



LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Monday 11 February 2013 at 7.00 pm

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

Also present: Councillors Al-Ebadi, Cheese, Chohan, A Choudry, Hashmi, Lorber and Mitchell Murray

1. Declarations of personal and prejudicial interests

Councillor Hirani declared a personal interest in the item relating to the Vivian Avenue covenant - deed of sale, as a member of Willow Housing Association. Councillor Butt declared a personal interest in the item relating to the sale of Tokyngton Library and indicated that he would take no part in the discussion thereon, vacate the chair and leave the room for that item only.

2. Minutes of the previous meeting

RESOLVED:

that the minutes of the previous meeting held on 14 January 2013 be approved as an accurate record of the meeting.

3. Matters arising

None.

4. Deputation - Douglas Avenue Resource Centre disposal and Ashley Gardens Pavilion refurbishment

With the consent of the meeting, Mr Robert Dunwell addressed the Executive on behalf of Pavilion Nursery operating from the first floor of Ashley Gardens Pavilion in Wembley concerning plans to refurbish the ground floor of the pavilion. He presented a petition on behalf of parents, residents and nursery owners who were concerned at the intention to move Brent Education Tuition Service (BETS) from its current three sites to one site on the ground floor of the current vacant former BACES building in Ashley Gardens Pavilion. BETS catered for the widest range of pupil age and need including sick or injured pupils, school refusers with medical conditions and excluded pupils. Mr Dunwell asked that the proposal for excluded pupils be withdrawn as he felt it compromised the safety of the nursery children and would also affect the commercial viability of the nursery which had an outstanding Ofsted rating.

The Chair, Councillor Butt, thanked Mr Dunwell for his contribution and assured that his concerns would be taken seriously.

5. Douglas Avenue Resource Centre disposal and Ashley Gardens Pavilion refurbishment - amendment to the capital programme

Councillor Crane (Lead Member, Regeneration and Major Projects) introduced the report which sought approval to enable forward funding of refurbishment works at Ashley Gardens Pavilion, Ashley Gardens and agreement to dispose of the freehold interest in the Douglas Avenue Resource Centre in order to repay the forward investment. Councillor Crane referred to the deputation earlier in the evening from Mr Dunwell speaking against proposals to relocate Brent Education Tuition Service on the Ashley Gardens site from where a nursery was also operating. Councillor Crane advised that meetings had taken place with the nursery operator and that the scheme had been designed with the nursery in mind.

The Director of Children and Families advised that plans were in place to review arrangements for excluded pupils to ensure they were fit for purpose referring to the council's statutory duty to provide education for this wide range of pupils. She assured that safeguards were in place and hoped for continued good working relations between BETS and the nursery. In answer to a question from Councillor Jones, the Director confirmed that BETS would have access to an outdoor play area.

RESOLVED:

- (i) that the capital programme be amended to include investment of up to £300k in the refurbishment of Ashley Gardens, Wembley HA9 8NP, and to fund this expenditure from the capital receipt arising from the sale of the council's site at Douglas Avenue Resource Centre;
- (ii) that authority be delegated to the Assistant Director Regeneration and Major Projects (Property and Asset Management) to dispose of the freehold interest in the Douglas Avenue Resource Centre, Douglas Avenue, Wembley HA0 4DT.

6. Fairer Charging Policy update

Councillor Hirani (Lead Member, Adults and Health) introduced the report from the Director of Adult Social Services which recommended that the council adopt a revised charging policy for adult recipients of non-residential services in accordance with the Department of Health's updated Fairer Charging and Fairer Contributions guidance issued in October 2012. Based on this revision, a review of the council's current charging policy and related practice frameworks took place which informed the proposed revised policy, to ensure that practice in Brent was in line with the Department of Health's Guidance and was consistently applied across all residents of Brent. Councillor Hirani outlined the services that would be affected.

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

RESOLVED:

- (i) that approval be given to adopt the Fairer Contributions Policy (attached at Appendix 2 to the report from the Director of Adult Social Services);
- (ii) that agreement be given to the revised practice frameworks included within the policy in relation to: appeals procedure; arrangement of funerals; protection of property and debt collection protocol;
- (iii) that the Deferred Payment policy be adopted;
- (iv) that payments to carer's continue to be outside the scope of the Fairer Contributions Policy, as outlined in paragraph 3.3.14 of the Director's report;
- (v) that approval be given to temporary respite care of up to eight weeks in some circumstances being financially assessed using the Fairer Contributions Policy rather than CRAG;
- (vi) that authority be delegated to the Director for Adult Social Services to nominate named officers to apply to the Probate Registry on behalf of the Council for grants of probate and letters of administration when recovering debts owed in relation to adult social care provision;
- (vii) that agreement be given to an implementation date of 1 March 2013.

7. **Outcome of Safeguarding Inspection report and Action Plan**

The report from the Director of Children and Families provided an update on the outcome of the Ofsted inspection of Brent's arrangements for the protection of children which took place between 22-31 October 2012. The detail was contained within the attached full inspection report and the associated Action Plan. Councillor Arnold reminded the Executive that the service had been judged to be adequate. It had been found that progress had been made since the last inspection but there had been insufficient time for the changes to have embedded and the impact to be evidenced. There were however a significant number of areas where improvements were required and immediate and medium term actions were set out in the report reflected in the department's action plan.

Councillor Butt (Chair, Leader of the Council) stressed that the council would strive towards continuous improvement and work collaboratively to deliver services for children.

RESOLVED:

- (i) that the outcome of the inspection which is summarised in the report published by Ofsted on 30 November 2012 attached as Appendix A to the report from the Director of Children and Families be noted;
- (ii) that approval be given to the Action Plan contained in Appendix B which addressed the recommendations identified in the inspection report and articulates the department's ambitions to continue to make significant and far reaching improvements to the service.

8. Authority for exemption to allow the award of contracts to Brent schools for specific education services

Councillor Arnold (Lead Member, Children and Families) introduced the report which detailed special educational needs and learning support services delivered to the council by four academies and made recommendations on the contractual arrangements to be put in place to formalise these arrangements. She drew members' attention to the schools involved and the reasons why a non-competitive approach was being adopted. Funding would come from the Schools Budget.

RESOLVED:

- (i) that approval be given to an exemption from the usual tendering requirements of Contract Standing Orders, to allow the award of an interim framework agreement to the academy Alperton Community School on a negotiated basis up to 31 August 2013 (with provision for a two-year extension);
- (ii) that the council enter into an agreement with Alperton Community School to protect the interests of both parties following the financial contribution made to the cost of constructing a building for use by the service at Alperton Community School;
- (iii) that approval be given to an exemption from the usual tendering requirements of Contract Standing Orders:
 - 1. that an interim block purchase contract be awarded for 10 places for children with a significant hearing impairment to the academy Kingsbury High School on a negotiated basis up to 31 August 2013 (with provision for a two-year extension);
 - 2. that an interim block purchase contract be awarded for 35 places at the City Learning Centre, to the academy Queens Park Community School on a negotiated basis up to 31 August 2014 (with provision for an annual review/ break clause at 31 August 2013);
 - 3. that an interim block purchase contract be awarded for 35 places for Brent children to the academy Claremont High School on a negotiated basis up to 31 August 2014 (with provision for an annual review/ break clause at 31 August 2013).
- (iv) that authority be delegated to the Director of Children and Families to conclude negotiations with these four Academies and award the proposed contracts/agreements.

9. Procurement of Speech and Language Therapy and information and guidance services at Children's Centres

The report from the Director of Children and Families sought authority for the renewal of two contracts delivered through Brent Children's Centres; one supplying speech and language therapy to children aged under five years and the other

delivering independent advice and guidance to Brent families. The services were commissioned by the council and form part of a range of services to families delivered through Children Centres. Approval was sought from the Executive for an exemption to tendering requirements of Contract Standing Orders requirements to renew speech and language therapy (SALT) and independent advice and guidance contracts for 12 months from 1 April 2013 to 31 March 2014 at existing terms and conditions. Councillor Arnold (Lead Member, Children and Families) advised that that this would allow time to align service planning and achieve improved and more proactive services.

RESOLVED:

- (i) that approval be given to an exemption from the tendering requirements of Contract Standing Orders and to the renewal of the current Speech and Language Therapy contract for children aged under 5 years with Hillingdon Community Health from 1 April 2013 to 31 March 2014 at a total cost of £306,700 at existing terms and conditions;
- (ii) that approval be given to an exemption from the tendering requirements of Contract Standing Orders and approval of the renewal of the current Independent Advice and Guidance (IAG) services with Brent Citizens Advice Bureau from 1 April 2013 to 31 March 2014 at a total cost of £175,608 at existing terms and conditions;
- (iii) that the proposal outlined at 3.5.1 of the Director's report to bring Children's Centre SALT services together with existing SALT services for children with Statemented Special Educational Needs in a single procurement to achieve cost and volume efficiencies be noted.

10. SEN and Disability Strategy 2013-2016

Councillor Arnold (Lead Member, Children and Families) introduced the Special Educational Needs and Disability Strategy 2013-16 submitted in response to statutory duty on councils to set out its arrangements to meet the needs of children with special educational needs and to consult on these arrangements. The strategy was in draft form and included an inclusive approach was a three year partnership strategy for children and young people with special educational needs and disabilities (SEND) in Brent for consideration and approval by the Executive. The strategy had been developed through a two stage consultation process with all key partners and stakeholders. The first stage took place in March and April 2012 and consulted on the principles and priorities that should underpin the strategy. The outcomes of this were used to develop a draft strategy which was the focus of the second stage of consultation. This stage commenced on 24 September and finished on 30 November.

Councillor Arnold emphasised the continued development of an inclusive approach, the increase demand for SEND services and government expectations for improvement and set out achievements so far, which included increased capacity which would reduce costs. Councillor Hirani concurred that this was a significant report with important links with the Health and Well-Being Strategy and Councillor Beswick (Lead Member, Crime and Community Safety) welcomed the development of additional special educational needs places in the borough.

RESOLVED:

that the partnership strategy for children and young people with special educational needs and disabilities attached to the report from the Director of Children and Families be approved as the Local Authority strategy for 2013-2016.

11. Authority for exemption to award a two year and one term contract for Special Educational Needs independent special school provision

The report from the Director of Children and Families concerned the commissioning of school places for secondary students with Statements of Special Educational Need for autistic spectrum disorders at Centre Academy, an independent day special school in Wandsworth. It outlined the current 'spot' purchase arrangements and sought an exemption from tendering in accordance with paragraph 84(a) of Standing Orders to allow a two year and one term contract to be awarded to Centre Academy for 15 places with an anticipated commencement date from 1 April 2013. The term of the contract would allow significant savings to be realised whilst also allowing officers time to assess longer-term strategic and procurement options aimed at ensuring that competitive, quality provision was sustained.

Councillor Arnold (Lead Member, Children and Families) outlined the current costs of commissioning ASD special school places on a spot purchase basis which would be substantially reduced under the proposed arrangements. Additionally, the Centre Academy had agreed to freeze the agreed rates for the life of the contract. It was noted that costs would fall within the Schools Budget funded via the ring-fenced Dedicated Schools Grant.

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 approval be given to an exemption from the usual tendering requirement of Contract Standing Orders to allow the award of a contract to Centre Academy from 1 April 2013 to 31 August 2015;
- (ii) that authority be delegated to the Director of Children and Families to conclude negotiations with Centre Academy and award the proposed two years and one term block contract on the basis of the rates outlined in this report and agreed in principle with Centre Academy.

12. Public Realm Contract Award criteria

On 15 October 2012 the Executive gave its approval to invite tenders for a public realm contract. The Executive approved the advertising and the operation of a pre-qualification process without the approval of evaluation criteria and certain other pre-tender considerations subject to approval of such matters at a future Executive.

The report from the Director of Environment and Neighbourhood Services updated the Executive on progress to date, explained the procurement process and set out the proposed contract award criteria and other pre-tender considerations.

Councillor Powney (Lead Member, Environment and Neighbourhoods) reminded the Executive that collaboration was now only with Brent Housing Partnerships as other participant boroughs had withdrawn primarily due to timetabling issues. The acquisition of a site for a depot would also achieve savings. Councillor J Moher (Lead Member, Highways and Transportation) emphasised that the contract would bring exciting opportunities in particular cleaner streets which would be welcomed. Councillor Butt (Chair, Leader of the Council) stressed the importance of the contract for jobs, savings and an improved service.

RESOLVED:

- (i) that it be noted that the collaborative partners have changed and that the procurement is now proceeding with Brent Housing Partnership (BHP);
- (ii) that the vision for the Public Realm Contract set out in paragraph 3.2.2 of the report from the Director of Environment and Neighbourhood Services be approved;
- (iii) that approval be given to the evaluation of tenders in accordance with the pre-tender considerations set out in paragraph 3.4.2 of the Director's report.

13. Dog Control Orders

The report from the Director of Environment and Neighbourhood Services provided information on the current Dog Control Orders, the informal feedback that had been received since their implementation in April 2012 and recommended one change to the Dog Control Orders currently in force in Brent's parks and open spaces. Councillor Powney (Lead Member, Environment and Neighbourhood Services) advised that the change would hopefully reduce fouling and pack activity.

RESOLVED:

- (i) that agreement be given to reduce from six to four the maximum number of dogs that one person can walk such that the Control Order is changed to:

The maximum number of dogs which may be taken onto Brent's parks and open spaces, The Dog Control Orders, restrict the maximum number of dogs to be controlled by one person to four. It is an offence for one person to be in charge of more than four dogs in any of the borough's parks or open spaces.

- (ii) that, for the avoidance of doubt, agreement be given to retain, without change, Orders that address:
 - a) areas where dogs would be excluded in Brent's parks and open spaces
 - b) areas where dogs are to be kept on leads in Brent's parks and open spaces

14. Transportation Major Works Programme 2013-14

The report from the Director of Environment and Neighbourhood Services advised that in 2012-13 roughly £7.5 million would have been spent improving Brent's transport infrastructure: resurfacing seven miles of road and four miles of footway and building over 20 schemes to improve safety and accessibility for residents. Councillor J Moher drew members' attention to a 36% increase in funding in 2013-14, amounting to over £10.2 million which would be spent improving Brent's roads, footways and transport infrastructure and would be funded by the council, Transport for London (TfL) and Section 106 funds from developers. He added that areas across the borough would benefit. The report set out recommendations for how Brent's £3.5 million capital budget should be allocated through a prioritised programme of major and minor pavement upgrades; road resurfacing; and improvements to the public realm. Councillor J Moher in response to a question on member involvement indicated that it was hoped that in future, this could be increased.

RESOLVED:

- (i) that the proposed £10.2M investment in Brent's transport infrastructure, an increase of 36% above that in 2012-13, be noted;
- (ii) that approval be given to invest the Brent highways capital programme for 2013/14 of £3.5 million as follows:

	% of Brent capital Budget	Amount (£ 000's)
Footways		
Major footway improvements (long sections)	44%	1,525
Footway improvements (short sections)	4%	150
Public realm improvements	3%	125
Sub-total	51%	1,800
Carriageways		
Resurfacing of unclassified roads	38%	1,300
Resurfacing of B & C Class roads	4%	150
Resurfacing of short sections	4%	150
Sub-total	46%	1,600
Contingencies for TfL schemes	3%	100
Total	100%	3,500

- (iii) that approval be given to the proposed 2013/14 highway improvement schemes and reserve schemes listed in Appendices 2 and 3 of the report from the Director of Environment and Neighbourhood Services;
- (iv) that the funding of £5.147 million from TfL to fund a wide range of transport improvements for Brent's residents through the LIP programme (set out in Appendix 5 of the report from the Director of Environment and Neighbourhood Services) and the £724,000 Principal A Road maintenance programme (set out in Appendix 2 of the Director's report) be noted.

15. Housing Revenue Account (HRA) Budget 2013-14 and rent increase proposals for council dwellings for 2013-14

Councillor Long (Lead Member, Housing) introduced the report which presented to members the revised (probable) Housing Revenue Account (HRA) budget for 2012/13 and the draft HRA budget for 2013/14 as required by the Local Government and Housing Act 1989. She referred to the requirement to consider the budget estimates and the associated options, and to set a Housing Revenue Account (HRA) budget that did not show a deficit. Councillor Long drew attention to the 30 year HRA Business Plan which took account of the HRA Self Financing regime which was introduced in April 2012. The report also included proposals for setting the rent and service charge levels for 2013/14 for the non HRA Brent Stonebridge dwellings. Councillor Long also referred to the changes introduced in the welfare system, some of which had implications for housing.

Councillor Long referred members to the recommendations in the report for approval.

RESOLVED:

- (i) that the revised (probable) budget for 2012/13 as set out in Appendix 1 Table 1 of the report from the Director of Regeneration and Major Projects) be approved;
- (ii) that agreement be given to the savings/budget reductions for 2013/14 as set out in paragraph 3.45.3 of the Director's report;
- (iii) that approval be given to the HRA budget growth for 2013-14 of £3.877m as set out in paragraph 3.45.4 of the Director's report;
- (iv) that approval be given to an average overall rent increase (excluding service charges) from April 2013 of £3.82 per week, which is an average overall increase of 3.74%, as set out in further detail in paragraphs 3.25 to 3.29 of the Director's report;
- (v) that HRA Council Dwelling service charges be increased by 2.6% from April 2013;
- (vi) that approval be given to the HRA budget for 2013/14 as set out in Appendix 1 Table 1 of the Director's report;
- (vii) that the updated HRA Business Plan be noted;
- (viii) that agreement be given to an average overall rent increase of £3.68 per dwelling per week on the Brent Stonebridge Dwellings, which is an average overall rent increase of 3.1% as set out in paragraph 3.59;
- (ix) that the service charges on the Brent Stonebridge Dwellings be increased by an average of 11.8% or an average of £0.93 per dwelling per week (note this includes a new charge for digital tv) as set out in paragraph 3.62 of the Director's report.

16. Community Infrastructure Levy and S106 Planning Obligations

Government legislative changes meant the Community Infrastructure Levy would replace S106 Planning Obligations as the vehicle for funding the infrastructure that supports growth and development. Authorities would collect Community Infrastructure Levy contributions from developers to pay for the infrastructure requirements created by new development, with S106 Planning Obligations restricted in the main to site specific matters. After two rounds of public consultation and an examination in public, the Council was now in a position to adopt the Brent CIL Charging Schedule. Councillor Crane (Lead Member, Regeneration and Major Projects) reminded the Executive that the Draft Charging Schedule was examined at an Examination In Public in November 2012 before an independent inspector who concluded that, as amended, the Brent Community Infrastructure Levy satisfied requirements and recommended that the Charging Schedule be approved. Councillor Crane recommended that the Schedule go to Full Council for adoption.

RESOLVED:

- (i) that Full Council be recommended to approve the Brent CIL Charging Schedule, with a CIL commencement date of 1 July 2013, subject to the procedures surrounding the settlement of such a date;
- (ii) that the S106 Planning Obligations Supplementary Planning Document, as agreed by the Executive on 13 February 2012 be adopted, to come into effect concurrently with the CIL commencement date of 1 July 2013;
- (iii) that CIL can be paid in instalments in line with the policy detailed in the report from the Director of Regeneration and Major Projects.

17. Vacation of Chair

Councillor Butt declared an interest in the following item relating to Tokyngton Library, vacated the Chair and left the meeting. Councillor R Moher (Vice Chair) chaired the meeting for that item only.

18. Disposal of the former Tokyngton Library

The report from the Director of Regeneration and Major Projects which reminded members that on 11 April 2011, in a report to the Executive titled "Libraries Transformation Project" approval was given to the closure of a number of libraries including Tokyngton. At the 21 May 2012 Executive meeting members were informed of the intended disposal of the surplus former Tokyngton library. The report detailed the marketing exercise undertaken for the former Tokyngton Library and made recommendations to the Executive in respect of the disposal.

Councillor R Moher (in the Chair, Lead Member, Resources) clarified that members had not been part of the procurement process and Best Value concerns had been paramount. Councillor Crane (Lead Member, Regeneration and Major Projects) advised that the current planning class was D1 non-residential institutions which allowed for places of worship. Councillor Crane outlined the marketing process which had been carried out by a local agent and which had involved the six highest

bidders being requested to provide clarification of their bids and Councillor R Moher emphasised that this was standard practice.

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 approval be given to the disposal of the surplus former Tokyngton Library to the Islamic Cultural Association in accordance with the terms outlined in the confidential appendix to the report from the Director of Regeneration and Major Projects in particular the financial offer but that if this bid does not proceed to also approve, as a reserve, a disposal to Tokyngton Homes Ltd., again on terms outlined in the confidential appendix including the financial offer and that the Director of Regeneration and Major Projects to be authorised to agree the final terms and to complete the disposal to either party;
- (ii) that the Director of Regeneration and Major Projects in consultation with the Director of Legal and Procurement be authorised to appropriate the Tokyngton Library site shown heavily outlined in black on the plan in Appendix 2 ("the Site Plan ") for the planning purposes of facilitating the development or redevelopment of the site pursuant to the provisions of section 122 of the Local Government Act 1972;
- (iii) that officers advertise in the local newspaper in accordance with Section 122 of the Local Government Act 1972 the proposed appropriation of public open space shown cross hatched black on the Site Plan Appendix 2 for planning purposes and to proceed with the disposal unless in the opinion of the Assistant Director Property and Asset Management significant objections are received in which case this should be reported back to the Executive for it to consider.

(Councillor Butt declared a personal interest in the above item and left the room for the duration, having taken no part in the discussion).

19. Vivian Avenue covenant - deed of release

Councillor Crane (Lead Member, Regeneration and Major Projects) presented the report which recommended that the council enter into a deed of release from a covenant with trustees of the Oakington Manor Estate not to develop open land at the rear of Vivian Avenue. Network Housing Group have secured a planning permission to develop the site for an extra care housing scheme for the frail elderly and have requested a deed of release from the covenant from the council. The benefits of new supported housing for the elderly, along with retention of part of the site for community allotments, were such that it was recommended that the council enter into such a deed. Councillor Crane was pleased to advise that the council

would have 100% nomination rights to the scheme, ensuring Brent residents would benefit from the extra care accommodation.

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:

that approval be given to release the restrictive covenant on the Vivian Avenue site at a cost to the Network Housing Group set out in Appendix 2 of the report from the Director of Regeneration and Major Projects subject to Network Housing Group paying any legal fees, and the council ensuring through agreement that the land shall only be used for affordable housing as set out in Appendix 2.

Councillor Hirani declared a personal interest in the above item as a member of Willow Housing Association.

20. South Kilburn development - Phase 3 amendment

The report from the Director of Regeneration and Major Projects sought an amendment to the recommendations approved by the Executive on 15 October 2012 pertaining to Phase 3 of the South Kilburn regeneration programme which were required to further progress this phase. In the report to the Executive, 113 to 136 and 97 to 112 Carlton House and Peel Precinct were together defined as the 'Peel' redevelopment site. This definition of Peel should not have included 113 to 136 Carlton House (all numbers inclusive) and should have included 8 to 14 Neville Close (all numbers inclusive). This report seeks an amendment to the recommendations in relation to the Peel redevelopment site, to include 8 to 14 Neville Close and exclude 113 to 136 Carlton House.

RESOLVED:

- (i) that it be noted that the definition of Peel in recommendation 2.15 of the Report to the Executive on 15 October 2012 should not have included 113 to 136 Carlton House (all numbers inclusive) and should have included 8 to 14 Neville Close (all numbers inclusive);
- (ii) that approval be given to rescind the decision in the minutes of the meeting of the Executive on 15 October 2012 Clause 8 (xv) as referred to in the paragraph 2.15 of the report to that meeting and to replace it with the following:
 - (xv) that approval be given to securing vacant possession of the properties within 8 to 14 Neville Close (all numbers inclusive), 97 to 112 Carlton House, Peel Precinct (together defied as "Peel") as identified edged red on Plan D and Hereford House and Exeter Court as identified edged red on Plan E at Appendix 1 (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 the CPO for all other interests.

21. **Lease extension Pyramid House, Fourth Way, Wembley**

Councillor Crane (Lead Member, Regeneration and Major Projects) recommended to the Executive that approval be given to the extension of the lease at Pyramid House, Fourth Way, Wembley. He outlined the reasons for the proposal which mainly was to meet the service needs of existing occupants and also to allow time to undertake repair and replacement in order to mitigate, as far as possible, any potential dilapidation claim.

RESOLVED:

- (i) that approval be given to the extension of the lease at Pyramid House on the terms stated in (ii) below;
- (ii) that the Assistant Director Regeneration and Major Projects (Property and Asset Management) be authorised to agree such other terms as are considered to be in the best interest of the council and to undertake capital repair works as appropriate.

22. **Coles Green Court**

The report from the Director of Regeneration and Major Projects concerned the redevelopment of Coles Green Court by Network Housing Group and sought approval to make a Compulsory Purchase Order to acquire leaseholder interests and other relevant interests at Coles Green Court and authority to take all necessary steps to acquire said interests. Members noted the financial and legal implications set out in the report in particular that Network Housing would be underwriting all costs associated with the CPO. Councillor Jones (Lead Member, Customers and Citizens) welcomed the proposals which would bring about much needed improvement to the living conditions.

Also before the Executive were appendices to the report which were exempt from publication under Schedule 12A of the Local Government Act 1972 as they included: information relating to individuals; information likely to reveal the identity of individuals and; information relating to the financial or business affairs of a particular person (including the authority holding that information).

RESOLVED:

- (i) that the background to Network Housing Group's redevelopment proposals for Coles Green Court and Network's endeavours to negotiate acquisition of leaseholder interests at Coles Green Court be noted;
- (ii) that subject to Network Housing Group underwriting all costs of such CPO action, approval be given to the:
 - a) making of a Compulsory Purchase Order (CPO) to acquire leaseholder interests and other relevant legal interests in the land which for identification purposes are shown edged red on the plan

attached to this report at Appendix 1 ("the CPO Land") under Section 226(1)(a) of the Town and Country Planning Act 1990, to facilitate the carrying out of redevelopment scheme ("the Scheme") and any new rights in the CPO Land which may be required under section 13 of the Local Government (Miscellaneous Provisions) Act 1976;

- b) submission of the CPO, once made, to the Secretary of State for confirmation, whilst Network Housing Group at the same time seek to acquire the land by private negotiated treaty;
- c) making of one or more general vesting declaration or service of Notice to Treat and Notice 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, if determined by the Director of Regeneration & Major Projects on the advice of the Director of Legal & Procurement Services, as necessary in order to implement the CPO;
- d) acquisition (either pursuant to the CPO or by agreement) of the CPO Land by the Council from its owners once the CPO has been confirmed, subject to all costs in connection therewith indemnified and paid by Network Housing Group;
- e) 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, where such agreements are appropriate;
- f) Service of all requisite notices on the holders of the CPO Land including rights in the CPO Land relating to the making and confirmation of the CPO;
- g) Director of Regeneration and Major Projects to remove 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);
- h) 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;
- i) 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.

23. 2013/14 Budget and Council Tax

Councillor R Moher (Lead Member, Resources) introduced the report from the Deputy Director of Finance which set out the recommendations members were asked to make on the 2013/14 Budget and Council Tax levels. She referred to public concern over the financial situation, recently expressed in consultation meetings. Councillor R Moher drew attention to the probable outturn 2012/13 and the 2013/14 revenue budget requirement. The minimum level of balances recommended of £12m was set aside to allow for identified risks and medium term financial planning. Councillor R Moher advised that stakeholders had been involved since the First Reading Debate at Full Council in November and she drew members' attention to progress made since that time. She cautioned that the financial position was likely to worsen next year with the introduction of welfare reform and the transfer of responsibility for youth remand costs. Councillor R Moher acknowledged the success of the One Council Programme which had significantly reduced in the budget gap and referred the Executive to the recommendations in the report.

RESOLVED:

- (i) that it be noted that these recommendations only include a provisional Council Tax level for the GLA as its final budget was not agreed when this report was dispatched. This means that the statutory calculation of the total amount of Council Tax under Section 30(2) of the Local Government Finance Act 1992 may be amended by:
 - (a) the final Greater London Authority precept; and
 - (b) the final local government finance settlement and any other significant changes to the budget figures.
- (ii) that the report as amended for the above be forwarded to Full Council on 25 February 2013 who are asked to:

In respect of Section 3

- 1 Note the latest forecast for the General Fund outturn (Appendix A(i)) for 2012/13.
- 2 Agree the 2012/13 budget virements (Appendix A (ii)).

In respect of Section 4

- 3 Note the process, including consultation that has led to these budget proposals.
- 4 Agree the General Fund revenue budget for 2013/14, as summarised in Appendix B, or consider any amendments to that budget.
- 5 Agree the Service Area budgets including the cost pressures, savings, fees and charges and other adjustments detailed in Appendices C and D.
- 6 Note Appendix F and agree the budgets for central items and other budgets, or consider any amendments to those budgets.

- 7 Note and, where appropriate, make provision for the contingent liabilities and risks set out in this section of the report.
- 8 Agree the approach to balances set out in the report.
- 9 Receive the report from the Chief Finance Officer in paragraph 4.29 in respect of his statutory duty under Section 25 of 2003 Local Government Act.

In respect of Section 5

- 10 Note that the GLA precept will be approved at the meeting of the Greater London Assembly on 25 February 2013.
- 11 Note the information regarding the limitation of council tax increases.
- 12 Agree there is no surplus or deficit at 31 March 2013 for that part of the Collection Fund relating to community charge.
- 13 Note and consider the advice of the Director of Legal and Procurement as set out in Appendix M.
- 14 Agree the instalment dates for council tax and NNDR for 2013/14, and the recovery policy for council tax as set out in Appendix G(ii).
- 15 Agree that applications for reducing Council Tax payable by persons of pensionable age in receipt of a war widows, war widowers or war disablement pension in accordance with section 13A(1)(c) of the Local Government Finance Act 1992 as set out in Appendix G(iv).
- 16 That decisions on other individual applications for reducing Council Tax payable in accordance with section 13A(1)(c) of the Local Government Finance Act 1992 be delegated to the Director of Finance and Corporate Services as set out within this report.

In respect of Section 6

- 17 Agree the Medium Term Financial Strategy and the provisional service area cash limits for 2014/15 to 2016/17 set out in Appendix H.

In respect of Section 7

- 18 Agree the Schools Budget set out in Appendix I.

In respect of Section 8

- 19 Agree the Housing Revenue Account budget set out in Appendix J.

In respect of Section 9

- 20 Note the latest forecast outturn position on the 2012/13 capital programme, and agree the revised budgets.

- 21 Agree the 2013/14 to 2016/17 programme as set out in Appendix K(ii), including the new capital allocations.
- 22 Note the inclusion in this Capital Programme of all capital schemes and agree that these are subject to the approval procedures as set out in the Constitution.
- 23 Note the levels of unsupported borrowing forecast for 2013/14 and future years and the impact on council tax levels.
- 24 Adopt the policy on repayment of principal in 2013/14 as set out in paragraphs 9.15 to 9.22.

In respect of Section 10

- 25 Agree the Treasury Management Strategy and the Annual Investment Strategy for 2013/14.

In respect of Section 11

- 26 Note the requirements of the Prudential Code.
- 27 Agree the Prudential Indicators set out in this section for affordability, capital spending, external debt and treasury management.
- 28 Note the arrangements for monitoring and reporting on Prudential Indicators.

In respect of Section 12

- 29 Note and agree the procedures for controlling expenditure set out in section 12.
- 30 Agree the updated schedule of Provisions and Earmarked Reserves set out in Schedule 1 of Appendix N.

In addition

- 31 Authorise the council's Chief Finance Officer to:
 - (a) Make payments on approved capital schemes in 2013/14.
 - (b) Borrow in 2013/14 up to the limits agreed within the Prudential Indicators.
 - (c) Enter such leasing arrangements as are necessary to finance the programme for 2013/14 and terminate or renegotiate any existing leases.
 - (d) Make such minor adjustments to budgets as are necessary.

The following sections of the recommendations relate to the calculation of the budget and council tax as set out by the statutory framework. Amendments to the above recommendations which alter figures in Appendix B will require this section to be changed to reflect these.

- 32 In agreeing the above recommendations and the budget in Appendix B, note that the effect of all these measures is to produce a council tax requirement for the council's own purposes for 2013/14 of £81,740,638.
- 33 Note that a credit of £1.814m is attributable to the net surplus on the Collection Fund.
- 34 Note that at its meeting on 22 January 2013 General Purposes Committee calculated the amount of 77,191 as the council tax base for the year 2013/14 in accordance with the Local Authorities (calculation of Council Tax Base) Regulations 1992.
- 35 In relation to the council tax for 2013/14 we resolve:

That the following amounts be now calculated by the Council for the year 2013/14 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 as amended:

- (a) £1,051,724,000 being the aggregate of the amount that the Council estimates for the items set out in Section 31A(2) of the Act.
- (b) £969,983,362 being the aggregate of the amounts that the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £81,740,638 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year.
- (d) £1,058.94 being the amount at (c) above , divided by the amount for the taxbase specified above calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.

(e) Valuation Bands

A £	B £	C £	D £	E £	F £	G £	H £
705.96	823.62	941.28	1,058.94	1,294.26	1,529.58	1,764.90	2,117.88

being the amounts given by multiplying the amount at (d) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- 36 That it be noted that for the year 2013/14 the Greater London Authority has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, in respect of the Greater London Authority, for each of the categories of dwellings shown below:

Valuation Bands

A £	B £	C £	D £	E £	F £	G £	H £
202.00	235.67	269.34	303.00	370.34	437.67	505.00	606.00

- 37 That, having calculated the aggregate in each case of the amounts at (e) and the precepting authority referred to in the preceding paragraph above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2013/14 for each of the categories of dwellings shown below:

Valuation Bands

A £	B £	C £	D £	E £	F £	G £	H £
907.96	1,059.29	1,210.62	1,361.94	1,664.60	1,967.25	2,269.90	2,723.88

- 38 The Chief Finance Officer has determined that the Council's basic amount of Council Tax for 2013/14 is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Act 1992.

- 39 (a) That the Chief Finance Officer be and is hereby authorised to give due notice of the said council tax in the manner provided by Section 38(2) of the 1992 Act.
- (b) That the Chief Finance Officer be and is hereby authorised when necessary to apply for a summons against any council tax payer or non-domestic ratepayer on whom an account for the said tax or rate and any arrears has been duly served and who has failed to pay the amounts due to take all subsequent necessary action to recover them promptly.
- (c) That the Chief Finance Officer be and is hereby authorised to collect revenues and distribute monies from the Collection Fund and is authorised to borrow or to lend money in accordance with the regulations to the maximum benefit of each fund.

24. Voluntary Sector Initiative Fund 2013-16

Councillor Butt (Leader, Lead Member, Corporate Strategy and Policy Co-ordination) introduced the report which sought agreement to grant fund 14 projects led by voluntary organisations for three years, subject to performance, following assessment of the round 2 of bids for grant funding against the criteria set by the Executive in January 2012. He advised that 66 bids had been received seeking funding in excess of the funds available and assured that the allocation criteria had been applied consistently.

Councillor Hirani (Lead Member, Adults and Health) requested that feedback be offered to unsuccessful bidders and was advised that Brent CVS would offer assistance in reviewing bids, signposting to alternative funding sources and capacity building.

RESOLVED:

- (i) that the summary of recommendations in Appendix 1 to the report from the Director of Strategy, Partnerships and Improvement, individual assessment reports set out in Appendix 2 and the Grant Criteria and Standard Conditions of Grant Aid set out in Appendix 3a be noted;
- (ii) that the voluntary sector led projects and grant funding allocations as set out and proposed in paragraph 4.9 of the report which would run between 1 April 2013 and 31 March 2016 be approved;
- (iii) that approval be given to rounds of smaller one year grants of up to £10k in 2013, 2014 and 2015 within the existing budget, as set out in paragraph 4.13 of the Director's report, and to delegate authority to the Director of Strategy, Partnerships and Improvement in consultation with the Leader of the Council, to make the decisions on the award of such one year grants, given the very small budget;
- (iv) that approval be given to the amendments to the grant terms and conditions appended at appendix 3b and outlined in paragraph 4.15 of the Director's report for application to all projects funded through the Voluntary Sector Initiative Fund;
- (v) that it be noted that all grant funding allocations are subject to the Council's Grant Conditions and that where a bid is agreed, the organisation will sign an agreement with the Council, stating the purpose of the grant and expected outcomes before funding is released;
- (vi) that it be noted that in cases where an organisation either declines their grant during the funding period or the grant is withdrawn for performance reasons, the Executive agreed at its meeting of January 2012 that the decision to reallocate such grant monies within the fund is delegated to the Director of Strategy, Partnerships and Improvement.

25. Local Welfare Assistance Scheme for Brent

The report from the Deputy Director of Finance set out a recommended scheme for Local Welfare Assistance payments replacing the previous provision of similar services via Job Centre Plus and administered through the Department for Work and Pensions, and taking account of the outcomes from the recent public consultation process. It also summarised the findings and outcomes of the consultation arrangements for the proposed Local Welfare Assistance Scheme carried out over a five week period between 6 December 2012 and 11 January 2013 and included the financial and equality impacts of the recommended Local Welfare Assistance Scheme for Brent residents.

Councillor R Moher (Lead Member, Resources) reminded the Executive that the council had discretion to award grants and in line with consultation, people would be targeted for support with the reduced funding available. Councillor Jones (Lead Member, Customers and Citizens) drew attention to the implications for equalities, the importance of timing and the need to pace spending.

RESOLVED:

- (i) that approval and authorisation be given to the making and implementation of the recommended Local Welfare Assistance Scheme as set out in section 5 of the report from the Deputy Director of Finance by 31 March 2013 and utilising the non-ring-fenced government funding provision in full;
- (ii) that the findings on equalities and other impacts arising from the proposed scheme as set out in Section 5 of the report from the Deputy Director of Finance be noted;
- (iii) that authority be delegated to the Deputy Director of Finance to finalise the full scheme documentation by 31 March 2013 in accordance with the principles of the proposed Local Welfare Assistance Scheme as set out within the Director's report.

26. Collective Switching

The report from the Director of Strategy, Partnerships and Improvement considered Collective Energy Switching (CES) as a way of obtaining fairer energy prices for the residents of Brent. By purchasing energy collectively the cost of procuring energy could be reduced and the Director's report discussed the various options, implications, costs and benefits of CES and sought Executive approval to the introduction of a collective energy switching scheme for Brent residents in association with a number of other London authorities.

RESOLVED:

- (i) that approval be given to the introduction of a collective energy switching scheme for Brent residents as set out in paragraph 3.6 – 3.8 of the report from the Director of Strategy, Partnerships and Improvement;
- (ii) that approval be given to the council's participation in a collaborative procurement with sixteen other London boroughs leading to the appointment of an organisation to assist residents with collective energy switching should the Director of Strategy Partnerships and Improvement favour the joint establishment with other London boroughs of a collective energy switching scheme;
- (iii) that approval be given to the council's participation in a collaborative procurement with sixteen other London boroughs leading to the appointment of legal and procurement consultancy services;
- (iv) that approval be given to the collaborative procurement exercises described in (ii) and (iii) being exempted from the normal requirements of Brent's Contract Standing Orders and Financial Regulations in accordance with Contract Standing Orders 84(a) on the basis that there are good operational and / or financial reasons as described in paragraphs 3.6 and 3.8 of the report.

27. Internal Audit Contract - 2013 to 2015

Councillor R Moher (Lead Member, Resources) presented the report which sought approval for the council to enter into a contract with the London Borough of Croydon for the provision of internal audit services for a two year period from April 2013 to March 2015. The anticipated cost of the contract over two years, including inflationary uplift was £590,000. The Audit Committee endorsed the proposal at its meeting on 9 January 2013. The service was seen to be satisfactory and improving.

RESOLVED:

that the council enter into a contract with the London Borough of Croydon to provide internal audit services from April 2013 to March 2015 and to enter into a related third party agreement with Deloitte and Touche Public Sector Internal Audit Ltd.

28. Applications for NNDR Discretionary Rate Relief

The Council has the discretion to award rate relief to charities or non-profit making bodies. It also has the discretion to remit an individual National Non-Domestic Rate (NNDR) liability in whole or in part on the grounds of hardship. The report from the Deputy Director of Finance included applications received for discretionary rate relief since the Executive last considered such applications in October 2012. The applications were for 100% discretionary rate relief from Meanwhile Space CIC who were working with the Council on the Electric House Project in Willesden and on the Wembley regeneration project.

RESOLVED:

that Meanwhile Space CIC be granted 100% discretionary rate relief in respect of the Electric House project in Willesden and their meanwhile use properties in Wembley Hill Road as detailed in Appendix 1 of the report from the Deputy Director of Finance.

29. Any other urgent business

None.

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

None.

The meeting ended at 8.15 pm

M BUTT
Chair