



LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Monday 9 December 2013 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor R Moher (Vice-Chair) and Councillors A Choudry, Crane, Denselow, Hirani, Mashari, McLennan, J Moher and Pavey

Also present: Councillors Cheese, Chohan, S Choudhary and Hashmi

1. **Declarations of personal and prejudicial interests**

None made.

2. **Minutes of the previous meeting**

RESOLVED:

that the minutes of the previous meeting held on 11 November 2013 be approved as an accurate record of the meeting subject to the deletion of reference to the Councillor Pavey and the substitution therefor of Sue Harper (Strategic Director, Environment and Neighbourhoods) in Clause 12 – Appointment of Bailiffs for the collection of penalty charge notice debts.

3. **Matters arising**

None.

4. **Order of business**

The Executive resolved to change the order of business to take earlier in the meeting those items for which members of the public were present.

5. **Deputation - review of Child and Adolescent Mental Health Service Contract**

The Executive heard from Jackie Shaw (Service Director, Central and North West London Child and Adolescent Mental Health Services, Brent) who referred to the proposals in the report from the Acting Director of Children and Families to decommission the existing CAMHS provided by CNWL and to commission an alternative reduced service from April 2014 onwards on the expiration of the existing contract.

Whilst acknowledging the financial constraints placed on the council, Ms Shaw expressed sadness at the impact of the reduction stating that the council was making a false economy. She also expressed concern at the absence of notification and lack of consultation over the proposals. Ms Shaw felt that the partnership had until now, been valued, with specialist staff dealing with complex needs and the relationship

was now at risk. She questioned the premise that responsibility for provision of targeted dedicated services for Looked After Children lay with clinical commissioning groups (formerly Primary Care Trusts) and pointed to national guidance which stated that it lay with local authorities and commissioners. Ms Shaw also questioned the assertion that disruption to service users would be minimal and also the rationale for changing the current service which had always received good feedback. She acknowledged that the opportunity had not been taken for a proper discussion on outcomes but that the service would be happy to provide monitoring reports and keen to highlight improvements that could be made. Ms Shaw urged the Executive to defer a decision until full discussions had taken place.

Members thanked Ms Shaw for her submission.

6. Review of Child and Adolescent Mental Health Service (CAMHS) Contract

Sara Williams (Acting Director, Children and Families) introduced her report which sought approval to decommission the existing Child and Adolescent Mental Health Service (CAMHS) in its entirety and to commission an alternative, reduced service from April 2014 onwards. The current contractual arrangement had been in place with Central and North West London NHS Foundation Trust (CNWL) since 2007 and was intended to supplement the NHS core service commissioned by Brent Clinical Commissioning Group (CCG) (formerly NHS Brent). The current contract was due to expire on 31 March 2014, and consideration had been given to the service model beyond 2014.

In response to the deputation earlier in the evening from the CNWL CAMHS Sara Williams explained that while some communication had taken place with colleagues over future commissioning, she had apologised that CNWL had not had sight of the report prior to it being in the public domain. Efforts had been made to establish the best approach and the significant reduction would have to be tendered in line with procurement rules. Given the size of the financial envelope, a large swathe of services would be involved and there would be extensive discussions with the CCG over what was commissioned as a core service and what the council commissioned. The proposal now before members included an extension to the existing contract to allow more time for consideration. Sara Williams acknowledged that Looked After Children were a high need, priority group and that the proposals would have an adverse impact. She stated that the proposals in the report had not been arrived at lightly.

Councillor Pavey (Lead Member, Children and Families) acknowledged the concerns expressed by CNWL earlier in the evening but put the view that CAMHS was the responsibility of the NHS through the CCG and the council could not afford to supplement funding to the same extent as it had in the past. He assured that consultation would be comprehensive.

The Chair (Councillor Butt, Leader of the Council) was assured that CNWL would be eligible to bid and also questioned whether both quantitative and qualitative data would be used for monitoring. Sara Williams added that meetings were taking place with a further one scheduled for 18 December 2014 and Councillor Pavey confirmed that he was prepared to consider all data necessary for the assessment of statutory provision. Councillor Hirani sought and obtained re-confirmation that the CCG would be party to discussions.

Jackie Shaw speaking on behalf of CNWL CAMHS welcomed the meeting scheduled for 18 December but clarified that the funding received from the CCG amounted to £1.7m.

RESOLVED:

- (i) that a 3 month extension on the existing CAMHS contract from 1 April 2014 – 30 June 2014 to allow efficient commissioning processes to be undertaken be approved;
- (ii) that the proposed decommissioning of the current CAMHS service at the end of the extension on 30 June 2014 be approved;
- (iii) that approval be given to officers to proceed with the commissioning of a new, revised service to commence from 1 July 2014, and note that a pre-tender report will be presented for this shortly;
- (iv) that it be noted that these changes would bring the council into line with other local authorities and would continue to ensure that statutory obligations were met;
- (v) that it be noted that officers would ensure that there was a smooth transition to the new arrangements.

7. Authority to invite tenders for the procurement of Advocacy Services

In accordance with Contract Standing Orders 88 and 89 the purpose of the report from the Acting Director of Adult Social Services was to seek Executive authority to invite tenders for a 2 + 1 year Advocacy contract valued at £395,700. Councillor Hirani (Lead Member, Adults and Health) in introducing the report reminded the Executive that these specialist advocacy services supported people the most vulnerable people in the community including young people with visual impairments. The new process would help iron out any gaps in provision and Councillor Hirani drew attention to the provision of crisis advocacy including at a benefit tribunal particularly important in the light of recent Department of Work and Pensions changes. It was noted that there may be TUPE implications for staff transferring to the new provider.

RESOLVED:

- (i) that the pre-tender considerations and criteria to be used to evaluate tenders for the Adult Social Care (ASC) advocacy services as set out in paragraph 3.10 of the report from the Acting Director, Adult Social Services, be approved;
- (ii) that officers invite tenders and evaluate them in accordance with the approved evaluation criteria;
- (iii) that it be noted that the short term extensions for four existing Advocacy contracts would be agreed with current providers. Their collective value would not exceed £29,054 and each will end when the new contract went live on the 1st June 2014.

8. **Adult Social Care Local Account 2012/13**

Councillor Hirani (Lead Member, Adults and Health) introduced the Local Account report from the Acting Director of Adult Social Services, a new single dataset for local government and the development of outcomes frameworks for Health and Adult Social Care replacing the Annual Performance Assessment. The Local Account set out local performance, communicated priorities and provided a key accountability mechanism by which self-regulation and improvement activities could be systematically monitored and reported. In terms of projections, Councillor Hirani acknowledged that it would be difficult to identify any further savings however it was hoped that some could, through avoiding duplication. Regarding carers, the Carers Hub would continue to be strengthened working with the Brent Clinical Commissioning Group to deliver improvements and support. Councillor Hirani referred to priorities for 2013/14 which included an increase in the number of people who took up Direct Payments and supporting the Pioneer initiative designed to boost integrated care. Additionally, it was anticipated that the local authorities would have additional responsibilities arising from the Care and Support Bill due to become statute in April 2015. The Executive noted that a summary of the Local Account would be available in January 2014.

RESOLVED:

- (i) that the performance and contextual information contained in the report from the Acting Director, Adult Social Services, be noted;
- (ii) that the priorities and risks associated with the information provided and the strategic priorities identified be noted.

9. **School Budget Proposals - 2014/15**

Following the introduction of the changes to the local Schools Fair Funding formula in April 2013 the report from the Acting Director of Children and Families set out the proposals for the second year of the new formula for 2014/15. The Executive had the statutory responsibility to approve and set the Fair Funding Formula following consultation with the Schools Forum and the report sought approval to the changes for 2014/15.

Councillor Pavey (Lead Member, Children and Families) referred to the consultation process on the formula which involved work by a sub group of representatives from schools, the Schools Forum and individual schools on the proposals and the implications for each school's budget and pointed to the generous distribution in favour of primary schools compared to the national average.

RESOLVED:

- (i) that approval be given to the proposed change in the funding ratio between primary and secondary sectors from 1: 1.09 to 1: 1.27 for 2014/15 thereby also addressing the excessively high level of Minimum Funding Guarantee;
- (ii) that the proposed schools budget for 2014/15 be approved.

10. **High Needs Students Eligibility Policy**

The report from the Acting Director of Children and Families sought approval for a High Needs Eligibility Policy which provided clear criteria for deciding on educational provision for young people between 16 and 25. It included criteria both for writing a learning difficulty assessment and the decision making about the provision the young person will receive. The policy aimed to get the best outcome for each learner and ensure that the learning the young person undertook both met their needs and was going to benefit them in later life, and proposed a policy to manage the Learning Disability Assessment (LDA) and applications for placements.

Councillor Pavey (Lead Member, Children and Families) advised that the new national funding arrangements made local authorities (via the Direct Schools Grant) financially responsible for education and training up to aged 25 for young people identified as high needs. Prior to this the funding was managed by the Education Funding Agency and was demand led. Councillor Pavey stated that it was hoped to support as many young people as possible however there was a need to be realistic and, in the current financial climate, there remained a need to control costs where possible and promote value for money. He referred members to the aims of the policy and the compliance with the statutory guidance.

RESOLVED:

- (i) that the High Needs Students Eligibility Policy for the education and training needs for post 16 high needs students be approved and published on the council's website;
- (ii) that the approach underpinning the policy, namely that each learner should have their education and training needs met in local, cost effective local provision wherever possible based on the needs identified in the learning difficulty assessment, be endorsed.

11. **Amalgamation of the Pupil Referral Units**

Following the recent restructure of the council's alternative education, behaviour and attendance services in the Children and Families Department, the report before the Executive asked for formal approval of the amalgamation of the Council's Key Stage 3 (Stag Lane) and Key Stage 4 (Poplar Grove) Pupil Referral Units as part of the restructure. Councillor Pavey (Lead Member, Children and Families) stated that the proposals were essential to the Children and Families offer and to meet the need for a strategy of high quality interventions. He assured that neither the Stag Lane nor Poplar Grove premises would close however there would be a net loss of nine staff members. The Trade Unions had been involved in the process. The proposals would bring about closer partnership working and involve more preventative work.

Councillor Mashari (Lead Member, Environment and Neighbourhoods) sought assurance that measures would be in place on the Poplar Grove site to protect staff and students from the influence of gangs in the area. The Acting Director Children and Families acknowledged that this was an ever present issue under active consideration which required sensitive handling. Dealing with challenging behaviour was fundamental to staff training and the staff pupil ratio would still be good following the proposed staffing reductions.

RESOLVED:

that the formal amalgamation of the Council's Key Stage 3 and Key Stage 4 Pupil Referral Units (PRUs) as part of the restructuring of the borough's alternative education provision be agreed.

12. Brent and Barnet Registration and Nationality Service

The report from the Strategic Director, Environment and Neighbourhoods set out proposals for formalising the current arrangements for shared management of Registration and Nationality services between the London Boroughs of Brent and Barnet through a merger of the two services involving the TUPE transfer of Barnet's staff to Brent, and Brent then providing Barnet with its registration services. The report set out details of the proposed model, and recommended that members agree to establish such a shared service, initially for a five year period.

Councillor Mashari (Lead Member, Environment and Neighbourhoods) reminded the Executive that the current arrangements had been in place since 2010 and outlined the funding arrangements that had been negotiated between the boroughs.

RESOLVED:

- (i) that the proposal for the operation of a shared Registration and Nationality service between Brent and Barnet and the financial and non financial benefits and risks identified be noted;
- (ii) that it be noted that Barnet, through its Cabinet Resources Committee has already agreed in principle to proceed with this proposal subject to Brent's agreement;
- (iii) that the shared service proposal by Brent delivering services to Barnet, for an initial period of five years proceed from 1 April 2014;
- (iv) that the terms of the Inter Authority Agreement governing the shared service be delegated to the Strategic Director of Environment and Neighbourhoods in consultation with the Chief Finance Officer and the Director of Legal and Procurement, to include deciding on whether the shared service will take the form of Barnet delegating its registration function to Brent or Barnet awarding a contract for services.

13. Brent House - proposed disposal on a subject to planning basis

Councillor Crane (Lead Member, Regeneration and Major Projects) reminded the Executive that in December 2010 consideration had been given to options for the future use of the Brent House site in Wembley High Road, following it being declared as surplus to requirements and agreement given in principle to the marketing of the site. The report now before members proposed that the council enter into a 'subject to planning' contract for the disposal of a long leasehold interest in Brent House, 349-357 High Road, Wembley, London HA9 6BZ, as shown in Appendix 1 of the report to Stoford Ltd, keeping in reserve the bid from Henley Homes Ltd.

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 the disposal of a long leasehold interest in Brent House on a subject to planning basis to Stoford Ltd for a capital receipt upon the grant of planning consent be approved;
- (ii) that, as a reserve, subject to satisfactory resolution of matters highlighted in the confidential appendix, in the event that the above offer does not proceed satisfactorily, that the offer from Henley Homes Ltd be approved;
- (iii) that delegated authority be granted to the Operational Director Property and Projects to agree the terms of the transaction in consultation with the Chief Finance Officer.

14. **Annual Audit Letter 2012/13**

Councillor R Moher (Deputy Leader, Lead Member, Resources) introduced the report which presented the Annual Audit Letter for 2012/13, which was produced by the Council's external auditors KPMG. She drew attention to the headlines in the report which were overall good news for the council with satisfactory financial arrangements being seen to be in place. The Chair (Councillor Butt, Leader of the Council) drew attention to the Auditor's opinion that the council was working efficiently and asked members to note the contents of the report.

RESOLVED:

that the contents of the Annual Audit Letter be noted.

15. **Collection Fund Report**

As part of the Council Tax setting process for 2014/2015 the council is required to estimate the amount of any surplus or deficit on the Collection Fund as at 31 March 2014. This must be done by 15 January 2014 and this report asked members to approve the estimated balance.

Councillor R Moher (Lead Member, Resources) drew attention to the consistent effective collection of amounts due to the council and that it was now possible to return the benefits of this as a one-off contribution to support the 2014/15 budget. Councillor Moher referred to a new requirement to make a similar calculation of surplus or deficit for NNDR following changes to business rates (NNDR) legislation.

RESOLVED:

- (i) that the estimated Collection Fund balance relating to Council Tax at 31 March 2014 as a surplus of £3.2m be agreed;

- (ii) that the estimated Collection Fund balance relating to NNDR at 31 March 2014 as zero (no surplus or deficit) be agreed;
- (iii) that authority be delegated to Chief Finance Officer to amend these figures should material new information, such as debt collection performance, come to light in the intervening period.

16. Performance and Finance 2013/14 Quarter 2

The Chair (Councillor Butt, Leader of the Council) introduced the performance report which provided members with a corporate overview of Finance and Performance information, to support informed decision-making, and to manage performance effectively. He was pleased to report that the council's quarter 2 position indicated the current forecast to be in line with the revised budget.

RESOLVED:

- (i) that the Finance and Performance information contained in the report from the Assistant Chief Executive and Chief Finance Officer be noted and remedial actions as necessary be agreed;
- (ii) that the current and future strategic risks associated with the information provided and agree remedial actions as appropriate be noted;
- (iii) that the progress be noted;
- (iv) that the budget virements as set out within the appendix to this report be agreed;
- (v) that the write off of bad debts contained within this report be noted.

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

None.

18. Any other urgent business

None.

The meeting ended at 7.45 pm

M BUTT
Chair