



Forward Plan Select Committee

Wednesday, 2 December 2009 at 7.30 pm
Committee Room 4, Brent Town Hall, Forty Lane,
Wembley, HA9 9HD

Membership:

Members

Councillors:

Long (Chair)
Castle (Vice-Chair)
V Brown
Coughlin
Mistry
HB Patel
Powney
Tancred

first alternates

Councillors:

Farrell
Leaman
Bessong
Butt
HM Patel
Kansagra
J Moher
Motley

second alternates

Councillors:

Dunn
Hirani
Fox
Steel
Joseph
John
Pagnamenta

For further information contact: Toby Howes, Democratic Services Officer,
020 8937 1307, toby.howes@brent.gov.uk

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The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
1 Declarations of Personal and Prejudicial interests	
Members are invited to declare, at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
2 Deputations (if any)	
3 Minutes of the Previous Meeting held on Tuesday, 3rd November 2009	1 - 10
The minutes are attached.	
4 Matters Arising (if any)	
5 Call-in of Executive Decisions from the Meeting of the Executive on Monday, 16th November 2009	11 - 32

Decisions made by the Executive on the 16th November 2009 in respect of the report below were called-in for consideration by the Forward Plan Select Committee in accordance with Standing Order 18.

Authority to Award the Residential and Respite Care Contract for People with Learning Difficulties

The decisions made at the Executive meeting in respect of this item were:-

- (i) that approval be given to the award of the contract for the provision of residential and respite care services for people with learning disabilities for a period of 3 years commencing on 1 February 2010 with an option to extend the contract for a further two-year period to The Camden Society subject to resolution of pensions arrangements and to subsequent endorsement of arrangements by the General Purposes Committee;
- (ii) that the Director of Housing and Community Care be authorised, in consultation with the Director of Finance and Corporate Resources and the Borough Solicitor to resolve pensions arrangements;
- (iii) that approval be given to the grant of short term rent free leases in respect of Melrose House, the three properties at Tudor Gardens and the property at Willesden Lane to The Camden Society in

accordance upon the terms of the Contract for the reason set out in paragraph 7.10 of the report from the Director of Housing and Community Care.

The reasons for the call-in are:

- (i) Concern about the security of staff on TUPE transfer;
- (ii) The implications of the new contract on the terms of the Local Government Pension Scheme;
- (iii) The security of current residents in the new establishments given that the preferred provider is anticipating a proportion of them being in a semi self supporting regime;
- (iv) The lack of consideration of proposals put forward by our own employees.

The Executive report is attached. The Lead Member and Lead Officer are invited to attend the meeting to respond to Members' questions.

6 The Executive List of Decisions for the Meeting that took place on Monday, 16th November 2009 33 - 36

The List of Decisions from the meeting of the Executive that took place on Monday, 16th November 2009 is attached.

7 Briefing Notes/Information Updates requested by the Select Committee following consideration of Issue 7 (2009/10) of the Forward Plan 37 - 38

Termination of Middlesex House and Lancelot Housing Scheme

The Select Committee requested a briefing note on this item providing the background details to the decision due to be considered.

The Executive report is also attached.

8 Briefing Notes/Information Updates requested by the Select Committee from earlier versions of the Forward Plan

a) Cultural Strategy for Brent 2010-2015 39 - 40

The Select Committee requested a briefing note on this item providing details of who out of the 400 local organisations contacted responded to the consultation, what involvement was there with voluntary sector organisations and schools and were there any changes made to the proposals following the responses to the consultation.

b) Petition for Changes to the Consultation Process

41 - 46

The Select Committee requested a briefing note providing information as to whether the decision by the Executive on 16th October that consultation documents make it clear that consultations are open to all residents within a single household represents a change in policy of consultation undertaken by the Transportation Unit and whether the consultation documents returned must be originals or whether a photocopy is acceptable.

The Executive report is also attached.

9 The Forward Plan - Issue 8

47 - 56

Issue 8 (07.12.09 to 04.04.10) of the Forward Plan is attached.

10 Items considered by the Executive that were not included in the Forward Plan (if any)

None.

11 Date of Next Meeting

The next meeting of the Forward Plan Select Committee is scheduled for Wednesday, 6th January 2009 at 7.30 pm.

12 Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.



Please remember to **SWITCH OFF** your mobile phone during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.
- Toilets are available on the second floor.
- Catering facilities can be found on the first floor near the Paul Daisley Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge



LONDON BOROUGH OF BRENT

MINUTES OF THE FORWARD PLAN SELECT COMMITTEE Tuesday, 3rd November, 2009 at 7.30 pm

PRESENT: Councillor Long (Chair), Councillor Castle (Vice-Chair) and Councillors V Brown, Mistry and Powney

Also Present: Councillors Blackman, Detre, Lorber and Van Colle

Apologies were received from: Councillors Coughlin and Tancred.

1. **Declarations of Personal and Prejudicial interests**

Councillor Kansagra declared an interest in item 4 (d), call-in of the decisions of the Executive on the 19th October 2009 with regard to the Brent Civic Centre - Concept Design Proposals and Authority to Tender Contract for a Design and Build Contractor as Chair of the Planning Committee. He did not take part in discussion or voting on this item and withdrew from the meeting. Councillor Kansagra also declared an interest in item 4 (a), call-in of the decisions of the Executive on the 19th October 2009 with regard to the Third Pool in Brent – Progress Report item as Chair of the Planning Committee and he did not take part in discussion or voting on this item.

Councillor Mistry declared an interest in item 4 (a), call-in of the decisions of the Executive on the 19th October 2009 with regard to the Third Pool in Brent – Progress Report item as ward councillor for the proposed location, however she did not regard the interest as prejudicial and took part in discussion and voting on this item.

2. **Minutes of the Previous Meeting held on Thursday, 24th September 2009**

RESOLVED:-

that the minutes of the previous meeting held on 24th September 2009 be approved as an accurate record of the meeting.

3. **Matters Arising (if any)**

None.

4. **Call-in of Executive Decisions from the Meeting of the Executive on Monday, 19th October 2009**

Decisions made by the Executive on the 19th October 2009 in respect of the reports below were called-in for consideration by the Forward Plan Select Committee in accordance with Standing Order 18.

4.1 **Third Pool in Brent - Progress Report**

The reasons for the call-in were:-

Previous attempts to provide a pool near this location have proposed large amounts of car parking but this report does not quantify the amount of car parking, making a feasibility study with financial implications, as proposed in recommendation 3, impossible to do.

Councillor Van Colle (Lead Member for Environment, Planning and Culture) introduced the report and responded to the reasons for call-in concerning parking provision. Councillor Van Colle advised that a site for the third pool had successfully been obtained, and the next stage would be to consider what would be on the site, including the extent of parking provision. Members heard that the report had mentioned that consultants had identified parking provision as a key risk and issue and that a detailed feasibility study would be undertaken to provide a full appraisal of options with regard to this.

During discussion by Members, Councillor Castle commented that the feasibility study would address the details of the scheme, including what parking provision was viable. Councillor Mistry also felt that details of parking provision could not be determined at this stage, however she suggested that parking spaces should be maximised to encourage wider use in the borough and for use at night as some potential visitors would be put off if they were unable to reach the site by car. She enquired whether the Roe Green Park site identified was a site specific allocation and whether other sites that had been considered also occupied green spaces.

Councillor Powney enquired whether one of the options which made mention of an assumption of 150 parking spaces was an indicative figure and whether a minimum-maximum range of parking spaces could be provided. He commented that the site had good public transport access and felt that a number of people would travel to the swimming pool by this way. Views were sought with regard to developing a site that was located on green space. Councillor Powney expressed surprise that no parameters or identified costs had been made, despite the site having been identified as a potential site for a third pool since 2006.

The Chair sought reasons as to why 150 parking spaces had been suggested and asked whether the proposals, which also included a gym and were larger in scale than previous proposals would impact upon the parking requirements. She also acknowledged that the site had good public transport links and a new bus route would soon be available to travel to this site. The Chair enquired how many spaces existed at other sports and leisure facilities in the borough and when the feasibility study would be carried out.

In reply to the issues raised, Councillor Van Colle stated that the study carried out had not sought to specify parking space numbers and therefore no figures could be provided at this stage, however this would be more closely examined in the feasibility study to follow. At this stage, the priority was to secure the necessary capital funds to develop the site before the finer details of the scheme could be determined. Councillor Van Colle felt that in view of the planning issues involved, that the site was the most appropriate of those considered for a third pool. He agreed that the site was well served by public transport, including numerous bus routes and its proximity to Kingsbury tube station.

Gerry Kiefer (Head of Sports Service, Environment and Culture) confirmed that Willesden Sports Centre's parking capacity was approximately 150 spaces. She advised that the feasibility study was yet to be commissioned, however the brief for the study was due to go out for quotes around the end of 2009 and the resulting tenders received would give an indication of how long the feasibility study would be expected to take.

Members then decided not to endorse the Chair's suggestion that the contractor chosen to undertake the feasibility study be briefed to consider parking issues closely and that the number of spaces be minimised to what was practically achievable.

RESOLVED:-

that upon considering the report from the Director of Environment and Culture, the decisions made by the Executive be noted.

4.2 Authority to Participate in a West London Collaborative procurement for the Provision of Home Care, including Housing Related Support and "Integrated" Home Care for Adults

The reasons for the call-in were:-

The financial reasons given are not proven. There is no comparison of NW London with other boroughs to show that expenditure is higher than any other authority. Nor does the report mention the number of service users and anticipated demand.

Members agreed that this item and item 4 (c) below be considered simultaneously as both involved similar issues. Martin Cheeseman (Director of Housing and Community Care) responded to the call-ins, advising that the decision to be involved in a West London Collaboration Procurement was as a result of considerable analysis of Adult Social Care spending by the West London Authority (WLA) boroughs. Members heard that residential and domiciliary care represented the biggest spending for each of the WLA members. The Council currently procured such services individually, however in the context of changes taking place to the Social Care market and the emphasis on the individual and the personalisation of services, it was becoming increasingly difficult for boroughs to predict their budget requirements and there was an increased risk of overspending. The analysis undertaken by the WLA had concluded that significant savings could be made through undertaking a joint tender exercise as potential contractors would be able to offer better value by serving a larger market. The advice the Council had

received had suggested that there would be both savings to the WLA and to the Council.

During discussion, Councillor Castle enquired whether the Council could withdraw from the collaborative procurement if it proved to be more costly than the present arrangements. Councillor Powney enquired whether the potential savings from a collaborative procurement may in any way compromise quality of service. The Chair sought views as to whether decisions concerning service providers would depend on the majority view of the WLA members and what the implications for the Council would be if its view was in the minority. She also enquired about service provision eligibility criteria comparisons between the WLA members.

In reply, Martin Cheeseman stated that it would be unlikely that the Council would continue to be involved in the collaborative procurement if it was shown that its costs would actually increase. The purpose of the collaboration was not just to make savings, but also to ensure and improve standards and providers who had obtained at least a 2 or 3 star rating from the Quality Care Commission would be sought. Members noted that all WLA members were committed to raising standards and Martin Cheeseman added that the Council hoped that the collaboration would provide the opportunity for it to close the gap in quality service to those WLA members whose standards were presently higher. The Select Committee heard that although each borough had their own eligibility criteria with regard to service provision, they all had similar requirements. Martin Cheeseman advised that ultimately it was up to each borough whether they accepted the decision of the WLA. He commented further that collaborative procurement was made even more necessary by the need to purchase services in a more efficient way not just for the reasons already mentioned, but also because of the overall increase in key demographics. Ensuring quality of services would be specifically addressed in a separate exercise.

Councillor Lorber (Leader of the Council) added that the tendering exercise would be undertaken in line with all relevant criteria and emphasised that its objective was to secure the best value for the Council.

Members then decided not to endorse the Chair's suggestion that any downgrading of services as a result of the collaborative procurement compared to what was presently provided be reported to the Executive.

RESOLVED:-

that upon considering the report from the Director of Housing and Community Care, the decisions made by the Executive be noted.

4.3 Authority to Participate in a West London Collaborative Procurement for Residential and Nursing Care for Adults

The reasons for the call-in were:-

The financial reasons are not proven. There is no comparison of NW London with other boroughs to show that expenditure is higher than any other authority. Nor does the report mention the number of service users and anticipated demand.

RESOLVED:-

that upon considering the report from the Director of Housing and Community Care, the decisions made by the Executive be noted.

4.4 **Brent Civic Centre - Concept Design Proposals and Authority to Tender Contract for a Design and Build Contractor**

The reasons for the call-in were:-

- To increase the number of car parking spaces at the new Civic Centre to the maximum allowance under current and future planning guidelines.
- The economic case for increasing the amount of car parking spaces
- Consideration of the total car parking capacity required at the Civic Centre particularly for community or private events when the stadium and/or arena are in operation.

Councillor Lorber, in response to the reasons for call-in, began by explaining the objectives of the Civic Centre. The Civic Centre would be in accordance with the Council's objective of providing best service to residents and meeting their needs and that it would provide for the majority of the Council's services on one site. Overall, the costs would be neutral and the Civic Centre would be ideally located within the Wembley Regeneration area. Members heard that the Civic Centre would be designed to accommodate 2,000 staff and key partners of the Council. There would be flexible use of space, including a substantial office accommodation, a hall and a library.

Addressing the specific reasons for call-in, Councillor Lorber confirmed that the provision for up to 158 parking spaces had been agreed at the Executive. The maximum that could be achieved from the concept design under the Council's present Unitary Development Plan standards was 174 spaces, however Councillor Lorber stressed that the Council needed to take a lead in the community in addressing environmental targets and in encouraging alternative methods of transport. The proposals afforded the Council the opportunity to make arrangements with other parking providers when necessary, such as on major event days. Overall, Councillor Lorber felt that parking provision would be adequate, adding that event day visitors made more use of public transport than when Wembley Stadium was previously open. However, efforts would be made to increase both public transport provision and use of it in the area as possible.

With the Chair's approval, Councillor Detre addressed the Select Committee. He stated that overall he supported the Civic Centre proposals which would accommodate approximately 2,000 staff and councillors, 500 to 600 library visitors daily, 63 councillors and host approximately 600 events a year. On event days and major shopping days, he commented that on-street parking was not available and that the Civic Centre's requirements could not be compared to the Town Hall's. Councillor Detre felt that in order to attract visitors to the Civic Centre, providing appropriate parking spaces would be necessary and in his view up to 60 additional spaces could be provided. He suggested that a daily charge of £5 would be sufficient to recoup the costs of providing additional spaces and that the car park would be full on most days. Councillor Detre also stated that travelling late at night

without a car was problematic which provided another reason why additional parking spaces were necessary.

With the Chair's approval, Councillor Blackman also addressed the Select Committee. Councillor Blackman stated that considering that the Civic Centre would be in existence for a long time, that it was important that the building design provided flexibility for existing and future uses. He commented that there could be a significant increase in the use of carbon neutral electric cars in future and that an extra floor in the basement could be designed so that it could accommodate this future need. With regard to using other parking providers, Councillor Blackman stated that this exposed the risk of the Council being overcharged and that the greater parking capacity the Council had, the less leverage parking providers would have in setting higher parking fees. Furthermore, potential competitors to the Council with regard to hosting events may gain an advantage as they would be able to offer more parking spaces and be a more attractive venue. In addition, the interests of staff and visitors to the Civic Centre needed to be considered. In view of these issues, Councillor Blackman suggested that parking spaces in the basement area should be maximised and that a £5 daily charge would cover the costs of providing this.

During discussion by Members, Councillor Castle enquired whether the costs of providing 32 additional parking spaces would equate to £1.9 million, adding that in view of the high volume of traffic in the area and good public transport links that it would be imprudent to spend additional money on providing more parking spaces. Councillor Mistry commented that the Civic Centre would be used by its partners and be in use 24 hours, and that if it intended to receive revenue through holding late night functions, that Members should bear in mind that public transport would be limited late at night and in the early hours, whilst the safety of those travelling at these times, which could include children, should also be considered. In view of this, she felt that there would be sufficient demand to travel to the Civic Centre by car and so the number of parking spaces should be maximised to what was permitted under planning guidelines, adding that income could be generated by parking fees. Councillor Mistry also commented that corporate organisations tended to hire out schools' parking spaces when large events took place in Wembley.

Councillor V Brown enquired whether a fee had been decided for use of parking spaces at the Civic Centre. Councillor Powney sought views as to whether the construction of additional parking spaces would have an effect on carbon emissions. With regard to the target to obtain an outstanding design award for the Civic Centre, Councillor Powney asked what the potential cost difference would be if this was not achieved. The Chair enquired whether electricity charging points would be provided at the Civic Centre.

In reply to the issues raised, Councillor Lorber confirmed that an additional 16 parking spaces could be provided under UDP at a cost of £1.9 million, however he did not feel this would be a good use of money, especially as the Council was taking a lead on environmental issues. With regard to late night use of the Civic Centre, Councillor Lorber commented that approximately 2,900 parking spaces were available at Wembley Stadium, about five minutes walking distance from the Civic Centre. He suggested that many visitors to the Civic Centre who travelled by car were likely to be dropped off there and picked up later after the event had

finished, thereby not needing use of parking spaces. Councillor Lorber reiterated that the 158 parking spaces on site was adequate, especially in view of other parking facilities available in the area, adding that Quintain were considering building a multi-storey car park close to the Civic Centre with a capacity of between 500 and 1,000 spaces. The Select Committee heard that increasing parking spaces to 174 could be challenged by the Mayor of London which could delay the project and cause additional costs. Councillor Lorber stated that even building an additional floor would still mean significantly less than 60 additional spaces being created. He also advised that an additional temporary 200 parking spaces could be available when the Civic Centre opened to allow staff to make changes to enable them to travel to the Civic Centre by alternative means to the car. The Select Committee noted that parking space fees had not yet been set.

Aktar Choudhury (Assistant Director – Civic Centre Project, Business Transformation) added that constructing more parking spaces were likely to increase carbon emissions and that the objective was to reduce existing carbon emissions by 40%. He advised Members that the Council aspired to an Outstanding British Research Establishment Environmental Assessment Method (BREEAM) award for the Civic Centre and that increasing parking spaces could impact adversely on the chances of obtaining this. The potential financial loss in not achieving this could not be confirmed at this stage, however Aktar Choudhury advised that the design award also took issues such as use of local resources into account. Electrical charging points would also be provided, however their locations were yet to be determined.

RESOLVED:-

that upon considering the report from the Director of Business Transformation, the decisions made by the Executive be noted.

5. The Executive List of Decisions for the Meeting that took place on Monday, 19th October 2009

RESOLVED:-

that the Executive List of Decisions for the meeting that took place on Monday, 19th October 2009 be noted.

6. Briefing Notes/Information Updates requested by the Select Committee following consideration of Version 6 (2009/10) of the Forward Plan

6.1 Proposed Disposal of 38 Craven Park Road, Harlesden, NW10

RESOLVED:-

that the briefing note on the Proposed Disposal of 38 Craven Park Road, Harlesden, NW10 be noted.

6.2 Cultural Strategy for Brent 2010 - 2015

With the permission of the Chair, Dilwyn Chambers, a resident, addressed the Select Committee. Dilywn Chambers commented that the 2005 Cultural Strategy

had involved consultation with a number of organisations that undertook cultural activities. However, he stated that no cultural organisations he was involved had been consulted in respect of the 2010-2015 Strategy. He emphasised the importance of inclusion of the various cultural organisations, especially as the Strategy was a Brent one, as opposed to a Council one. Members heard that the public meetings referred to in the briefing note between 10th July 2009 and 9th October 2009 had only attracted a very small number of members of the public, whilst the Chair of Brent Arts Council also had no knowledge of the consultation taking place. Dilwyn Chambers remarked that he was awaiting a response from Brent Association for Voluntary Action to a request to provide information on organisations in the voluntary sector that had been involved in the consultation.

Councillor Mistry stated that she had spoken to several organisations who had felt that their views had not been valued. She enquired to what extent children had been consulted, including through schools, and what organisations had been involved in the consultation. Councillor V Brown felt that a number of responses should have been received if the consultation had appeared in the Brent Magazine.

Members then agreed to the Chair's suggestion that a briefing note be provided at the next meeting detailing who of the 400 local organisations contacted had responded to the consultation, what involvement was there with organisations from the voluntary sector and from schools and were there any changes made to the proposals following the responses to the consultation.

RESOLVED:-

- (i) that the briefing note on the Cultural Strategy for Brent 2010-2015 be noted; and
- (ii) that a further briefing note be provided at the meeting of the Select Committee on 2nd December 2009, detailing who of the 400 local organisations contacted responded to the consultation, what involvement was there with organisations from the voluntary sector and from schools and were there any changes made to the proposals following the responses to the consultation.

6.3 Authority to Participate in a West London Collaboration Procurement for Residential and Nursing Care and Adults and Authority to Participate in a West London Collaboration Procurement for Domiciliary Care

RESOLVED:-

that the briefing note on the Authority to Participate in a West London Collaboration Procurement for Residential and Nursing Care and Adults and Authority to Participate in a West London Collaboration Procurement for Domiciliary Care be noted.

6.4 Extensions of the Direct Payments Support and Advice Service Contract with Penderals Trust and Proposals to Review the Current Arrangements for the Service

RESOLVED:-

that the briefing note on Extensions of the Direct Payments Support and Advice Service Contract with Penderals Trust and Proposals to Review the Current Arrangements for the Service be noted.

6.5 Future Acquisition Strategy for the Brent Transport Fleet

RESOLVED:-

that the briefing note on Future Acquisition Strategy for the Brent Transport Fleet be noted.

6.6 Printing Review Tender Results

RESOLVED:-

that the briefing note on Printing Review Tender Results be noted.

7. Briefing Notes/Information Updates requested by the Select Committee that are not on the Forward Plan

Council Contracts Database detailing Current and Future Contracts

RESOLVED:-

that the briefing note on Council Contracts Database detailing Current and Future Contracts be noted.

8. The Forward Plan - Issue 7

Issue 7 of the Forward Plan (09.11.09 to 07.03.10) was before members of the Select Committee. Following consideration of Issue 7 of the Forward Plan, the Select Committee made the following requests:-

Termination of Middlesex House and Lancelot Housing Scheme

The Select Committee requested a briefing note on this item providing the background details to the decision due to be considered. The request was made by the Chair.

9. Item from Earlier Versions of the Forward Plan

Petition for Changes to Consultation Process

The Select Committee requested a briefing note on this item providing information as to whether the decision by the Executive on 16th October 2009 that consultation documents make it clear that consultations are open to all residents within a single household represents a change in policy of consultation undertaken by the Transportation Unit. Clarification of whether the consultation documents returned must be originals or whether a photocopy is acceptable was also requested. The request was made by the Chair.

10. **Items considered by the Executive that were not included in the Forward Plan (if any)**

None.

11. **Date of Next Meeting**


It was noted that the next meeting of the Forward Plan Select Committee was scheduled to take place on Wednesday, 2nd December 2009 at 7.30 pm.

12. **Any Other Urgent Business**

None.

The meeting closed at 9.15 pm

J LONG
Chair

	<p style="text-align: center;">Executive 16 November 2009</p> <p style="text-align: center;">Report from the Director of Housing and Community Care</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p>Authority to award the residential and respite care contract for people with learning disabilities</p>	

Forward Plan Ref: H&CC-09/10-18

Appendices 3, 4 and 5 of this Report are Not for Publication

1.0 Summary

- 1.1 This report requests authority to award a contract as required by Contract Standing Order No. 88. This report summarises the process undertaken in tendering the contract for the provision of residential and respite care services for people with learning disabilities and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded to.

2.0 Recommendations

- 2.1 That the Executive approve the award of the contract for the provision of residential and respite care services for people with learning disabilities for a period of 3 years commencing on 1 February 2010 with an option to extend the contract for a further two-year period to The Camden Society subject to resolution of pensions arrangements and to subsequent endorsement of arrangements by the General Purposes Committee.
- 2.2 That the Executive authorise the Director of Housing and Community Care in consultation with the Director of Finance and Corporate Resources and the Borough Solicitor to resolve pensions arrangements.
- 2.3 That the Executive approve the grant of short term rent free leases in respect of Melrose House, the three properties at Tudor Gardens and the property at Willesden Lane to The Camden Society in accordance upon the terms of the Contract for the reason set out in paragraph 7.10.

3.0 Detail

3.1 Background

- 3.1 The current residential and respite care service for people with learning disabilities is provided at Melrose House in Willesden, NW2. This is a Council run service which is registered with the Care Quality Commission (CQC). The service currently provides 24 hour long term residential care to 14 residents. On the same site, respite care service is provided to 5 Service Users of which 3 beds are in an external bungalow.
- 3.2 The service is inspected by the CQC and since 2002 has not met the new registered care home standards. Furthermore the service provided is no longer considered to be 'fit for purpose' as it provides an institutionalised model of care in one large home. The CQC does not consider it appropriate for a respite care service to be provided on the same site as a residential care service as this can be disruptive to long term residents to have a continuous stream of temporary Service Users coming to live in their home.
- 3.3 On 12 November 2001 a joint meeting between Housing and Social Services departments chaired by the Director of Housing considered and accepted a proposal report for redevelopment of Melrose House and Homlea residential homes through the PFI programme. The report was put forward following an invitation from the Director of Housing to the Director of Social Services to jointly explore whether in addition to the 'core' social housing PFI bid which they were lodging, it would be possible to apply PFI principles to Social Services properties. The proposal was accepted and viewed very favourably by the meeting and later by the DTLR as one that brought in synergy between Housing and Social Services functions thereby enhancing 'joint working' that is advantageous to both clients in service delivery terms and the local authority in financial terms.
- 3.4 The redevelopment of these residential and respite care services into the new model of care subsequently formed part of the Housing and Social Care Non Housing Revenue Account PFI Project. The Executive on 9th October 2006 agreed to appoint Brent Co-efficient (BCE), a consortium consisting of Hyde Housing Group, Bouygues UK (builder) and the Bank of Scotland, as preferred bidder for the PFI scheme. Officers reached financial close for the PFI scheme on 19 December 2008.
- 3.5 The Executive of 8 October 2007 gave approval for the new model of care to be provided on the sites at Tudor Gardens and 167 Willesden Lane, such model of care to be consistent with the national and local policy context outlined at paragraphs 3.9 – 3.11.
- 3.6 The Executive of 14 January 2008 gave approval to tender for residential and respite care services for people with learning disabilities currently provided at Melrose House.
- 3.7 The re-provision of the residential care will be in 3 houses each containing 5 one bed units on the Tudor Gardens site, i.e. provision of a total of 15 beds. The respite/short break services will be provided in 5 one bed units at 167 Willesden Lane NW 6.

Both developments will meet CQC standards. The new residential provision on the Tudor Gardens site will be completed by January 2010 and the relocation of the residential care service from Melrose House will take place by 31 March 2010.

- 3.8 The respite care service will cease to be provided at Melrose House once the residents have relocated to Tudor Gardens. This service will have to be purchased from within the private sector until 1 September 2010 when the new respite care service commences at 167 Willesden Lane.

National Policy Context

- 3.9 National policy emphasises the need for more personalised individual services which promote independence. This may be seen through such policy documents as “Our Health, Our Care, Our Say” and the support for individual budgets and self-directed support. Such a direction emphasises the move away from traditional services such as residential services and towards more ordinary forms of living, with additional support where required. Research findings from the first pilot projects of “In Control” show that most people wanted to move out of residential care into more ordinary forms of living where they chose who they lived with and have their needs appropriately met. They also showed an increase in service user satisfaction as a result of such move.
- 3.10 “Valuing People”, the white paper which provides a good practice framework for the direction of learning disability services, also emphasises the need for people with learning disabilities to have more choice over where they live and who they live with. It promotes the inclusion of people with learning disabilities in ordinary opportunities, such as community activities and employment. “Valuing People Now (2009)”, published on 19 January 2009, is a three year strategy which focuses on promoting inclusive, better lives for people with learning disabilities, access to housing and personalised services as three of the five key areas for improvement.

Local Policy Context

- 3.11 The local policy context is in keeping with the direction of national policies. Local policies, such as the Adult Social Care Transformation initiative and the Housing Strategy also emphasise the need to move away from residential care to more independent forms of living. One of the reasons that many people were placed in residential care rather than independent living was due to a lack of available housing and competent support providers – however this has changed and it is now rare for someone to be placed in residential accommodation. In addition, young people entering the adult services for the first time and their families have very different expectations and do not wish to use existing residential services choosing more ordinary options such as supported living.

Consultation

Service Users

- 3.12 Consultation with service users has been ongoing since 2002 when the proposal to develop the PFI service was initiated. The option of tendering the service has been

discussed since the start of this consultation. An external facilitator has been engaged to work with the users to ensure understanding of the issues is developed over time. The current residents of Melrose House as well as respite care service users were given the opportunity to contribute to the tender evaluation process by asking questions of tenderers. The residents' feedback was taken into account by the tender evaluation panel during its clarification and evaluation of tenders. 3 residents and one respite care service user took part in tender clarification interviews. This process was facilitated by the independent facilitator.

Relatives

- 3.13 Consultation with relatives has also been ongoing and representatives of relatives have been involved in the tender process by contributing to the development of the service specification, visiting tenderers care homes and interviewing tenderers. Officers met with relatives in April 2009 for a briefing session on the tender process and how they can be involved in the evaluation of tenders.
- 3.14 Officers wrote to all relatives of Melrose House residents and respite care Service Users on 12 August 2009 informing them of how they can be involved in the evaluation of tenders and asking them to sign a confidentiality undertaking if they wished to take part given they would be given access to confidential tender information. Three relatives of current residents of Melrose House and one relative of a respite care service User returned the signed Confidentiality Undertaking.
- 3.15 Relatives involvement in the evaluation of the tenders was overseen by an Officer from the Procurement and Risk Management Team. Relatives mentioned in 3.14 above took part in the site visits and the interview of tenderers. The resulting feedback from relatives was taken into account by the tender evaluation panel during its clarification of tenders and selection of a preferred care provider.

Staff

- 3.16 Staff have been involved in regular consultation since 2003. This has largely covered the new service model, service redesign and proposed tender. Overall staff have remained concerned about being transferred to a new service provider and further formal HR consultations have taken place, with the last meeting taking place in May 2009. Regular meetings are still held to update staff about the procurement process and provide them with development on new ways of working.

Unions

- 3.17 Unison and GMB have also been involved from 2003 in consultation on the service redesign and proposal to tender the service. Both unions oppose externalisation of the service and have continued to raise the issue of transparency of costs.
- 3.18 On the 18th February 2008 and 8th May 2008 the Trade Unions were part of the Housing and Community Care Departmental Consultative Committee where Melrose House was discussed. The Trade Unions have also been given the opportunity to ask the tenderers any questions they have via Human Resources.
- 3.19 Final consultation meeting with the Unions has been planned prior to the Executive.

Relocation process

- 3.20 It is proposed that the new contract will commence on 1 February 2010 – two months before the residents actually move to the Tudor Gardens site so that there is a managed change process. It is anticipated that the new buildings at Tudor Gardens will be handed over to the Council in January 2010. The Council is committed to moving into the new buildings by 31 March 2010 so as to free up the existing Melrose site for social housing. Any delay in doing so will incur financial penalties.
- 3.21 The closure of a long established home such as Melrose House which has served residents for over thirty years is a stressful time for staff, residents and family members. When a facility announces that it is closing or relocating a number of residents, it is imperative that all parties involved work together to develop a resident centred relocation plan. Melrose House management and it's staff, the residents, family members and guardians, advocates, other teams (day centres, assessment teams etc.) all become key players in effecting a smooth relocation process.
- 3.22 In recognition of the above and in line with good practice, a Relocation Group has now been established comprising officers from within the Council (i.e. Head of Service, Health & Safety Adviser, Assessment Manager, Melrose Manager, Day & Residential Manager, Housing Manager) ; NHS Brent (Psychologist, Loss & Bereavement Counsellor); CNWL Mental Health Services (Community Psychiatrist), an Advocate and a Melrose House Relative. The role of this group is to plan and implement the Relocation Action Plan which has a total of 14 areas each with multitude tasks to complete. Some of the areas in the action plan such as assessments, resident choices, liaison with CQC, transfer of clinical care etc., are statutory requirements in relocation of care homes. The Group is chaired by the Head of Service for Learning Disabilities and meets on a monthly basis.
- 3.23 The Relocation Group has also been overseeing other key areas in the process including arrangements for furnishings, contributing to the communications process with relatives and residents initially through the newsletters etc. There is a reassessment of each user's needs and a transition plan developed with them, their

family/carer or advocate, and the staff by a dedicated social worker, which is due to be completed by the end of November 2009.

4. Tender process

- 4.1 The Executive of 14 January 2008 approved Officers recommendation to tender for the provision of residential and respite care services for people with learning disabilities.
- 4.2 The contract will be let for a period of 3 years with the option to extend for a further 2 years.
- 4.3 Officers followed a two stage tender process in accordance with the Council's Contract Standing Orders and Contract Management Guidelines. The two stage process allowed Officers to eliminate unsuitable organisations at the pre-qualifying stage.

Stage One – Shortlisting of Interested Contractors

- 4.4 Advertisements were placed in the trade press, national and local newspapers as well as on the Council's external website on 9 February 2009 to seek initial expressions of interest. The Council's standard pre-qualification questionnaire (PQQ), an information pack containing the outline service and tender approach were posted on the Council's Procurement website for interested organisations to download. A total of 24 organisations returned PQQs.
- 4.5 Shortlisting was undertaken on the basis of the contractors' financial and economic standing, business probity, professional and technical capability. This evaluation included consideration of health and safety, quality assurance, equal opportunities and disabilities awareness, and CQC registration requirements. 10 organisations were assessed as achieving relevant standards and were invited to tender.

Stage Two – Invitation to Tender and Evaluation of Tenders

- 4.6 The 10 shortlisted organisations were invited to tender on 2 June 2009. The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council and that in evaluating tenders, the Council would have regard to the following criteria (as approved by the Executive on 14 January 2008) together with appropriate weightings:

Evaluation Criteria	Weighting
Financial competitiveness and affordability	40%
Ability to meet the requirements of the service specification: <ul style="list-style-type: none"> • Independent Living • Human Resources and Service Performance • Support Planning • Diversity and Equalities 	24% (6%) (6%) (6%) (6%)
Ability to meet the needs of current residents and future service users, including the use of direct payments	24%
<ul style="list-style-type: none"> • Personalisation • Active Support • Person Centred Planning 	(8%) (8%) (8%)
Quality control and assurance <ul style="list-style-type: none"> • Service Improvement 	5%
Ability to ensure smooth and seamless transition of service causing minimum disruption to existing residents <ul style="list-style-type: none"> • Transition Planning 	5%
References (demonstrating the ability of the contractor to apply its experience or expertise to the delivery of services required in this contract)	2%

4.7 All tenderers were provided with a number of documents amongst which included:

- a list of questions (Method Statements) covering the practical and technical aspects of service provision. Tenderers were requested to provide Method Statements detailing how they would deliver each element of the service and to include all relevant reference material as evidence to support their responses
- a pricing schedule which required tenderers to offer prices for Residential, Respite Care and Supported living services in relation the minimum weekly care costs established under the Care Funding Calculator (CFC). The CFC was developed by the Southeast Improvement and Efficiency Partnership with the aim of supporting local authorities to manage the costs of residential care and supported living for adult with learning disabilities. It is a Microsoft Excel based tool that will provide prevailing minimum and maximum care costs for any locality

upon input of an individual service user's profile of needs. Tenderers were required to state what percentage above or below the minimum CFC cost for each service user they would apply when pricing residential, respite care and supported living placements.

- anonymised profiles of the 14 current residents of Melrose House, 5 sample profiles of service users using respite care and 4 sample profiles of service users using supported living services to help inform tenderers' completion of the pricing schedule. These profiles were sent to tenderers to ensure that they had some general information about residents and likely service users but more importantly to ensure that price information provided by tenderers could be evaluated in a consistent way. The profiles had been used by the Council to establish the minimum weekly care costs featured in the pricing schedule.

- 4.8 On 12 June 2009 all shortlisted tenderers were informed in writing that the Council was recalling all the profiles as a result of concerns raised by one of the relatives. The relative was concerned that the information relating to his relation currently living at Melrose House was inaccurate and that this would mislead the tenderers. As detailed above, whilst the profiles were included to provide general information about the existing and possible future residents, their primary purpose was to ensure that the Council was able to compare tenderers' pricing on a consistent basis. Despite this, the Council did agree to reissue revised profiles.
- 4.9 A second revised set of profiles were sent to tenderers on 25 June 2009. . Tenderers were also reminded at the clarificatory interviews that the support needs information stated in the profiles will change as the Council is currently undertaking comprehensive functional assessments of all 14 residents. Relatives, guardians and the Independent Mental Capacity Advocates will also be part of these assessments. All information gathered as a result of these assessments will be shared with the preferred provider prior to the commencement of the contract.
- 4.10 Tenders were received from The Camden Society, Care Management Group and Support for Living. Six organisations withdrew from the tender process for various reasons.

Evaluation of tenders

- 4.11 The tender evaluation was undertaken by a panel of Officers from the Council's Housing and Community Care Department. The Council's Pensions Manager assisted in the process for the evaluation of the pension schemes proposed. As described under 'Consultation' above, users and relatives contributed to the tender evaluation process. Whilst the users and relatives were able to provide feedback they had no role in scoring tender submissions
- 4.12 Three tenders were received on 29 July 2009.

4.13 Site visits and interviews took place as follows:

i) Relatives

A panel of relatives contributed to the evaluation process representing residential and respite care service users. They were assisted by an Officer from the Council's Procurement and Risk Management team to ensure that their views were taken into account by Officers during clarification of tenders and selection of a preferred care provider. Relatives assisted with the evaluation by:

- a) Visiting homes where tenderers are providing services to people with learning disabilities. Relatives had the opportunity to speak to staff and service users about the service provided. Site visits took place on 24 and 25 August 2009.
- b) Attending a presentation by each of the tenderers on the service they are offering to provide and asking a series of pre-determined questions of each organisation. Interviews took place on 17 September 2009.

ii) Residents/Service Users

A panel of residents and service user of residential and respite care service took part in the evaluation process by asking a series of questions of the tenderers. They were assisted by an independent person to ensure their feedback was not influenced by Officers of the Council.

These residents and service user were given a briefing session by the independent person to explain the process and why they were assisting Officers in the evaluation of tenderers prior to the interviews. During the briefing session they were asked to think of questions they wished to ask tenderers and the group agreed to ask a total of 3 questions.

The interviews took place on 17 September 2009. Tenderers were asked to give a picture poster presentation on the topic: 'How will you help me settle into my new home'.

The group fed back to the evaluation panel on the responses given to their three questions as well as on the tenderers presentation and on how well the tenderers communicated to them. Feedback from this group was then used to assist the tender evaluation panel as part of its own clarifications and evaluation.

iii) Council Officers

Four Officers visited homes of tenderers where they were providing services that were similar to those that the Council was tendering to check elements of their tender. The visits took place on 24 and 25 August 2009.

On 17 September 2009 Officers met with tenderers. Tenderers provided a brief introduction to their tender and this was followed by a series of questions from the evaluation panel members regarding their tenders.

- 4.14 Following the site visits and interviews, individual panel members evaluated and scored each of the tender submissions in accordance with the evaluation criteria listed in paragraph 4.6. Panel members subsequently reviewed and adjusted their scores as necessary to reflect the clarification gained during visits and interviews.
- 4.15 The panel met on 29 September 2009 to discuss individual scores and to reach a consensus on final scores.
- 4.16 As part of the evaluation of tenders, Officers have also received further clarification from tenderers regarding their proposed pension arrangements for staff. Further details regarding these clarifications are set out in Appendix 5.

Tender Evaluation Conclusions

- 4.17 A copy of the evaluation grid used by the panel is attached as Appendix 1 which shows the final scores awarded to each tenderer. The summary of the evaluation of pricing schedules submitted by each tenderer are attached as Appendix 2. The names of tenderers are contained in Appendix 3. For the purposes of this report, the tenderers are referred to as Tenderers A, B and C.
- 4.18 As can be noted from the tender evaluation grids at Appendix 1, Tenderer C is the highest scoring tenderer and offered the most economically advantageous offer. Officers therefore recommend that Tenderer C, namely The Camden Society is awarded the contract.

5.0 Financial Implications

- 5.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 89.
- 5.2 In awarding the contract, Members need to consider:
- a) which is the most economically advantageous tender; and
 - b) whether the tender is affordable within existing resources.

In determining which is the most economically advantageous tender, tenders have been evaluated against the evaluation criteria approved by the Executive on 14 January 2008 which includes both financial competitiveness and affordability and quality of service. In view of the importance of the quality of service in evaluating the most economically advantageous tender, there is no presumption that the tender will be awarded on the basis of lowest cost.

5.3 Tenderers submitted Pricing Schedules based on staffing costs and overheads only (the Council is expected to fund the costs of building and contents insurance, Council tax and utilities) using the Care Funding Calculator (CFC) for the following services:

a) residential care

Tenderers were given anonymised profiles containing support needs of the 14 current residents of Melrose House. Tenderers were also given the minimum rate for each resident established by the Council's own assessment of needs using the CFC.

Tenders submitted a percentage rate (either above or below) the rate established by the Council's CFC assessment. This rate is fixed for the duration of the contract and is to be applied to all residential care placements and the cost of each placement shall be dependent on the needs of each resident. These costs shall change as and when residents' needs change.

In evaluating the cost of residential care over the life of the contract, Officers calculated the cost of this service to be provided at Melrose House from 1 February 2010 until 30 March 2010 as well the cost of service to be provided at Tudor Gardens from 31 March 2010 until 31 January 2015. Officers also assumed that the current 14 residents will continue to reside at Tudor Gardens over the life of the contract.

b) respite care

tenderers were given a sample of five anonymised profiles of current service users of respite care whose needs ranged from high level support to low level support. Tenderers submitted a percentage rate, either above or below the minimum CFC rate, based on their assessed outcome of these profiles. This rate is fixed for the duration of the contract and is to be applied to all respite care placements and the cost of each placement shall be dependent on the needs of each resident. These costs shall change as and when residents' needs change.

In evaluating the cost of respite care over the life of the contract, Officers took the percentage rate stated by tenderers and applied it to the minimum rate established by the Council's CFC assessment. Officers then took an average cost of the five profiles to ascertain the cost of this service as of 1 September 2010 (when the new Units at Willesden will be available for occupancy) until 31 January 2015, assuming 100% occupancy rate.

Officers have also assumed that one of the vacant beds at Tudor Gardens will be used for respite care. Therefore the cost of the contract assumes the cost of this additional respite care placement for the first two years of the contract (for the remaining 3 years of the contract term Officers assumed that the vacant bed will be used for supported living).

c) supported living

tenderers were given a sample of four anonymised profiles of current service users of supported living whose needs ranged from high level support to low level support. Tenderers submitted a percentage rate, either above or below minimum CFC rate, based on the outcome of their assessment of the profiles. This rate is fixed for the duration of the contract and is to be applied to all supported living placements and the cost of each placement shall be dependent on the needs of each resident. These costs shall change as and when service users' needs change.

In the evaluating the cost of the supported living service, Officers took the percentage rate stated by tenderers and applied it to the minimum rate established by the Council's CFC assessment. Officers then took an average cost of the four profiles to ascertain the cost of this service as of 1 February 2012 until 31 January 2015, assuming 100% occupancy rate as well as assuming that 4 of the current residents allocated to one of the houses at Tudor Gardens are able to move onto supported living from the third year of the contract. Members are asked to bear in mind that this is only an assumption for the purposes of ascertaining the cost of the contract.

- 5.4 Officers had to seek clarification from all three tenderers as each tenderer had made different statements regarding TUPE and proposed various provisions regarding pensions.
- 5.5 Appendix 4 sets out the cost of continuing to deliver the service in-house. It contains an analysis of funding models for the 5 years corresponding to the proposed contract term and providing a basis for comparison with the bids of the three tenderers. The figures have been calculated based on 0% inflation year on year. The table also shows the funding gaps based on the in-house model over the next five years. In-house staffing and running costs for respite care in years 2-5 have been grossed up on a pro-rata basis relative to the year 1 costs in the period 1 September 2010 to 31 January 2011.
- 5.6 The current 2009/10 forecast staffing expenditure for the service is £872,200. The average annual tender cost from the preferred tenderer over the 5 year contract term is £1,192,000 resulting in a shortfall of approximately £320,000 which will be met from within the overall adult social care budget and this is included in the budget plans for 2010/11 and future years.
- 5.7 If Members chose not to award the contract to any of the tenderers, the service would remain in-house. This would result in an annual increase in expenditure on the current in-house staffing cost of £415,200 per annum, which is because of a new, more individualised model of service. It should be noted that the cost of the in-

house service (based on the new service model) would exceed the tender bid submitted by The Camden Society by £95,000 per annum - please see Appendix 4.

- 5.8 The new model of service provision, as outlined in paragraphs 3.7 – 3.11 above, will result in increased costs whether the service remains in-house or whether the contract is awarded to an external provider. As the previous Executive Report of 14 January 2008 indicated, the smaller more personalised models of care would result in increased overall costs.
- 5.9 In addition to the shortfall mentioned above in paragraph 5.6 the Council will incur financial penalties of approximately £50k per month if the Council is not able to move the current residents from Melrose House to the new buildings at Tudor Gardens by 31 March 2010. As stated in paragraph 3.20 above, it is essential that the new contract commences on 1 February 2010 in order to relocate through a managed change process in partnership with the new contractor.

6.0 Staffing Accommodation Implications

- 6.1 It is likely that the Transfer of Undertakings (Protection of Employment) Regulations 2006 will apply to the 24 permanent staff with tendering out the service. Whether or not a tender for an external service is successful, staff will need to change the way in which they currently work. The residential service will be moving from one to 3 units whilst the respite service will be provided at a completely separate unit. Consultation with staff and unions is ongoing.
- 6.2 In relation to the recommended tenderer, at this stage there are no issues highlighted that are of concern relating to the transfer of staff, existing staff will be part of a TUPE transfer to the recommended tenderer and therefore there are no cost implications to the Council regarding redundancies prior to the TUPE transfer
- 6.3 If any of the other two tenderers are considered, then there would be HR concerns identified with their tender. Both of the tenderers are proposing changes to the staffing structure and this would result in redundancies, therefore liability and cost implications would need to be considered by the Council and discussed with the preferred bidder chosen by the Council. These should not adversely impact on the overall savings over the life of the contract. It is not possible at this stage to give accurate redundancy costs though.
- 6.4 The contractor will be required to sign up to rent free short term leases of Melrose House, the three properties at Tudor Gardens and 167 Willesden Lane, the leases to be subject to determination and variation in accordance with the conditions of the Contract.
- 6.5 At the point at which the residential care phase at one or more of the Tudor Gardens properties is superseded by the supported living phase (this is subject to Service User's being assessed as no longer requiring residential care) the Contract provides for a variation in the terms upon which the contractor will continue to occupy Tudor Gardens.

7.0 Legal Implications

- 7.1 The estimated value of the contract for the provision of residential and respite care services for people with learning disabilities exceeds the Public Contracts Regulations 2006 (the “EU Regulations”) threshold for Services. The provision of residential and respite care services are Part B Services for the purposes of the EU Regulations and as such are subject to partial application only of the EU Regulations; such as the requirement for non-discrimination in the technical specification and notification of the contract award to the EU Publications Office. The EU Regulations do not therefore determine the procurement process to be followed although the overriding principles of EU law (equality of treatment, fairness and transparency in the award process) continue to apply in relation to the award of the contract.
- 7.2 The estimated value of this contract is above the Council’s Standing Orders threshold for High Value Service Contracts (of £500,000), and the award of the contract is consequently subject to the Council’s own Standing Orders and Financial Regulations in respect of High Value contracts. As a result, Executive approval is required for the award of the contract.
- 7.3 The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) apply where there is a “relevant transfer”. Such a transfer occurs where there is a “service provision change”. A service provision change takes place where an activity is outsourced and immediately before the outsourcing there is an organised grouping of employees situated in Great Britain which has its principal purpose the carrying out of the activities concerned on behalf of the client. These requirements appear to be met by this outsourcing and accordingly TUPE will apply to it. As a result, those Council employees who are assigned to the service immediately prior to the contract start date and who do not object to transferring will transfer to the employment of the successful tenderer awarded the contract on their existing terms and conditions.
- 7.4 In exercising its contracting functions, the Council must have regard to guidance issued by the Government under the Local Government Act 1999 (LGA 1999). The Council has a statutory duty as a best value authority to achieve continuous improvement in the way in which those functions are exercised as required by section 3 of the LGA 1999. The Council in considering bids is entitled not to follow the guidance if it has proper and rational grounds for so doing, for example, if it considers that not following the guidance in some respect is necessary for it to fulfil its statutory duties under section 3.
- 7.5 The Code of Practice on Workforce Matters in Local Authority Service Contracts (“the Code”), which forms part of the guidance issued under the LGA 1999, contains requirements relating to protection of accrued and future pension rights for Council employees transferring to a new contractor under TUPE. The Code also requires the new contractor in a tendering exercise who recruits new staff to work on a local authority contract alongside former local government staff, to offer those new staff fair and reasonable terms and conditions (excluding pensions) which are, overall, no less favourable than those of the former local government staff. In respect of pensions for new staff working on a local authority contract alongside former local government staff, the Code requires these staff to be offered either membership of the Local Government Pension Scheme or membership of a good quality employer

pension scheme. The Secretary of State has also issued a direction, the Best Value Authorities Staff Transfers (Pension) Direction 2007 which requires the Council to ensure protection of future pension rights for Council employees transferring to a new contractor under TUPE. As the letting of the new contract will involve the transfer of Council staff to the successful tenderer under TUPE, Officers conducting the tender process have had regard to the Code and have decided which parts of the Code are likely to achieve Best Value and therefore these are incorporated into the contract between the Council and the new contractor. Existing Council policy concerning the protection of accrued and future pension rights of Council employees transferring to a private employer, as agreed by the General Purposes Committee on 27th April 2004 and on 27th September 2007, will apply. Appendix 5 sets out full details with regard to pensions.

- 7.6 The Contract contains clear provisions with regard to the interface between the residential and respite service provider and the PFI contractor providing the buildings.
- 7.7 The Contract also requires the new contractor to enter into a lease in respect of Melrose House where services will be provided prior to the completion of new buildings at Tudor Gardens and Willesden Lane.
- 7.8 Upon transfer of the service to Tudor Gardens and Willesden Lane, the lease of Melrose House will cease and the new contractor will be required to enter into short term leases in respect of these new buildings.
- 7.9 As the leases will be ancillary to the Contract they will be contracted out of Part II of the Landlord and Tenant Act 1954
- 7.10 Given the leases of Melrose House, the three properties at Tudor Gardens and Willesden Lane are designed merely to protect the Council's position with regard to Council property, a peppercorn rent will be charged

8.0 Diversity Implications

- 8.1 The intention of the re-provision and redevelopment is to provide accessible accommodation for people with disabilities in line with the priorities of Valuing People Now initiative. It will also provide a range of support for vulnerable people meeting FACS from BME communities. The ethos is also to promote community integration for people with learning disabilities.
- 8.2 Monitoring arrangements which address equality issues is an integral part of the service specification and is viewed as an essential part of a good quality service.
- 8.3 The whole service will be registered and inspected by CQC, as well as formal contract monitoring by Housing and Community Care. This will ensure equalities issues and high standards are adhered to.

Background Papers

Executive Report of 14 January 2008

Contact Officers

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Martin Cheeseman,
Director Housing & Community Care

Appendix 1

Evaluation Criteria		Weighting	Max Score	Tenderer A		Tenderer B		Tenderer C	
				Score	Weighted Score	Score	Weighted Score	Score	Weighted Score
a)	Financial competitiveness and affordability	40%	-	-	32.08%	-	34.04%	-	40.00%
b)	Ability to meet the requirements of the service specification:	24%	-	-	-	-	-	-	-
b) i	Independent Living	6%	4	3	4.50%	2	3.00%	3	4.50%
b) ii	Human Resources and Service Performance	6%	4	3	4.50%	2	3.00%	3	4.50%
b) iii	Support Planning	6%	4	2	3.00%	2	3.00%	3	4.50%
b) iv	Diversity and Equalities	6%	4	2	3.00%	2	3.00%	3	4.50%
c)	Ability to meet the needs of current residents and future service users, including the use of direct payments:	24%	-	-	-	-	-	-	-
c) i	Personalisation	8%	4	3	6.00%	2	4.00%	2	4.00%
c) ii	Active Support	8%	4	2	4.00%	2	4.00%	3	6.00%
c) iii	Person Centred Planning	8%	4	2	4.00%	3	6.00%	2	4.00%
d)	Quality control and assurance Service Improvement	5%	4	3	3.75%	3	3.75%	4	5.00%
e)	Ability to ensure smooth and seamless transition of service causing minimum disruption to existing residents Transition Planning	5%	4	2	2.50%	2	2.50%	3	3.75%
f)	References (demonstrating the ability of the contractor to apply its experience or expertise to the delivery of services required in this contract)	2%	4	3	1.50%	3	1.50%	3	1.50%
TOTALS		100%	40	-	68.83%	-	67.79%	-	82.25%

Appendix 1

Tenderer	Total Price	Weighted % Score	Weighting
Tenderer A	£ 7,431,316.00	32.08%	40.00%
Tenderer B	£ 7,004,218.00	34.04%	
Tenderer C	£ 5,960,066.00	40.00%	
LOWEST PRICE	£ 5,960,066.00		

Note: Total price taken from cell F12, 'TOTALS' worksheet, 'Tender Price Evaluation Matrix (Tenderer specific) (Final)' workbook - a copy of which will be completed for each tenderer.

Appendix 2a

TENDERER:

TENDERER'S PERCENTAGE ABOVE/ BELOW CFC MINIMUM

Category	%	Above /Below
Residential	98.00%	Above
Respite (Accom based)	98.00%	Above
Supported Living	98.00%	Above

TOTAL TENDERED COSTS

Year	Tudor Gdns	Melrose Hse	Willesden Ln	Totals
1	£ 957,820	£ 175,118	£ 205,577	£ 1,338,515
2	£ 1,149,384	0	£ 493,384	£ 1,642,768
3	£ 989,960	0	£ 493,384	£ 1,483,344
4	£ 989,960	0	£ 493,384	£ 1,483,344
5	£ 989,960	0	£ 493,384	£ 1,483,344
TOTALS	£ 5,077,084	£ 175,118	£ 2,179,113	£ 7,431,315

Appendix 2b

Tenderer Tenderer B

TENDERER'S PERCENTAGE ABOVE/ BELOW CFC MINIMUM

Category	%	Above /Below
Residential	91.40%	Above
Respite (Accom based)	106.90%	Above
Supported Living	12.90%	Below

TOTAL TENDERED COSTS

Year	Tudor Gdns	Melrose Hse	Willesden Ln	Totals
1	£ 932,330	£ 169,281	£ 214,817	£ 1,316,428
2	£ 1,118,796	0	£ 515,562	£ 1,634,358
3	£ 835,582	0	£ 515,562	£ 1,351,144
4	£ 835,582	0	£ 515,562	£ 1,351,144
5	£ 835,582	0	£ 515,562	£ 1,351,144
TOTALS	£ 4,557,872	£ 169,281	£ 2,277,065	£ 7,004,218

Appendix 2c

TENDERER:

TENDERER'S PERCENTAGE ABOVE/ BELOW CFC MINIMUM

Category	%	Above /Below
Residential	58.80%	Above
Respite (Accom based)	58.80%	Above
Supported Living	58.80%	Above

TOTAL TENDERED COSTS

Year	Tudor Gdns	Melrose Hse	Willesden Ln	Totals
1	£ 768,191	£ 140,448	£ 164,877	£ 1,073,516
2	£ 921,829	0	£ 395,704	£ 1,317,533
3	£ 793,968	0	£ 395,704	£ 1,189,672
4	£ 793,968	0	£ 395,704	£ 1,189,672
5	£ 793,968	0	£ 395,704	£ 1,189,672
TOTALS	£ 4,071,924	£ 140,448	1,747,693	£5,960,065

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**London Borough of Brent
Summary of Decisions taken by the Executive
on Monday, 16 November 2009**

PRESENT: Councillor Lorber (Chair), Councillor Blackman (Vice-Chair) and Councillors Allie, Brown, Colwill, Detre, Matthews, Sneddon and Van Colle

ABSENT: Councillors Wharton

ALSO PRESENT: Councillors Dunwell, John and R Moher

Agenda Item No	Item	Ward(s)	Decision
5.	LDF - progress and proposed changes for examination	All Wards	That agreement be given to the proposed changes to the Core Strategy set out in Appendix 1 to the report from the Director of Environment and Culture, for public consultation.
6.	Supporting People Refreshed Five Year Strategy 2009-14 and financial benefits of preventative housing related support services	All Wards	(i) that the Strategy be approved; (ii) that further reports be presented as required to seek approval for any significant changes in policy or practice arising from the further work on developing the Strategy set out in the report from the Director of Housing and Community Care; (iii) that the demonstrable financial benefits that accrue to the Council from Supporting People services and the contribution that Supporting People funded preventative housing related support services make and will continue to make to the Council's agendas on personalisation and the provision of preventative services be noted.
7.	Sustainable lettings - proposed	Tokyngton	that approval be given to the lettings scheme for the proposed W04

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 16 November 2009 (continued)

Agenda Item No	Item	Ward(s)	Decision
	scheme at W04 Quadrant Court		Quadrant Court scheme so as to allow 50% of the units therein to be let using a different set of lettings criteria for dwelling sizes to allow a limited level of under-occupation as set out in paragraph 3.1.6 of the report from the Director of Housing and Community Care.
8.	Authority to exempt from tendering a contract to provide a supported housing service at 115 Pound Lane NW10	Willesden Green	(i) that a housing support service for single homeless people at 115 Pound Lane, Willesden Green be exempt from the tendering requirements ordinarily required by Contract Standing Orders for good operational and financial reasons as set out in section 3 of the report; (ii) that a three year contract for housing support services for hostel residents at 115 Pound Lane, Willesden Green be awarded to the existing provider St Mungo's Community Housing Association Ltd from April 1 st 2010, with the option of a further two year extension, on the basis that the Council receives 100% referral and nomination rights to the service and accommodation units at the hostel.
9.	Development of contracts with voluntary organisations	All Wards	(i) that the findings of the review be noted and approval given to the development and subsequent award of three-year contracts to West Indian Self Effort and New Testament Community Project to deliver culturally specific day care services for older people to replace the current grant funding arrangements; (ii) that approval be given to agree an exemption in accordance with Contract Standing Order 84 (a) from the usual tendering requirements of Standing Orders to permit negotiations leading to the award of three year contracts to West Indian Self Effort and New Testament Community Project on the basis of 'good

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 16 November 2009 (continued)

Agenda Item No	Item	Ward(s)	Decision
			<p>operational;</p> <p>(iii) that the grant of the above contract be subject the resolution of issues relating to the lease of the WISE premises.</p>
10.	Authority to award the residential and respite care contract for people with learning disabilities	All Wards	<p>(i) that approval be given to the award of the contract for the provision of residential and respite care services for people with learning disabilities for a period of 3 years commencing on 1 February 2010 with an option to extend the contract for a further two-year period to The Camden Society subject to resolution of pensions arrangements and to subsequent endorsement of arrangements by the General Purposes Committee;</p> <p>(ii) that the Director of Housing and Community Care be authorised, in consultation with the Director of Finance and Corporate Resources and the Borough Solicitor to resolve pensions arrangements;</p> <p>(iii) that approval be given to the grant of short term rent free leases in respect of Melrose House, the three properties at Tudor Gardens and the property at Willesden Lane to The Camden Society in accordance upon the terms of the Contract for the reason set out in paragraph 7.10 of the report from the Director of Housing and Community Care.</p>
11.	Approval for a new Learning Disability Resource Centre (John Billam)	All Wards;	<p>(i) that approval be given to use of the site shown edged red in the plan in Appendix 1 (“the New ARDC Site”) for the relocation of Albert Road Day Centre as a Resource Centre for people with learning disabilities, subject to appropriation of the New ARDC Site as set out in paragraph 2.2 and also the grant of planning permission;</p>

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 16 November 2009 (continued)

Agenda Item No	Item	Ward(s)	Decision
			<ul style="list-style-type: none"> <li data-bbox="1115 459 2087 592">(ii) that the Director of Environment and Culture be authorised to commence and comply with the procedure as set out in section 122(2A) of the Local Government Act 1972 to appropriate the New ARDC Site for planning purposes; <li data-bbox="1115 628 2087 724">(iii) that officers prepare and submit a detailed planning application for a new Resource Centre to relocate the ARDC and ASPPECTS to the John Billam site.

FORWARD PLAN SELECT COMMITTEE

2nd December 2009

**Briefing note on Issues included in the Forward Plan Issue 7 2009/2010
(09 November 2009 to 07 March 2010)**

SERVICE AREA: Housing and Community Care

Report ref	Report title
H&CC -09/10- 14	Termination of Middlesex House and Lancelot Housing scheme

Summary:

This report provides details of a proposed settlement agreement to terminate the current contractual arrangements the Council entered into with Network Housing Association, now Stadium Housing Association.

Stadium Housing Association (Stadium) own and manage properties at Middlesex House and Goodmans Court (Lancelot Road) under a temporary accommodation scheme that was entered into with the Council in the late 1980's. In 2000, the Council and Stadium agreed to enter into a new financial arrangement, which required the Council to continue to provide revised financial contributions to Stadium after the expiry of the leases under a nomination agreement until 2027. As the Council were successful in terminating a similar leasing scheme with Metropolitan Housing Trust (MHT) in March 2009 using social housing grant to provide permanent homes, the Council encouraged Stadium to submit a funding bid to the Homes and Communities Agency (HCA).

Stadium submitted a funding bid to the HCA for social housing grant in order to allow the properties to be converted to affordable housing permanently and for the existing contractual arrangements with the Council to be terminated. The total social housing grant funding bid was calculated in line with average grant rates that the HCA currently supports for new build housing schemes, which was the same approach taken by MHT in their bid for social housing grant.

In order for Stadium to qualify for grant funding, the HCA's grant terms and conditions require them to carry out a programme of works to the properties at Middlesex House so that all of the properties meet the HCA's design and quality standards. Given this, a planning application to carry out a programme of refurbishment works to Middlesex House was submitted and approved by the Planning Committee on 4th November 2009. Another condition of the grant is that Stadium will need to offer permanent Assured Tenancies to all of the existing residents at Middlesex House, providing the new accommodation is still suitable for their housing needs. The tenants at Goodmans Court are already permanent Assured Tenants of Stadium and their properties meet the Decent Homes Standard.

The Council and Stadium still needed to reach a financial settlement to meet the remaining costs associated with terminating the scheme after factoring in the refurbishment work costs and the grant that could be provided by the HCA. After several rounds of negotiations, the Council and Network reached an agreement on a financial settlement which represented a better value for money option than is being provided under the current contractual obligations. The report was intended to be presented to the Executive to agree the basis of the financial settlement, and to note that the settlement was conditional on receiving the HCA **Page 37** funding.

Nature of Decision to be taken/intended outcome:

- Members agree to the negotiated settlement comprising full and final financial settlement between the Council and Stadium.
- Members authorise the Director of Housing and Community Care to enter into an agreement to effect such a settlement and release the Council from any further financial obligations under the scheme.
- Members agree for the Director of Housing and Community Care to notify the Secretary of State of the settlement and to seek consent for the payment of any agreed sum to Stadium as part of the financial settlement.

Timescale for decision:

The report was deferred until November/December, because in October, the HCA informed Stadium that they required further details about the scheme proposals and justification for grant funding. In particular, they were concerned about the amount of grant being requested as the properties at Middlesex House are only being refurbished. The HCA invited Stadium to review the scheme proposals and funding requirement. Stadium have since been revising their proposals and are to jointly meet with the HCA and the Council at the beginning of December to present their new scheme details and funding requirements. The Council will need to consider the revised requirement further in order to ascertain whether a new financial settlement can be reached. If a funding package and a revised settlement can be agreed, it is anticipated that a further report would be presented to Members by February 2010 to consider.

Contact Details:

Manjul Shah, Head of Affordable Housing Development

Direct Line: 020 8937 2523

Email manjul2.shah@brent.gov.uk

Briefing note on reports included in the Forward Plan Issue 2009/10 Forward Plan Select Committee

SERVICE AREA: Environment and Culture

Report ref	Report title
E & C -09/10-17	A Cultural Strategy for Brent 2010 - 2015
<p>Summary:</p> <p>As explained in the previous briefing note for Forward Plan Select Committee the new Brent Cultural Strategy has been produced by the Brent Culture, Sport and Learning Forum. As such, the new Strategy is not a Council strategy although the council is a partner on the Forum and will have a key role in it's delivery. The Children and Families Department are represented on the Forum along with a number of other council services.</p> <p>A 12-week consultation period was undertaken this summer, starting on 20th July and finishing on 9th October. Brent Council led on the consultation on behalf of the Forum, although a number of Forum members were present at the public meetings and took the lead on distributing the draft strategy for comment amongst their own representative groups. As explained in the previous note the draft strategy with a letter explaining how to comment was sent out to over 400 local groups and organisations. These included voluntary organizations, sports clubs, faith groups, arts groups, theatre and music groups, women's organisations, disability organisations, homeless user group, residents associations, health organisations, scouts/brownies groups, youth associations and learning based organisations,</p> <p>It is not possible to state how many and who from the list of organisations responded as the response was done through the council's consultation tracker, the standard approach for consultation, and this is anonymous. Approximately 150 different comments were received from about 38 different individuals/organisations. All comments have been considered by the Culture, Sport and Learning Forum at its meeting in October and responses to comments will be made available on the Council's website.</p> <p>The main change to the Strategy as a result of the consultation is that the principle relating to 'Making the most of London 2012' has been changed to 'Making the most of London 2012 and other Major Events'. This is to address the concern that some people felt it suggested that work will stop after 2012 and that it missed out other major events that will be happening in Brent and across London over the five year period of the strategy. Other more minor changes have been made to the strategy including raising the profile of some low participation groups, inclusion of missing assets in the appendix, the recognition of the need for working with neighbouring boroughs and on a sub-regional basis and highlighting future funding issues.</p>	
<p>Nature of Decision to be taken/Intended Outcome: The Council will be asked to agree the Cultural Strategy as one of the partners involved in its production.</p>	
<p>Timescale for decision: Executive 14th December 2009</p>	

Contact Details: Sue Harper, Assistant Director, Leisure and Registration Ext 2159
Neil Davies, Deputy Head of Libraries, Arts and Heritage Ext 2517

Briefing Note for Forward Plan Select Committee - 2nd December 2009


Petition for Changes to Consultation Process

Officers are able to confirm that the decision by the Executive on 19th October, that consultation documents make it clear that consultations are open to all residents within a single household, does not represent a change to the policy on consultation arrangements on traffic and parking schemes undertaken by the Transportation Unit. The decision in the main clarifies the position for other residents within the household and makes it clear that they too can comment on the questionnaire. If two or more members of the same household have a different opinion and wish to express it individually they can request an additional consultation document and this will be sent out to them.

Officers are also able to confirm that Transportation Unit consultation questionnaires currently state that responses should be made on the original questionnaire provided and that photo-copies will not be accepted.

**Contact: Tim Jackson (Head of Transportation), extension 5151,
e-mail: tim.jackson@brent.gov.uk**

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	<p style="text-align: center;">Executive 19 October 2009</p> <p style="text-align: center;">Report from the Director of Communication and Diversity</p>
<p style="text-align: right;">Wards Affected: All</p>	
<p>Petition for changes to consultation process</p>	

Forward Plan Ref: Cent-09/10-1

1.0 Summary

- 1.1 This report has been prepared in response to a petition presented to Brent Council – to request that all future consultations include every voter on the electoral register who is resident in the consultation area.

2.0 Recommendations

- 2.1 Members note the report but instruct officers not to adopt the petitioners' suggestion that the electoral register be used for all future consultations for the following reasons:
- 2.2 There are two versions of the electoral register – the Full Register which contains the names of all registered electors and the Edited Register which only contains the names of those electors who have agreed to have their details publicly available.
- 2.3 Access to the full register is strictly controlled under the Representation of People legislation (2002). It may only be used for a very limited number of reasons and consultation by the local authority is NOT a permitted use of the full version of the electoral register.
- 2.4 The edited version of the electoral register can be used for consultation purposes but such usage would exclude significant numbers of electors who have opted not have their contact details publicly available.
- 2.5 There is no evidence that the use of the edited version of the electoral register for consultation purposes would provide value for money.

- 2.6 Service areas are recommended to ensure that consultation documents make it clear that consultations are open to all residents within a single household.

3.0 Detail

The Petition

- 3.1 A petition to ensure '*that all future consultations include every voter on the Electoral Register who is resident in the consultation area*' was received on 15th June 2009 via the Council's One Stop service. The petition has been verified by officers in the legal and democratic services department, and comprises in excess of fifty signatures signed by local residents.

- 3.2 The petitioners signed under the heading:

Petition Brent Council that all future consultations include every voter on the Electoral Register who is resident in the consultation area.

Use of the electoral register

- 3.3 There are two versions of electoral register – the 'Full Register', which contains the names of all registered electors and the 'Edited Register', which contains the names of those electors who have agreed to have their details publicly available. There are approximately 203,000 entries on the full version and 104,000 on the edited version. Access to the full version is strictly controlled and may only be used for a limited number of reasons. The full version of the register cannot be accessed for consultation purposes by the local authority. The edited version may be used for any lawful reason including direct marketing and for consultation purposes. The edited version is therefore the only version usable for the purposes suggested by the petitioners.
- 3.4 The option of using the electoral register, (edited version) for consultations is already known to service areas. The edited version in data format can be purchased from legal and democratic services for £219.50.

Current Consultation Practice

- 3.5 Borough wide consultations can be undertaken in a number of ways, e.g. posted or distributed to residents, or completed on-line through the Council's internet site. With regard to opinion survey questionnaires the most cost effective distribution method is to use the Brent magazine. The Brent Magazine is delivered to 98,000 households and distribution of questionnaires using the Magazine avoids postal charges.
- 3.6 Borough wide consultation can be undertaken on a research basis, e.g. the Place Survey and the Residents' Attitude Survey. This type of consultation generates data from a representative sample of residents. Correct sampling can yield data accurate to $\pm 3\%$ from a numeric response of 1,100. The 2008 place survey and the 2009 residents' attitude survey had numeric responses of 2,300 and 2,100 respectively. Oversampling has taken place in both of these surveys in order to generate ward level data.

- 3.7 In the case of local consultations, e.g. local traffic or parking schemes, planning issues etc, these are generally targeted at residents living in the area affected. In the case of traffic schemes, the consultation area may include additional addresses, not directly involved in the proposed traffic scheme, but potentially affected by displacement or other knock-on impact of a scheme. Address files for local consultations are generated using the planning service database. Although the planning service database does not contain residents' names, it does contain address and full postcode details off all properties in Brent. Use of the planning service database ensures that every property affected will receive the consultation documents.

Impact of the proposal

- 3.8 Use of the edited version of the electoral register for a borough wide consultation would exclude 90,000 electors. This is the difference between 203,000 electors whose details are currently on the full version of the register and the 104,000 who have agreed to have their details publicly available.
- 3.9 For a borough wide survey, (printed questionnaire including envelope and postage at a combined unit cost of 75p) and using the edited version of the electoral register, the estimated costs would be a prohibitive £78k per consultation. This is considerably more expensive than the current practice of using the Brent Magazine for the distribution of borough wide consultation material.
- 3.10 For a local consultation, use of the edited version may identify named residents, (e.g. those residents living in the consultation area who are also on the edited version of the electoral register), but is only likely to identify a limited number of addresses in that area. In these circumstances more residents are likely to be excluded from the consultation than included.
- 3.11 Under the current arrangements for postal surveys, consultations are open to all residents. There is no bar to additional consultees living at a single address participating in these surveys. Consultation evidence is weighed alongside a range of other factors in deciding policy or service direction.

4.0 Financial Implications

- 4.1 There is no specific budget allocation for this proposal and there are cost implications if this proposal were to be adopted – see para 3.9.

5.0 Legal Implications

- 5.1 The Local Authority often has a duty to consult the public either generally, or to consult specific groups of people. This may arise as a result of a statutory provision relating to the particular decision to be made. Alternatively consultation may be required under the general principles of administrative law, namely to take into account all relevant considerations when making a decision, including the views of those who may be affected.
- 5.2 The Local Government and Public Involvement in Health Act 2007 Section 138 amended the Local Government Act 1999. The provision requires that where a Local Authority considers it appropriate for representatives of local persons to

be involved in the exercise of any of its functions, it must take such steps as it considers appropriate to secure those persons involvement. This new duty, which came in to force in April 2009 does not replace other consultation provisions but requires the Local Authority to consider whether any additional actions are required over and above any specific duties to consult and involve. The Statutory Guidance 'Creating Strong and Prosperous Communities' comments on the various types of involvement and consultation under this new provision and states that different approaches will need to be adopted for different functions.

5.3 In relation to use of the Electoral Register, an edited version has been available for sale for public use since 2002 (The Representation of the People (England and Wales) (Amendment) Regulations 2002). Use of the full Electoral Register is limited by the Representation of the People (England and Wales) Regulations 2001 (as amended). It does not allow use by Local Authorities for consultation purposes.

6.0 Diversity Implications

6.1 None.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None.

Background Papers

Petition

Contact Officer: Owen Thomson, Head of Consultation, Tel: 020 8937 1055, email: owen.thomson@brent.gov.uk.

Toni McConville
Director of Communication and Diversity



THE FORWARD PLAN OF KEY DECISIONS

ISSUE 8 – 7 December 2009 to 4 April 2010

Contact Officer: Anne Reid
email: anne.reid@brent.gov.uk
Tel: 020 8937 1359
Fax: 020 8937 1360

The next issue of the Forward Plan, covering the period 12 Dec 2009 to 2 May 2010, will be published on 29 Dec 2009.

Paul Lorber
Leader of the Council

Forward Plan 2009/10

The Forward Plan sets out the key decisions and other decisions that the Executive intends to take over the following four months, together with key decisions by officers and other important decisions to be taken by the Council, its committees or officers. Briefly, a Key Decision is an Executive decision which is likely to result in significant expenditure or savings, or have a significant effect on communities living or working in an area comprising two or more wards. Decisions made by the Executive are subject to a call-in provision. If any item is called in the Scrutiny Committee (made up of Councillors not on the Executive) will meet to consider the item. Following this, the Executive will meet and take into account the recommendations of the Scrutiny Committee. This will usually take place within 4-6 weeks of the original decision. The Executive may then implement or change its decision as it sees fit. The exact date when the recommendations of the Scrutiny Committee on a matter are to be considered by the Executive can be obtained from Democratic Services.

The Plan is updated monthly and republished on the Council's website (www.brent.gov.uk/democracy). Copies can also be obtained via the Town Hall One Stop Shop, Forty Lane, Wembley, Middlesex, HA9 9HD, telephone 020 8937 1366 or via e-mail at committee@brent.gov.uk.

Members of the public are entitled to see the reports that will be relied on when the decision is taken unless confidential or exempt under the Local Government Act 1972 as amended. These are listed in column 5 and will be published on the Council's Website five clear working days before the date the decision is due to be taken. Paper copies will be made available via Democratic Services as detailed above. The Council's Access to Information Rules set out the entitlement of the public to see documents and reports.

Anyone who wishes to make representations regarding any of the matters listed in this Forward Plan, can do so by forwarding a written submission to Democratic Services using the above address/telephone number up to one week before the date the decision is to be taken (see column 4). Where a specific decision date has yet to be identified, contact Democratic Services who will forward representations to the Lead Officer.

The membership of the Executive is as follows:

- Cllr Lorber (Corporate Strategy & Policy Co-ordination)
- Cllr Blackman (Resources)
- Cllr Allie (Housing & Customer Services)
- Cllr D Brown (Highways and Transportation)
- Cllr Colwill (Adults, Health & Social Care)
- Cllr Detre (Regeneration & Economic Development)
- Cllr Matthews (Crime Prevention & Public Safety)
- Cllr Sneddon (Human Resources & Diversity, Local Democracy & Consultation)
- Cllr Van Colle (Environment, Planning & Culture)
- Cllr Wharton (Children & Families)

(1) Ref	(2) Subject & Decision to be taken	(3) Decision maker	(4) Date on or period within which decision to be taken	(5) Relevant reports	(6) Those to be consulted and how	(7) Lead Officer
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CENTRAL

Bus Tran -09/10- 05	<u>Printing review tender results</u> To approve the award of a single contract for the provision of hardware and software for all printing, copying and scanning for the council to the tenderer recommended as an outcome of the procurement process.	Executive	15 Feb 10	Report from the Director of Business Transformation	Internal only	Tony Ellis
Cent -09/10- Page 49	<u>2009 Residents' Attitude Survey feedback.</u> To consider a proposal for a programme of biennial resident surveys beginning 2011.	Executive	Dec/Jan 10	Report from the Directors of Policy and Regeneration and of the Communication and Diversity	Internal only	Owen Thomson
F&CR -09/10- 8	<u>Coniston Gardens</u> To decide on the future use of former scout hut adjacent to 2 Coniston Gardens, NW9 0BB.	Executive	14 Dec 09	Report from the Directors of Finance and Corporate Resources and of Children and Families	Ward councillors	James Young
F&CR -09/10- 12	<u>National Non-Domestic Rate Relief and Hardship Relief</u> To consider applications for NNDR relief and hardship relief.	Executive	14 Dec 09	Report from the Director of Finance and Corporate Resources	Internal only	Paula Buckley

(1) Ref	(2) Subject & Decision to be taken	(3) Decision maker	(4) Date on or period within which decision to be taken	(5) Relevant reports	(6) Those to be consulted and how	(7) Lead Officer
F&CR -09/10- 13	<u>Council Tax Surplus/Deficit</u> To agree the forecast surplus/deficit in the Collection Fund at 31st March 2010 for inclusion in the calculation of 2010/11 Council Tax.	Executive	14 Dec 09	Report from the Director of Finance and Corporate Resources	Internal only	Mick Bowden
F&CR -09/10- 14	<u>Bryan Avenue Stores, 113 Bryan Avenue NW10</u> To approve the disposal of the freehold of the former occupational therapy equipment store for social service adult care at 113 Bryan Avenue, to a housing association, as it is surplus to requirements.	Executive	18 Jan 10	Report from the Director of Finance and Corporate Resources	Internal only	James Young
F&CR -09/10- 15	<u>Re-let of pension contract</u> To agree the method on which the council's pension administration of the Local Government Pension Scheme will be delivered.	Executive	15 Feb 10	Report from the Director of Finance and Corporate Resources	Internal only	Andy Gray
PRU -09/10- 13	<u>Performance and Finance review Q2 2009/10</u> To confirm the second quarter's performance, activity and spending in 2009/10.	Executive	14 Dec 09	Report from the Directors Policy and Regeneration and of Finance and Corporate Resources	Internal only	Phil Newby/ Mick Bowden
PRU -09/10- 8	<u>The future of employment provision in Brent</u> To authorise entry into a Joint Venture agreement for the purposes of delivering employment services across the Borough and to approve the Heads of Terms arrangements for this.	Executive	14 Dec 09	Report from Director of Policy and Regeneration	Internal only	Andy Donald
PRU -09/10- 10	<u>Alperton growth area – a vision for change</u> To endorse the vision for the Alperton Growth Area	Executive	14 Dec 09	Report from Director of Policy and	Internal only	Andy Donald

Page 5 of 5

(1) Ref	(2) Subject & Decision to be taken	(3) Decision maker	(4) Date on or period within which decision to be taken	(5) Relevant reports	(6) Those to be consulted and how	(7) Lead Officer
	which is which is currently being developed by Major Projects Team (PRU), The Planning Service and Housing intended to be used as a basis for a masterplan and for the established team to continue to develop a regeneration plan for the area.			Regeneration		
PRU -09/10- 11	<u>Increasing participation in recycling in flats</u> To approve the recommendations from the Overview and Scrutiny Task Group	Executive	14 Dec 09	Report from Director of Policy and Regeneration	Internal only	Jacqueline Casson

CHILDREN & FAMILIES

C&F -09/10- 007 Page 51	<u>Building Schools for the Future (BSF) Project Initiation document</u> To receive an update on Brent's position with regards to entering the BSF National Programme and to approve the Project Initiation Document which sets out details regarding Brent's Building School's for the Future programme.	Executive	14 Dec 09	Report from the Director of Children and Families	Internal only	John Christie
C&F -09/10- 005	<u>Future acquisition strategy for the Brent Transport Fleet</u> To approve the future acquisition and maintenance strategy for the Brent Transport Services (BTS) vehicle fleet, and approval for an initial procurement of vehicles as required by this strategy.	Executive	18 Jan 10	Joint report from the Director of Children and Families and of Housing and Community Care	Internal only	John Christie
C&F -09/10- 016	<u>Aiming High</u> To grant authority to invite tenders for contracts for the provision of short break services for Disabled	Executive	18 Jan 10	Report from the Director of Children and Families	Internal only	John Christie

(1) Ref	(2) Subject & Decision to be taken	(3) Decision maker	(4) Date on or period within which decision to be taken	(5) Relevant reports	(6) Those to be consulted and how	(7) Lead Officer
	children and young people.					
C&F -09/10- 015	<u>Early years single funding formula and policy for the allocation of full time places</u> To agree the single funding formula for the extended free entitlement to Early Years provision, and to also agree the policy for the allocation of full time Early Years places and their funding that will be incorporated into the new single funding formula.	Executive	18 Jan 10	Report from the Director of Children and Families	Internal only	John Christie

ENVIRONMENT & CULTURE

E&C -09/10- 015	<u>Disposal of Properties at 776 and 778 Harrow Road</u> To approve the disposal of two properties situated on the edge of Barham Park at 776 and 778 Harrow Road.	Executive	14 Dec 09	Report from the Director of Environment and Culture	Internal only	Sue Harper
E&C -09/10- 007	<u>Strategy for Sport and Physical Activity in Brent</u> To note the findings of the report and agree the key themes, target groups and priority sports.	Executive	14 Dec 09	Report from the Director of Environment and Culture	Consultation prior to drafting document and as a draft version: sports clubs, individuals, outside organisations etc.	Gerry Kiefer
E&C -09/10- 17	<u>Cultural Strategy for Brent</u> To agree the new Cultural Strategy for Brent, including the key principles for the development of cultural services across the Borough.	Executive	14 Dec 09	Report from the Director of Environment and Culture	Public consultation undertaken as part of development of document	Sue Harper

(1) Ref	(2) Subject & Decision to be taken	(3) Decision maker	(4) Date on or period within which decision to be taken	(5) Relevant reports	(6) Those to be consulted and how	(7) Lead Officer
E&C -09/10- 21	<u>Carbon Reduction Commitment</u> To approve the process to be implemented across the Council.	Executive	18 Jan 10	Report from the Director of Environment and Culture	Internal only	James Young & Judith Young
E&C -09/10- 22	<u>Brent Local Development Framework Site Specific Allocations</u> To approve proposed changes to the Site Specific Allocations of the Local Development Framework prior to Submission of the Document to the Secretary of State.	Executive	18 Jan 10	Report from the Director of Environment and Culture	None	Alex Hearn
E&C -09/10- Page 53	<u>2012 Action Plan</u> To agree the new 2012 action plan including city operations and branding.	Executive	18 Jan 10	Report from the Director of Environment and Culture	Consultation prior to drafting with Brent PCT, Brent Association for Voluntary Action, West London Partnership for 2012 Games	Zerritha Brown
E&C -09/10- 27	<u>CPZ Progress Report Work Programme</u> To approve work programme and various decisions associated with CPZ Schemes in following zones. Preston Road, Northwick Park, Kenton, Alperton, South, Kingsbury and some existing CPZ Reviews	Highways	19 Jan 10	Report from the Director of Environment and Culture	Residents and Ward Councillors.	Tim Jackson

HOUSING & COMMUNITY CARE

H&CC -09/10-	<u>Authority to tender for Supporting People funded Domestic Violence services</u>	Executive	Dec/Jan 09	Report from the Director of	Internal only	Linda Martin/ Liz Zacharias
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(1) Ref	(2) Subject & Decision to be taken	(3) Decision maker	(4) Date on or period within which decision to be taken	(5) Relevant reports	(6) Those to be consulted and how	(7) Lead Officer
5	To agree to tender re-specified supporting people funded services for people experiencing domestic violence and to extend current contracts to 30 September 2010.			Housing and Community Care		
H&CC -09/10- 4	<u>Transfer of funds for learning disability</u> To accept and agree transfer of funds for learning disability from NHS Brent.	Executive	Dec/Jan 09	Report from the Director of Housing and Community Care	NHS Brent, Learning Disability Partnership Board	Keith Skerman/ Gordon Fryer
H&CC -09/10- 10	<u>Disposal of freehold interests in residential buildings</u> To consider disposal of freehold ownership of residential premises where all flats are sold on long leases.	Executive	Dec/Jan 09	Report from the Director of Housing and Community Care	Internal only	Martin Cheeseman/ Helen Evans
H&CC -09/10- 11	<u>Telecom aerials on residential buildings</u> To review the policy on the use of income from Telecom aerials sited council owned residential buildings.	Executive	Dec/Jan 09	Report from the Director of Housing and Community Care	Tenants	Martin Cheeseman/ Helen Evans
H&CC -09/10- 15	<u>Award of contract for the procurement and management of temporary accommodation</u> Approval to enter into a contract for the procurement and management accommodation suitable for the temporary housing of those whom the Council owes a statutory duty.	Executive	Dec/Jan 09	Report from the Director of Housing and Community Care	Internal	Manjul Shah
H&CC -08/09- 09	<u>ALMO Settled Homes Initiative</u> To approve the delivery plan and funding arrangements for the ALMO settled homes initiative.	Executive	Dec/Jan 09	Report from the Director of Housing and Community Care	Internal only	Manjul Shah/Maggie Rafalowicz

(1) Ref	(2) Subject & Decision to be taken	(3) Decision maker	(4) Date on or period within which decision to be taken	(5) Relevant reports	(6) Those to be consulted and how	(7) Lead Officer
H&CC -08/09- 21	<u>Adult Social Care, Annual Performance Assessment 2008-09</u> To note the outcome of the annual performance assessment undertaken by the Care Quality Commission, highlighting successes and areas for improvement and summarising action taken or proposed in response to CQC comments.		Jan/Dec 09	Report from the Director of Housing and Community Care		Tony Hirsh
H&CC -09/10- 14	<u>Termination of Middlesex House and Lancelot Housing scheme</u> To approve entering into an agreement with Network Housing Group in order to terminate the existing scheme arrangements in order to convert the properties into permanent affordable housing.	Executive	Jan/Feb 09	Report from the Directors of Housing and Community Care and Finance and Corporate Resources	Internal only	Manjul Shah

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