



Forward Plan Select Committee

Wednesday, 6 January 2010 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
Mistry
HB Patel
Powney
Tancred

first alternates

Councillors:

Farrell
Leaman
Bessong
HM Patel
Kansagra
J Moher
Motley

second alternates

Councillors:

Dunn
Hirani
Steel
Joseph
John
Pagnamenta

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020 8937 1307, toby.howes@brent.gov.uk

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www.brent.gov.uk/committees

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 2nd December 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, 14th December 2009	11 - 38
Decisions made by the Executive on the 14 th December 2009 in respect of the report below were called-in for consideration by the Forward Plan Select Committee in accordance with Standing Order 18.	
Future Acquisition Strategy for Brent Transport Fleet and Authority to Tender for Provision of a Leased Maintained Vehicle Fleet	
The decisions made by the Executive in respect of this item were:-	
(i) that approval be given to adopt a new model of vehicle fleet acquisition through leasing with maintenance from a single supplier;	
(ii) that approval be given to the outsourcing of the current vehicle maintenance arrangements;	
(iii) that approval be given to procure a 4-year Vehicle Supply and Maintenance Framework Agreement split into two lots with Lot 1 consisting of the supply and maintenance of new vehicles and Lot 2 the maintenance of the Council's current vehicle fleet;	
(iv) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for Lots 1 and 2 of a Vehicle Supply and Maintenance Framework as set out in paragraph 4.0 of the report from the Director of Children and Families;	

- (v) that approval be given to the invite of tenders and their evaluation in accordance with the approved evaluation criteria referred to in paragraph (iv) above.

The reasons for the call-in are:-

- There seem to be too few partners for a framework agreement to be worthwhile
- It is unclear whether the scheme is value for money
- There is no provision for alternative fuels

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, 14th December 2009 39 - 46

The List of Decisions from the meeting of the Executive that took place on Monday, 14th December 2009 is attached.

7 Briefing Notes/Information Updates requested by the Select Committee following consideration of Issue 8 (2009/10) of the Forward Plan

a) Inspiring Brent : Brent's Action Plan for the London 2012 Games 47 - 48

The Select Committee requested a briefing note on this item providing details of what was being undertaken to upgrade town centres and of the costs of the Action Plan.

The Lead Member and Lead Officer have also been invited to the meeting to respond to Members' questions.

b) 2009 Residents Attitude Survey Feedback 49 - 50

The Select Committee requested a briefing note on this item explaining the reasons why it is proposed to have the survey undertaken biennially and would this result in savings or additional costs.

c) Building Schools for the Future Project Initiation Document

The Select Committee requested a briefing note on this item detailing what schools will be affected.

To follow.

- d) Early Years Single Funding Formula and Policy for the Allocation of Full Time Places

The Select Committee requested a briefing note on this item providing details of the results of the consultation.

To follow.

- e) Controlled Parking Zones Progress Report

The Select Committee requested a briefing note on this item providing details of the nature of the decisions regarding Preston Road, Northwick Park, Kenton, Alperton, Kingsbury and the controlled parking zones reviews.

To follow.

- f) Telecoms Aerials on Residential Buildings

The Select Committee requested a briefing note on this item outlining what the income was spent on and was any used to improve the security of the buildings.

To follow.

- 8 Briefing Notes/Information Updates requested by the Select Committee from earlier versions of the Forward Plan** 51 - 52

Petition for Changes to Consultation Processes

The Select Committee requested a briefing note on this item providing details of what the procedure is when there are identical responses from the same household and are these responses weighted.

- 9 The Forward Plan - Issue 9** 53 - 62

Issue 9 (12.01.10 to 02.05.10) of the Forward Plan will be published on Tuesday, 29th December 2009 and will be circulated separately. Issue 8 of the Forward Plan (07.12.09 to 04.04.10) is attached for information.

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

- 11 Date of Next Meeting**

The next meeting of the Forward Plan Select Committee is scheduled to take place on Wednesday, 27th January 2010 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

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LONDON BOROUGH OF BRENT

MINUTES OF THE FORWARD PLAN SELECT COMMITTEE Wednesday, 2 December 2009 at 7.30 pm

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

Also Present: Councillors John and R Moher

Apologies were received from: Councillors Coughlin, Mistry and Colwill (Lead Member for Adults, Health and Social Care)

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

None.

2. **Minutes of the Previous Meeting held on Tuesday, 3rd November 2009**

RESOLVED:-

that the minutes of the previous meeting held on 3rd November 2009 be approved as an accurate record of the meeting, subject to the following amendments:-

Page 1, under PRESENT: insert Councillor Kansagra (alternate for Councillor H B Patel), Councillor Motley (alternate for Councillor Tancred)

Page 1, under Apologies were received from: insert Councillor H B Patel.

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

None.

4. **Call-in of Executive Decisions from the Meeting of the Executive on Monday, 16th November 2009**

Decisions made by the Executive on the 16th November 2009 in respect of the report below was 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 reasons for the call-in were:-

- (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.

With the agreement of the Chair, Ken Knight addressed the Select Committee. Ken Knight explained that his sister was a resident at Melrose House and that he and a number of relatives of other residents had been liaising with the Council concerning the future of the residents. He asserted that there were a number of inaccuracies in the report and stated that all relatives had expressed concern about the residents' profiles underestimating the extent of residents' disabilities. Although it had been agreed to re-assess the profiles, Ken Knight said he was not confident that the tenderers had received the revised profiles incorporating relatives' comments and he was certain that some revised profiles had not been submitted. He sought clarification that all tenderers had received identical information concerning the level of disabilities of residents and costings, including the offer of pension indemnity as had been agreed with The Camden Society who had won the contract. Ken Knight added that in his view, The Camden Society were the only organisation that had no experience of providing the type of service required.

In reply to queries from Members, Ken Knight commented that no confirmation had been made verifying that the revised residents' profiles incorporating the relatives' comments had been sent to all tenderers. He suggested that it was possible that the profiles may have underestimated the residents' disabilities in order to reduce costings in the tenderers briefings. Although revised profiles had been undertaken, he suggested that these were different to the ones that were submitted to the tenderers which raised concerns about whether the profiles had been assessed independently, whilst it had also not been explained why the revised profiles had not been sent. Ken Knight felt that this could potentially harm the future of all residents, none of whom were in employment and all, in his view, functionally illiterate and innumerate. The Committee noted that the age range of the residents was from 43 years to in their 60s. Ken Knight added that although he had been convinced of the need to move the residents to new accommodation, a change in location and in how the service would be delivered was a big upheaval to residents. Although the tenderers had written to all the residents and provided presentations, in his view Ken Knight did not think that the residents would have much understanding of what they had been told. Ken Knight stated that his concerns had been raised through a formal complaint in accordance with Council procedures, however he had been pressurised to give proof that he was representing the relatives rather than the Council concentrating on the needs of residents. He suggested that visits to Melrose House be undertaken to observe the conditions of the residents and to check that this matched with the profiles that had been submitted.

With the agreement of the Chair, George Fraser, representing the GMB and Unison unions addressed the Committee. He began by stating that he backed the reasons for the call-in and that he was yet to receive answers concerning queries about the costings of the existing service managed by the Council and the external bids. It was queried how The Camden Society could achieve the significant savings

indicated over the next five years in view of arrangements under TUPE, which suggested that redundancies would be inevitable. George Fraser stated that because job evaluations had not yet been undertaken, neither could grade assessments be accurately undertaken. He queried whether in-house staff costs had been calculated on projected grades, as opposed to the tenderers based on current grades, as there would be significant cost differences between the two. Similarly, if the tenderers were based on there being an element of supported living costs, the in-house costs based solely on residential care would be greater. Members noted that pension arrangements could be subject to legal challenge. George Fraser concluded by stating that the preferred bidder was not welcomed as it had a demoralising effect on staff and neither residents nor their relatives wanted it.

In reply to queries from Members, George Fraser commented that in his view, none of the residents would be capable of supported living and he confirmed that TUPE also applied to pensions, adding that they should be broadly similar to existing pension arrangements.

Martin Cheeseman (Director of Housing and Community Care) addressed the Select Committee to respond to the reasons for call-in. Members heard that the Executive had agreed in December 2008 to seek external tenders for the residential and respite care service for people with learning difficulties. There had never been any intention of an internal bid, however in order to assess value for money of the tenderers' bids, they were compared with the current costs of the service that was provided in-house. Had the tenderers costs been significantly higher than the existing costs, then external bids would not have been accepted. In-house costs had been based on proposed service provision at the new location in Tudor Gardens. Martin Cheeseman advised that there could be circumstances where deregistration of residents from residential care to supported living for a certain block of the building may be possible and the model of residential care was moving towards a more supported living approach for future new admissions. It was acknowledged that there were a large number of people in residential care where the possibility of supported living was much reduced. However, Martin Cheeseman advised that under the terms of the transfer of service, the residential care of residents was guaranteed unless their own circumstances changed. Martin Cheeseman agreed that there had been some inaccuracies in the original profile assessments of residents, so these profiles were re-assessed and provided to all tenderers. A stage one investigation under the Council's complaints process had concluded that there was no evidence that there had been any falsification of the profiles, however the issue was now being investigated externally at stage two. Martin Cheeseman confirmed that to his knowledge all tenders had received identical information. The Select Committee heard that if the profiles of the residents had changed, the costs submitted by tenderers would also change accordingly. All tenderers who had been selected to submit bids had experience in delivering residential care and supported living and the evaluation of their bids was based on value for money, quality of service and safety of residents. The evidence supported the view that The Camden Society was very capable of delivery of service with far larger resources at their disposal than the Council's. In addition, The Camden Society had good experience of transferral of services from local authorities.

With the agreement of the Chair, Councillor R Moher addressed the Select Committee. Councillor R Moher expressed surprise that the preferred bidder had been able to offer best value for money and best quality of service. She queried why the preferred bidder had factored in a supported living element when the Select Committee had heard that this would not be possible for the current residents in Melrose House. She sought details of what type of organisation The Camden Society were and how could there be any guarantee to the risks posed by transferring services to them.

With the agreement of the Chair, Councillor John addressed the Select Committee. Councillor John began by expressing regret that the Lead Member for Adults, Health and Social Care was not present to respond to questions from Members. She stated that whilst it was acknowledged that better conditions were needed than the ones at Melrose House, residents and their relatives were yet to be convinced that The Camden Society could meet their requirements. Councillor John stressed the need to listen to the views of the relatives who knew the residents better than anyone else. Members heard that the relatives wanted a longer lead-in before the transfer to Tudor Gardens with the present staff and there were concerns that key staff may leave. Councillor John enquired what the consequences would be should the lead-in time for transfer be extended. With regard to the residents' profiles, she felt that it was appropriate that these be re-assessed following concerns expressed by Ken Knight and she queried whether there could be any certainty that other relatives were happy with the profiles provided. Clarification was also sought as to whether residents and their relatives were happy with the proposals to transfer to Tudor Gardens and that every effort should be made that there was a satisfactory outcome for the 14 residents of Melrose House. It was asked whether other local authorities had experienced such resistance when transferrals to The Camden Society had been made. Councillor John suggested that relatives of the carers of the residents should be offered the opportunity to view an example of a service operated by The Camden Society. A further suggestion she made was that all staff from Melrose House be transferred to Tudor Gardens and be retained for as long as possible to ensure the well-being and security of residents.

Members then discussed the issue at length. Councillor Castle requested that the results of the stage two investigation be known to both Members and officers. He expressed concern that deregistration from residential care to supported living for some residents would allow The Camden Society to make changes to the staff structure and thus avoid TUPE arrangements and he sought further views with regard to this scenario. Clarification was sought as to whether the re-assessed profiles that were sent to the tenderers incorporated relatives' comments. Councillor Tancred sought further details with regard to the Care Quality Commission's (CQC) star rating system and what was the present rating for Melrose House. Councillor H B Patel, in acknowledging that the residents needed one-to-one care, enquired why the bid winner also appeared to be the most economically beneficial. He enquired what assurances could be given that The Camden Society would be able to provide the higher standards required by the CQC, and that if they were unable to achieve this, could they attempt to justify continuing to provide the service by explaining they had plans in place to improve the service.

Councillor V Brown sought assurances that the final tender costings provided by The Camden Society had taken into account the changes made to the profiles of

residents. Councillor Powney asked for details of other homes that were operated by The Camden Society and an explanation as to how they were able to offer both the highest quality of service and lower costings compared to the other tenderers.

The Chair enquired about the CQC's rating of homes operated by The Camden Society. She commented that there were many people with severe learning disabilities in Brent and asked whether such people would be offered vacant places in Tudor Gardens or would it be offered to people with milder learning disabilities. She enquired whether The Camden Society had factored in a degree of deregistration on the basis that the level of care they would provide would improve residents' abilities. Officers were asked whether any staff had indicated that they did not wish to transfer to Tudor Gardens. Further clarification with regard to the pension arrangements, what was meant by comparable pension arrangements and the implications if these resulted in higher costs than had been agreed was sought. The Chair stressed the importance of the continuation of care to ensure the needs of residents was met and that every effort should be made to ensure all staff were transferred from Melrose House to Tudor Gardens.

In reply to the issues raised, Martin Cheeseman advised that all tenderers had factored in a degree of deregistration to varying extents according to their own assessments. In the event of deregistration, it was possible that The Camden Society would wish to restructure its staffing and this would also have applied if the service remained in-house. Consultation with staff would be dependent on the organisation's own processes, however it was understood that The Camden Society had a good relationship with its employees. Martin Cheeseman confirmed that if the service remained the same then so would staffing under TUPE arrangements. He confirmed that all tenderers costs were greater than the existing provision due to the need to provide increased service and to accommodate changes to service provision. Under the statutory regulations care homes had to be registered and approved by the CQC and a home could not operate unless the CQC's standards were met and maintained. The CQC was also about to announce that no local authority was expected to accept any tenders from providers who had a zero or one star CQC rating. Melrose House had already been assessed as not sufficient by the CQC, mainly due to design constraints. However, service provision was able to continue because of the quality of care provided by staff. However, it was widely acknowledged that there was a need to move out of Melrose House and better quality accommodation that was to CQC standards would be provided at Tudor Gardens. Martin Cheeseman advised that any undue delay of residents to Tudor Gardens was also undesirable. It was proposed that Tudor Gardens would be ready by the end of January 2010, with a view to moving residents and staff under the new contract to this building in March 2010. If the transfer of service to The Camden Society was not completed in time, then the present service would still move to Tudor Gardens under in-house management.

With regard to assessment of the tenders, Martin Cheeseman advised that under the qualifying criteria, The Camden Society was the best both in terms of quality of service and in value for money, adding that if it did not meet the quality standards, which were considerably higher than what was currently provided, it would not have been chosen regardless of any cost considerations. Members heard that because The Camden Society was such an established organisation, this could explain why it had scored so highly in all criterion and he acknowledged that the costs had assumed some deregistrations over a number of years. A separate contract would

address issues concerning service provision expectations and options if performance dropped below required levels. Martin Cheeseman advised that all The Camden Society's homes were rated at three stars (excellent) or two stars (good) and were therefore a proven provider.

Turning to staffing, Martin Cheeseman felt that the unions needed to acknowledge that the service could not remain in-house and that they should be looking more closely at what The Camden Society could provide. With regard to extending the transfer period, Martin Cheeseman suggested that it would be preferable to transfer staff over to The Camden Society as soon as the final contract was agreed and prior to moving to Tudor Gardens, in order that both staff and The Camden Society were able to build upon their relationship and understanding and ensure a smoother transition once the move to Tudor Gardens took place. Tudor Gardens was not a large distance from Melrose House and there had been no indication that any staff wanted to leave due to change of location. Any staff who did not wish to transfer and did not accept TUPE arrangements would effectively become redundant. Martin Cheeseman advised that no formal contract would be signed until pension arrangements had been agreed. Martin Cheeseman confirmed that the undertaking to secure a comparable pension scheme was defined as any scheme operated by an admitted body within the Council's pension scheme. If pension costs were significantly higher than the existing one then this item would need to be referred back to the Executive.

Keith Skerman (Interim Assistant Director of Community Care, Housing and Community Care) added that under TUPE arrangements, the same terms and conditions for staff would continue until the end of their contract and could only be broken by a mutually agreed change to the contract or because of redundancy. The Camden Society had a good record in training and retaining its staff and that under the proposals, there would be more staff in Tudor Garden than there presently was in Melrose House as it was a larger building. He stressed the need for continuous care for vulnerable adults and there was no intention to reduce staff. Members heard that The Camden Society had transferred services from a local authority as recently as within the last 12 months, which had involved the transfer of all residents and staff. Keith Skerman felt that The Camden Society's management of change was of high quality and better than other providers in the field. In addition, The Camden Society ran a range of other care services such as supported living and day centres and had a holistic approach and a broad understanding of care needs. Such a range of experience would be of benefit to both present and future residents. Positive references had been received from the London Boroughs of Camden and Southwark and it was noted that The Camden Society was a not for profit organisation. The transfers had included initial resistance by residents who had understandably not liked the idea of change and the impact upon residents and staff was not to be underestimated. Keith Skerman confirmed that the re-assessed profiles of residents were due to be sent to relatives in the next few days and would be finalised following checks with relatives before Christmas.

Keith Skerman advised that those with severe learning disabilities would be highest priority when considering vacant residential places and it was acknowledged that there was not presently sufficient provision for such people. However, it was not just the intention to contain such people and that the level of care required could be reduced by providing a higher level quality of care through enhanced training of staff. The Select Committee heard that by caring for residents in smaller groups,

this often reduced friction and provided opportunity for better quality care. Such measures were used by The Camden Society and this could result in the level of care being reduced, which in some cases could mean that de-registration would be appropriate. There was also a need to provide respite care for families who cared for relatives and such provision was offered by The Camden Society. Keith Skerman added that it was intended to provide some respite care at a later stage at Tudor House.

The Select Committee then agreed to the Chair's suggestion that all staff from Melrose House be transferred to Tudor Gardens and be retained for as long as possible to ensure the well-being and security of the residents, that the contract not be agreed with the Camden Society until the trade unions and their advisors were satisfied with the pension arrangements and that Members regret the non-attendance of the Lead Member for Adults, Health and Social Care to respond to their questions.

Exclusion of Press and Public – Appendices 3, 4 and 5

Appendices to the report were discussed that were not for publication as they contained the following category of exempt information as specified in Paragraph Three, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)."

Accordingly, all members of the public were asked to leave the meeting whilst these items were discussed.

Members were advised that any unsuccessful tenderer had the right to object to the decision to award the tender. The objection could be on the grounds that the unsuccessful tenderer had felt they had been treated unfairly or given incorrect information. The Select Committee heard that pension arrangements could also take several weeks to resolve. Members noted the confidential legal advice that was given.

RESOLVED:-

- (i) that upon considering the report from the Director of Housing and Community Care, the decisions made by the Executive be noted;
- (ii) that the Executive be requested to agree that all staff from Melrose House be transferred to Tudor Gardens and be retained for as long as possible to ensure the well-being and security of the residents;
- (iii) that the Executive be requested to not agree the contract with The Camden Society until the trade unions and their advisors are satisfied with the pension arrangements; and
- (iv) that the Select Committee notes with regret the non-attendance of the Lead Member for Adults, Health and Social Care to respond to Members' questions.

5. **The Executive List of Decisions for the Meeting that took place on Monday, 16th November 2009**

The Chair noted that the decisions from the minutes of the Executive in relation to *Development of Contracts with Voluntary Organisations* had been slightly amended to those in the Executive List of Decisions.

RESOLVED:-

That the Executive List of Decisions for the meeting that took place on Monday, 16th November 2009 be noted.

6. **Briefing Notes/Information Updates requested by the Select Committee following consideration of Issue 7 (2009/10) of the Forward Plan**

Termination of Middlesex House and Lancelot Housing Scheme

RESOLVED:-

that the briefing note on the Termination of Middlesex and Lancelot Housing Scheme be noted.

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

7.1 **Cultural Strategy for Brent 2010-2015**

RESOLVED:-

that the briefing note on the Cultural Strategy for Brent 2010-2015 be noted.

7.2 **Petition for Changes to the Consultation Process**

The Chair requested that a further briefing note be provided at the next meeting of the Select Committee clarifying what the procedure is when identical responses to Transportation consultations are received from the same household and are these responses weighted.

RESOLVED:-

- (i) that the briefing note on the Petition for Changes to the Consultation Processes be noted; and
- (ii) that a further briefing note be provided at the next meeting of the Select Committee on the 6th January 2010 to clarify what the procedure is when identical responses to Transportation consultations are received from the same household and are these responses weighted.

8. **The Forward Plan - Issue 8**

Issue 8 of the Forward Plan (07.12.09 to 04.04.10) was before members of the Select Committee. Following consideration of Issue 8 of the Forward Plan, the Select Committee made the following requests:-

(i) ***2009 Residents Attitude Survey***

The Select Committee requested a briefing note on this item explaining the reasons why it is proposed to have the survey undertaken biennially and would this result in savings or additional costs. The request was made by Councillor Powney.

(ii) ***Building Schools for the Future Project Initiation Document***

The Select Committee requested a briefing note on this item detailing what schools would be affected. The request was made by Councillor Powney

(iii) ***Early Years Single Funding Formula and Policy for the Allocation of Full Time Places***

The Select Committee requested a briefing note on this item detailing the results of the consultation. The request was made by the Chair.

(iv) ***2012 Action Plan***

The Select Committee requested a briefing note on this item providing details on what action was being taken to upgrade town centres and the costs of the Action Plan.

Lead Member and lead officer attendance was also requested to respond to Members' questions. The request was made by the Chair and Councillor Powney.

(v) ***Controlled Parking Zones Progress Report***

The Select Committee requested a briefing note on this item providing the nature of the decisions to be made in respect of Preston Road, Northwick Park, Kenton, Alperton, Kingsbury and the Controlled Parking Zones review. The request was made by Councillor H B Patel.

(vi) ***Telecoms Aerials on Residential Buildings***

The Select Committee requested a briefing note on this item outlining what the income generated was spent on and was any used to improve the security of the buildings. The request was made by the Chair.

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

None.

10. **Date of Next Meeting**


It was noted that the next meeting of the Forward Plan Select Committee was scheduled for Wednesday, 6th January 2009 at 7.30 pm.

11. **Any Other Urgent Business**

None.

The meeting closed at 10.05 pm

J LONG
Chair

	<p>Executive 14 December 2009</p> <p>Report from the Director of Children and Families</p>
<p>Wards Affected: All</p>	
<p>Future acquisition strategy for Brent Transport Fleet and authority to tender for provision of a leased maintained vehicle fleet</p>	

Forward Plan Ref: C&F-09/10-005

1.0 Summary

- 1.1 Brent Council has an ageing fleet of 143 Brent Transport Services (BTS) vehicles, almost two-thirds of which must be replaced within the next four years.
- 1.2 This report seeks Executive approval for the acquisition and maintenance strategy for new vehicles – namely outsourced leasing with maintenance – and requests approval to invite tenders accordingly. Approval is also being sought for an outsourcing of maintenance arrangements for existing vehicles. In both cases the proposal is to set up a framework agreement that can be used by other members of the West London Alliance.

2.0 Recommendations

- 2.1 The Executive to give approval to adopt a new model of vehicle fleet acquisition through leasing with maintenance from a single supplier.
- 2.2 The Executive to give approval to the outsourcing of the current vehicle maintenance arrangements.
- 2.3 The Executive to give approval to procure a 4-year Vehicle Supply and Maintenance Framework Agreement split into two lots with Lot 1 consisting of the supply and maintenance of new vehicles and Lot 2 the maintenance of the Council's current vehicle fleet.

- 2.4 The Executive to give approval to the pre-tender considerations and the criteria to be used to evaluate tenders for Lots 1 and 2 of a Vehicle Supply and Maintenance Framework as set out in paragraph 4.0 of this report.
- 2.5 The Executive to give approval to officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in paragraph 2.4 above.

3.0 Detail

Background

- 3.1 Procurement of Brent Transport Service's (BTS) vehicles has traditionally been the responsibility of the Council's Finance and Corporate Resources (FCR) department which has sourced vehicles from a variety of vehicle providers on behalf of BTS, with BTS management responsible for all vehicle procurement decisions. Prior to 2005/6 vehicle purchases were financed through third-party operating leases or alternatively through internal leasing arranged by FCR where the Council owned the vehicles. After 2005/2006, vehicles were purchased using a combination of BTS budget funding and, where insufficient resources were available, Council prudential borrowing. Repayment charges and interest, routinely covering a leasing/loan period of seven years, were recovered through annual BTS customer pricing. After seven years, BTS would be free either to retain the vehicles - most were retained for another three years, some for longer - or to dispose of them, accruing residual sale value, where possible. All outstanding finance charges would be paid before disposal.
- 3.2 BTS has had overall management responsibility for a fleet of 165 vehicles (including 2 x 53 seat coaches whose future will be considered separately and which are excluded from further consideration in this report). A total of 41 either were "owned" by other LBB departments or operated by them under BTS leaseback arrangements. BTS undertook maintenance of all of the fleet. The fleet comprised a wide range of vehicle types including:
- Mid-sized passenger transport buses (mainly Mercedes Sprinters) many of which were fitted with specialist adaptations for transporting disabled passengers
 - Light commercial vans, pick-ups and tippers of varying size and configuration (including one Gulley clearing vehicle)
 - Standard cars and smaller passenger vehicles (minibuses, etc)

After July 2009, following termination of a school meals delivery contract for another borough and disposal of surplus vehicles, the fleet has reduced to a total of 143 vehicles, 104 of which are passenger fleet vehicles. The vehicles disposed of were the oldest in the fleet and accordingly the residual values were low.

- 3.3 The fleet has been managed, operated and maintained by a headquarters team of directly-employed BTS staff providing general management, workshop, repair and stores services. All maintenance of BTS vehicles - including those loaned/leased to other Council departments (Parks, Highways, Buildings, etc) has been carried out by a team of four BTS Fitters, overseen by a BTS Workshop Manager (currently there are only three fitters employed, one vacancy being unfilled). The workshop has also outsourced to commercial garages work which it could not cover within its own resources (during 2006 to 2009 a total of 188 individual tasks - notably major engine and gearbox defects - were outsourced at an average annual cost of £36,770).
- 3.4 The maintenance workshop is located within a building known as Hirst Hall. Hirst Hall is situated on the North Wembley industrial estate and is tenanted by organisations other than the Council. As well as occupying the maintenance facility, the Council also rents office space there for BTS use. In addition there is an open parking area leased by BTS for overnight parking etc.
- 3.5 To date, BTS has conducted its core business satisfactorily, delivering a high-quality, reliable service which annual customer surveys indicate has met well the needs of Adult Social Care (ASC) and Children and Families (C&F), its main clients. However, the Council's Social Care Modernization programme, changing environmental pressures and central government's direction to local authorities to drive efficiencies across all service areas, will present significant future operational challenges which, in order to remain effective and competitive, BTS cannot afford to ignore. Key factors include:
- **Vehicle Replacement Programme.** The previous unstructured approach to BTS vehicle procurement - simply purchasing five Mercedes Sprinter buses annually - did not reflect the need to examine critically future fleet replacement requirements. In a 165-vehicle fleet with a given ten-year service life, a programme reflecting a purchasing policy of 16+ vehicles per annum should have been established and implemented. Accordingly, restricted investment, exacerbated by a lack of effective forward planning on vehicle procurement, have resulted in an urgent need to review the existing vehicle replacement programme. The 'do nothing' option is not sustainable if the BTS service is to continue, given that over 66% of the fleet will reach or exceed 10 years of age within the next four years.

- **Maintenance.** Lack of appropriate directed investment in vehicle procurement has produced a legacy ageing fleet which, in turn, has resulted in a gradual increase in annual maintenance charges. The ageing fleet incurs more frequent and costly maintenance work to be undertaken. In instances where multiple breakdowns have occurred, especially in older buses, pressure of work to return vehicles to service has overwhelmed the limited BTS workshop capability, resulting in considerable overtime to be worked by the fitter staff and the outsourcing of other tasks to external suppliers at higher cost (see paragraph 3.3 above)
- **Operations.** As vehicles have become older, they have become less reliable and more prone to breakdown. Additionally, as their condition has deteriorated, they have become shabby in appearance. Older vehicles also are less efficient and produce higher levels of harmful emissions than newer models. Vehicle unreliability has generated a need for additional vehicles to be spot hired - at considerable extra cost - to cover downtime. Increasing unreliability would adversely affect efficient operational service delivery. Poor service delivery would adversely impact on BTS clients (disappointed at being ill-supported by an inefficient service) and the morale of BTS staff charged with its professional delivery (who would face clients' complaints).
- **New Emissions Control requirements** A total of 51 BTS vehicles – mainly Mercedes Sprinter coaches but also including a Land Rover and two Ford Ranger 4x4 vehicles –have to be replaced or converted by 4 Oct 2010 as they would then become non-compliant with existing emissions control regulations. Making these vehicles compliant would be costly (approximately £3,500-£4,000 per Mercedes Sprinter). Each vehicle would also have to be removed from service for conversion and testing, requiring the temporary hiring of replacement vehicles. This assumes that sufficient conversion kits would be available to complete the work in time (there are many thousands of ageing, non-compliant Mercedes Sprinters currently in UK service). This strengthens the argument for having a larger replacement programme to avoid the cost of conversions on old vehicles. The remainder of the fleet would not have to be replaced as they are already compliant with current regulations.
- **Flexibility.** Notwithstanding the need to both procure appropriate new vehicles urgently and to establish a robust annual replacement programme more closely matching future fleet requirements, there is also a need to build flexibility into the fleet's service delivery capability. Whilst the LBB's Social Care Modernization plan is in its infancy, it is difficult to forecast

accurately how changes in the pattern of care provision and hence passenger usage would affect BTS service provision. However, there remains the possibility that greater independence in service choice, made available through allocation of clients' Personal Budgets, could significantly change BTS' future fleet configuration. The fleet's 16-24 seat vehicles could see a reduction in utilisation, resulting in less income but a continuing expenditure commitment. Reduced income could make these vehicles no longer viable for their roles

- 3.6 Failure to address these issues urgently will hinder BTS in delivering an efficient, reliable service. BTS customers across the Council would suffer a direct, tangible adverse impact on core services, as vehicles either were unable to deliver services to the appropriate standard or were unavailable due to breakdown; the most dramatic impact would be felt by the Council's most vulnerable residents. Accordingly, a procurement programme to resolve immediate fleet serviceability issues (i.e. replacing two-thirds of BTS vehicles within the next four years) needs to be established. Furthermore, the agreed programme must support BTS' long-term strategic requirements.
- 3.7 Northgate Kendric Ash (NKA) were appointed in July 2008 to assist in a review of BTS. The phase one report undertaken by NKA in 2008 highlighted the need for a structured and informed vehicle replacement strategy, adopting strategic sourcing methodology to ensure value for money. The report recommended that a full options appraisal for the future provision and maintenance of the fleet be undertaken. This Options Appraisal was completed in June 2009 and looks at a 10 year programme for replacing vehicles. It incorporates benchmarking figures obtained from two national fleet and maintenance suppliers, who were asked to provide quotes based on the Council's current fleet profile. Figures obtained were then compared to the cost of outright purchase funded through Prudential borrowing (figures supplied by Corporate Finance) and the cost of maintaining these vehicles using the current internal maintenance provision. The Options Appraisal also looked at likely maintenance costs in the private sector (£40 per hour) and compared this with the £60.80 per hour charged by BTS.
- 3.8 Consequently, the recommendation of the June 2009 report prepared by NKA is that the Council source a single supplier which will both supply new vehicles on a leased basis with maintenance, and also maintain the legacy fleet. Research into the market has shown that there are vehicles suppliers who can both supply vehicles on a leased basis and also deliver a maintenance service. Accordingly the Executive are being asked to authorise commencement of a tender process to identify a commercial partner able to provide all BTS fleet requirements on a Leasing With Maintenance basis. The advantages of this approach are that it will:

- Deliver a higher-quality vehicle fleet, giving improved services to the people of Brent
- Generate potential costs savings of **£1.18M – £1.5M** in the first four years of a ten-year programme
- Provide a fit-for-purpose, cost-effective maintenance regime via the partner, with associated transfer of future operational risk. Examples of risk that would be transferred include changes to legislation regarding emissions resulting in high vehicle conversion costs and capital investment in workshop equipment.
- Permit flexibility in daily operations to meet LBB's future changing transport requirements, as necessary. Leasing will provide greater flexibility in that vehicles will on average be leased for a period of 4 years with the potential to return vehicles early without incurring early penalty charges if requirements change prior to this time and vehicles are no longer required. In contrast, were the Council to pursue the option of outright purchase – holding many of the larger vehicles for a period of 7 years or more – and then subsequently decide to dispose of certain vehicles after 4 years due to a change in requirements, then the Council would face a disproportionate share of the depreciation costs at this stage.

It should be noted however that the original premise of the NKA report of setting up a 7-year contract is no longer pursued, as explained below.

- 3.9 All figures shown within the options appraisal have been agreed with the Council's FCR department (see tables in section 5). In addition, the Modernization of Transport in Brent project's Strategic Steering Group have agreed the Lease with Maintenance and outsourced Maintenance option.
- 3.10 Following the NKA report, consideration was given to a further option for the procurement and ongoing maintenance of the fleet. This option was for the leasing of vehicles from one or a number of suppliers with maintenance contracted separately from a single supplier. This option was not included within the final Fleet Options Appraisal presented to the Strategic Steering Group, as it was initially dismissed on the grounds that it would not provide value for money for the Council. The reason for this is that the hourly rate offered as part of a separate maintenance contract would not be competitive when compared to the hourly rate offered by a supplier who was also providing the vehicles (see figures at paragraph 3.7 above). A successful tenderer for a maintenance-only contract would have to cover the cost of TUPE (and required investment in the workshop facilities if Hirst Hall was the preferred location) within the hourly rate offered, without the

opportunity to spread their costs that a combined supplier and maintenance contractor would have. In addition, if the Council were to use a multi-provider framework agreement set up by a third party e.g. the Eastern Shires Purchasing Organisation, the cost of vehicles may be no cheaper than the Council will obtain from its own contract, because there are only indicative prices within these multi-provider frameworks and a mini-competition needs to be run for each call-off.

- 3.11 In evaluating the options for procuring the supplier for vehicle leasing and fleet maintenance, consideration has also been given to ways in which the arrangements could be made available to other councils within the West London Alliance. The context for this discussion is the identification of the sharing of transport services as a specific strand of future work by the WLA boroughs, with the Council's Director of Housing and Community Care taking the lead for this. However this WLA work is not a WLA priority at present, and one difficulty that has been identified is the very different ways that the WLA boroughs structure their transport services at present. It should be noted that the differences between the boroughs is not just in respect of vehicle supply and maintenance but also in the core role of passenger transport itself. Rather than Brent hold up its own urgent need to replace ageing vehicles, the basis of the recommendations in this report is that Brent presses ahead with its procurement but makes the contractual relationship as flexible as possible so that the other WLA boroughs can use what Brent has set up if it suits their own needs. Therefore at this very early stage of joint discussions it is proposed that what is set up is available for WLA members to benefit from these arrangements whilst ensuring that a single provider can both supply and maintain the vehicles for Brent and hence meet the Council's requirements. Whilst WLA co-operation may provide some limited opportunity for savings through improved buying power, the main purpose of pursuing an option that is open to other WLA members is to enable greater co-operation and co-ordination between authorities' transport services with a view to potential shared delivery in the future. As much flexibility as possible will be built into the arrangements to allow closer working in the future e.g. Brent will give no guarantee of volumes of new vehicles to its potential providers.
- 3.12 A meeting was attended on 27th November with other WLA members to discuss options for future collaboration on transport. The general consensus appeared to be that this is a worthwhile but longer-term goal. Of the other authorities present only one – Hillingdon – has expressed an interest in accessing a vehicle supply framework with Brent in the near future. Further discussions will take place with Hillingdon to enable them to participate in the Framework from its commencement, whilst other authorities will still be able to access the framework as required in the future.
- 3.13 Discussions have been held between NKA and the Council's procurement and legal services about the nature of the contractual

relationship that will be set up with the proposed single supplier. The three options are (a) a combined contract for supply and maintenance of vehicles, or (b) a separate Brent framework agreement for supply running alongside a maintenance contract for the leased and legacy vehicles, or (c) a single framework agreement split into two lots, one for supply and maintenance of new vehicles and one for maintenance of the legacy fleet. These options permit potential collaboration with other WLA members in different ways; for example all of the options could be run as a joint procurement with one or more other borough; alternatively where a framework is set up then other boroughs can call-off from these frameworks in the same way as Brent.

- 3.14 The essence of a contract (as opposed to a framework agreement) is that it gives certainty, but if a contract were to be awarded that included the supply element, the Council would have to commit to what it wanted supplied at the time of tendering, which would create difficulty for the Council in adapting to changing customer need. This made option (a) less attractive for the supply of new vehicles. With option (b), there were technical problems in that it would not be possible to include within one OJEU notice both a contract and a framework agreement; if there were two OJEU notices then the appointment of a single supplier could not be guaranteed. [By contrast the essence of a framework agreement is that it offers flexibility]. The cost disadvantages set out in paragraph 3.10 would also apply to option (b). For option (c), Lot 1 for the supply and maintenance of new vehicles is set up as an umbrella agreement that sets out the terms upon which individual orders for new vehicles plus maintenance will be called off over the period of the framework. What to include in each call off can be based on a review of needs and technical innovation at the time. For Lot 2, Brent will make a call-off of one service contract at the start of the framework. In relation to potential collaboration, both lots for option (c) will also allow for other boroughs to make call offs, whether for purchase of vehicles or for a main maintenance contract. The main disadvantage of a framework agreement is that where the EU public procurement regime applies, framework agreements cannot be for longer than 4 years, although any maintenance or leasing contract called off from the framework can be for longer than this, within reasonable limits.
- 3.15 In order to allow maximum flexibility to match future requirements with demand, and also allow use of Brent's arrangements by other WLA boroughs, but also to retain the single supplier model, contractual structure (c) as outlined in paragraph 3.12 is proposed. This will mean losing the advantage of a 7-year contract as set out in the Options Appraisal. However informal discussions have taken place with potential suppliers regarding the impact on the prices indicated in the Fleet Options Appraisal of using a 4-year Framework rather than a 7-year Service Contract for the supply of new vehicles (i.e. without guaranteed volumes and with a shorter contract length); initial feedback is that there is unlikely to be any adverse impact on the prices already indicated of procuring a Framework as opposed to a

Service Contract. The reason for there being no adverse impact on price through shortening the contract length is that the key determinant is the length of the lease agreement for each individual vehicle which, it should be noted, is different to the contract period. For example, the Council may take out a 4-year lease on a vehicle during the fourth year of the framework; this lease will continue after the expiry of the framework, even in the event that a new supplier is chosen for subsequent vehicle replacement, and the original provider will still be required to meet the service levels agreed contractually. The option has been considered of requiring the vehicle provider to terminate and/or transfer to a new provider any leases outstanding at the end of the 4 year framework, however this will have a detrimental impact upon the prices of the vehicles as a result of shortening the potential term.

- 3.16 As part of the tender process, tenderers will be required to identify the optimum lease periods for each vehicle that minimise the cost to the Council. Whilst longer periods may result in higher costs as a result of the number of years' maintenance that will be required (particularly following the expiry of the warranty period), shorter periods will also result in higher annual charges due to providers spreading the cost of their investment and depreciation of the vehicles over a lesser number of years. Experience in the market shows that the optimum period is in the region of 4 years for most vehicles, although this can be longer in the case of larger and more specialist vehicles.
- 3.17 In specifying proposed lease terms, the Council must provide tenderers with certain parameters to ensure that the leases are treated as operating leases (and hence funded from revenue) as opposed to finance leases (which would have implications for the Council's capital programme due to treatment of the vehicle assets as balance sheet items) in accordance with the draft CIPFA Code of Guidance and International Financial Reporting Standards. To ensure that the leases are treated as operating leases then the following parameters are required:
- The lease term must be less than the economic life of the vehicle
 - The total payments under the lease must be less than the fair value of the vehicle at the inception of the lease
 - No risks or benefits associated with the ownership of the vehicle are transferred to the Council (for example the option to purchase leased vehicles at a discounted price or to extend the original lease at a discounted rate)

4.0 Pre-Tender and Procurement Considerations

- 4.1 In accordance with Contract Standing Orders 88 and 89, pre-tender and procurement considerations are set out below for the approval of the Executive:

Ref.	Requirement	Response
(i)	The nature of the service.	Supply of leased vehicles incorporating maintenance; maintenance of all leased and owned fleet. To be procured through a single framework agreement split into two lots. It is proposed that tenderers will have the option of using the Council's existing site for maintenance, or using a site of their own.
(ii)	The estimated value.	Estimated contract value for both contracts £4.2 million over the 4 year period (including any ongoing lease costs over years 5 – 7 from vehicles leased in years 1 - 4).
(iii)	The contract term.	Likely commencement date July 2010
(iv)	The tender procedure to be adopted.	Formal tendering (including advertising) with a two stage (restricted) tendering procedure will be followed in accordance with Contract Standing Order 95 and the Public Contracts Regulations 2006: The first stage: expressions of interest invited with short-listing of interested organisations based on an evaluation of the pre-qualification questionnaire they submit. The second stage: invitation to tender will be issued to short-listed organisations.
(v)	The procurement timetable.	See Appendix D. It is proposed to adopt the restricted (two-stage) procedure.

(vi)	The evaluation criteria and process.	<p>A shortlist will be drawn up in accordance with the Council's Contract Management and Procurement Guidelines, using a pre-qualification questionnaire and thereby meeting the Council's financial standing requirements, technical capacity and technical expertise. The panel will evaluate the tenders against the following criteria:</p> <ul style="list-style-type: none"> • Tendered prices (60% weighting) • Quality assessment (40 % weighting) (see Appendix B for further breakdown)
(vii)	Any business risks associated with entering the contract.	<p>The following business risks are considered to be associated with entering into the proposed contract:</p> <p>Financial – A risk that interest rates may increase which may increase leasing costs</p> <p>Operational – The potential partner fails to meet the requirements of the contract. However, this risk is significantly reduced by the stringent procurement process.</p>
(viii)	The Council's Best Value duties.	The competition provided by the 2-stage tendering exercise will assist the Council in achieving best value for this service.
(ix)	Staffing implications including TUPE & pensions	See section 8.0. It will also be necessary to consider the impact of the Code of Practice on Workforce Matters and its requirement that those recruited to work alongside staff transferring from local authorities on the local government contract should be offered comparable terms and conditions to those transferring staff.
(x)	The relevant financial, legal and other considerations	This report has been reviewed by Legal, Finance and Procurement and any comments/additions incorporated. See also section 5 and 6.

4.2 The Executive is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 88.

5.0 Financial Implications

5.1 Vehicle prices for the current fleet configuration and for alternative cheaper vehicles were reviewed to forecast costs for both Outright Purchase and Outsourced Leasing options, spread across a ten year

period. These prices were for benchmark purposes only. Future tenders would be likely to offer lower figures

5.2 During the key first four years, for the full vehicle fleet, Outsourced Leasing With Maintenance would offer savings of **£1.18M** over LBB Outright Purchasing. All leased vehicles would be replaced after four years. Outright Purchased vehicles would have to be replaced after seven years in order to avoid repeating the current precarious situation. Should alternative marques of vehicles be procured instead of the current Mercedes/Ford Transit fleet (a consideration if vehicles are only to remain on the fleet for four years), further savings of approximately **£300K** could be achieved, thereby raising projected savings to approximately **£1.5M** over 4 years. In addition, Outsourced Leasing With Maintenance would allow BTS to cut its full fleet annual budget maintenance provision of **£393,644** making a further saving against current baselined budget forecasts. LBB Officers have assessed the accounting treatment of these leases which they considered to be operating leases. As such, the associated vehicles would not be required to be identified as assets of the authority in the Balance Sheet and payments under the leases would solely be charged to revenue

5.3 Interest rates - especially in recent months - have remained very low. The effect of this on comparative costs has been to present the existing internal vehicle operating lease costs (which end in 2014) in a relatively unfavourable light as they were based on interest rates which were higher at the time of purchase than currently. In contrast, current indicative rates from suppliers reflect ongoing low interest rates. Any future procurement decisions must take into account that LBB could face a significant relative increase in financing costs - as recession eases and interest charges rise - when replacing vehicles in the future, thus making the Council's internal fleet finance operation appear less competitive than hitherto.

The table sets out the relative advantages of the different models of provision over both the 4 year initial term and a longer 10 year replacement period (10 years being the projected time to replace all the current fleet).

Serial	Option	Year 4 Total	Year 10 Total	Remarks
(a)	(b)	(c)	(d)	(e)
1	In House Outright Purchase + BTS Maint	£4,728,067.36 Discounted Cash Flow - £4,319,600	12,291,258.98 Discounted Cash Flow - £10,078,609	Vehicles replaced again after 7 years
2	Outsourced Leasing + Maint	£3,544,755.97 Discounted Cash Flow - £3,235,080	12,315,520.69 Discounted Cash Flow - £9,981,386	Vehicles replaced every 4 years. Complete Fleet leased after 9 years when near steady state achieved
3	Outsourced Leasing only + BTS Maint	£4,459,065.57 Discounted Cash Flow - £4,075,058	14,565,334.07 Discounted Cash Flow - £11,853,396	BTS Maint @ £60.8 per hour vice Leasing Company's £40 per hour

** Figures relate to the full BTS Fleet*

Note – the discount rate applied is 3.5%

- 5.4 Although qualitative factors are considered important in evaluating tenders (accounting for 40% of the evaluation – refer to appendix B) the challenging financial position means that price has been given a higher overall relative weighting, accounting for 60% of the evaluation, thereby meeting the requirement to use the most economically advantageous tender as a basis for the evaluation.
- 5.5 Appendix A (Fleet Funding Option) identifies how the vehicle passenger transport replacement programme could be funded over a ten year period, with minimal impact to existing budgets. In summary, the current vehicle purchasing, lease payment and maintenance budgets could be re-directed to contribute to the new leasing charges incurred for BTS's vehicles. By uplifting the vehicle purchasing budget by £30,000 per annum from Year 1 of the programme and increasing the utilisation of vehicles - thus reducing vehicle replacement requirements from Year 6 - BTS' budget would not incur a deficit until Year 10. The deficit in Year 10 would amount to £50,642. However, if no vehicles were purchased during 2009/2010, the current year's £306,000 vehicle purchase budget could be carried forward, thereby covering the Year 10 deficit and producing a surplus of £255,358.

6.0 Legal Implications

Statutory Requirements

- 6.1 The availability of a vehicle fleet to the Council is essential to the operation of the Council and the discharge of various of its functions in the course of providing services across the community. Moreover, the Council has powers (and in some instances the duty) to make provision for the transportation of children with SEN, vulnerable adults and others under (amongst other provisions) ss312 to 324 of the Education Act 1996, s21, s26 and s29 of the National Assistance Act 1948, s45 of the Health Services and Public Health Act 1968, s2 of the Chronically Sick and Disabled Persons Act 1970 and s2 of the Local Government Act 2000, all in conjunction with s111 of the Local Government Act 1972 (see 5.2 below).
- 6.2 Under section 111 of the Local Government Act 1972, local authorities have the power to do anything calculated to facilitate the discharge of their functions. Section 111 specifies that this power extends to the power to do anything which is incidental to their functions. This empowers the Council to purchase and maintain vehicles to discharge the main functions referred to in the previous paragraph.
- 6.3 By virtue of section 1 of the Local Government (Contracts) Act 1997, local authorities are empowered to enter into contracts for the provision of assets (which are specified in the section to include vehicles) for the discharge of their functions.
- 6.4 Failure to approve measures to maintain an effective BTS fleet would lead to a sharp decline in operational service delivery, thereby adversely impinging on LBB's capability to meet its statutory ASC and C&F transport responsibilities.

Procurement Requirements

- 6.5 Lot 1 of the proposed framework agreement will lead to the individual call-off contracts being awarded that are a combination of supplies and Part A services (maintenance of vehicles). Lot 2 of the proposed framework agreement will allow Brent and other WLA boroughs to make a call-off of a vehicle maintenance contract (Part A services). Given the estimated value of the proposed framework agreement over its lifetime and the nature of what is being procured as a mixture of supplies and Part A services, the tendering of the contract is subject to the full application of the European public procurement regulations ("the EU Regulations"). The award is also subject to the Council's own Standing Orders and Financial Regulations in respect of High Value Contracts.

Use of Land consideration

- 6.6 It will be necessary to consider the basis upon which Hirst Hall is made available to tenderers for them to use if they wish. This could be done on the basis of it being available at a minimal rent or discounted rent, or at a market rent. Under section 123 of the Local Government Act 1972, a disposal of land by way of a short tenancy for 7 years or less does not require the Council to obtain “the best consideration reasonably obtainable”. This will need to be agreed with the Council’s Property and Asset Management Service prior to tender despatch.

Workforce Matters

- 6.7 The considerations for the current Council staff are addressed in section 8 below. It is also necessary to consider the impact of the Code of Practice on Workforce Matters in Local Authority Service Contracts, where it relates to additional non-TUPE staff recruited to work on the Brent contract. The Code requires the successful tenderer who recruits new staff to work on a local authority contract alongside former local government staff, to offer those recruited staff fair and reasonable terms and conditions (excluding pensions) which are, overall, no less favourable than those of the former local government staff. The Code further requires the Council to make these requirements legally binding on the contractor through contractual terms. Should the Executive give approval to the invitation of tenders then it will be necessary for the Council to consider the guidance and decide whether to apply the Code by making some or all of these requirements legally binding on the successful tenderer. In coming to the decision it will be necessary for the Council to consider in respect of each of the Code requirement, the respective costs and benefits of making that requirement legally binding on the successful tenderer.

7.0 Diversity/Equality Implications

- 7.1 The proposal to change the way that the Council procures its vehicles is not considered to have any diversity implications. A Diversity/Equality Impact statement has been prepared in relation to outsourcing of the in-house maintenance service by Brent Council’s HR department. It is shown at Appendix C.

8.0 Staffing Implications

- 8.1 At the point in time when the Council calls off a maintenance contract from the new framework for the legacy fleet (lot 2), there will be a TUPE transfer for the current BTS workshop staff (Workshop Manager and 3-4 Fitters). This should be addressed through the Council’s HR and Legal department at the earliest opportunity. The staff may well prefer that all maintenance is centred on the existing workshops at Hirst Hall, thereby permitting a smooth transition. However as it is

proposed to let tenderers decide whether or not to use Hirst Hall, this continuity cannot be guaranteed. Where a TUPE transfer involves or will involve a substantial change in working conditions to the material detriment of an employee who TUPE transfers or who would TUPE transfer, it is open to that employee to resign and claim constructive unfair dismissal. The relocation of a workplace as a result of a TUPE transfer could be such a substantial change. Therefore if the contractor decides not to use Hirst Hall then depending on the location of the new workshops there is a risk some or all of the BTS workshop staff could refuse to transfer and bring successful unfair dismissal claims against the Council. If a member of the BTS workshop staff objected to TUPE transferring then their employment with the Council would end at the point when s/he would otherwise have TUPE transferred. Such an objection would not prejudice his/her ability to claim constructive unfair dismissal as stated above. These issues would need to be addressed in discussions between the Council, the contractor, the staff and the staff's recognised trade union(s) prior to the transfer.

- 8.2 Where the whole or part of a Council service is outsourced, the Council has a legal obligation to include in the contract a term requiring the contractor to secure pension protection for Council employees who transfer under TUPE to the contractor or to a sub-contractor of the contractor as a result of the outsourcing. In order that pension protection is secured for these employees they must, as employees of their new employer, have rights to acquire pension benefits and those rights must be the same as, or count as being broadly comparable to or better than, the Local Government Pension Scheme. This applies to employees who are members of the Local Government Pension Scheme as well as those who have a right to join it. As a result of the direction the contract must also allow each of the transferring employees to enforce against the contractor its obligation under the contract to secure pension protection for that transferring employee (i.e. to bring legal proceedings against the contractor for breach of contract if the obligation is not complied with). Council policy and the Best Value Code of Practice in Workforce Matters in Local Authority Service Contracts also place an obligation on the Council to offer pension protection.

9.0 Accommodation Implications

- 9.1 The Council holds a five year lease on the premises at the East Lane Industrial Estate - including Hirst Hall - from 29 September 2008 expiring in September 2013 at an annual rent of £188,650 per annum exclusive. It is proposed that tenderers will be offered the use of the workshop in Hirst Hall, but they may not take up this option. The tender evaluation will need to take into account the financial impact of any bid that involves the use of alternative premises to Hirst Hall in terms of the reallocation of overheads and business rates across the remaining site occupied by the Council and the cost of and ability to sublet the workshop area to another tenant.

10.0 Background Papers

- Brent Transport Services: Fleet Options Appraisal
- Fleet Procurement Option Appraisal

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Appendices:

- A. Fleet Funding Options**
- B. Evaluation Criteria**
- C. Equality Impact Assessment**
- D. Procurement Timetables**

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**APPENDIX A TO
FORWARD PLAN REF:
C&F09/10-005.**

FLEET FUNDING OPTIONS

Leasing Charges with Maintenance

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Leasing Charges with Maintenance	672,556	855,103	958,559	1,058,537	1,232,002	1,325,463	1,420,818	1,507,189	1,628,047	1,657,243
Outstanding Lease Charges	87,159	72,487	55,925	42,340	0	0	0	0	0	0
Minus										
Other Council Departments Estimated Procurement Costs i.e. Parks & Highways	35,259	35,259	39,467	63,985	78,111	89,603	110,591	160,714	179,572	180,504
Current Vehicle Maintenance Budget plus inflation	400,000	408,000	416,160	424,483	432,973	441,632	450,465	459,474	468,664	478,037
Lease Payment Budget ('08/'09 budget plus inflation)	250,000	255,000	260,100	265,302	270,608	276,020	281,541	287,171	292,915	298,773
Current Vehicle Purchasing Budget plus inflation	350,000	357,000	364,140	371,423	378,851	386,428	394,157	402,040	410,081	418,282
Sub Total	-275,544	-127,669	-65,383	-24,316	71,459	131,779	184,065	197,789	276,816	281,646
Cfd if applicable	0	-275,544	-403,213	-468,596	-492,912	-421,453	-289,674	-105,609	0	0
Deficit/ Credit	-275,544	-403,213	-468,596	-492,912	-421,453	-289,674	-105,609	92,180	276,816	281,646

Options for Financing Deficit

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Deficit/ Credit	-275,544	-403,213	-468,596	-492,912	-421,453	-289,674	-105,609	92,180	276,816	281,646
Increased Utilisation Reducing Fleet Requirements	0	0	0	0	0	25,000	50,000	75,000	100,000	125,000
Revised Deficit/ Credit	-275,544	-403,213	-468,596	-492,912	-421,453	-314,674	-155,609	17,180	176,816	156,646
Option to Increase Vehicle Purchasing Budget (£30k per annum plus Cfd)	30,000	60,000	90,000	120,000	150,000	180,000	210,000	240,000	252,820	106,004

Revised Deficit/ Credit								222,820	76,004	-50,642
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**FUTURE ACQUISITION STRATEGY FOR BRENT TRANSPORT FLEET &
AUTHORITY TO TENDER FOR PROVISION OF A LEASED MAINTAINED
VEHICLE FLEET: EVALUATION CRITERIA**

Category	Description	Possible Score	Weighting
Price for service provision & Commitment to Gainshare	Price quoted for vehicle supply and fleet maintenance	1 to 10	60% (see below for breakdown)
	a. Fleet Prices b. Hourly Rates for maintenance of existing fleet		30% 30%
Quality of Service Delivery	a. Fleet Maintenance Procedures (see Specification)	1 to 10	40% (see below for breakdown)
	b. Clear Management Procedures (dedicated managerial personnel; escalation procedures, clear programme for monitoring meetings, etc)		28% 5%
	c. Service Levels e.g. responsiveness to breakdowns, delivery of new vehicles		5%
	d. Environmental Issues		2%

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Impact Needs/Requirement Assessment Completion Form

Department: Children & Families	Person Responsible: Mustafa Salih
Service Area: Brent Transport Services	Timescale for Equality Impact Assessment :
Date: August 2009	Completion date: August 09
Name of service/policy/procedure/project etc: Outsourcing the fleet and transport workshop at Brent Transport Services	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive Yes <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact Not found <input type="checkbox"/> Found <input checked="" type="checkbox"/> Early consultation with staff affected Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is there likely to be a differential impact on any group? Yes	Please state below:
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers No	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> All workshop staff are male (100% of workshop employees affected)
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation conducted In progress Yes <input type="checkbox"/> No <input type="checkbox"/>	
Person responsible for arranging the review: Mustafa Salih	Person responsible for publishing results of Equality Impact Assessment: NKA/Marcelle Moncrieffe-Johnson
Person responsible for monitoring: Mustafa Salih	Date results due to be published and where: Options appraisal document and report to Executive – Dec 09
Signed:	Date:

Impact Needs/Requirement Assessment Completion Form

1. What is the service/policy/procedure/project etc to be assessed?

Outsourcing the fleet and transport workshop at Brent Transport Services.

2. Briefly describe the aim of the service/policy etc? What needs or duties are it designed to meet? How does it differ from any existing services/ policies etc in this area

Outsourcing will result in a TUPE transfer of the workshop staff. Recommendation to outsource fleet and maintenance in order to improve the quality of service to BTS customers and deliver financial efficiencies.

3. Are the aims consistent with the council's Comprehensive Equality Policy?

Yes

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

No, however all members of the Transport Workshop are male and one is over age 65 years

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender, disability etc).

Workforce monitoring data:
1 X Black African; 1 X Black Caribbean; 1 X Black British; 1 X White British

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

No

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

Obtained benchmark data from 3 external suppliers. Data used to benchmark existing BTS operations. The benchmarking referred to is around costs of the operation, i.e. leased vehicle costs with and without maintenance and hourly rates which incorporate elements of both fixed and non fixed costs.

This data has been used to benchmark the cost of the BTS operation in comparison to the market place, to establish if the existing service is providing value for money.

This data has only been used to inform the recommendation and will be subject to full tender in line with European legislation and Council policy, which we have clarified within the Options Appraisal and the Executive Report

8. Have you published the results of the consultation, if so where?

Options appraisal document and report to Executive

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

No

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

Not applicable

11. If the impact cannot be justified, how do you intend to deal with it?

Impact Needs/Requirement Assessment Completion Form

Not applicable

12. What can be done to improve access to/take up of services?

Not applicable

13. What is the justification for taking these measures?

Not applicable

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

Mustafa Salih

15. What are your recommendations based on the conclusions and comments of this assessment?

No action at this stage, ensure effective consultation and communication with all staff affected by the proposals.

Should you:

1. Take any immediate action?
2. Develop equality objectives and targets based on the conclusions?
3. Carry out further research?

16. If equality objectives and targets need to be developed, please list them here.

Not applicable

17. What will your resource allocation for action comprise of?

Not applicable

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:

Full name (in capitals please): Sue Slingsby Date: 5th August 2009

Service Area and position in the council: HR Manager (Corporate Services)

Details of others involved in the assessment - auditing team/peer review:

Maggie Kenney, NKA
Marcelle Moncrieffe-Johnson, SHRM

Once you have completed this form, please take a copy and send it to: **The Corporate Diversity Team, Room 5 Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD**

An online version of this form is available on the Corporate Diversity Team website.

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**FUTURE ACQUISITION STRATEGY FOR BRENT TRANSPORT
FLEET & AUTHORITY TO TENDER FOR PROVISION OF A
LEASED MAINTAINED VEHICLE FLEET: PROCUREMENT
TIMETABLE**

INDICATIVE TIMETABLE

Task number	Task	Date
1	Executive approval to procure obtained	14 December 2009
2	Publish adverts	15 December 2009
3	Expressions of interest returned	25 January 2010
4	Shortlist agreed	10 February 2010
5	Invitations to tender issued	11 February 2010
6	Deadline for tender submissions	23 March 2010
7	Panel evaluations and interviews	30 March – 1 April 2010
8	Panel recommendation to award	13 April 2010
9	Draft Executive report seeking contract award approval	April 2010
10	Executive approval to award obtained	May 2010
11	Commence Alcatel period	May 2010
12	Issue contract award letter	June 2010
13	Commence supply contract (Lot 1) and maintenance of existing fleet contract (Lot 2)	July 2010

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**London Borough of Brent
Summary of Decisions taken by the Executive
on Monday, 14 December 2009**

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

ABSENT: Councillors D Brown

Agenda Item No	Item	Ward(s)	Decision
1.	Declarations of personal and prejudicial interests		None.
2.	Minutes of the previous meeting		RESOLVED:- that the minutes of the previous meeting held on 16 November be approved as an accurate record of the meeting.
5.	Future acquisition strategy for Brent Transport Fleet and authority to tender for provision of a leased maintained vehicle fleet	All Wards;	<ul style="list-style-type: none"> (i) that approval be given to adopt a new model of vehicle fleet acquisition through leasing with maintenance from a single supplier; (ii) that approval be given to the outsourcing of the current vehicle maintenance arrangements; (iii) that approval be given to procure a 4-year Vehicle Supply and Maintenance Framework Agreement split into two lots with Lot 1 consisting of the supply and maintenance of new vehicles and Lot 2 the maintenance of the Council's current vehicle fleet;

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 14 December 2009 (continued)

Agenda Item No	Item	Ward(s)	Decision
			<p>(iv) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for Lots 1 and 2 of a Vehicle Supply and Maintenance Framework as set out in paragraph 4.0 of the report from the Director of Children and Families;</p> <p>(v) that approval be given to the invite of tenders and their evaluation in accordance with the approved evaluation criteria referred to in paragraph (iv) above.</p>
6.	Authority to tender a contract for Supporting People funded services for women fleeing domestic violence accommodated in refuges and to extend associated Supported People contracts	All Wards;	<p>(i) that approval be given to the pre tender considerations and the criteria to be used to evaluate tenders to award a contract for the provision of Supporting People funded services for women at risk of domestic violence accommodated in refuges with a range of support needs as set out in paragraph 10.1 of the report from the Director of Finance and Corporate Resources;</p> <p>(ii) that officers invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in paragraph (ii) above;</p> <p>(iii) that approval be given to a further extension of Supporting People contracts for Families as specified in paragraph 7.6 of the report from the Director of Housing and Community Care up to 31 March 2011.</p>
7.	Authority to award contracts for the procurement and management of temporary accommodation	All Wards;	that the two contracts for the Procurement and Management of Temporary Accommodation be awarded to Pathmeads Housing Association and Stadium Housing Association.
8.	Brent's Sport and Physical Activity	All Wards;	(i) that it be noted that the strategy was a joint sport and physical

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 14 December 2009 (continued)

Agenda Item No	Item	Ward(s)	Decision
	Strategy 2010 - 2015		<p>activity strategy produced by Brent’s Community Sport and Physical Activity Network;</p> <p>(ii) that the findings of the Strategy be noted and agreement given to the strategy’s vision to <i>“increase opportunities for, and levels of participation in sport and physical activity by all sections of the community resulting in improved health, well being, community cohesion and enhanced quality of life for those people who live, work, learn and play in Brent.”</i></p> <p>(iii) that agreement be given to the seven key themes, identified target groups and three new priority sports within the strategy as set out in paragraphs 3.17, 3.23 and 3.24 respectively and that the Council will build these in to all sport and physical activity related work;</p> <p>(iv) that the action plan detailed within the strategy (attached as appendix 1 to the report from the Director of Environment and Culture) be noted and agree that the Council will take the lead on those actions identified as such.</p>
9.	Brent Cultural Strategy 2010 - 2015	All Wards;	<p>(i) that the it be noted that the strategy was a joint Cultural Brent Strategy produced by the Brent Culture, Sport and Learning Forum;</p> <p>(ii) that the key principles and actions within the Strategy be approved and that these will be reflected in the Council’s own direct service related ‘sub strategies’ as explained at paragraph 3.7 of the report from the Director of Environment and Culture.</p>
10.	Disposal of properties at 776 and	Sudbury;	(i) that subject to consent from the Charities Commission and to

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 14 December 2009 (continued)

Agenda Item No	Item	Ward(s)	Decision
	778 Harrow Road		<p>paragraph (ii) below, agreement be given to the disposal of 776 and 778 Harrow Road to the Notting Hill Housing Trust and for the capital receipt to be used for improvements within Barham Park;</p> <p>(ii) that officers advertise the proposed disposal, as set out in paragraph 3.13 in the report from the Director of Environment and Culture and that authority be delegated to the Director to decide on the matter, unless in his opinion significant objections are received, in which case the matter will be reported back to the Executive;</p> <p>(iii) that officers develop an application for grant funding to the Heritage Lottery Fund, using the capital receipt from the disposal of the properties as match funding.</p>
11.	Alperton Growth Area - a vision for change	Alperton; Stonebridge; Wembley Central;	<p>(i) that approval be given to the vision as set out in report from the Director of Policy and Regeneration and the prospectus attached;</p> <p>(ii) that the regeneration team feed back to the local businesses, residents, landowners and all stakeholders the vision for Alperton;</p> <p>(iii) that a multi-disciplinary project team be established to drive forward the regeneration of this area in line with the ambitions set out in the vision. Encompassing Regeneration, Planning, Housing, Transportation, Communication, Consultation and Property specialists, the team will provide a holistic service for all development partners.</p>
12.	The future of Brent in2 Work and employment provision within the Borough	All Wards;	<p>(i) that the changing economic, policy and funding environment for the local delivery of employment services be noted;</p>

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 14 December 2009 (continued)

Agenda Item No	Item	Ward(s)	Decision
			<ul style="list-style-type: none"> (ii) that the implications for the council's approach to employment, and specifically for the Brent in2 Work services be noted; (iii) that the proposed approach to allocating the remaining Working Neighbourhoods Transition Fund beyond April 2010, as set out in section 5 of the report from the Director of Policy and Regeneration be noted; (iv) that approval be given, in principle, to the establishment of a new Special Purpose Vehicle for the delivery of employment services, in partnership with Working Links, subject to the development of a satisfactory business model and in line with the Heads of Terms agreement set out in Appendix 1; (v) that agreement be given in principle to the contribution of £1 million of Working Neighbourhood funding to the SPV; (vi) that agreement be given in principle to the provision of the guarantees as set out in the report from the Director of Policy and Regeneration; (vii) that a further report be submitted in Spring 2010 setting out the draft Memorandum and Articles and Shareholder Agreement for the Special Purpose Vehicle; (viii) that the Council's participation in a full bid at Invitation To Tender stage for the delivery of the Flexible New Deal Contract for West London be endorsed.

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 14 December 2009 (continued)

Agenda Item No	Item	Ward(s)	Decision
13.	Increasing participation in recycling in flats task group report	All Wards;	(i) that the recommendations contained in the task group report be considered as part of the Waste and Recycling Gold Project; (ii) that members of the task group be thanked for their work.
14.	National Non-Domestic Rate Relief and Hardship Relief	All Wards;	(i) that the discretionary rate relief applications in appendix 2 to the report from the Director of Finance and Corporate Resources be agreed; (ii) that the hardship applications in appendix be not approved.
15.	Collection Fund Surplus/Deficit at 31 March 2010	All Wards;	that the calculation of the estimated Collection Fund balance as at the 31 March 2010 as a deficit of £1,500,000 be agreed.
16.	Performance and Finance Review Quarter 2, 2009/10	All Wards;	(i) that the council's spending, activity and performance in the second quarter of 2009/10 be noted; (ii) that all directors ensure that spending is kept within budget and underperformance tackled, and that measures are taken, in consultation with relevant portfolio holders, to achieve this; (iii) that approval be given to the virements detailed in appendix F to the report from the Director of Policy and Regeneration.
17.	Reference of item considered by Forward Plan Select Committee - 2 November 2009		that the recommendations from the Forward Plan Select Committee on 2 December 2009 in relation to the award of the contract for residential and respite care for people with disabilities be agreed with the exception of that at (iii) requesting that the contract The Camden Society be not agreed until the trade unions and their advisors were satisfied with the pension arrangements.

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 14 December 2009 (continued)

Agenda Item No	Item	Ward(s)	Decision
19.	Exclusion of Press and Public		

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Briefing notes on Reports included in the Forward Plan Issue 2009/10

SERVICE AREA: Environment and Culture

Report ref	Report title
E & C -09/10-26	Inspiring Brent : Brent's Action Plan for the London 2012 Games
<p>Summary: The London 2012 Olympic and Paralympic Game will provide a catalyst to improve sports participation and physical activity across the borough, celebrate Brent's rich cultural heritage and develop volunteering skills and opportunities for businesses; all of which will help to achieve our corporate strategy aims. Over the last few years huge progress has been made on the 2012 programme. The Brent 2012 steering group membership has been widened to include representatives from NHS Brent, Brent Association for Voluntary Action and West London Partnership for the 2012 Games allowing a more strategic and borough wide approach to the Games. A dedicated Manager for the 2012 Games was appointed in May 2009 to coordinate the 2012 work across the council and has made excellent progress in raising the profile of Brent's offer both internally and externally. Brent has developed very strong relationships with the London Organising Committee for the Olympic Games (LOCOG), the Olympic Delivery Authority (ODA), the Greater London Authority (GLA), London Councils and West London Partnership for 2012 Games through a number of partnership projects.</p> <p>In March 2008, the Brent 2012 Action Plan was launched, which details plans and activities in the lead up to the Games. The launch of the action plan coincided with the 2008 Beijing Games and a number of the projects in the plan were related to this. These projects were successfully delivered but it is has resulted in the action plan being time limited. The 2012 Manager has been working closely with the lead officers from the 2012 theme groups and external partners from the 2012 Steering Group to update the plan and develop a new plan from now to 2012.</p> <p>Themes within the plan cover participation and engagement of residents, businesses and young people in 2012 events and opportunities and celebrating the diversity of the borough. The regeneration theme of the action plan focuses on employment and skills.</p> <p>The look and feel of London at Games time is an important area of work as London gear up to welcome the world to the city. LOCOG, the GLA and the Government Olympic Office (GOE) have recognised the need to have a universal look and feel for the 2012 Games across London and are working on a 'Look of London' programme. This programme will cover areas such as street furniture, flag banners, building wraps/dressing, lighting and decorating of fencing scrim, signage and welcome banners at entry points to the borough. The GLA, LOCOG and GOE are currently discussing the 'Look of London' programme and a budget has been allocated for this work. At this stage we do not know the size or how the budget will be allocated, however LOCOG and the GLA will be contacting boroughs next year to give an update on the programme.</p> <p>It is unlikely that this will cover physical upgrades to town centres although it may provide us with the tools to improve the public realm and present a welcoming 'host borough' which will in turn contribute to the visitor experience.</p> <p>There is no allocated funding to deliver specific 2012 projects and in the current climate funding is becoming more challenging to secure. Officers will re align existing activities to meet the 2012 agenda where possible. Officers will bid for any external funding opportunities which arise in the future in relation to 2012. The 2012 Manager is also working with external partners to identify funding for 2012 activities within Brent and the sub region.</p>	

Nature of Decision to be taken/Intended Outcome: The Council will be asked to agree the Brent 2012 Action Plan.

Timescale for decision: Executive 18th January 2010

Contact Details: Zerritha Brown, Brent Manager for London 2012 Ext 5313

Briefing Note for Forward Plan Committee meeting – 6th January 2010

2009 Residents' Attitude Survey Feedback – proposal to undertake this survey biennially.

1. A Brent residents' attitude survey has been undertaken every three years since 1990. The methodology employed in all of these surveys has been 'face to face' interviews with a stratified sample of local residents. In order to collect ward level data, the sample size is 2,100 and with a minimum 100 interviews undertaken in each ward. The residents' attitude survey provides robust data on overall satisfaction with the Council, service and area satisfaction plus a range of additional and benchmarkable information on rating the council, communications, community safety, contact & customer services, volunteering, community cohesion and jobs and employment. The residents' attitude survey data is a key element of the Council's evidence base which in turn supports the Council's new service planning framework.
2. The council is legally required to conduct a place survey. This is recent legal requirement on all local authorities across England and Wales and the place survey results provide the key evidential measure on which the audit commission bases its comparative assessment of local authority performance as part of the comprehensive area assessment process. The place survey is scheduled to be conducted every three years.
3. The findings from the 2009 RAS are very encouraging for Brent and there are significant differences and improvements recorded in the answers to the same or similar questions asked in both the RAS and the place survey. In many cases the RAS results demonstrate that respondents are more positive about their local area and the services the council provides than seen in the place survey results. For example the results on overall satisfaction with the council show a 20-percentage point increase over the place survey result. Comparable improvements are seen in regard to satisfaction with local area; in this case the increase is 15-percentage points over the place survey results.
4. The residents' attitude survey has provided the Council with a more robust measure of resident perception and a fair reflection of the improvements the council has undertaken to deliver better quality services to its residents. By comparison the place survey paints an almost unrecognisable picture of the borough. The disparity between place survey and residents' attitude survey results is clearly linked to the differences in methodology. The main differences and their impact are listed below:
 - Respondents to postal surveys are self-selecting. Self-selection has an impact on the reliability of the data produced because survey sample is

frequently skewed with white middle class, middle aged and settled respondents being disproportionately over represented in the sample.

- Self-selection also means that respondents who may have literacy or language difficulties, younger respondents and respondents from some ethnic minority groups are more likely to self-exclude.
 - The cumulative effect of self-selection is that data is less reliable and greater weighting factors need to be applied in the analysis to attempt to rebalance the sample.
 - Questions may be misinterpreted or misunderstood. This was particularly the case with the place survey where a change in emphasis from the BVPI survey to 'place' with its focus on wider local public services, (which rolls up the local authority, health, transportation and the emergency services), is seen to be confusing to some respondents.
5. Costs – the 2009 residents' attitude survey cost £112k. The next proposed survey would be 2011. The cost of that is projected to be £112k plus an amount for inflation, but subject to any savings gained through a competitive tendering process. There is no specific provision in the base fund for the 2011 survey, so members are being asked to agree in principle to a survey every two years. If members do agree the proposal will be included in the budget process and funding would need to be identified.

Contact: Owen Thomson, Head of Consultation
Extension: 1055; E-mail: owen.thomson@brent.gov.uk

Briefing Note for Forward Plan Committee meeting – 6th January 2009.

Petition for Changes to Consultation Process

1. In a briefing note to the Forward Plan Select Committee on 2nd December 2009, officers were 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, did not represent a change to the policy on consultation arrangements on traffic and parking schemes undertaken by the Transportation Unit.

The note advised that the decision in the main clarified the position for other residents within the household and made it clear that they too can comment on the questionnaire.

The note further advised that 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 would be sent out to them.

2. Arrangements are being made to amend standard documentation for consultations such that the position is clear to recipients. The amended documentation will be used for consultations commencing after 1st January 2010.
3. If, during a subsequent consultation exercise, more than one response is received from a household (or more than one household) the number and nature of these “multi-household” returns will be separately identified in any report to the decision Committee (or officer).
4. Consultation evidence is weighed against a range of other factors in deciding a course of action on a transportation scheme or initiative. The decision making authority typically has to assess whether the results from consultation indicate a consensus for a particular course of action. Accordingly it will not be necessary to weight a number of responses coming from the same household against single responses from other households. To do so would be to imply that the consultation is a referendum. The decision making authority will simply need to consider the number and nature of multi-household responses alongside the other responses and the various other factors.

Contact: Tim Jackson, Head of Transportation
Extension: 5151; e-mail: tim.jackson@brent.gov.uk

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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 55	<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

(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 57	<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

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	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- 003	<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

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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 59	<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- 008	<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

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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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