

5.0 Legal Implications

- 5.1 The Council has power to make joint arrangements with other boroughs for the discharge of its functions. The West London Waste Plan will constitute part of the Borough's development plan within the Local Development Framework. The drafting of the WLWP has taken into account relevant planning legislation.

6.0 Diversity Implications

- 6.1 Full statutory public consultation has been carried out in preparing the Waste DPD. An Equalities Impact Assessment of the Waste DPD has also been carried out.

7.0 Staffing/Accommodation Implications

7.1 There are no staffing or accommodation implications arising directly from this report.

8.0 Environmental Implications

8.1 The Waste DPD may potentially give rise to a significant impact upon the local environment, particularly close to waste management sites. However, the identification and use of appropriate sites will mean that the environmental impact is controlled and minimised, particularly upon residential areas, and managing waste locally rather than it being sent to landfill will help mitigate the effects of climate change. Sustainability appraisal has been undertaken at all stages of developing the Waste DPD.

9.0 Background Papers

West London Waste Plan, Proposed Sites and Policies, Feb 2011

Contact Officers

Any person wishing to inspect the above papers should contact Ken Hullock, Planning & Development on 020 8937 5309

Andrew Donald
Director of Regeneration and Major
Projects


Chris Walker
Assistant Director, Planning and
Development

Appendix 1 Existing and Proposed Sites to be included in the WLWP

Table i: The proposed sites allocated for redevelopment

Site Number	Site Area (ha)	Borough	Description	Site Type
352	1.46	Brent	Twyford Waste Transfer Station	Existing
1261	2.71	Brent	Veolia Transfer Station, Marsh Road	Existing
309	1.15	Ealing	Greenford Reuse & Recycling Site, Greenford	Existing
310	0.94	Ealing	Greenford Depot, Greenford Road, Greenford	Existing
328	2.10	Ealing	Quattro, Victoria Road, Park Royal	Existing
303	4.25	Hillingdon	Victoria Road Transfer Station	Existing
353	3.11	Hounslow	Transport Avenue Waste Transfer Station	Existing
342	3.67	Richmond	Twickenham Depot	Existing
182	0.3	Ealing	Park Royal 1 (GLA – combine with adjacent site and renumber)	Proposed
191	0.65	Ealing	Atlas Road, Park Royal	Proposed
222	2.83	Harrow	Council depot, Forward Drive	Proposed
244	3.12	Hillingdon	Yeading Brook, Bulls Bridge	Proposed
2861	3.20	Hounslow	Western International Market	Proposed
Total	29.49	Ha		

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	<p style="text-align: center;">Executive 12 December 2011</p> <p style="text-align: center;">Report from Director of Strategy, Partnerships and Improvement and Director of Finance and Corporate Services</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p style="text-align: center;">Performance and Finance Review, Quarter 2, 2011-12</p>	

1.0 Introduction

Brent's Borough Plan 'Brent our Future' is a four year strategy document which sets out the Administration's priorities over the coming years. These priorities form the core of our Corporate Planning Framework, which is broadly based around three overarching strategic objectives:

1. To create a sustainable built environment that drives economic regeneration and reduces poverty, inequality and exclusion.
2. To provide excellent public services which enable people to achieve their full potential, promote community cohesion and improve our quality of life.
3. To improve services for residents by working with our partners to deliver local priorities more effectively and achieve greater value for money from public resources.

The unprecedented 28% reduction in central government funding over the next four years continues to intensify pressure on Council services, and difficult economic conditions have directly affected levels of employment across the borough. The scale and pace of national policy changes, particularly in relation to Housing Benefits and the implementation of the new Universal Credit, is expected to fuel increased demand for services, which will have an enduring effect on the borough. However despite these challenges, the Council remains committed to preserving services and protecting the most vulnerable residents.

The purpose of this report is to provide Members with a corporate overview of Finance and Performance information to support informed decision-making and manage performance effectively.

2.0 Recommendations

The Executive is asked to:

- a. Note the Finance and Performance information contained in this report and agree remedial actions as necessary.
- b. Consider the current and future strategic risks associated with the information provided and agree remedial actions as appropriate.
- c. Challenge progress with responsible officers as necessary.
- d. Agree the budget virements contained in the report.

3.0 Executive Summary - FINANCE

3.1 The Council's revenue budget position for the quarter 2 is as follows:

Item	Budget £000	Forecast Outturn £000	Variance £000
Adult Social Services	91,973	92,471	498
Children & Families	56,724	56,840	116
Environment & Neighbourhood Services	39,953	40,135	182
Regeneration & Major Projects	26,579	26,578	(1)
Finance & Corporate Services / Central Services	28,207	28,694	487
Service Area Total	243,436	244,718	1,282
Central Items	21,953	22,448	495
Total Council Budget	265,389	267,166	1,777

- The Council is currently forecasting an over-spend of £1.777m an increase of £483k from the quarter 1 figure of £1.294, primarily due to emerging pressures in two areas.
- Environment Neighbourhood Services are now forecasting an overspend of £182k as a result of pressures on the library budget which will be exacerbated by the delays in the library closure programme from the judicial review and appeal court hearing. Shortfalls of income over a number of services are also contributing to the overspend.
- Central Services are now forecasting an overspend of £487k due to income shortfalls from design work and payroll services to schools, as well as additional pressures on the Procurement Team.
- Overall the main overspending pressures remain with adult social care transitions (£900k), children's social care legal costs (£830k) and the temporary accommodation budget (£1m).
- The majority of these demand costs are currently being met by a centrally held provision of £2m although potential claims currently exceed this by £500k.

- Service areas are currently in the process of putting together plans to eliminate their current overspends by the end of the year.
- There are issues over the delivery of £3m procurement savings from the One Council Programme in 2011/12, although officers are confident that any shortfall can be contained.
- The overspend on schools budget for 2011/12 remains at £1.5m. Agreement has been reached with the Schools Forum to bring the schools budget deficit including the £5.7m carried forward from previous years back into balance by the end of 2014/15.
- The current forecast overspend would reduce our contribution to balances from £2.5m to £723k and reduce our overall general fund non earmarked balances to £8.303m. Though the action taken by service areas is expected to improve this situation before the end of the financial year.

3.2 The Council's capital budget position for Quarter 2 is as follows:

Item	Qtr 1 Budget Position £000	Forecast Outturn £000	Variance £000
Adult Social Services	1,724	1,724	0
Children & Families	4,461	4,461	0
Environment & Neighbourhood Services	12,662	14,155	1,493
Regeneration & Major Projects	139,603	139,952	349
Housing – General Fund	7,334	7,334	0
Housing - HRA	20,529	20,599	70
Finance & Corporate Services / Central Services	4,307	4,307	0
Total Capital Programme	190,620	192,532	1,912

The Council is currently forecasting an increase in capital expenditure of £1.912m from the Quarter 1 figure. Full details of the variances to the previously reported figure are given in the attached Finance Appendix. The increased forecast expenditure is matched by increased levels of grant funding or is funded through additional levels of self funded borrowing, where the revenue costs are met through identified savings or are within existing budgetary provision. As such the Council's Capital Programme remains in balance without detrimental impact upon revenue budgets.

4.0 Financial implications

These are set out in the attached appendix.

5.0 Legal implications

The capital programme is agreed by Full Council as part of the annual budget process. Changes to or departures from the budget during the year (other than those by Full Council) can only be agreed in accordance with the Scheme of Transfers and Virements contained in the Council's Constitution. Any decisions the Executive wishes to take and any changes in policy which are not in accordance with the budget and are not covered by the Scheme of Transfers and Virements will need to be referred to Full Council.

The Director of Finance and Corporate Services is satisfied that the criteria in the scheme are satisfied in respect of virements and spending proposals in this report.

6.0 Diversity Implications

This report has been subject to screening by officers and there are no direct diversity implications.

7.0 Contact officers

Cathy Tyson (Assistant Director, Strategy, Partnerships and Improvement)
Brent Town Hall, Forty Lane, Wembley Middlesex, HA9 9HD 020 8937 1030


Mick Bowden (Deputy Director, Finance and Corporate Services) Brent Town Hall, Forty Lane, Wembley Middlesex, HA9 9HD 020 8937 1460.

PHIL NEWBY

Director of Strategy, Partnerships & Improvement

CLIVE HEAPHY

Director of Finance & Corporate Services

	<p style="text-align: center;">Executive 12 December 2011</p> <p style="text-align: center;">Report from the Director of Finance and Corporate Services</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p>Insurance tender – authority for the Director of Finance Corporate Services to award contract</p>	

1. SUMMARY

- 1.1 This report requests delegated authority for the Director of Finance and Corporate Services to award the insurance contract that is currently out to tender.

2. RECOMMENDATIONS

- 2.1 The Executive is asked to give the Director of Finance and Corporate Services delegated authority to award the insurance contract that is currently out to tender.

3 DETAIL

- 3.1 In my report on 19th September 2011, I requested approval to invite tenders in respect of the Council's insurance services contracts for property, motor, additional cover and casualty (principally employee and public liability). The tender has been split into four 'lots' for the Council, as well as including Brent Housing Partnership.
- 3.2 The complexity of the contract is such that the tendering timetable was always likely to be very demanding. Officers have been required to draw up specifications, a Pre Qualification Questionnaire, and a tender evaluation process. Although a consultant from Sector has been engaged to support the process, the timetable has slipped as a result of resource issues, the complexity involved, delays over Christmas, and a desire to ensure that bidders have sufficient time to clarify any questions about the specification.
- 3.3 It is anticipated that the timetable will be:-
- a) Tenders returned at the end of January 2012.
 - b) Presentations by tenderers and clarification questions from the tender panel (February).

- c) Recommendations to Director of Finance and Corporate Resources, and award of contract (1st March).
- d) Transition if there is a change of supplier.

3.4 It is apparent that there will be insufficient time to prepare a report to the Executive for the award of the contract. On this basis, it is proposed that the Director of Finance and Corporate Services is given delegated authority to award the contract, with a subsequent report to the Executive.

4. FINANCIAL IMPLICATIONS

These are covered in the report.

5 DIVERSITY IMPLICATIONS

The proposals in this report have been subject to screening and officers believe that there are no diversity implications arising from it.

6 STAFFING IMPLICATIONS

None

7 LEGAL IMPLICATIONS

There are no legal implications arising from the report.


8 BACKGROUND

Report to the Executive asking authority to tender for Insurance Services contracts – 19th September 2011

Persons wishing to discuss the above should contact the Exchequer and Investment Section, Finance and Corporate Resources, on 020 8937 1472/74 at Brent Town Hall.

CLIVE HEAPHY
Director of Finance and
Corporate Services

MARTIN SPRIGGS
Head of Exchequer and Investment

	<p style="text-align: center;">Executive 12 December 2011</p> <p style="text-align: center;">Report from the Director of Finance and Corporate Services</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p style="text-align: center;">Collection Fund Surplus/Deficit at 31 March 2012</p>	

1.0 SUMMARY

- 1.1 As part of the Council Tax setting process for 2012/2013 the Council is required to estimate the amount of any surplus or deficit on the Collection Fund as at 31 March 2012. This must be done by the 15 January 2012 and this report asks Members to approve the balance projected.

2. RECOMMENDATIONS

- 2.1 To agree the calculation of the estimated Collection Fund balance as at the 31 March 2012 as a surplus of £1.0million.

3. DETAIL

- 3.1 Income from Council Tax is used to fund budget precepts on the Fund from Brent and the Greater London Authority (GLA), which levies a precept on London's local authorities. If the eventual collection of Council Tax is estimated to be greater than precepts on the Fund (taking the cumulative position since the introduction of Council Tax in 1993), a surplus occurs. If the reverse happens, there is a deficit. Any surplus or deficit is shared between Brent and the GLA in its role as a preceptor.
- 3.2 Total arrears as at 31/3/11 were £32.942m. The total bad debt provision (including the £1.3m deficit declared at 31/3/11 - the figure agreed in the equivalent report last year) was £29.141m. Therefore £3.801m of debts to this date need to be collected to avoid the necessity for further provisions. If collection is anticipated to exceed this figure, a surplus can be declared.

3.3 In considering the Collection Fund position at 31 March 2012, there are a number of factors Members need to bear in mind, as follows:

- In-year collection of council tax has improved in recent years. It increased from 93.2% in 2006/07 to 95.0% in 2009/10, and 95.6% in 2010/11. It is anticipated that the collection rate for 2011/12 will be maintained at a similar level, despite the effects of the current economic climate. One of the main reasons for the increased collection has been a very significant increase in payments by direct debit, from £43.6m in 2006/07 to an estimated £56m in 2011/12.
- Collection of council tax arrears amounted to £2.1m in 2010/11. There were one-off factors that increased the total in 2010/11, and as collection levels have improved there are fewer arrears left to collect, so collection would be expected to decline slightly. In the current year the figure is around 17% lower than at the same stage in 2010/11. It is expected that the final 2011/12 total will be approximately £1.7m.
- Collection carries on for some years after the original debt arose. As an example, in 2010/11 £592k of arrears was collected in relation to years up to 2006/07 (i.e. for arrears which were already over three years old). In the current financial year £288k has been collected in respect of these arrears (up to October) which are now more than four years old. Over recent years the Council has increased the number of debts to be recovered through attachment of earnings, deduction from benefit and charging orders on properties. This means that these debts will be recovered over a longer period, but that the likelihood of eventually recovering the full debt is substantially increased. A programme of other recovery initiatives has also been implemented, including the early identification of, and support for, those experiencing financial difficulties. The council also continues to take action against those wrongly claiming the single person's discount.
- As a result of improvements in collection, and increases in the level of provision, there has been a reduction in the overall level of un-provided arrears from £12.5m at 31 March 2007 to £3.8m at 31 March 2011.

3.4 The shortfall as at 31 March 2011, as outlined in paragraph 3.2, was £3.8m. It is estimated that in the full 2011/12 financial year, around £1.7m of Council Tax arrears will have been collected in relation to earlier years, leaving a further £2.1m to collect. Based on projections of future years' collection of arrears, it is estimated that around a further £2.7m will eventually be collectable for years up to 2010/11, leaving a surplus of approximately £0.6m. This figure is dependent on the required collection level of 97.5% for 2011/2012 debts eventually being achieved. In addition, over the last year, there has been an increase in properties on the Council Tax valuation list, and a reduction in exemptions – this means that the total collectable from Council Tax is greater than assumed when the 2011/12 budget was set, and this amount can be added to the surplus. This is partly offset by adjustments reducing Council Tax Benefit for prior years. The combined effect of these factors is to increase the estimated surplus to £1.5m.

- 3.5. It is considered prudent, particularly given the current uncertain economic climate, to allow for some contingency for collection of both current year council tax and arrears to fall slightly. Therefore it is recommended that a surplus of £1.0m is declared as at 31/3/2012. The balance on the collection fund has to be reviewed each year, so if this contingency (£500,000) is not fully required, a further surplus could be declared next year.
- 3.6. The deficit on the Collection Fund as at 31 March 2012 will be split with the Greater London Authority. The GLA share (based on its share of the total precept in 2011/2012) would be 22.64% of any surplus. If a surplus of £1.0m is declared, the GLA share would be £226,000, leaving Brent's share as £774,000.

4. FINANCIAL IMPLICATIONS

- 4.1 The proposals in this report have a direct impact on the level of Council Tax in 2012/2013. Any deficit or surplus has to be taken into account in the calculation of next year's Council Tax.

5. LEGAL IMPLICATIONS

- 5.1 Regulation 10 of the Local Authority (Funds) Regulation 1992, made under Section 99 of the Local Government Finance Act 1988, requires an estimate of the surplus or deficit on the Council's collection fund to be made by 15 January each year (or the next working day). This estimate is one of the figures to be used in the budget and council tax setting process for 2012/13.

6. DIVERSITY IMPLICATIONS

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications arising from it.

7. STAFFING IMPLICATIONS

- 7.1 None directly.

8. SUMMARY

- 8.1 In view of the factors outlined above, it is recommended that the projected balance on the Collection Fund as at 31 March 2012 be declared as a surplus of £1.0million (compared to a deficit of £1.3m at 31/3/2011). Brent's share of the £1.0m would be £776,000. This would mean Council Tax bills for 2012/2013 include a reduction of approximately £7.89 at Band D as a result of Brent's share of the surplus (compared to an addition of £10.34 in 2011/12 relating to the deficit of £1.3m declared last year). Therefore the net movement between the years is a reduction at Band D of approximately £18.23 (which can therefore be used to continue funding services which otherwise would have had to be cut to achieve any given level of Council Tax for 2012/13).

9. BACKGROUND INFORMATION

Revenue and Benefits Monthly Progress Reports - Council Tax Collection Statements.

Council Tax Accounts 1993/94 onwards.

Any person wishing to inspect the above should contact David Huberman, Finance Manager, Town Hall, Forty Lane, Wembley HA9 9ED. Telephone 020-8937-1478.

CLIVE HEAPHY

Director of Finance and Corporate Services