

**London Borough of Brent
Summary of Decisions taken by the Executive
on Monday 22 April 2013**

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

ABSENT: Councillors Beswick

ALSO PRESENT: Councillors Mrs Bacchus, Cheese, Chohan, S Choudhary, A Choudry, Hashmi, Lorber, Mitchell Murray and Krupa Sheth

Agenda Item No	Item	Ward(s)	Decision
4.	Authority for procurement of community based mental health support	All Wards	(i) that the findings of the Brent Mental Health Services Review be noted; (ii) that officers be authorised to advance communication with the Clinical Commissioning Group (CCG) and other sub-regional partners as set out in paragraph 3.11 and 3.12 of the Director of Adult Social Services; (iii) that approval be given to an exemption to the usual tendering requirements of Contract Standing Orders to allow the following of a competitive dialogue process for the good operational reasons set out in the report; (iv) that place an advert asking for potential providers to express interest in participating in a competitive dialogue as set out in paragraph 3.16; (v) that officers carry out service user and community consultations, market research and determine the market readiness for the use of a tender in the form a competitive dialogue, as the first stage in the competitive dialogue process, as set out in paragraph 3.16; (vi) that approval be given to the timetable set out in paragraph 3.17 of

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			<p>the Director's report;</p> <p>(vii) that it be noted that a further report would be presented in July 2013 for the purpose of approving the pre-tender considerations as required by Contract Standing Orders, including a final recommendation that a competitive dialogue route will proceed where a favourable response arises from the expression of interest.</p>
5.	Annual report on school standards and pupil attainment	All Wards	<p>(i) that the report and the actions being taken to improve standards in schools be noted;</p> <p>(ii) that agreement be given to the establishment of an Education Commission to review school provision in the borough with the remit as described in paragraph 13.4 of the report from the Director of Children and Families. Whilst, the Commission will report formally in November 2013, issues for action will be addressed as they emerge.</p>
6.	Travel Assistance Policy for young people	All Wards	<p>(i) that the WLA Travel Assistance Policy for Young People Eligibility Policy for access to Council-funded transport for pupils in special schools and other learning centres be adopted;</p> <p>(ii) that each pupil receiving transport should have their eligibility reviewed annually.</p>
7.	Authority to tender a contract for information, advice, guidance and support for young people	All Wards	<p>(i) that the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 3.11 of the report be approved;</p> <p>(ii) that officers invite expressions of interest, agree shortlists, if relevant, and invite tenders in accordance with the procurement timetable and evaluate them in accordance with the approved evaluation criteria referred to in (ii) above.</p>
8.	Authority to establish a Dynamic Purchasing System (DPS) for the	All Wards	<p>(i) that approval be given to establish a Dynamic Purchasing system (DPS) for the provision of cleaning services to schools rather than a</p>

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Agenda Item No	Item	Ward(s)	Decision
	provision of cleaning services to Brent schools		<p>Framework Agreement (with multiple suppliers) recommended by the previous report;</p> <p>(ii) that approval be given to the Pre-Tender consideration set out in section 4 of the report from the Director of Children and Families, and officers authorised to invite providers to apply for admission onto the DPS;</p> <p>(ii) that the Head of Procurement appoint new service providers onto the DPS subsequent to them meeting the selection criteria as stated by the Council in the tender documentation as and when required.</p>
9.	South Kilburn Regeneration Phase 2	Kilburn	<p>(i) General Recommendations</p> <p>That the Executive notes the progress made on the South Kilburn Regeneration Project as set out in this report.</p> <p>(ii) Site 11b Recommendations</p> <p>(i) That the Executive delegates authority to the Director of Regeneration & Major Projects in consultation with Director of Legal and Procurement to award and enter into a Development Agreement with the preferred developer partner in respect of Site 11b.</p> <p>(ii) That the Executive agrees that the sum set out in Appendix 2 (restricted) from the proceeds of the sale of Site 11b be re-invested into the regeneration of South Kilburn, including for the purpose of bringing forward further development sites within the regeneration area.</p> <p>(iii) That the Executive authorise the Director of Regeneration & Major Projects (where the Director of Regeneration & Major Projects in conjunction with the Director of Legal and Procurement consider applicable) to take the necessary steps to override or</p>

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Agenda Item No	Item	Ward(s)	Decision
			<p>where requisite extinguish rights and interests in Site 11b which might otherwise act to constrain the development by:</p> <p>(a) Appropriating the land Site 11b or any part or parts thereof for planning purposes under Section 122 of the Local Government Act 1972 when no longer required for the purpose for which it is currently held</p> <p>(b) Taking any other legal steps as may be necessary to achieve this objective.</p> <p>(iii) Phase 2a Recommendations</p> <p>(i) That the Executive delegates authority to the Director of Regeneration & Major Projects in consultation with Director of Legal & Procurement to award and enter into a Development Agreement with the preferred developer partner in respect of Phase 2a subject to the Council obtaining vacant possession of the site and the Secretary of State's consent to the disposal under Section 32 of the Housing Act 1985.</p> <p>(ii) That the Executive agrees that the sum set out in Appendix 3 (restricted) from the proceeds of the sale of Phase 2a be re-invested into the regeneration of South Kilburn, including for the purpose of bringing forward further development sites within the regeneration area.</p> <p>(iii) That the Executive authorises the Director of Regeneration & Major Projects (where the Director of Regeneration & Major Projects in conjunction with the Director of Legal and Procurement consider applicable) to take the necessary steps to override or</p>

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Agenda Item No	Item	Ward(s)	Decision
			<p>where requisite extinguish rights and interests in Phase 2a or any part or parts thereof which might otherwise act to constrain the development by:</p> <ul style="list-style-type: none"> (a) Appropriating the land Phase 2a or any part or parts thereof for planning purposes under Section 122 of the Local Government Act 1972 when no longer required for the purpose for which it is currently held (b) Seeking the Secretary of State's consent under section 19 Housing Act 1985 in order to appropriate any part of the land consisting of a house or part of a house for planning purposes where applicable. (c) Taking any other legal steps as may be necessary to achieve this objective. <p>(iv) That the Executive, in exercise of the power granted by the Secretary of State for Communities and Local Government under section 14A of the Acquisition of Land Act 1981, confirms the Bronte & Fielding CPO.</p> <p>(v) That the Executive delegates authority to the Director of Regeneration and Major Projects to carry out all statutory requirements associated with the exercise by the Council of the power granted under section 14A of the Acquisition of Land Act 1981 in connection with the Bronte & Fielding CPO and, thereafter to take all necessary steps to implement the Bronte & Fielding CPO in furtherance of the delivery by the Council of the South Kilburn Regeneration Programme, by acquiring all non-Council-owned interests in the area shown edged red ('the Bronte & Fielding CPO Land') on Plan C attached at Appendix 1 being at</p>

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			<p>and adjacent to Bronte House and Fielding House for the development of the Bronte & Fielding CPO Land, and the compulsory acquisition of such interests shall be effected through the use by the Council of the general vesting declaration ("GVD") process pursuant to the Compulsory Purchase (Vesting Declarations) Act 1981 and/or through the use of the Notice to Treat and Notice of Entry procedure pursuant to the Compulsory Purchase Act 1965, as appropriate and securing possession of secure tenancies by possession proceedings pursuant to Ground 10A of Schedule 2 to the Housing Act 1985.</p> <p>(iv) Phase 2b Recommendations</p> <p>(i) That the Executive notes officers' intentions, (subject to Director of Legal & Procurement Confirmation that participation in the HCA framework is legally permissible), to progress procurement of a full architectural design team to develop detailed design and specification to RIBA Stage D+ for Gloucester House and Durham Court as shown edged red on Plan D at Appendix 1, by calling off the Homes and Communities Agency's Multidisciplinary Panel and report back to the Executive following award of contract.</p> <p>(ii) That the Executive notes statutory consultation is currently being undertaken with secure tenants occupying properties in Phase 2b on three proposals; (i) statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act 1985; (ii) consultation on the Council's proposal to make a CPO on properties in Phase 2b that</p>

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			<p>are currently occupied by secure tenants; and (iii) consultation in connection with a draft Allocation Policy for Phase 2b. Officers will report back to the Executive detailing the outcome of this statutory consultation; and may, depending on the outcome of the consultation and members views on that, seek Executive approval to a) authorise the Director of Regeneration and Major Projects to seek the Secretary of State's consent to the disposal and development of Phase 2b for the purpose of Ground 10A of Schedule 2 to the Housing Act 1985; and b) authorise the final Phase 2b Allocation Policy.</p> <p>(iii) That the Executive authorises the acquisition by agreement pursuant to section 227 of the Town and Country Planning Act 1990 and the making of a compulsory purchase order (CPO) pursuant to section 226 Town and Country Planning Act 1990 to acquire all non-Council interests in the area as shown edged red ('the Gloucester and Durham CPO Land') on Plan D and E attached at Appendix 1 being at and adjacent to Gloucester House, Durham Court, Masefield House and Wordsworth House together with any new rights which may be required for the development of the Gloucester and Durham CPO Land under section 13 Local Government (Miscellaneous) Provisions Act 1976.</p> <p>(iv) That the Executive authorises the:</p> <p>(i) Making, publication and submission by the Council to the Secretary of State of the CPO, in respect of the Gloucester and Durham CPO Land for confirmation, whilst at the same time seeking to acquire the CPO Land by private negotiated treaty on such terms as may be agreed</p>

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			<p>by the Director of Regeneration and Major Projects;</p> <p>(ii) Director Regeneration and Major Projects to enter into agreements and give undertakings on behalf of the Council with the holders of interests in the Gloucester and Durham CPO Land or parties otherwise affected by the scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPO and including the offering back of any part of the Gloucester and Durham CPO Land not required by the Council after the completion of the development or the acquisition of rights over the Gloucester and Durham CPO Land in place of freehold acquisition, where such agreements are appropriate;</p> <p>(iii) Making of one or more one or more general vesting declarations or service of Notices to Treat and Notices of Entry (as appropriate) pursuant to the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 respectively should the CPO be confirmed by the Secretary of State or (if the CPO is unopposed) should the CPO be confirmed by the Council in the event that the Council is authorised by the Secretary of State to exercise the power conferred by section 14A of the Acquisition of Land 1981;</p> <p>(iv) Serving on those who have or are reputed to have an interest in, and/or are in occupation of, the Gloucester and Durham CPO Land, all requisite notices relating to the making and confirmation of the CPO and any proceedings relating to the same;</p> <p>(v) Director of Regeneration and Major Projects to remove, while the CPO is in draft form, and prior to its being</p>

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			<p>made, from the CPO any plot (or interest therein) no longer required to be acquired compulsorily for the scheme to proceed and to amend the interests scheduled in the CPO (if so advised) and to alter the nature of the proposed acquisition from an acquisition of existing property interests to an acquisition of new rights (if so advised) or after the CPO has been made to submit modifications to the Secretary of State;</p> <p>(vi) Director of Regeneration and Major Projects within the defined boundary of the Gloucester and Durham CPO Land, to acquire land and/or new rights by agreement either in advance of the confirmation of compulsory purchase powers, if so advised, or following the confirmation of the CPO;</p> <p>Director of Regeneration and Major Projects, if so advised, to seek to acquire for the Council any interest in land wholly or partly within the limits of the Gloucester and Durham CPO Land for which a blight notice has been validly served.</p> <p>(v) That the Executive authorises the Assistant Director of Property and Asset Management (where the Assistant Director of Property and Asset Management in conjunction with the Director of Finance consider applicable) to acquire third party interests and rights within Phase 2b as necessary to progress the regeneration programme.</p> <p>(vi) That the Executive authorise the Director of Regeneration & Major Projects (where the Director of Regeneration & Major Projects in conjunction with the Director of Legal and Procurement consider applicable) to take the necessary steps to override or</p>

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			<p>where requisite extinguish rights and interests in Phase 2b or any part or parts thereof which might otherwise act to constrain the development by:</p> <p>(a) Appropriating Phase 2b or any part or parts thereof for planning purposes under Section 122 of the Local Government Act 1972 when no longer required for the purpose for which it is currently held</p> <p>(b) Seeking the Secretary of State’s consent under section 19 Housing Act 1985 in order to appropriate any part of the land consisting of a house or part of a house for planning purposes where applicable.</p> <p>(c) Taking any other legal steps as may be necessary to achieve this objective.</p> <p>(v) Phase 3 and Phase 4 Approvals</p> <p>(i) That the Executive authorises the Assistant Director of Property and Asset Management (where the Assistant Director of Property and Asset Management in conjunction with the Director of Finance consider applicable) to acquire third party interests and rights within Phase 3 and Phase 4 of the South Kilburn Masterplan Area as necessary to progress the regeneration programme by way of negotiation.</p>
10.	Disposal of land adjoining 19 Elms Gardens, Elms Court, Sudbury and establishment of a	Sudbury	<p>That approval be given to the following:</p> <p>(i) that on the Northern half of the site detailed as stage 1 and 2 in the Appendix 1 plan. A short term lease is entered into for less then 7 years to</p>

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	replacement allotment site at Gladstone Park Gardens, Dollis Hill		<p>be contracted out of the security of tenure provisions of the 1954 Act, with the land to be used as an allotment / food growing community garden by the local Association or Trustees as the Council's legal services may determine appropriate at peppercorn rent, allowing that the land be bought back into use;</p> <p>(ii) the freehold disposal of the Southern half of the site edged in green on the Appendix 1 plan with access from Elms Court for re-development, the capital receipt estimate is between £900k-£1m;</p> <p>(iii) that, as per the 15 November 2010 Executive report agree to the creation of a new replacement site at Gladstone Park, Dollis Hill subject to the appropriate legal procedure and forward funding of works up-to £250k, to create the new allotment, the cost of which will be recovered through the capital receipt generated under recommendation (ii) above.</p>
11.	Underoccupier Incentive Scheme	All Wards	That approval be given to increase the financial incentive paid to tenants to move out of underoccupied Council housing stock to £2,000 per bedroom released but up to a maximum payment of £6,000 to any household, subject to the availability of Council funding for the scheme and within the parameters set out in paragraph 3.5 of this report.
12.	Knowles House, Longstone Avenue, NW10 - temporary use of vacant premises	All Wards	<p>(i) that approval be given to the use of Knowles House to provide temporary accommodation to persons in housing need arising under Part VII of the Housing Act 1996 for a period of 2 years, and possibly extending to 4 years;</p> <p>(ii) that it be noted that the scheme will not proceed if planning permission for change of use is not granted;</p> <p>(iii) that authority be delegated to the Assistant Director of Housing, Regeneration and Major Projects, to award the proposed call-off contract from the Council's Private Managed Temporary Accommodation Framework Agreement to the successful tenderer for the scheme for an</p>

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			<p>initial period of two years (with the option to extend the scheme for a further two years) pursuant to the Council's Private Managed Temporary Accommodation Framework Agreement conditions of contract;</p> <p>(iv) that approval be given to the grant of a short term lease/licence at a peppercorn or nominal rent to the successful tenderer for the purpose of the performance of the contract, such lease to be ancillary to and run concurrently with the contract if considered expedient by the Assistant Director of Regeneration and Major Projects, Property and Asset Management, in consultation with the Director of Legal and Procurement on terms to be agreed by the officers. Rental income will be received from the non-secure tenancies placed within the scheme;</p> <p>(v) that approval be given to the use of Housing capital funding to the value of £50k for the works required to refurbish the building and bring it into use for the scheme;</p> <p>(vi) that approval be given to the disposal of the Knowles House site at the end of the scheme for a capital receipt and provide delegated authority to the Assistant Director of Regeneration and Major Projects, Property and Asset Management, to agree the terms of the transaction in conjunction with the Director of Finance and Corporate Services.</p>
13.	Revised Allocation Scheme	All Wards	<p>(i) that approval be given to the revised Allocation Scheme;</p> <p>(ii) that approval be given to the proposals for the waiting list, including adoption of a residential qualification, and the revised banding system for the choice-based lettings scheme set out at paragraphs 4.1 – 4.7 of the report from the Directors of Regeneration and Major Projects and of Strategy, Partnerships and Improvement;</p> <p>(iii) that the proposals concerning tenure at paragraphs 5.1 – 5.3 of the report which have already been approved through the Tenancy Strategy, and that tenants will be informed at the earliest possible point of the type of tenancy they can expect to be offered be noted;</p>

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			<p>(iv) that approval be given to the proposals on bidding, including the proposed limitations on the number and timing of bids, set out in paragraphs 6.1 – 6.2 of the Directors’ report;</p> <p>(v) that approval be given to the proposals relating to “community contribution” set out in paragraphs 7.1 – 7.4 of the report;</p> <p>(vi) that approval be given to the proposals for granting additional priority and local connection to households in employment and certain disabled households set out in paragraphs 8.1 – 8.7 of the report;</p> <p>(vii) that approval be given to the proposals for income and savings thresholds set out in paragraphs 9.1-9.5 of the Directors’ report;</p> <p>(viii) that approve be given to the proposed approach to the treatment of overcrowding within the scheme set out in paragraphs 10.1 – 10.3 of the Directors’ report;</p> <p>(ix) that approval be given the proposed banding scheme set out in paragraph 11.1 and Appendix 1 of the Directors’ report;</p> <p>(x) that approval be given to the proposed approach to the consideration of household composition and, in particular, the age at which children would be treated as non-dependent, set out in paragraphs 12.1 – 12.2 of the Directors’ report;</p> <p>(xi) that the content of the Equality Impact Assessment regarding the revised Allocation Scheme which is set out in Appendix 2 of the Directors’ report be noted.</p>
14.	Tackling Diabetes in Brent task group report	All Wards	<p>(i) that the task group’s recommendations be considered in the allocation of the Public Health budget and the work programme of the Healthy Lifestyles Team;</p> <p>(ii) that members of the task group be thanked for their work.</p>
15.	Community Right to Challenge	All Wards	<p>(i) that the requirements of the Localism Act 2011 and the Statutory Guidance on the Community Right to challenge from the Secretary of</p>

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			<p>State be noted;</p> <p>(ii) that for the financial year 2013/14, a bidding window be set for the period between 1 May 2013 and 30 June 2013 for community groups to submit expressions of interest to the Council under the community right to challenge;</p> <p>(iii) that for subsequent financial years after 2013/14, an annual bidding window be set for the period between 1 April and 30 May for community groups to submit expressions of interest to the Council under the community right to challenge;</p> <p>(iv) that officers be authorised to produce and publish a list of services due to be the subject of contracting processes in the following financial year in conjunction with the annual bidding window, starting from May 2013 for the financial year 2013/14;</p> <p>(v) that authority be delegated to directors for the relevant service areas to be responsible for assessing the expressions of interest against the criteria within the statutory guidance relating to the community right to challenge and deciding whether to accept or reject the expressions of interest;</p> <p>(vi) that the decision of the Director of Regeneration and Major Projects to accept the expression of interest made by Brent Tenants Rights Group regarding the Council's Tenancy Relations Service as set out in paragraph 3.33 of the report be noted.</p>
16.	Temporary staff contract award	All Wards	<p>(i) that approval be given to the award of contract for Temporary Agency Staff to Reed Managed Services plc, for a period of three years from 1st August 2013 plus a possible extension of one further year on the basis of the rates outlined in section 4 of the report from the Director of Legal and Procurement;</p> <p>(ii) that approval be given to an exemption from the usual tendering requirements of Contract Standing Orders and to approve the direct award</p>

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			of an interim contract to Comensura Ltd for the period from 9 April 2013 to 31 July 2013 for the good financial and/or operational reasons set out in paragraph Error! Reference source not found. of the report from the Director of Legal and Procurement.
17.	West London Alliance Accord	All Wards	(i) that approval be given to adoption of the new West London Alliance Accord at Appendix 1 to the report from the Director of Legal and Procurement as the basis of on-going collaborative working amongst the boroughs of Barnet, Brent, Ealing, Harrow, Hillingdon and Hounslow, with authority being given to the Chief Executive in consultation with the Lead Member to agree any appropriate minor alterations to the Accord; (ii) that the Chief Executive be authorised to agree Brent’s annual financial contributions to the West London Alliance to be met from existing budget provision; (iii) that the 2 achievements of the WLA as set out in the West London Alliance Annual Report at Appendix 2 to the report be noted.
18.	Reference of item considered by Call in Overview and Scrutiny Committee (if any)		None.
19.	Any Other Urgent Business		None.