



## LONDON BOROUGH OF BRENT

### MINUTES OF THE CABINET Monday 16 March 2015 at 2.00 pm

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

Also present: Councillors J Mitchell Murray and Perrin

Apologies for absence were received from: Councillors

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

Councillor McLennan declared an interest in the item relating to Byron Court School expansion as ward councillor.

#### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 23 February 2015 be approved as an accurate record.

#### 3. **Matters arising**

None.

#### 4. **Petitions**

##### *Mapesbury Dell – exemption from Event Charges*

A petition was submitted by Mr Tom Putnam on behalf of Mapesbury Dell Trust which requested an exemption from the current charge of £30 levied by the council for holding community events. Mr Putnam reminded the Cabinet of the voluntary work of residents to raise funds to develop and maintain the site since 2000 prior to which it had been neglected. There was free admission to annual community events and all profits were ploughed back into the work of the trust. He asked the Cabinet to recognise the residents' invaluable contribution and to amend the exemption from charges so as to include properly constituted groups such as the Mapesbury Dell Trust.

##### *Byron Court School proposed expansion*

Martin Dickens (Chair, Parents Against Byron Court School Expansion) addressed the Cabinet and spoke against the proposals to expand the school by two forms of entry from September 2015. Mr Dickens stated that based on the number of signatures to their petition, it was estimated that 85% of families were against the expansion. He felt the proposals should be rejected both on educational grounds and also in view of the likely increase in traffic. Mr Dickens also drew attention to evidence of a decline in school standards; the school had been judged by Ofsted to be Outstanding two years ago believing that expansion would undermine attempts for improvement. Mr Dickens referred to an increased risk of accidents as more cars travelled to and from school on the narrow roads. He acknowledged the need for more school places but felt these should be within walking distance from children's homes and in small schools.

Kaye James (Sudbury Court Residents Association) drew members' attention to the correspondence recently issued by Barry Gardiner MP which the Chair confirmed had been circulated to Cabinet members. Ms James rejected economies of scale as an educational justification for expansion and regretted the loss of opportunity for children of different age groups to be able to interact in the reduced playground space. Ms James referred to the school's declining position in league tables and some parents' refusal to send their children to large schools. Existing problems in the area were perceived to be road rage, traffic and illegal parking and Ms James felt that the council should respect the views of the majority of parents and spread resources to other schools.

Richard Sternberg spoke on behalf of the Chair of the school's governing body. He was confident that the procedures embedded in the school would ensure continued improvement in standards. Ms Martine Clarke, Executive Head Teacher, spoke about the school's wider remit in the Brent Schools Partnership in teacher training, providing specialist leaders and development research. The sharing of good practice would help to raised standards. Ms Clarke referred to the social needs of the immediate community and the value of integration and celebrating diversity. A larger school would increase opportunity for after school and holiday clubs and extra curricular activity and the school would work to reduce traffic congestion. Ms Clarke was pleased to report that the school was already improving to be above national expectations.

## **5. Order of business**

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

## **6. Recovering costs for events in Brent's parks and open spaces**

Councillor Crane (Lead Member, Environment) introduced the report prepared in response to a petition submitted by Mapesbury Dell Trust, presented earlier in the meeting which requested that the Trust be exempt from the £30 charge levied for holding community events. Councillor Crane reminded the Cabinet that the policy introduced in 2012 was designed to claw back costs for large scale events and not intended to apply to not for profit community organisations. The report from the Strategic Director, Environment and Neighbourhoods redefined community events to include organisations recognised as charitable by HMRC for tax purposes, such as the Mapesbury Dell Trust.

Councillor Denselow commended the Trust for their work and was pleased that the council was able to accede to their request.

RESOLVED:

- (i) that the principle of partial cost recovery charging to organisers that wish to hold events in Brent's parks and open spaces be retained;
- (ii) that the four charging criteria as agreed by members in September 2012 and detailed in paragraphs 3.7 to 3.10 inclusive of the report from the Strategic Director, Environment and Neighbourhoods be retained;
- (iii) that the exemption from charges as defined in the definition of a community event be amended to that defined in paragraph 3.18 of the report;
- (iv) that the amended exemption to the charging policy be implemented for events being held after 31 March 2015.

## **7. Permanent expansion of Byron Court Primary School**

The report from the Strategic Director, Children and Young People informed the Cabinet of the outcome of the statutory consultation on the proposal to alter Byron Court Primary School through permanent expansion from September 2015 and recommended that the statutory proposal to expand the school be approved. Councillor Moher (Lead Member, Children and Young People) in introducing the report, reminded the Cabinet that the School Place Planning Strategy had been approved by Cabinet in October 2014 and that the Governing Body of Byron Court Primary School in partnership with the Council had proposed to alter the school by adding two forms of entry (2FE) which, if approved, would make the school a five form of entry primary school (5FE).

Councillor Moher acknowledged the high number of responses to the consultation exercise which had been very thorough however, stated that research showed the need for school places. She referred to the bulge class and the number of classes situated in off site annexes. The aim was to develop a high quality learning environment in a larger school. Councillor Moher assured that work would take place with Highways and Planning teams to overcome potential traffic congestion and encourage people not to use their cars for school journeys.

The Cabinet noted the claim in the report that Sudbury Court Residents Association had circulated among residents a version of the council's and Governing body consultation which had included their commentary on the proposals. The Strategic Director advised that original consultation document had been widely circulated to other locations, interested parties and was included on the Brent consultation website. Councillor J Mitchell Murray (ward councillor) addressed the Cabinet and as a former pupil of the school, and drew attention to evidence of the strength of feeling in the community against the expansion proposals which he felt would not be beneficial to the children's education and development.

The Leader of the Council asked the Strategic Director to comment on the standards of teaching in the school and availability of school places the area. Gail

Tolley advised that Ofsted had graded the school to be outstanding in 2012 and in 2014 Byron Court Primary had become the lead school of the Brent Teaching School Alliance which was seen to be evidence of continued school improvement. Regarding outcomes, the pupil progress data compared well with similar schools. On school places, the Director stated that nearby schools were either expanding or were already full and that the growing population continued to put pressure on school places.

As a local resident, Councillor Crane (Lead Member, Environment) as a local resident, reminded the Cabinet that the traffic problems in the area were longstanding and similar elsewhere in the vicinity of schools. He would do all he could as lead member, but it was the responsibility of the school and parents to help reduce traffic congestion. The council had a responsibility to find school places. The Planning Committee would take the decision on development proposals. Councillor Mashari (Lead Member, Employment and Skills) referred to the school places planning strategy which set out the criteria for expansion which applied to all schools. She acknowledged concerns over community cohesion and questioned whether the residents could be more involved so their voices could be heard. Councillor Mashari pointed to estimates of supply still falling short of demand for school places in 2019.

Councillor McLennan (Lead Member, Regeneration and Housing) empathised with the feelings expressed by residents earlier in the meeting, assured that the Planning Committee would take into account the views of the Safer Neighbourhoods Team but put that the council had a responsibility to provide school places. Councillor Denselow (Lead Member, Stronger Communities) also referred to the council's duty to provide school places for future generations and pointed to other schools in similar circumstances that had been that had been successfully expanded reducing the need for off site annexes.

Councillor Pavey (Deputy Leader) stated the council had to balance the need for places against the community impact. He felt that a larger school would be able to offer a wider range of activities and opportunities. He acknowledged the issue of traffic in the area, the need to find new ways of encouraging the use of trains instead of road travel and raised questions on the plans for new schools on housing development sites. The Strategic Director, Regeneration and Growth responded that the council could only negotiate with developers who were only obliged to provide the maximum number of places required to provide sufficient places for children on the development site.

The Chief Legal Officer was asked by Councillor Hirani (Lead Member, Adults, Health and Well-being) to comment on the council's requirement to provide school places to which she responded that the council had a statutory obligation to have a robust plan and to be proactive in providing places. He also questioned the financial implications of reducing the forms of entry to 4fe instead of the proposed 5fe. The Strategic Director stated that the driving factors were improved education standards and leadership. The existing proposals would allow the school to remove the need for the temporary class rooms and an off site bulge class. The Strategic Director, Regeneration and Growth confirmed that the costs of an additional 1FE were similar to those of 2FE, however, Bryon Court School was in an area of relatively high demand and did not have the restriction of being a listed building.

The Leader of the Council acknowledged the strength of residents' concerns, the need for improved dialogue and referred to the call from the local MP for a separate public meeting which he supported. The Leader also recognised that transportation and parking would be deciding factors for the expansion and proposed that more work be carried out in these areas to establish best practice.

The Chair thanked residents and parents for attending and assured that that all views would be addressed.

RESOLVED:

- (i) that the responses to the consultation that raised a range of issues centred around residents' concerns about traffic congestion be acknowledged and that officers ensure that these are fully addressed in the planning process;
- (ii) that approval be given to the permanent expansion of Byron Court Primary School, a community school, by two forms of entry from September 2015; (conditional upon the grant of full planning permission under the Town and Country Planning Act 1990 by September 2015 or at such date as agreed by the Strategic Director of Children and Young People and the Strategic Director of Regeneration and Growth);
- (iii) that it be noted that the reason for approving the alteration of Byron Court Primary School was to provide sufficient permanent primary school places in line with the council's statutory duties and its School Place Planning Strategy 2014;
- (iv) that a public meeting, separate to the statutory consultation, be arranged to give residents further opportunity to raise concerns on the proposals;
- (v) that the implications of the proposals on transportation and parking be further investigated.

*(Councillor McLennan declared an interest in this item as ward councillor for the area).*

**8. Authority to tender a contract for the Clinical Input into the Inclusion Support Team**

The report from the Strategic Director, Children and Young People advised that after a competitive commissioning process, a 12 month contract was awarded to the Anna Freud Centre commencing on the 1 April 2014 for Clinical Input (psychology and psychotherapy) into the Inclusion Support Team an integral part of the council's work to combat exclusion from schools. A further six month extension was granted in order to gather significant evidence around the impact of this service which was due to end on the 30 September 2015. Councillor Moher (Lead Member, Children and Young People) advised that the following a review of outcome data from the clinical input it was recommended that the provision continue with a longer contract for greater stability.

RESOLVED:

- (i) that approval be given to the pre-tender considerations to seek expressions of interest and invite tenders for clinical input to the Inclusion Support Team as set out in paragraph 3.12 of the report from the Strategic Director, Children and Young People, with a proposed contract period of three years with an option to extend for a further one year;
- (ii) that approval be given to the evaluation of the tenders on the basis of the evaluation criteria set out in paragraph 3.12 (vi) of the report.

**9. Targeted Mental Health in Schools (TaMHS) Project August 2015 to July 2016**

Councillor Moher (Lead Member, Children and Young People) introduced the report which sought to award a contract to Central and North West London NHS Foundation Trust for the targeted mental health service (TaMHS) for the provision of support for children aged 5 to 16 and their families. It was proposed that there was no need for a tender for TaMHS services on the grounds that, on the advice from Brent Clinical Commissioning Group, it would be in the best interests of future service provision to defer retendering to align with the timeline for (and integrate with) the retendering of the CCG's much larger CAMHS (Child and Adolescent Mental Health Service) contract. This was primarily on the grounds that there was considerable value in having the same provider for both services.

Councillor Pavey questioned whether, in the light of the positive impact of the service, additional funding was available for expansion and the Strategic Director undertook to make enquiries.

RESOLVED:

that approval be given to the grant an exemption from the requirement to tender and approve the award of a contract to Central and North West London NHS Foundation Trust ("CNWL") for Targeted Mental Health in Schools services for a period of 12 months from August 2015 to July 2016, with a view to retendering as part of the wider CAMHS recommissioning in 2016.

**10. 2015/16 Food Safety Service Plan**

Councillor Crane (Lead Member, Environment) introduced the annual Food Safety Service Plan which detailed the council's commitment to the delivery of the food safety service. It covered key areas of food law enforcement and relevant management arrangements and targets against which the council would monitor service delivery. Councillor Crane referred to concerns over the capacity of the service and the interim arrangements introduced which had halved the backlog of inspections. A major review of regulatory services would also be taking place in the light of the need to meet statutory responsibilities with reduced financial resources.

Sue Harper (Strategic Director, Environment and Neighbourhoods) acknowledged that data from the Consumers Association indicated that the borough's performance in food hygiene had declined and worsened for 2013/14 however, she was confident of a more typical and acceptable performance for 2014/15 as a consequence of the investment to reduce the number of overdue inspections.

Councillor Mashari raised questions on the implications for public health of the two-team approach to inspections introduced in February 2015 and the Strategic Director assured that officers holding a lower level of competency would be assigned to food businesses which posed a much lower risk to consumers or who were broadly compliant with the law. Councillor Hirani (Lead Member, Adults, Health and Well-being) contributed that a report on healthy catering was due to be presented in the Summer.

RESOLVED:

- (i) that the conclusions of the Food Standards Agency's audit of Brent's food safety arrangements be noted;
- (ii) that the action which has been taken to date be noted and the council's action plan in Appendix 2 of the report from the Strategic Director Environment and Neighbourhoods be endorsed;
- (iii) that approval be given to the Food Safety Service Plan for 2015/16.

#### 11. **Public Mortuary shared service**

The Cabinet noted that the council operated a public mortuary located within the grounds of Northwick Park Hospital as a shared service arrangement with Harrow Council and that Barnet Council operated a public mortuary in Finchley. Both were within the jurisdiction of the North London Coroner. Councillor Crane (Lead Member, Environment) introduced the report and was pleased to propose extending the shared service arrangement at Northwick Park to include Barnet allowing the rationalisation of arrangements and the closure of Finchley Mortuary.

RESOLVED:

- (i) that agreement be given to a public mortuary service provided by Brent council at Northwick Park on behalf of Brent, Barnet and Harrow councils;
- (ii) that the shared service agreement between Brent and Harrow should be updated, and extended to include Barnet Council;
- (iii) that authority be delegated to the Director of Environment and Neighbourhoods or Director of Regeneration and Growth in consultation with the Chief Legal Officer to agree the terms of the consortium agreement and interim agreement, and to take all necessary action to implement the proposed shared service arrangement.

#### 12. **Highways Capital Scheme Programme 2015-17 and update to Highways Asset Management Plan**

Councillor Crane (Lead Member, Environment) introduced the report which set out how, in 2015-17 approximately £5.346m would be spent improving the condition of Brent's highways, including resurfacing of 12.8 miles of road and 3.9 miles of footway. The investment included £3.55m of Brent capital, £1.497k of TfL capital funding for principal (A road) maintenance and £299k allocated by the Department for Transport as a result of the council's bid to the Pothole Fund. Additionally, it was

noted that TfL on 12 December 2014 confirmed funding of £1.079m of Principal Road (A-road) improvements. Councillor Crane assured that funding would be spent wisely through a prioritised programme of pavement upgrades, road resurfacing, preventative maintenance, improvements to the public realm and renewal of road markings the process for which would be transparent and on which members would have an opportunity to comment.

RESOLVED:

- (i) that approval be given to the investment of £3.55m of Brent capital funding as summarised in Section 6.0 of the report from the Strategic Director of Environment and Neighbourhoods, subject to approval of the Budget and Council Tax report in February 2015 and full council approval of that report in March 2015;
- (ii) that approval be given the proposed highways maintenance programme for 2015-16 and the provisional programme for 2016-17 as detailed in Appendix B to the report from the Strategic Director of Environment and Neighbourhoods.

### 13. **Promoting Individual Electoral Registration - Scrutiny Task Group Report**

Councillor Nerva (Chair of the Promoting IER Scrutiny Task Group) was present to introduce the report on the findings and recommendations of the scrutiny task group's investigation into how to manage a successful transition to Individual Electoral Registration (IER). The IER system went live in July 2014 and was expected to fully supplant the current Household Electoral Registration system on 1 December 2015 with the aim of making the process of registration more convenient and secure. Councillor Nerva summarised the timetable for registration, the implications for the Electoral Registration Service and the task group's suggestions on how to encourage residents to register. He stressed the need for increased member engagement and targeted outreach work. Councillor Nerva thanked members and officers for their contributions to the work of the task group.

Councillor Pavey (Deputy Leader) welcomed the task group report and the implementation plan in place on which he received regular updates. Members agreed on the need for efforts to be made to increase registration and also community engagement.

RESOLVED:

- (i) that the recommendations in the report be endorsed;
- (ii) that the members of the task group be thanked for their work.

### 14. **Performance Report Q3, 2014/15**

The Cabinet received the report from the Chief Executive which provided a corporate overview of performance information linked to the current priorities for Brent, to support informed decision-making, and to manage performance effectively. The Leader of the Council in introducing the report acknowledged that



improvement needed to continue and pointed to plans to change data sets to make them more reflective.

RESOLVED:

- (i) that the performance information contained in the report be noted and agreement given to remedial actions as necessary;
- (ii) that the current and future strategic risks associated with the information provided be noted and agreement given to remedial actions as appropriate;
- (iii) that the recent changes in methodology to the complaints performance indicators (statutory and corporate) be noted.

**15. National Non Domestic Rates – Autumn Statement December 2014 – Discretionary Discounts**

The report from the Strategic Director, Regeneration and Growth sought ratification of the implementation of schemes to award discretionary reliefs for business ratepayers which satisfied the criteria set by the Department of Communities and Local Government (DCLG) for these schemes as announced by central government in the Autumn Statement of 3 December 2014 to come into effect from 1 April 2015.

RESOLVED:

- (i) that the retail rate relief discount scheme, which was originally agreed by the Executive on 24 March 2014, be amended so that a £1,500 discount was awarded to qualifying businesses for 2015/16 as detailed in paragraphs 3.1 to 3.4 of the report from the Strategic Director of Regeneration and Growth pursuant to the council's powers under section 47 of the Local Government Finance Act 1988 be approved;
- (ii) that the scheme extending transitional relief for two years from 1 April 2015 for properties with a rateable value of £50,000 or less as detailed in paragraphs 3.5 to 3.9 of the report be agreed pursuant to the council's powers under section 47 of the Local Government Finance Act 1988;
- (iii) that the Chief Finance Officer be authorised to implement the schemes referred to in paragraphs 2.1 and 2.2 of the report so that the agreed discretionary discounts and reliefs in business rates can be awarded in compliance with the criteria set out by the Department for Communities and Local Government.

**16. Authority to award a contract for Independent Reviewing Officer Services**

Councillor Moher introduced the report which requested authority to award a contract for the provision of Independent Review Officer Services to the Council as required by Contract Standing Order No 88. The report summarised the process undertaken in tendering the contract and, following the completion of the evaluation of the tenders, recommended to whom the contract should be awarded.

The Chief Finance Officer drew attention to the tendering arrangements which were not competitive due to the absence of a market for this service. Councillor Moher commended the work of the existing provider and the difficulties there would be in providing the service in-house and the advantages of having a single stable IRO service provider, sentiments which were echoed by the Strategic Director, Children and Young People.

RESOLVED:

that the contract for the provision of Independent Review Services for an initial contract period of two years from 1st April 2015 to 31st March 2017 be awarded to Aidhour Limited with an option for the Council to extend the contract by an additional 12 months subject to satisfactory performance.

(The Chair certified this item as urgent because the existing contract with Aidhour (an organisation that provides the chairs for looked after children's reviews) was due to expire. If there was no contract in place, services to looked after children would be jeopardised).

**17. Reference of item considered by Scrutiny Committee**

None.

**18. Any other urgent business**

None.

The meeting ended at 4.10 pm

M BUTT  
Chair