



LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Monday 15 October 2012 at 7.00 pm

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

Also present: Councillors Al-Ebadi, Cheese, Chohan, S Choudhary, Hashmi and Mitchell Murray

Apologies for absence were received from: Councillors J Moher

1. Declarations of interests

None made.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 19 September 2012 be approved as an accurate record of the meeting.

3. Matters arising

None.

4. Deputations

None.

5. Authority to award framework agreement for provision of carer related short break, home based support and respite services for adult social services and children and families - Addendum

Councillor Hirani (Lead Member, Adults and Health) advised the Executive that since the approval of the award framework agreement at the previous meeting on 19 September 2012, a number of anomalies in the original award detail and rankings had come to light. Members now had before them an addendum to the original report which provided an explanation for the anomalies in the original award recommendation and recommended the organisations that should be appointed onto the Framework Agreement now that data had been reassessed. Councillor Hirani advised that the start date for the framework agreement would be put back.

The Executive also had before them appendices to the report which were not for publication as they contained the following category of exempt information as specified in paragraph 3 of Schedule 12A to the Local Government Act 1972, namely:

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

RESOLVED:-

- (i) that approval be given to the appointment to the seven Lots of the Framework Agreement for four years, for the provision of carer related short break, home based support and respite services for Adult Social Services and Children and Families of those providers stated in paragraph 4.1, Table 1 which now replaced Table 2 at 3.15 in the report from the Director of Adult Social Services dated 19 September 2012;
- (ii) that it be noted that officers anticipate putting back the date that the Framework Agreement goes live by approximately four weeks from 22 October to 19 November 2012 to allow sufficient time for award letters to be dispatched and for observation of the 10 day ‘standstill’ period which would apply to the award of this contract.

6. Adoption Annual Report April 2011 to March 2012

The purpose of the report from the Director of Children and Families was to provide general information about Brent’s Adoption Service and to update members following the Ofsted inspection in February 2012 and Department for Education (DfE) Diagnostic assessment in July 2012. Councillor Arnold (Lead Member, Children and Families) reminded the Executive that following the Ofsted inspection, two judgement areas were judged to be good and two adequate. The overall judgement was adequate. Councillor Arnold drew attention to arrangements now in place to address the concerns regarding the timeliness of adoptive placements including the appointment of a head of service, improved tracking and increased recruitment activity. She was pleased to report that the adoption figures for 2012 indicated improvements in the timeliness of children going through the system and onto adoption, to now being above the national average.

RESOLVED:

that the contents of the report and of the Action Plan contained in Appendix A to the report from the Director of Children and Families be noted.

7. Managing Brent's Public Realm

Councillor Powney (Lead Member, Environment and Neighbourhoods) introduced the report which set out proposals for a new contract to manage “public realm” services (namely waste, recycling, street cleaning and grounds maintenance) the current contract due to end on 31 March 2014. Councillor Powney explained that by having a number of activities in one contract and collaborating with other boroughs, significant savings could be achieved. Members heard that since the publication of the original report from the Director of Environment and

Neighbourhood Services one of the boroughs due to be involved in the partnership arrangement had decided that the timing of the contract meant it would not be in their interests to participate in the joint procurement. A supplementary report circulated in advance of the meeting provided an update and advised that the business case for proceeding with Barnet and Hounslow remained robust. Three options were set out in the Director's report: Option 1, a Brent Council and Brent Housing Partnership (BHP) public realm contract; Option 2, a full collaborative approach and on-going management across the boroughs of Brent, Barnet, Richmond and Hounslow and BHP; and Option 3, joint procurement only across the four boroughs. Members were being recommended to adopt Option 2. Councillor Powney outlined the recommendations in the report which included the authorisation of an amendment to the capital programme to procure a new depot should a suitable site be identified.

During questions members raised the possible impact on the parks service and heard that the contract specification would in time set out individual council's requirements. It was noted that the comparisons would be between the bidders based on the current situation.

The Executive agreed the recommendations in the Director's report.

RESOLVED:-

- (i) that approval be given to the Council participating in a collaborative procurement and service delivery exercise known as 'Managing the Public Realm' for the provision of waste, recycling, street cleaning and grounds maintenance services;
- (ii) that it be noted that Brent will act as the Lead Authority for the procurement exercise;
- (iii) that officers invite tenders for the Managing the Public Realm Services contract in accordance with paragraphs 2.4 and 2.5 of the report from the Director of Environment and Neighbourhood Services;
- (iv) that approval be given to an exemption from Contract Standing Order 88 to allow an advert to be placed and a pre-qualification process to be run without the approval of evaluation criteria and certain other pre-tender considerations, subject to approval of such matters at a future Executive;
- (v) that approval be given to certain pre-tender considerations for the proposed Managing the Public Realm Services contract as set out in paragraph 3.8.5 of the Director's report as amended;
- (vi) that the proposed interim governance arrangements set out in paragraph 3.7.1 be noted and officers report back to the Executive for approval to final governance arrangements once developed further;
- (vii) that agreement be given to an amendment of £6.2m to the Council's capital budget for 2012/13 to procure a new depot as set out in section 3.6 of the report. If a suitable site is identified, due to the reasons set out in paragraph 3.6.6 of the Director's report, that the final terms of any acquisition including

the purchase price be delegated to the Director of Regeneration and Major Projects and the Deputy Director of Finance in consultation with their respective Lead Members. Such purchase price to be contained within the amendment to the Council's capital budget as set out within this report.

8. South Kilburn redevelopment

The report from the Director of Regeneration and Major Projects set out the progress made on the regeneration of South Kilburn and set out the approvals required by the Executive to further progress Phases 2 and 3 of the regeneration programme. Councillor Crane (Lead Member, Regeneration and Major Projects) advised that the project was due to provide 208 new homes by 2014 approximately half of which would be affordable. The South Kilburn Masterplan was delivering. Councillor Crane referred to the intention to procure a developer partner for aspects of the redevelopment and it was hoped that a new healthy living centre could be brought forward as part of Phase 3 of the programme.

Councillor Arnold (Lead Member, Children and Families), as ward councillor, welcomed the progress that was being made and, in response to her question, heard that active consideration would be given to nursery provision for the area.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in paragraph 3 of Schedule 12A to the Local Government Act 1972, namely:

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

RESOLVED:-

General Recommendations

- (i) that the progress made on the South Kilburn Regeneration Project as set out in the report from the Director of Regeneration and Major Projects be noted;

Phase 2 Recommendations

- (ii) that approval be given to the Director of Regeneration and Major Projects undertaking a mini-competition under the South Kilburn Developer Framework to identify a developer partner for the disposal of Bronte House and Fielding House;
- (iii) that rent levels for the affordable units at Bronte House and Fielding House once completed, be set at a rent equivalent to Homes and Community Agency's Target Rent Levels ('HCA Target Rent Levels');
- (iv) that officers begin an OJEU Procurement process for a developer partner for the disposal of Site 11b;
- (v) that officers' intentions to procure a design team to take proposals through to full planning application (RIBA Stage C or D) for Gloucester House and

Durham Court as shown edged red on Plan A at Appendix 1 be noted and reported back following award of contract;

- (vi) that officers' intentions to enter into discussions with the landowner of 5-9 Chippenham Gardens and the Post Office site to ascertain if it is possible to bring forward the comprehensive redevelopment of the Post Office Plus Site as shown edged red on Plan B at Appendix 1 be noted;
- (vii) that officers' intentions to procure a design team (if applicable) to take proposals through to full planning application (RIBA Stage C or D) for the Post Office Plus Site be noted;
- (viii) that approval be given to proceed with securing vacant possession of the properties within Phase 2b through negotiation and private treaty and then, if necessary, via possession proceedings based on Ground 10A in relation to the secure tenants and then CPO for all other interests;
- (ix) that approval be given 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 (excluding secure tenancies) in the area as shown edged red ('the CPO Land') on Plan C attached at Appendix 1 to the Director's report being at and adjacent to Bronte House and Fielding House together with any new rights which may be required for the development of the CPO Land under section 13 Local Government (Miscellaneous) Provisions Act 1976;
- (x) that the following be authorised:
 - (a) Submissions of the CPO, once made in respect of the CPO Land to the Secretary of State for confirmation whilst at the same time seeking to acquire the CPO Land by private negotiated treaty on such terms as may be agreed by the Director of Regeneration and Major Projects;
 - (b) Director of Regeneration and Major Projects to enter into agreements and make undertakings on behalf of the Council with the holders of interests in the CPO Land or parties otherwise affected by the scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPO and including the offering back of any part of the CPO Land not required by the Council after the completion of the development or the acquisition of rights over the CPO Land in place of freehold acquisition, where such agreements are appropriate;
 - (c) Making of one or more general vesting declarations or service of Notices to Treat and Notices of Entry (as appropriate) pursuant to the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 respectively should the CPO be confirmed by the Secretary of State or otherwise;
 - (d) Serving of all requisite notices on the holders of the CPO Land relating to the making and confirmation of the CPO;

- (e) Director of Regeneration and Major Projects to remove from the CPO in respect of any plot (or interest therein) no longer required to be acquired compulsorily for the scheme to proceed and to amend the interest 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);
- (f) Director of Regeneration and Major Projects within the defined boundary of the CPO Land, to acquire land and/or new rights by agreement either in advance of the confirmation of compulsory purchase powers, if so advised, or following the confirmation of compulsory powers by the Secretary of State;
- (g) Director of Regeneration and Major Projects, if so advised, to seek to acquire for the Council by agreement any interest in land wholly or partly within the limits of the CPO Land for which a blight notice has been validly served.
- (xi) that the Director of Regeneration and Major Projects, where necessary, seek the Secretary of State's consent to the appropriation for planning purposes under section 19 Housing Act 1985 of all Council interests in Site 11b, Bronte House, Fielding House and Phase 2b and to the disposal and redevelopment of Site 11b, Bronte House, Fielding House and Phase 2b, and securing possession of such land and property using whatever powers are available;
- (xii) that the Director of Regeneration and Major Project review the strategy for securing vacant possession from secure tenants on Phase 2b and all subsequent phases (which is presently based on using Ground 10A Housing Act 1985), including considering the use of CPO powers, and to undertake any consultation legally required in the event that the Director of Regeneration and Major Project is considering recommending a change in strategy to the Executive;
- (xiii) that in the event that, after having reviewed the strategy for securing vacant possession from secure tenants on Phase 2b and all subsequent phases, the Director of Regeneration and Major Project does not wish to recommend a change in strategy to the Executive, agreement be given to commence any statutory consultation required with secure tenants residing in blocks earmarked for redevelopment within Phase 2b in order to rely on Ground 10A Housing Act 1985;
- (xiv) that the Director of Regeneration and Major Projects develop a draft allocation policy for allocating homes to residents living within Phase 2b and to undertake any consultation legally required in relation to this draft policy.

Phase 3 Recommendations

- (xv) that approval be given to proceed with securing vacant possession of the properties within 113 -136 and 97 -112 Carlton House, Peel Precinct (together defined as 'Peel') as identified edged red on Plan D at Appendix 1 and Hereford House and Exeter Court as identified edged red on Plan E at

Appendix 1 to the Director's report (together with Peel defined as 'Phase 3') through negotiation and private treaty and then, if necessary, via possession proceedings based on Ground 10A in relation to the secure tenants and then CPO for all other interests;

- (xvi) that in the event that, after having reviewed the strategy for securing vacant possession from secure tenants on Phase 2b and all subsequent phases, the Director of Regeneration and Major Project does not wish to recommend a change in strategy to the Executive, that the Executive agrees to commence any statutory consultation required with secure tenants residing in blocks earmarked for redevelopment within Phase 3 in order to rely on Ground 10A Housing Act 1985;
- (xvii) that the Director of Regeneration and Major Projects be authorised, where necessary, to seek the Secretary of State's consent to the appropriation for planning purposes under section 19 Housing Act 1985 of all Council interests in Phase 3 and to the disposal and redevelopment of Phase 3, and securing possession of such land and property using whatever powers are available;
- (xviii) that the Director of Regeneration and Major Projects be authorised to cease long term lettings on Phase 3 and continues to prioritise all new development site lettings in South Kilburn to tenants within sites on the next phase of development;
- (xix) that approval be given to the serving of demolition notices and the suspension of tenants' Rights to Buy in relation to secure tenancies on Phase 3 which are all on the South Kilburn estate, and authorise the Director of Regeneration and Major Projects to issue all and any notices required to be issued in connection with such demolition;
- (xx) that officers' intention to procure a design team to take proposals through to full planning application (RIBA Stage C or D) for the redevelopment of Peel to include the provision of a Healthy Living Centre and report back to the Executive following award of contract, be noted.

9. Outcomes of consultation and recommendations for a localised Council Tax Support (CTS) Scheme

The report from the Deputy Director of Finance set out the findings and outcomes of the consultation arrangements for the proposed local Council Tax Support Scheme carried out over a nine week period between 11 June and 10 August 2012. It also recommended a scheme for a new local Council Tax Support (CTS) scheme based upon the outcomes of the consultation process and achieving, as far as reasonably practicable, a financially neutral position in 2013/14 (the first year of operation).

Councillor R Moher (Lead Member, Finance and Corporate Resources) referred to the anticipated deficit of up to £5.1M in 2013/14 and regretted that the council did not have the resources to retain the existing scheme. In line with the outcome of the consultation, it was proposed to apply the principle of 'everyone paying something' which would include young working adults and efforts were being made to minimise the impact and to protect pensioners and other vulnerable members of the community. Councillor Moher drew attention to the consultation set out in the

appendices to the report and expressed concern that it appeared as though many people who would be affected by the changes had not engaged in the consultation exercise. The Executive noted that the statutory provisions for the CTS scheme were not anticipated to be passed until at least early November 2012 and a special council meeting would need to be held in December to enable the scheme to be considered. The Deputy Director of Finance advised that minor changes to the proposed scheme may be required prior to submission to the Special Full Council, in the light of the statutory provisions.

Councillor Butt (Chair, Leader of the Council) expressed regret that the council had to implement the new Council Tax Support scheme, which would have implications for many residents, while also being required to make further budget reductions. He urged members to highlight the forthcoming changes to residents.

RESOLVED:-

- (i) that the likely financial implications arising from the recommended scheme for the Council's local Council Tax Support (CTS) scheme with effect from 1 April 2013 and the risks and assumptions attached to these as set out in section 12 of the report from the Deputy Director of Finance be noted;
- (ii) that the findings and outcomes from the CTS consultation carried out with residents and other stakeholders as set out in sections 6 and 7 of this report and the Consultation Report attached as Appendix A to the report be noted;
- (iii) that the findings on equalities and other impacts arising from the proposed CTS scheme as set out in section 5 of the report be noted;
- (iv) that the intention to submit a report to Full Council in November 2012 or at subsequent ordinary or special Full Council meeting to approve the local Council Tax Support Scheme as proposed within this report subject to the timely passing of relevant statutory provisions be noted.

10. Public Health Transfer - proposed structure and the role of the Director of Public Health

Consideration of this report was deferred in the light of the recommendations from the Health Partnerships Overview and Scrutiny Committee held on 9 October 2012.

11. Authority to invite tenders for the leaseholder property insurance services contracts

Councillor R Moher (Lead Member, Finance and Corporate Resources) introduced the report relating to the future provision of the Council's Leaseholder Property Insurance Service contract which requested approval to invite tenders in respect of the proposed Insurance Service contract to start 1 November 2013, as required by Contract Standing orders 88 and 89. Councillor Moher advised that the current contract expired during the following year and market testing showed that efficiencies were achievable. She drew members' attention to the legal implications set out in the report and it was noted that the tender would be subject to the full application of the EU Regulations.

RESOLVED:-

- (i) that approval be given to the pre - tender considerations and the criteria to be used to evaluate tenders for the Council's Leaseholder Property Insurance Services as set out in paragraph 3.10 of the report from the Deputy Director of Finance;
- (ii) that approval be given to officers inviting expressions of interests, agreeing shortlists, inviting tenders in respect of the Council's Leaseholder Property Insurance Services contract and their evaluation in accordance with the approved evaluation criteria referred to in (i) above.

12. National non domestic rate relief

The report from the Deputy Director of Finance advised that the Council had the discretion to award rate relief to charities or non-profit making bodies. It also had the discretion to remit an individual National Non-Domestic Rate (NNDR) liability in whole or in part on the grounds of hardship. Members considered applications received for discretionary rate relief since the last considered in July 2012. In addition one application for hardship relief had been received which it was recommended to be refused. Councillor R Moher (Lead Member, Finance and Corporate Resources), in introducing the report, reminded the Executive that the total 2012/13 budget available for discretionary spending was £91,000 which was already committed.

The Executive also had before an appendix to the report which was not for publication as it contained the following category of exempt information as specified in paragraph 3 of Schedule 12A to the Local Government Act 1972, namely:

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RESOLVED:

that agreement be given to the discretionary rate relief applications in Appendix 2 to the report from the Deputy Director of Finance and to the rejection of the hardship application in Appendix 3.

13. Any Other Urgent Business

None.

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

None.

The meeting ended at 7.30 pm

M BUTT
Chair

