



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET Monday 27 June 2016 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor McLennan (Vice-Chair) and Councillors Farah, Hirani, Mashari, W Mitchell Murray, Pavey and Southwood

Also present: Councillors Chohan, Hylton and Nerva

1. Declarations of personal and prejudicial interests

Councillor Butt declared an interest in item 17 by virtue of being a Member of the Old Oak and Park Royal Development Corporation Board.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 23 May 2016 be approved as an accurate record of the meeting.

3. Matters arising

None.

4. Petition - parking charges

Mr Paul Lorber (local resident) addressed the Cabinet presenting a petition against proposals for the on-street parking service offer and charges in controlled parking zones.

Mr Lorber said that the proposed increase in charges would hit residents' pockets and in addition to that, would affect the environment as residents would seek to concrete over their front gardens to avoid paying parking charges.

In response to Mr Lorber, Cllr Butt reminded him of the financial restrictions placed on local authorities in relation to parking revenue.

5. On-Street Parking Service Offer and Charges in Controlled Parking Zones; decisions following consultation

Councillor Southwood, Cabinet Member for Environment, introduced the report stating that Cabinet agreed, at its meeting on 14 March 2016, to undertake a major consultation exercise on a series of changes to the way in which the council managed, and charged for, on street parking in Controlled Parking Zones (CPZs).

She stated that this report set out the results of the consultation exercise and made a coherent set of linked proposals for reform.

Councillor Southwood stated that a wide range of consultation methods had been employed to consult stakeholders on the proposals outlined in the March 2014 Cabinet report. This also included consultation with non-Cabinet members.

Councillor Krupesh Hirani, Cabinet Member for Community Wellbeing, welcomed the proposed changes to parking support for traders.

With the permission of the Chair, Councillor Neil Nerva, Queens Park, addressed the meeting on behalf of Queens Park residents and councillors. He praised the amount of consultation that had taken place. Councillor Nerva asked that the Cabinet reconsider the special permit for teachers which had significant implications in Queens Park Ward.

In response to Councillor Nerva, Councillor Butt, Leader of the Council, stated that the issue would be looked at. He outlined the Council's desire to expand existing schools. Councillor Butt asked that the Strategic Director of Regeneration and Environment, Amar Dave, review school travel plans across the Borough. Councillor Butt stated that these permits assisted with the retention of teaching staff but that schools also needed to be robust in their monitoring of school travel plans.

RESOLVED:

Demand-Led Pay and Display Tariffs:

- (i) that parking prices in Pay & Display bays borough-wide be frozen;

Daily Visitor Parking Charges:

- (ii) that approval be given to proceed to formal consultation on a Traffic Management Order, under the Road Traffic Regulation Act 1984, introducing new visitor parking charges in CPZ areas, with a £1.50 charge for up to 2 hours, a £3 charge for up to 4 hours, and a £4.50 charge for 'all-day' visitor parking of more than 4 hours;
- (iii) that authority to implement the price changes following formal consultation, including amendment of any relevant Traffic Management Orders, be delegated to the Strategic Director Regeneration and Environment, in consultation with the Lead Member for Environment;

Visitor Household Permit

- (iv) that the Visitor Household permit be retained;
- (v) that the charge made for the Visitor Household permit, be increased from 1 October 2016, to a 2016/17 rate of £163 for a full year; £98 for 6 months and £66 for three months; and with future increases linked to the price of a

third Resident Parking Permit for vehicles in the proposed 'Standard' emissions band;

Carer and Support Permit:

- (vi) that in the light of agreement to (iv) above, the proposal to introduce a new Care and Support permit be withdrawn;

School Parking Permits:

- (vii) In respect of parking for school staff:
 - (a) that schools within CPZs be allowed to purchase a maximum of three business permits, at the standard rate (£366 in 2016/17) and terms and conditions, with immediate effect;
 - (b) that approval be given to the introduction of a new scheme allowing qualifying schools to:
 - Purchase a maximum of 3 school staff parking permits at a rate discounted by 25% to reflect term-time use only, providing the school has a bronze level accredited travel plan;
 - Purchase additional school staff parking permits at the reduced term-time rate should they have either a silver (up to 6 school permits in total) or a gold (up to 9 school permits in total) level accredited travel plan.

Residents Parking Permits:

- (viii) that from 1st April 2017 the resident parking permit scheme be amended as follows:
 - (a) Simplifying emission-based bandings for resident household permits, as set out in paragraph 7.3, to provide a clearer signal and encouragement to switch to lower emission vehicles
 - (b) Introducing a minimum charge of £25 for a resident's parking permit for any vehicle (other than a powered two-wheel vehicle)
 - (c) Reducing the permitted size of vehicles with resident permits to those weighing no more than 3.5 tonnes
- (xi) that agreement in principle be given to the introduction of a £25 supplement for diesel car permits, reflecting their additional contribution to air pollution, with effect from 1st October 2018 to give adequate notice and therefore time for owners to change to less polluting vehicles or transport modes.
- (x) that it be noted that further research was required regarding the proposal to phase a reduction of resident permit entitlement from 3 permits to 2, as set out at paragraph 7.2;

Visitor Permit Entitlement:

- (xi) that following agreement to recommendation (iv) above (to continue the offer of the Visitor Household permit), to cap the number of visitor permits any

household can buy to a maximum of 300 permits p.a., commencing from 1 April 2017.

Trader Permits:

(xii) that a new one-day All Zones trader's permit, allowing a business vehicle to park in any CPZ within Brent for one day be developed and introduced.

CPZ Concerns

(xiii) that it be noted that a further report detailing and scoping a comprehensive review of the operation of CPZs would come to Cabinet in the Autumn.

6. Community Asset Transfer at Tenterden Pavilion & Sports Ground, 289 Preston Road HA3 0QQ, marketing outcome and recommendation

Councillor Butt welcomed Mr David Daniels and Mr David Pearson of the John Billam and Tenterden Group.

Mr Daniels and Mr Pearson provided Cabinet members with a written submission and subsequently outlined concerns about the CAT process. They stated that they had received a significant response from local residents in opposition to the proposals outlined.

Mr Daniels and Mr Pearson requested that Cabinet members:

- Either defer or refuse the recommendation that an agreement is entered into with Wembley Education Trust WECT;
- That any agreement proposed now or in future in respect of the subject Cat revert to the authority of the Cabinet for final decision and not be delegated to any other body or person;
- That the Cabinet confirm any proposal relating to erection of a new building under the subject CAT be restricted to the footprint of the building precisely described throughout the terms of offer as lease on (existing) Tenterden Pavilion;
- That the Cabinet confirm that any artificial pitch proposed in respect of Tenterden Playing Fields be subject to the stipulation set out under RCE 3.12 Such report being relied upon by the officers in seeking the Cabinet's authority to proceed with the subject CAT.

Councillor Mashari, Cabinet Member for Regeneration, Growth, Employment and Skills, thanked Messrs Daniels and Pearson for attending the Cabinet meeting. She reminded members of the CAT process and stated that six applications had been received. She outlined that any final plans would be considered by the Council's Planning Committee.

In summary, Councillor Mashari proposed revised recommendations for consideration by the Cabinet.

Peter Gadsdon, Director, Performance, Policy and Partnerships outlined the revised recommendations.

RESOLVED:

- (i) that approval be given to the proposal for a Community Asset Transfer of the Tenterden Pavilion which involved entering into an agreement to lease that includes provision for granting a lease of the pavilion for up to 30 years and granting a licence on the Sports Ground with the Wembley Education Charitable Trust Ltd (WECT), subject to WECT entering into an agreement with Forest United (1973) Youth FC a local charitable football club at the Tenterden Pavilion and Sports Ground during periods when it is not in use by the WECT;
- (ii) that the additional opportunity for community access by other groups, in what would be a significant new local sporting facility be noted;
- (iii) that authority be delegated to the Strategic Director of Resources to finalise and agree terms of leasehold and associated licence disposal to WECT in consultation with the Operational Director, Environment Services.

7. BHP and Housing Management Arrangements

Councillor Farah, Cabinet Member for Housing, introduced the report stating that the government's Housing and Planning Act (2016) and other measures would have a significant impact on the council's housing stock including on its future size, financial performance and management over coming years.

He reminded members that the council entered into a new 10 year Management Agreement with Brent Housing Partnership (BHP) in April 2013 for the management of the council's housing stock. This required BHP to provide services and achieve performance in accordance with an annually agreed Delivery Plan.

Councillor Farah stated that, in 2015/16, BHP failed to achieve the required outcomes and performance standards in a number of respects. BHP have put in place a recovery plan to address this which was originally intended to run until end June 2015 but it was proposed to now extend to end September 2016. The council was also formally notifying BHP under the Management Agreement of the need to remedy under-performance in the areas of most significant concern.

Councillor Farah reminded members that the management and performance of the stock investment programme in 2015/16 was a particular concern and the findings of a recent fact-finding audit commissioned by the council were provided and details of associated commercial matters and risks were set out as appropriate in an exempt section to the report.

Councillor Farah stated that, in view of the challenges presented by the government's reforms, it was necessary to consider afresh the most appropriate arrangements for the management of the council's stock while taking account of BHP's performance under the Management Agreement.

Councillor Butt stated that the report outlined three main options open to the council which were to continue with provision by BHP, for the council to directly provide the service in-house or to enter into a partnership arrangement with another organisation to provide these services.

Councillor Butt stated that Cabinet was therefore asked to agree to commence a formal review of these housing management options. This review would include consultation with tenants and leaseholders to gain insight into satisfaction with the current service and priorities for future provision, and to inform the criteria for decision between the options.

Councillor Farah stated that it was proposed to bring a further report to Cabinet in October 2016 setting out the results of the review and associated consultation. This report would also advise on whether performance had been successfully remedied in the areas formally notified under the Management Agreement and also report on the progress made during the period of the BHP recovery plan. Cabinet would be asked to conclude on its preferred option for future Housing Management Services.

The Cabinet also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

RESOLVED:

- (i) that the areas of performance to be formally addressed by BHP in accordance with the Recovery Plan be noted;
- (ii) that agreement be given to the extension of the Recovery Plan period until 30 September 2016 following which progress against the plan will be reported to Cabinet;
- (iii) that the position in respect of the commercial negotiations between BHP and Wates be noted and authority be delegated to the Strategic Director, Community Wellbeing in consultation with the Lead Member for Housing and the Chief financial Officer to agree with BHP the final terms of settlement with Wates within the parameters set out in the exempt section to this report;
- (iv) that a formal review led by the Strategic Director Community Wellbeing be undertaken of the options for the future management of the council's tenanted and leasehold stock as outlined in the report with associated consultation with tenants and leaseholders and for the results of that review to then be reported to Cabinet.

8. Care And Support Contract - Extra Care - authority to procure

Councillor Krupesh Hirani, Cabinet Member for Community Wellbeing, introduced the report stating that in accordance with the Council's Contract Standing Orders 88 and 89, authority was sought to approve the procurement of the care and support

service for the following four extra care schemes (ECS) with a maximum of three associated Care and Support contracts:

- Beechwood Court – Wembley
- Rosemary House – Willesden
- Harrod Court - Kingsbury
- Tulsi House – Sudbury.

He stated that tenders would be sought through the Council's Dynamic Purchasing System (DPS) for Accommodation Plus Services which went live in February 2016.

RESOLVED:

- (i) that approval be given to the invite of tenders for the care and support service within four ECSs leading to an award of up to three contracts;
- (ii) that approval be given to officers evaluating the tenders referred to in (i) above on the basis of the evaluation criteria set out in section 6.0 of the report.

9. Accommodation services for people with learning disabilities

Councillor Hirani, Cabinet Member for Community Wellbeing, introduced the report stating that the council currently had three properties that support 10 people with learning disabilities in the community. In 2014, it was agreed by Cabinet that a competitive tender process would be undertaken to establish new lease arrangements and on-site care and support service contracts.

Councillor Hirani stated that the report provided an update on the current arrangements and requests authority for an exemption to award 3 twenty month contracts for on-going care and support when the existing arrangements end as required by Contract Standing Order No 84(a).

He stated that the report explained the reasons for the exemption request and detailed the service benefits to the recommendation, prior to undertaking a new tender process as required by Contract Standing Orders 88 and 89.

RESOLVED:

that the extension to the existing contracts using delegated powers, with the incumbent provider at the property, 7 Kinch Grove to 3 September 2016, and the extension to the existing contracts to 22 August 2016 with the incumbent provider at the properties, 63 Manor Drive and 54 Beechcroft Gardens be noted.

10. Supply and Demand of Accommodation

Councillor Farah, Cabinet Member for Housing, introduced the report providing an analysis of housing supply and demand issues, including performance in 2015/16 and challenges for 2016/17 onwards.

Councillor Farah indicated that the report recommended that the allocation of 71% of social housing lettings to homeless households in 2016/17. In response to a question from Councillor McLennan, Deputy Leader, Councillor Farah explained that this percentage was smaller than last year because it was recommended to increase the number (percentage) of allocations to council tenants who need to transfer from one social housing unit to another.

Councillor Farah indicated that the report also provided an analysis of housing supply and demand issues, including performance in 2015/16 and challenges for 2016/17 onwards. Lastly, he stated that the report recommended that the allocation of 71% of social housing lettings to homeless households in 2016/17.

RESOLVED:

- (i) that the analysis of affordable housing supply and demand issues, including performance in 2015/16 and challenges for 2016/17 onwards be noted;
- (ii) that agreement be given to the target proportion of social lettings for 2016-17 for homeless, housing register and transfer applicants as set out in paragraph 6.14 in the main body of the report.

11. Housing Right to Buy Receipts Programme - Phase 1 update and Phase 2 Procurement

Councillor Farah, Cabinet Member for Housing, reminded members that, in August 2015, Cabinet agreed to establish and deliver a Right to Buy (RTB) receipt enabled new supply housing programme for 2015-19.

He stated that phase 1 of the programme, to purchase open market properties, was underway and nine acquisitions have been completed to date. Soft market testing has been carried out of prospective external delivery partners for Phase 2, and an alternative investment approach was now proposed.

Councillor Farah stated that it is recommended that, in order to maximise Brent's opportunities to provide replacement affordable homes using RTB funding and to minimise the risk of unspent amounts being paid to government, a multi-strand investment approach should be adopted.

He indicated that the four key strands of this strategy were:

- To award local authority grant to external providers to provide new affordable housing, leveraging significant private investment
- To invest RTB receipts in the direct delivery of council-owned sites to provide new affordable housing, reducing overall council borrowing
- To continue the existing acquisition programme to provide new affordable housing, integrated with the council's wider market acquisitions programme.
- To support investment in the Housing Zones, to acquire development sites in order to facilitate and accelerate development, and the provision of affordable housing.

Councillor Farah stated that, based on the RTB receipts accrued to the end of March 2016 (£19.3m), which can be used to fund up to 30% of the total cost of providing replacement affordable rented homes, there was total investment pot in excess of £60m. The size of this pot was further increased once projected RTB sales income is included, over the next three years.

RESOLVED:

- (i) that the progress of the Right to Buy Receipts Programme Phase 1 to April 2016 and its integration with the wider market acquisitions programme, as set out in paragraph 6.11 of the report be noted;
- (ii) that this Programme continue to acquire existing properties until 31 March 2019, subject to financial viability including the flexibility to part-fund the cost of advance purchases within the South Kilburn regeneration area through retained Right to Buy receipts.
- (iii) that retained Right to Buy receipts be allocated as local authority grant for the provision of affordable housing by external partners and authority be delegated to the Strategic Director for Resources in consultation with the Chief Legal Officer, the Chief Finance Officer and the Operational Director, Housing and Culture in consultation with the Lead Member for Housing to approve criteria for grant funding, to approve criteria for the evaluation of bids and to approve the allocation of such grant on acceptable terms;
- (iv) that retained Right to Buy receipts be contributed to support residential development of council-owned sites and for a commensurate proportion of the homes to be provided as affordable rented accommodation, subject to financial viability and authority be delegated to the Strategic Director for Resources in consultation with the Chief Legal Officer, the Chief Finance Officer and the Operational Director, Housing and Culture in consultation with the Lead Member for Housing to approve the contribution of such receipts.

12. Contracting for Special Educational Needs Placements and Additional Resourced Provisions in Independent Schools and Academies

Councillor W Mitchell Murray, Cabinet Member for Children and Young People, informed Cabinet that the report sought approval to set up a Dynamic Purchasing System (DPS) for the placements of Children and Young People with Special Educational Needs in Independent Non Maintained Special Schools (INMSS) as required by Contract Standing Orders 88 and 89.

Councillor W Mitchell Murray stated that Brent would be acting as the lead borough on behalf of the West London Alliance (WLA) in the procurement exercise for the DPS. The DPS will be utilised by the following WLA members: Barnet, Ealing, Hammersmith & Fulham, Harrow, Hillingdon, Hounslow, Royal Borough of Kensington & Chelsea and City of Westminster.

She stated that members were asked to approve the continuation of the block contract with Centre Academy for special education placements for the academic year 2016/17 and

consider the placement arrangements of Children and Young People requiring Additional Resourced Provisions (ARP) in maintained schools and Academies.

RESOLVED:

- (i) that approval be given to the setting up of a Dynamic Purchasing System (“DPS”) for placements of Children and Young People with Special Educational Needs who have been assessed for an Education, Health and Care (EHC) plan and require a placement in INMSS based on the tender considerations set out in paragraph 3.8 of the report;
- (ii) that the Council act as Lead authority and to jointly procure the DPS for and on behalf of the participating West London Alliance (WLA) authorities;
- (iii) that authority be delegated to the Strategic Director of Children and Young People to admit any new service provider(s) onto the DPS subsequent to them meeting their admittance criteria as stated by the Council in the DPS documentation;
- (iv) that authority be delegated to the Strategic Director of Children and Young People to award High Value Contracts for educational placements procured through the DPS;
- (v) that agreement be given to an exemption from the procurement requirements of the Council’s Contract Standing Order 96 to enable the Strategic Director of Children and Young People, in consultation with the Chief Finance Officer and the Chief Legal Officer, to continue the block contract with Centre Academy for the provision of 15 special education placements for the academic year 2016/17. This would allow officers time to put in place the DPS to which Centre Academy would be invited to submit a tender for inclusion onto the DPS;
- (vi) that it be noted that all placements of children with SEND were fully funded by the High Needs block of the Dedicated Schools Grant (DSG);
- (vii) that the placement and funding arrangements for the provision of Additionally Resourced Provision places in maintained schools and Academies be noted.

13. Civic Enterprise Strategy

Councillor Pavey, Cabinet Member for Stronger Communities, introduced the report stating that the reduction in grant funding by 2020 meant that all possible revenue generating and cost saving opportunities needed to be to maximise.

He stated that sitting under the umbrella of Brent 2020 Civic Enterprise was a practical and tangible approach that would help to identify, evaluate, support and develop opportunities to do this.

Civic Enterprise had an important role to promote and support the development of business based skills that would create greater self-sufficiency with the objective of under pinning financially sound and sustainable council services that can benefit Brent residents in the future.

There were deep pockets of existing skills and experienced staff with good ideas that require commercial support and/or development to create or realise the income generating or saving potential.

The report set out the Civic Enterprise strategy for achieving this commercial potential and for endorsement by Cabinet.

RESOLVED:

that approval be given to the Civic Enterprise strategy which sets out the approach, the overall objectives and the timeline.

14. Indemnifying Members and Officers when representing the Council on outside bodies or carrying out special roles

Councillor Butt, Leader of the Council, introduced the report which explained the Council's arrangements for the granting of indemnities to officers and members to cover the risks of claims which may be made against them personally or other losses or liabilities they might incur when representing the Council on outside bodies or when carrying out special roles.

The aim for providing the indemnity was that officers and Members should not be deterred from seeking public office or participating in outside bodies or carrying out special roles by the personal liability they might incur while acting on behalf of the Council.

RESOLVED:

- (i) that approval be given to the arrangements set out in the report from the Chief Legal Officer for the granting of indemnities to officers and members representing the council in a decision-making capacity such as directors or trustees on the boards of outside bodies or as members of the management committees of outside bodies;
- (ii) that the arrangements set out in this report for the granting of indemnities to officers and members carrying out special roles which give rise to personal liability over and above the exercise of their other responsibilities, be approved;
- (iii) that approval be given to the wording of the indemnity as set out in Appendix 1 to the report and that the Chief Finance Officer be authorised to make changes from time to time provided they were consistent with the overall arrangements approved by Cabinet;
- (iv) that the Chief Finance Officer be authorised to decide on a case by case basis whether it was appropriate to pay any sums upfront for the defence of criminal proceedings or await the conclusion of such proceedings before making any payment; and

- (v) that the existing and future officer and member appointments to outside bodies and special roles be in accordance with the arrangements set out in this report.

15. Shared Procurement Service - Revision to Participating Members

Councillor McLennan, Deputy Leader of the Council, introduced the report informing Cabinet that approval was sought for LB Brent to join a Procurement Shared Service (PSS) that would be led by LB Harrow as set out in the Business Case at Appendix A to the report.

She stated that the principal aim of joining the PSS would be to ensure that the Council continued to receive Procurement services whilst being in a strong position to deliver the required savings of £272k from procurement in 2016/17.

In response to a question from Councillor Southwood, Councillor McLennan assured Members that the service would provide new approaches to the delivery of Social Value benefits in Brent contracts.

RESOLVED:

- (i) that the provision of its procurement service be delegated to the London Borough of Harrow with effect from 1 August 2016 or such other date as may reasonably be agreed with the London Borough of Harrow;
- (ii) that approval be given to enter into an Inter Authority Agreement confirming the terms of the delegation of the provision of its procurement service to the London Borough of Harrow;
- (iii) that authority be delegated to the Director Performance, Policy and Partnerships in consultation with the Chief Finance Officer and Chief Legal Officer to negotiate the precise terms of the Inter Authority Agreement for a Procurement Shared Service between the London Borough of Brent and the London Borough of Harrow as set out in the Business Case at Appendix A;
- (iv) that the proposed staffing arrangements including the transfer of procurement staff currently employed by the London Borough of Brent to the London Borough of Harrow as set out at paragraphs 3.6 and 3.7 be noted.

16. Performance Report, Q4 (January - March) and out-turn 2015/16

Councillor McLennan, Deputy Leader of the Council, informed Members that the purpose of this report was to provide Cabinet with a corporate overview of performance information linked to the current priorities for Brent, to support informed decision-making, and to manage performance effectively.

RESOLVED:

- (i) that the performance information contained in the report be noted remedial actions agreed as necessary;

- (ii) that the current and future strategic risks associated with the information provided be noted and remedial actions agreed as appropriate;
- (iii) that agreement be given to challenge progress with responsible officers as necessary.

17. Old Oak and Park Royal Local Plan Consultation Response

Councillor Butt, Leader of the Council, informed Cabinet that the Mayor of London had established the Old Oak and Park Royal Mayoral Development Corporation (MDC) to drive forward the regeneration of the Old Oak and Park Royal Opportunity Area, focussed around the proposed High Speed 2 and Crossrail interchange.

Councillor Butt stated that the London Plan (2015) identified Old Oak as an opportunity area with capacity for a minimum of 24,000 new homes and 55,000 new jobs, whilst Park Royal opportunity area has capacity for 1,500 new homes and 5,000 new jobs. The Old Oak and Park Royal Development Corporation (OPDC) consulted on their draft Local Plan which provided detailed planning policy for the area and sets out how the targets in the London Plan would be realised. An interim response was submitted by Brent Council, subject to Cabinet approval and any further comments. Although the Council supported the principle of regenerating the area, there were a number of significant outstanding concerns regarding the detailed policies in the Plan.

RESOLVED:

that the response to the Old Oak and Park Royal Local Plan Regulation 18 consultation as set out in Appendix A be confirmed.

18. Reference of item considered by Scrutiny Committee

None.

19. Any other urgent business

None.

The meeting ended at 8.26 pm

M BUTT
Chair