



LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Monday 10 December 2012 at 6.00 pm

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

Also present: Councillors Hashmi, Lorber, CJ Patel, Pavey and Thomas

Apologies for absence were received from: Councillors R Moher and J Moher

1. Declarations of pecuniary interests

None made.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 12 November 2012 be approved as an accurate record of the meeting.

3. Matters arising

None.

4. Deputation - Award of Contract for Highway Services

With the consent of the Executive, George Fraser representing the GMB Trade Union, addressed meeting in connection with the report from the Director of Environment and Neighbourhood Services which requested authority to award a call off contract to deliver highways maintenance and related services from 1 April 2013 to March 2021. He spoke against the proposals which he felt would have an adverse effect on employees some of whom had many years' service with the council. George Fraser questioned the financial basis for aspects of the contract and the justification for outsourcing given the TUPE (Transfer of Undertakings (Protection of Employment) Regulations arrangement and income projections making specific reference to the future of the Sign Shop and whether that was included in the contract. He felt that the savings to be made appeared to disproportionately affect the lower paid and staff had not received adequate assurances of future employment prospects.

The Executive thanked Mr Fraser for his contribution.

5. Authority to participate in the London Highways Contract for Highway Services

Councillor Powney (Lead Member, Environment and Neighbourhoods) introduced the report from the Director of Environment and Neighbourhood Services which advised that the current Brent highway framework agreements ended on 31 March 2013 and requested that authority be granted to award a call-off contract to Conway AECOM with total anticipated value of £7.8m per annum to deliver highways maintenance and related services on and around the London Borough of Brent Road Network from 1 April 2013 to 31 March 2021, as required by Contract Standing Order 88. Councillor Powney advised that the proposed contract was a call off from one of the London Highways Alliance Contract (LoHAC) framework agreements, the product of a collaborative procurement which would be accessible to all London Boroughs and Transport for London (TfL). The report also set out the financial savings of £485,000 a year and other benefits associated with the contract.

Referring to the deputation earlier in the evening from George Fraser (GMB) Councillor Powney drew members' attention to the recommendations in the report and to the opportunities that would come from having a common specification to compare prices and achieve savings by challenging contractors. He also referred to the TUPE implications set out in the report and additional payments that may be necessary. Redundancies were not anticipated at this stage. The Director of Environment and Neighbourhood Services clarified that the contract was wider than just highway services currently provided in-house and drew attention to the financial tables in the report which set out the services to be procured and from where savings were expected. The Director stated that many services were already on the framework with better rates through economies of scale, confirmed that redundancies were not expected and the Sign Shop would be included.

The Chair, Councillor Butt (Leader of the Council) assured members of staff present from the Highways Services team that their concerns were being taken seriously, that dialogue with trade unions should continue and time made available for further discussions.

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 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 agreement be given to the adoption of Transport for London's London Highways Alliance Contract as the Council's method of delivery for highways maintenance services from 1 April 2013;
- (ii) that approval be given to the award of a call-off contract with Conway AECOM for core highways maintenance services and improvement schemes as set out in paragraph 4.1 for 8 years for the services listed in paragraph 3.7.2 of the report from the Director of Environment and Neighbourhood Services;

- (iii) that it be acknowledged that the value of the contract for the provision of highways maintenance services is estimated to be circa £62.4m over the duration of the contract;
- (iv) that the Director of Environment and Neighbourhood Services be authorised, in consultation with the Lead Member for Highways and Transportation, to finalise the terms of the call off contract and to agree any additional payment required under the contract to the contractor named above as a result of legal obligations on TUPE and pension protection;
- (v) that the TUPE implications set out in section 7 of the Director's report be noted;
- (vi) that authority be delegated to the Director of Environment and Neighbourhood Services, in consultation with the lead member, to finalise the terms of the call off contract and to agree any additional payment required under the contract to the contractor named above as a result of legal obligations on TUPE and pension protection and more exceptionally, payments that might be made for severance.

6. Fostering Service Annual report - March 2011 - April 2012

Councillor Arnold (Lead Member, Children and Families) introduced the report which informed the Executive of the work undertaken by the Fostering Service between April 2011 and March 2012. The report provided the Executive with information on the service offered to foster carers and outcomes for children including compliance with the National Minimum Standards. The report also gave an update on the activity of the Fostering Panel and work undertaken to improve the recruitment and retention of foster carers. Councillor Arnold highlighted the improvements to the service which had been significant including the increase in the number of foster carers, reduced expenditure on external fostering provision and focus on improving fostering provision. Councillor Arnold also referred to the statement of purpose which was before the Executive for approval.

RESOLVED:-

- (i) that the contents of both the Fostering Service Annual Report and Regulation 35 Report be noted;
- (ii) that approval be given to the Fostering Service Statement of Purpose 2012-13 appended to the report from the Director of Children and Families.

7. School funding reforms 2013/14

The report before the Executive advised that following a nationwide consultation the Department for Education had introduced new legislation requiring all local authorities to amend their local Schools Fair Funding Formulae from April 2013. Councillor Arnold (Lead Member, Children and Families) drew attention to the short timescale involved in approving Brent Fair Funding Formula for which the Executive had statutory responsibility following consultation with the Schools Forum. In setting the formula key considerations had been to ensure consistency and minimise turbulence as far as possible. No secondary school would lose more than 1.5% per

pupil. The Director advised that the Schools Forum was in general support of the proposals but at their meeting the previous week had requested that had additional concerns expressed be brought to members' attention. These were circulated separately in advance of the meeting. Councillor Arnold advised that the Funding Formula would be kept under review.

Arnold Meagher (Legal and Procurement) advised that specific equalities issues, such as special educational needs and deprivation, were referred to throughout the report and the Executive would need to give due regard to equal opportunities implications.

The Executive noted the comments and agreed the recommendations in the Director's report.

RESOLVED:-

that approval be given to the following:

- (i) the adoption of Model 2 (Appendix C) as the Fair Funding Formula for Brent Schools for 2013/14 with the impact being closely monitored with the Schools forum over the coming year and reviewed again for the 2014/15 financial year;
- (ii) the level of protection to be used for Special Educational Needs (SEN) as set out in Appendix E of the report from the Director of Children and Families;
- (iii) the transfer of £1m from the High Needs Block to the Schools Block to be distributed via the Income Deprivation Affecting Children Index (IDACI) for Primary Sector and IDACI and Attainment for Secondary Sector, to be used as a proxy for SEN needs between £6k and £12k;
- (iv) the transfer of £500k from the Schools Block to the Early Years Block for SEN in Early Years;
- (v) to switch the deprivation factor in Early Years from using the Index of Multiple Deprivation (IMD) to using IDACI.

8. Strategy for Implementing the Two Year Old Early Education and Childcare Free Entitlement

The report from the Director of Children and Families advised that the government was extending the provision of 15 hours of free early learning and childcare for disadvantaged two year olds (2 YOs) on a statutory basis in two phases. From September 2013 (Phase 1) the government estimated that 20% of this age group will benefit nationally. The scheme will be extended in Phase 2 from 2014 when 40% of 2YOs will benefit.

Councillor Arnold (Lead Member, Children and Families) in commending the report to the Executive stated that the proposals were in line with council objectives particularly the Children and Young People's Plan as well as the One Council Working with Families project and the government's Troubled Families initiative. To meet the anticipated demand for places by September 2013 the council would be

working with private, voluntary and independent nurseries and childminders to achieve improvements that would generate additional places and Councillor Arnold asked the Executive to approve the strategy to implement the September 2013 two year old childcare and early education offer.

RESOLVED

- (i) that approval be given to the strategy to implement the offer of free childcare to two year olds based on eligibility for a free school meal from September 2013;
- (ii) that agreement be given to a further report in the early summer of 2013 updating on progress with the September 2013 offer and the strategy to implement the September 2014 offer;
- (iii) that officers review the current policy for funding full time places in schools, including a full consultation with stakeholders, with a report back to Executive in the autumn of 2013.

9. Authority to award a framework agreement for the provision of school meals services to Brent schools

The report from the Director of Children and Families requested authority to award a framework agreement for the provision of school meal services as required by Contract Standing Order No 88. The report summarised the process undertaken in tendering this Framework Agreement and recommended a method for the appointment of contractors to the Framework Agreement. The Lead Member for Children and Families, Councillor Arnold, outlined the tender process which she said had been robust and following which two contractors were being recommended for appointment. Currently, 22 schools had expressed an interest in being part of the joint procurement exercise and calling off their school meal services from the framework agreement when in place.

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 Schedule 12 of the Local Government (Access to Information Act) 1972:

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RESOLVED:

- (i) that it be noted that there had been amendments to the evaluation criteria approved by the Executive on 23 April 2013 for appointment to the Framework Agreement for the reasons detailed in paragraph 3.8 of the report from the Director of Children and Families;
- (ii) that the procurement process for the Framework Agreement as set out in section 3 of the report from the Director of Children and Families be noted;
- (iii) that the Director of Children and Families be authorised, in consultation with the Director of Legal and Procurement, to approve the award of Framework

Agreement and the appointment of two contractors referred to in the report from the Director of Children and Families onto the Framework Agreement for a period of three years from 4 January 2013 (with the option to extend for up to one year).

10. Cemeteries Strategy

Councillor Powney (Lead Member, Environment and Neighbourhoods) introduced the report from the Director of Environment and Neighbourhood Services which provided the Executive with an overview of Brent's Cemeteries Strategy. The strategy concerned the four cemeteries owned and managed by Brent Council and would enable the council to provide an inclusive and cost effective service to meet current and future demand for burial. Councillor Powney referred members to the Strategy which he considered to be comprehensive focusing on burial and also treating cemeteries as valuable green spaces. He highlighted the priorities in the action plan appended to the report and objectives which provided for each cemetery to have its own management plan to help investment in the service.

Councillor Hirani (Lead Member, Adults and Health) referred to the absence of a crematorium in the borough acknowledged in the report due to the lack of a suitable location noting that this would be reviewed should a suitable location become available in future with the necessary funding.

RESOLVED:

- (i) that the findings of the strategy be noted and agreement given to its vision to "meet the needs of bereaved people and the wider community within the borough" by
 - conducting the burial and commemoration of the dead of the diverse community in a secure, sustainable and well-maintained environment.
 - offering burial options at a choice of four cemeteries.
 - enabling local communities to access cemeteries as valuable historic green spaces which promote wellbeing, biodiversity, learning and recreation;
- (ii) that the three inter linked objectives which have been formed to deliver the vision of the strategy, as set out in paragraphs 3.19, 3.20 and 3.21 of the report from the Director of Environment and Neighbourhood Services be noted;
- (iii) that the action plan to deliver the strategy (attached as Appendix 2 of the Director's report) be noted;
- (iv) that approval be given to the principle of using Invest to Save funding to increase the availability of burial space.

11. Disposal of the Town Hall

Councillor Crane (Lead Member, Regeneration and Major Projects) reminded the Executive that with the building of the new Civic Centre, the existing Town Hall site would become surplus to the council's requirements during 2013. Previous reports

to the Executive had outlined that the council needed to maximise the capital receipt for the Town Hall in order to contribute towards the Civic Centre business plan. Councillor Crane outlined the marketing exercise undertaken for the Town Hall which formally started in March 2012, following which five submissions were received. He drew members' attention to the legal implications and the appendix to the report which was not for publication, and made recommendations in respect of the disposal of the Town Hall site to a preferred bidder referred to in the report, or to the reserved bidder, depending on the outcome of negotiations and subject to planning permission.

Appendices to the report 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:

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RESOLVED:-

- (i) that approval be given to the disposal of the Town Hall site for the sum set out in the confidential Appendix 1 of the report from the Director of Regeneration and Major Project, to the preferred bidder, or depending on how negotiations proceed, agree a sale to the reserve bidder - the second highest bid and that the Director of Regeneration and Major Projects to be authorised to agree the final terms and to complete the disposal;
- (ii) that the Director of Regeneration and Major Projects be authorised, in consultation with the Director of Legal and Procurement, to appropriate the Town Hall site as shown heavily outlined in black on the plan comprised in Appendix 2 for the planning purposes of facilitating the redevelopment of the Town Hall site pursuant to section 122 of the Local Government Act 1972.

12. Public Health Contracts - process for transfer and commissioning intentions for 2013/14

The joint report from the Directors of Adult Social Services and Strategy, Partnerships and Improvement set out for the Executive plans for the transfer of public health service contracts to the council to ensure service continuity in 2013/14. Councillor Hirani (Lead Member, Adults and Health) stressed that the aim was to ensure continuity and hence the proposal for existing contracts due to expire on the 31 March 2013 to be extended by NHS Brent for at least one year and transferred to the council. Public Health contracts to be re-procured in line with the council's plans for the service and its procurement rules.

Councillor Hirani drew attention to three contracts currently commissioned by NHS Brent that they were recommending be discontinued namely: Central London Community Services - Contraceptive services; Young Addaction - Teenage pregnancy services and sexual health services for young people at the Cobbold Road Centre; and Lonsdale Practice - shared care for opiate users with high levels of need had been provided from the Lonsdale Practice. An assessment of the need and future provision of these services would take place in due course.

RESOLVED:-

- (i) that the approach set out in the joint report from the Directors of Adult Social Services and Strategy, Partnerships and Improvement to the proposed transfer of existing public health contracts be endorsed;
- (ii) that agreement be given to the specific recommendations for each contract set out in the table in Appendix 1 to the Directors' report;
- (iii) that authority be delegated to the Director of Adult Social Services to enter into such contractual or other arrangements as may be required to ensure continuity of relevant services detailed in Appendix 1 for the financial year 2013/14;
- (iv) that it be noted that where it was not possible to pursue the recommendations for each contract set out in the table in Appendix 1 in the manner proposed, officers would report back to the Executive with regard alternative options.

13. Authority to award contract for temporary agency staff

The report from the Director of Strategy, Partnerships and Improvement requested authority to award a contract as required by Contract Standing Order No 88. The report summarised the process undertaken in selecting the supplier for the contract and recommended to whom the contract should be awarded.

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 Schedule 12 of the Local Government (Access to Information Act) 1972:

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RESOLVED:-

- (i) that it be noted that the council participated in a collaborative procurement leading to the award of the contract;
- (ii) that approval be given to the award of contract for Temporary Agency Staff to Adecco Group UK and Ireland, for a period of three years from 9 April 2013 plus a possible extension of one further year;
- (iii) that approval be given to an exemption from the usual tendering requirements of Contract Standing Orders and approve the direct award of an interim contract to Comensura Ltd for a period of 3 months from 9 January 2013 for the good financial and/or operational reasons set out in paragraph 3.12 of the report from the Director of Strategy, Partnerships and Improvement.

14. London Councils Grants Scheme

Councillor Butt (Chair, Leader of the Council) presented for approval the report which sought agreement to London Councils Grants Committee budget for 2013/14 and the associated reduction in the level of contribution by Brent Council to the London Borough Grants Scheme.

RESOLVED:

that approval be given to the recommended budget for the London Councils Grant Scheme and the contribution of £342,487 to be paid by the Council towards the London Boroughs Grants Scheme for 2013/14.

15. Collection Fund Surplus/Deficit at 31 March 2013

The Executive received the annual report which, as part of the Council Tax setting process for 2013/2014, estimated the amount of any surplus or deficit on the Collection Fund as at 31 March 2013.

RESOLVED:-

that agreement be given to agree the calculation of the estimated Collection Fund balance as at the 31 March 2013 as a surplus of £2.34 million.

16. Performance and Finance review, Quarter 2, 2012/13

The joint report from the Deputy Director of Finance and Director of Strategy, Partnerships and Improvement provided members with a corporate overview of Finance and Performance information to support informed decision-making and manage performance effectively. The Executive noted that this was last year the report would be presented in this format following a review and were commended to intervene in areas identified as high risk and to challenge officers on a regular basis.

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 Schedule 12 of the Local Government (Access to Information Act) 1972:

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RESOLVED:

- (i) that the finance and performance information contained in the report from the Director of Strategy, Partnerships and Improvement and the Deputy Director of Finance be noted and remedial actions taken as necessary;
- (ii) that the current and future strategic risks associated with the information provided be noted and remedial actions taken as appropriate;
- (iii) that the budget virements contained within this report be approved;
- (iv) that the write off of bad debts contained within the report be noted.

17. Reference of item considered by Call in Overview and Scrutiny Committee

None.

The meeting ended at 6.45 pm

M BUTT
Chair