



# LONDON BOROUGH OF BRENT

## MINUTES OF THE EXECUTIVE Monday 12 November 2012 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor R Moher (Vice-Chair) and Councillors Arnold, Beswick, Crane, Hirani, Jones, Long, J Moher and Powney

Also present: Councillors Al-Ebadi, Chohan, Hashmi, Hunter and Lorber

### 1. **Adjournment**

At the start of the meeting, due to disturbance from members of the public present, the Executive resolved to adjourn the meeting for 10 minutes and reconvene in another location.

### 2. **Declarations of pecuniary interests**

Councillor Crane declared a personal and prejudicial interest in the report relating to the structure of Public Health Services in Brent and indicated that he would leave the meeting for that item taking no part in the discussion thereon.

### 3. **Welcome**

The Chair, on behalf of members, welcomed Christine Gilbert (Interim Chief Executive) to her first meeting of the Executive.

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

RESOLVED:-

that the minutes of the previous meeting held on 15 October 2012 be approved as an accurate record of the meeting subject to Clause 8 – Outcome of the consultation and recommendations for a localised council tax scheme, para 2 - delete '£54.1M' insert '£5.1M'.

### 5. **Matters arising**

None.

### 6. **Deputations**

None.

**7. Renewal of existing contracts for the delivery of Speech and Language Therapy Service to Key Stage 1&2 and Key Stage 3&4 for pupils in mainstream Brent schools**

The report before the Executive sought authority for the renewal of two contracts supplying speech and language therapy to pupils in Brent schools at Key Stages 1&2 and Key Stages 3&4. The service was commissioned by Brent Council and supports the council in meeting its statutory responsibilities to deliver Speech and Language Therapy (SALT) to Brent pupils with statements of Special Educational Needs. Councillor Arnold (Lead Member, Children and Families) advised that the extension was for one year to establish whether there were any opportunities for increased efficiency, working closely with the Health Service. The result would be better services for children.

RESOLVED:-

- (i) that approval be given to an exemption from the tendering requirements of Contract Standing Orders to allow the renewal of the current Speech and Language Therapy contract for Key Stages 1&2 with Brent Community Services from 1 April 2013 to 31 March 2014 at a total cost of £255,148 at existing terms and conditions, on the basis that there are good operational and financial reasons for doing so as set out in section 3 of the report from the Director of Children and Families;
- (ii) that approval be given to an exemption from the tendering requirements of Contract Standing Orders to allow the renewal of the current Speech and Language Therapy contract for Key Stages 3&4 with North West London Hospitals Trust from 1 April 2013 to 31 March 2014 at a total cost of £103,060 at existing terms and conditions, on the basis that there are good operational and financial reasons for doing so as set out in section 3 of the Director's report.

**8. Local Account**

Councillor Hirani (Lead Member, Adults and Health) introduced the borough's Local Account the purpose of which was to communicate priorities and to provide members, residents and other stakeholders with an accountability mechanism by which self-regulation and improvement activities could be systematically monitored and reported. Councillor Hirani drew attention to the view that Brent was a borough of contrasts, having many opportunities but yet with relatively high levels of poverty and a significant gap in life expectancy between men in the most affluent and those in the most deprived parts of the borough. He referred to the challenges that would face residents as a result of changes to housing affordability and to council tax benefits, which would impact on health and increase demands on the authority. Councillor Hirani outlined improved and modernised adult social care services in place to support users and give increased choice and control. He also referred to key local health and well-being challenges which the strategy would aim to address including oral health, mental health, tuberculosis and obesity. The council would be working closely with health partners to give children the best start, empower communities and improve overall mental well-being.

Members welcomed the report and acknowledged the improvement in services and outcomes over recent years.

RESOLVED:

- (i) that the performance and contextual information contained in the report from the Director of Adult Social Care be noted;
- (ii) that the current and future strategic risks associated with the information provided be noted;
- (iii) that progress continue to be challenged with responsible officers as necessary.

#### 9. **Carers Services Hub Model**

The report from the Director of Adult Social Services requested authority to award a contract as required by Contract Standing Order No 88 for the provision of a carer's hub advice and support model service. The report summarised the process undertaken in tendering the contract and, following the completion of the evaluation of the tenders, recommended an organisation to be awarded the contract. Councillor Hirani (Lead Member, Adults and Health) reminded the Executive that at the meeting of the Executive in May approval was given to pre-tender considerations and the criteria to be used to evaluate tenders and the procurement process and evaluation criteria. The aim was to improve the consistency of the carer's experience in their journey when accessing services in Brent in accordance with mandatory priorities identified through the consultation process. The contract would commence on 1 February 2013 to run for up to five years.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in paragraph 3 of Schedule 12A to the Local Government Act 1972, namely:

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

RESOLVED:

that approval be given to award a contract to Brent Carers Centre for a carer services hub advice and support service for a period of three years followed by discretionary extensions of 1 year plus 1 year (up to 5 years).

#### 10. **Authority to enter into a Partnership Arrangement under Section 75 National Health Services Act 2006 in respect of Brent's Integrated Community Equipment Service**

Councillor Hirani (Lead Member, Adults and Health) reminded the Executive of the requirement under Sections 74 and 75 of the National Health Service Act 2006 for local authorities and NHS bodies to work together to improve health and health care provision. This included provision made for flexible funding and working arrangements such as the pooled budgets proposed for the Council and Brent PCT to continue to provide an Integrated Community Equipment Service via an existing

contract with Medequip. The agreement would be short term to run until 31 March 2013.

RESOLVED:-

- (i) that approval be given to re-enter into a partnership arrangement up to 31 March 2013 for provision of Brent's Integrated Community Equipment Service with the Brent PCT under Section 75 National Health Services Act 2006 as set out in the report from the Director of Adult Social Services. Under this arrangement the Council will be lead agency on behalf of the partners (the council and Brent PCT) with each partner being financially accountable for the actions and expenditure of each partner's practitioners;
- (ii) that approval be given to the setting up of a pooled budget with Brent PCT under the partnership agreement and to the transfer of the council's pro rata contribution as set out in paragraph 4.1 for the financial year 2012/13 to that budget;
- (iii) that the council be the budget holder for the pooled budget;
- (iv) that it be noted that written agreement will be required to be entered into between the Council and Brent PCT in respect of the proposed partnership and that the Director of Adult Social Services be authorised, in consultation with the Director of Legal and Procurement, to agree the exact form of that agreement.

## 11. **Framework Agreement for Supporting People Services**

Members had before them a joint report from the Directors of Adult Social Services and Regeneration and Major Projects which requested authority to award a Framework Agreement for supporting people services as required by Contract Standing Order No 88. The report summarised the process undertaken in tendering the Framework Agreement and, following the completion of the evaluation of the tenders, recommended providers to be appointed onto the Framework Agreement and the award of five call-off contracts to the proposed Framework Providers. This report further requested authority to renew a number of existing contracts for five to nine weeks to ensure planned implementation for the five call-off contracts.

Councillor Hirani (Lead Member, Adults and Health) referred to the preventative work carried out under the programme and the services provided both statutory and non-statutory. The aim was to help as many people as possible with an extensive contract and increased efficiencies which would generate savings. Councillor Hirani drew attention to the list of providers, which he was pleased to note, included some based locally.

The Executive also had before them appendices to the report which were not for publication as they contained the following category of exempt information as specified in paragraph 3 of Schedule 12A to the Local Government Act 1972, namely:

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

RESOLVED:

- (i) that approval be given to appoint to the Framework the providers listed in paragraph 3.27 of the report from the Directors of Adult Social Services and Regeneration and Major Projects for Supporting People services for a period of four years;
- (ii) that approval be given to award five call-off contracts to the providers detailed in paragraph 3.35 of the report for a period of two years followed by discretionary extensions of 1 year plus 1 year (up to a maximum of four years);
- (iii) that approval be given to exemption, in accordance with Contract Standing Order 84(a), from the usual tendering requirements of Contract Standing Orders to renew the existing 26 Supporting People contracts referred to in paragraph 3.9 for 5 weeks and 9 weeks on the basis of good operational and financial reasons as set out in paragraph 3.9 of the report from the Directors of Adult Social Services and Regeneration and Major Projects.

**12. Authority to tender for the sale of dry recyclate**

Councillor Powney (Lead Member, Environment and Neighbourhoods) introduced the report which requested approval to invite tenders for the re-processing and subsequent sale of recyclable materials collected through the council's dry recycling service (blue bin + bring banks). He advised that the preferred option was to negotiate with the existing waste contractor a reduction in the waste fee (the charge levied for a quantity of waste). The results of the tender exercise would provide a clear picture of the value of the recyclate and would give the council alternatives should the preferred option not be successful.

Members welcomed the initiative, particularly the opportunity to reduce landfill and meet recycling targets.

RESOLVED:-

- (i) that approval be given to the procurement of a service provider for the re-processing and subsequent sale of recyclable materials collected through the dry recycling service;
- (ii) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for this service as set out in paragraph 3.20 of the report from the Director Environment and Neighbourhood Services;
- (iii) that approval be given to the Director of the Environment and Neighbourhood Services to invite expressions of interest, agree shortlists, invite tenders in respect of this service and evaluate them in accordance with the approved evaluation criteria referred to in (ii) above.

**13. Local Nature Reserve Declaration at Masons Field, Fryent Country Park**

The report from the Director of Environment and Neighbourhood Services provided a brief overview of Masons Field and Fryent Country Park, detailed the advantages of declaring Masons Field a Local Nature Reserve and summarised consultation undertaken on the proposal. The report also outlined the improvement programme currently being implemented at Masons Field through Heritage Lottery funding.

RESOLVED:-

- (i) that agreement be given to the Declaration of Masons Field as a Local Nature Reserve;
- (ii) that agreement be given to officers completing the remaining stages of the Declaration and Public Notice as outlined in paragraphs 3.14-3.15 of the report from the Director of Environment and Neighbourhood Services.

**14. Dynamic Purchasing System (DPS) for the procurement and management of temporary accommodation**

Councillor Long (Lead Member, Housing) introduced the report from the Director of Regeneration and Major Projects which sought authority to invite tenders for Dynamic Purchasing System (DPS) for the Procurement and Management of Temporary Accommodation pursuant to the Council's Private Sector Accommodation Scheme (PSA). This procurement exercise was designed to provide a sufficient supply of accommodation in the right places to adequately respond to the changes being made to the benefit system with the introduction of the Overall Benefit Cap in April 2013. Councillor Long referred to the adverse impact of the benefit cap of £500 pw on claimants and a recent review by the Department for Work and Pensions of the temporary accommodation subsidy regime and have confirmed this would continue to be based on current arrangements amounting to a budget cut. Other points of concern in identify accommodation were transport links to the borough and maintaining community links. Councillor Long made reference to the Temporary Accommodation Placement Policy appended to the report which set out the rationale for the placement of households in temporary accommodation, both inside and, where necessary, outside the borough and drew attention to the equalities impact assessment which acknowledged that the policy would have a disproportionate impact on the grounds of race and faith. Work was taking place to improve the employment opportunities of residents to help them remain the borough. Councillor Long also referred to other actions being taken to mitigate the impact of these changes including the proposed Dynamic Purchasing System (DPS), a completely electronic system to purchase commonly used services, such as the procurement and management of private temporary accommodation. The DPS would commence in April 2013 for the duration of two years with an option to extend for up to two years.

The Director of Regeneration and Major Projects re-emphasised the adverse impact on some communities set out in the Equalities Impact Assessment and the efforts that would be made to mitigate which members acknowledged. They wished for it to be made clear that many local authorities had little choice but to take such measures in order to comply with statutory obligations.

RESOLVED:-

- (i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for a DPS for the Procurement and Management of Temporary Accommodation as set out in paragraph 3.12 of the report from the Director of Regeneration and Major Projects;
- (ii) that approval be given the inviting of expressions of interest, agreement of shortlists, the invite Tenders for a DPS for the Procurement and Management of Temporary Accommodation and their evaluation in accordance with the approved evaluation criteria referred to in (i) above;
- (iii) that the content of the Council's temporary accommodation placement policy as set out in Appendix 1 of the report be noted and authority be delegated to the Director of Regeneration and Major Projects to finalise and approve any minor amendments to the temporary accommodation placement policy.

## 15. **Olympic Way**

Councillor Crane (Lead Member, Regeneration and Major Projects) reminded the Executive of the dispute over the ownership and status of Olympic Way with Quintain Estates (QED) existing for a number of years. In recent years QED has carried out much of the maintenance and has derived income from advertising along it. It was felt that Olympic Way needed long term capital investment to bring it to a standard worthy of a key route in the borough and to maintain the route in excellent condition. The report before members proposed an agreement between the council and Quintain that fairly apportioned maintenance costs and income from advertising and other uses and guaranteed the long term significant improvement of the route.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in paragraph 3 of Schedule 12A to the Local Government Act 1972, namely:

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

RESOLVED:-

- (i) that approval be given to the drawing up of a legal agreement with Quintain Estates on the future maintenance of Olympic Way and share of income from advertising and other activities;
- (ii) that officers prepare, subject to further legal advice, legal documents for the Olympic Way agreement based on the principles set out in paragraph 3.13 of the report;
- (iii) that approval of the exact terms of that agreement be delegated to the Director of Regeneration Major Projects/ Assistant Director, Property and Asset Management.

## 16. **The structure of Public Health Services in Brent**

The Deputy Leader, Councillor R Moher introduced the joint report from the Directors of Adult Social Services and Strategy, Partnerships and Improvement which confirmed that as from 1 April 2013 the council would be taking on responsibility for health improvement and with it many of the services currently delivered by public health teams based in PCTs as a result of the passing of the Health and Social Care Act. The report before members recommended a model for public health in Brent and integration into the current officer structure. The full time Director of Public Health would have a wide remit, promoting equalities, ill health prevention and guiding commissioning activity. The budget transfer was expected to take place in April 2013 and NHS Brent's public health allocation for 2012/13 was £17.3m, which left a gap of around £1.3m in funding. The resource allocation could lead to a further reduction in funding for Brent of around 16% to around £13.5m. Additionally, the population figure used in calculations was approximately 60,000 less than the 2011 census would indicate, resulting in further underfunding. She recommended that the Executive adopt the proposed integrated model.

Councillor Hirani (Lead Member, Adults and Health) highlighted the three areas of activity on which public health would focus: health intelligence, public health commissioning and health improvement which would provide opportunities for existing leisure services. He put the view that as local government was receiving £2.2bn, less than 50% of the total public health budget, the transfer to councils should be viewed as being only partial.

Councillor Arnold (Lead Member, Children and Families) reminded the Executive that the report now before them was a revised version to that presented to the previous meeting and deferred for further consideration. She referred to the list of new services for which local government would be responsible and suggested the need for further clarification on the elements NHS work that were being transferred prior to agreeing the structure. Councillor R Moher responded that the decision at this stage was to agree to the integrated model and confirmed that further work would be taking place. The Director of Adult Social Services added that a further report on public health contracts was due to come before the Executive in December and work with colleagues was taking place.

Councillor Hunter (Vice Chair, Health Partnerships Overview and Scrutiny Committee) welcomed aspects of the proposals particularly the opportunity for more joint working with the Director of Public Health at the centre. However, she questioned the extent to which in the absence of line managerial responsibility, the Director of Public Health could ensure that public health was a priority, sought assurances that money not spent on posts would be spent on services and the extent to which existing Brent NHS staff were aware of the implications for jobs. She also felt that central government should take into account the likelihood of under-funding as a result of the differential between population figure used in calculations and the 2011 census figures. The Director of Strategy, Partnerships and Improvement advised that a meeting was due to take place with the trade unions and that a job matching exercise would be conducted. Councillor Moher assured that the programme would be driven to ensure a healthier borough.

The Chair (Councillor Butt, Leader of the Council) proposed an amendment to the recommendations in the report to approve the proposed structure in principle, subject to the Interim Chief Executive considering the detail of the structure and its integration within the council, which was agreed.

RESOLVED:-

that approval be given in principle to the proposed structure for the public health service in Brent as set out in the report from the Directors of Adult Social Care and Strategy, Partnerships and Improvement, subject to the interim Chief Executive considering the detail of the structure of the service and how it will be integrated within the council.

*Councillor Crane declared a personal and prejudicial interest in the above item and left the meeting having taken no part in the discussion thereon).*

**17. The future administration and governance of Barham Park Trust**

The report before the Executive from the Director of Legal and Procurement recommended the further separation of the council's role as Trustee for Barham Park Trust from its statutory role and functions as a London borough council, and the development of specific policies and procedures for the effective management and use of the Trust's assets in order to fulfil its charitable purposes. It also recommended changes to the financial management of the Trust funds. The review of governance issues was part of the major review of the Trust which started in 2009 and has been more actively pursued since the beginning of 2012. It also took into account matters raised by the Charity Commission. Members heard from Councillor Jones (Lead Member, Customers and Citizens) that the Charity Commission were satisfied with new arrangements and that Trust members would be trained in the financial and legal responsibilities of their role.

Councillor Lorber (Ward Councillor, Sudbury) expressed the view that the Trust should meet frequently, three or four times, particularly in its first year, to address concerns raised by and with the Charity Commission which, he felt, should have been set out in the report. He felt the Trust would give officers a clear direction emphasising that the Park should not be treated as a council asset.

Councillor Powney (Lead Member, Environment and Neighbourhoods) clarified that the purpose of the report was to establish principles of governance over the park and that the one meeting per year referred to in the report was the minimum. He drew attention to a consultation exercise on park improvements that was underway and felt that any change would be incremental given the financial situation. The Director of Legal and Procurement added that she felt it was now more appropriate to move forward under the new arrangements and was keen to ensure that the training to be provided was taken on board.

Councillor Butt assured that Trust would give consideration to the recommendations from the Charity Commission and welcomed the improved transparency of the new arrangements which would benefit the community.

RESOLVED:-

that agreement be given to the Executive carrying out the functions of trustee of Barham Park Trust and to:

- (i) note the Barham Park Trust status as a charitable trust

- (ii) arrange for the trustee functions in relation to Barham Park Trust to be discharged by a sub-committee of five members of the Executive to be known as 'Barham Park Trust Committee' namely Councillors Hirani, R Moher, Powney, Crane and Jones;
- (iii) agree the membership and terms of reference of the Barham Trust Committee of the Executive as set out in paragraph 3.7 of the report from the Director of Legal and Procurement;
- (iv) delegate the day to day trustee functions and decision making to the Assistant Director Neighbourhood Services in consultation with the Assistant Director Regeneration and Major Projects and the Deputy Director Finance and Corporate Services who shall collectively be known as the 'Barham Park Trust Management Team';
- (v) the officers in iv) above are delegated such executive powers relating to their service areas as are necessary to carry out the day to day trustee functions and, in so far as they relate to Barham Park Trust matters, these powers are the same as those delegated to Directors in those service areas under Part 4 of the Constitution;
- (vi) recommend to Full Council that the Director of Legal and Procurement be requested to amend the Constitution accordingly;
- (vii) note the Director of Legal and Procurement will provide specific guidance to members and officers in their role as trustee, and provide training;
- (viii) note that changes to the Trust accounts will be undertaken.

#### 18. **London 2012**

The Leader of the Council, Councillor Butt, was pleased to introduce the report which outlined the successful delivery of the London 2012 Games events and associated activities within Brent. He expressed a wish that the legacy of the Games would be a healthier community and a range of local improvements. Members echoed his sentiments and asked that staff involved be thanked for their contribution to the Games which were a success story for the borough,

RESOLVED:-

- (i) that the report from Interim Chief Executive and the successful delivery of London 2012 activities in Brent be noted;
- (ii) that the legacy implications for Brent of the London 2012 Games be noted.

#### 19. **Mid-Year Treasury Report 2012/13**

The report from the Deputy Director of Finance provided members with an update on recent treasury activity.

RESOLVED:

that the 2012/13 mid-year Treasury report as also submitted to the Council and Audit Committee be noted.

20. **Any Other Urgent Business**

None.

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

None.

The meeting ended at 8.15 pm

M BUTT  
Chair