



LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Monday 20 May 2013 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor R Moher (Vice-Chair) and Councillors A Choudry, Crane, Hirani, Mashari, McLennan, J Moher and Pavey

Also present: Councillors Cheese, Hashmi, Kansagra, Lorber, Krupa Sheth and Van Kalwala

Apologies for absence were received from: Councillors Denselow

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

None made.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 22 April 2013 be approved as an accurate record of the meeting.

3. **Matters arising**

None

4. **Authority to tender contracts for speech and language therapy services**

Councillor Pavey (Lead Member for Children and Families) introduced the report which concerned the procurement of Speech and Language therapy services in Brent. The report sought approval to invite tenders as required by Contract Standing Orders 88 and 89. Currently the services offered across Brent's schools and Children's Centres were provided via four separate contracts which were due to expire on 31 March 2014. The proposed procurement process sought to ensure service continuity, rationalise service provision and achieve an anticipated 3% savings. A further option to procure services in collaboration with the West London Alliance (WLA) was no longer being pursued following a meeting with the WLA Directors Board on 20 May 2013.

RESOLVED:

- (i) that the pre-tender considerations and the criteria to be used to evaluate tenders for two Speech and Language Therapy contracts as set out in paragraph 3.1 of the report from the Director of Children and Families be approved:

- (ii) that approval be given to officers to invite expressions of interest, agree shortlists, if relevant, and invite tenders in accordance with the procurement timetable and evaluate them in accordance with the approved evaluation criteria referred to in (i) above:
- (iii) that it be noted that options had been explored for a collaborative procurement with other West London Alliance boroughs which if feasible would have followed the same procurement process set out in (i) and (ii) by way of procuring two framework agreements; however, following a meeting with the West London Alliance Board of Directors, these options were no longer being pursued.

5. Cross-borough procurement of leisure services at Vale Farm - Award of Contract

Cross-borough procurement of leisure services was being pursued with Ealing and Harrow Council (the Partnership) and this would include the Brent facility of Vale Farm Sports Centre. The current leisure management contract for this facility was due to expire on 31 October 2013. The report from the Director of Environment and Neighbourhood Services provided an update on this procurement and set out proposals for the award of a contract to Sports and Leisure Management Ltd (SLM). SLM would invest in Vale Farm sports centre, providing enhanced sporting facilities to Brent residents including an expanded gym and improved changing facilities, whilst at the same time providing savings of £285,000 per annum. As part of the procurement process Brent council had specified standards of service, maintained control over casual swimming charges, retained its free swimming offer and developed a specification that would help deliver Brent's Strategy for Sport and Physical Activity. Sue Harper (Director of Environment and Neighbourhood Services) advised that it was also proposed to use prudential borrowing to fund the required £1.776m capital investment required for facility improvements and provision of gym equipment and noted that this compared favourably with the contractors borrowing rates.

Councillor Mashari, responding to a query from Councillor Cheese, advised that concessions would be maintained for pensioners, along with the free swimming offer.

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

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

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

RESOLVED:

- (i) that the award of a single 10 year contract for delivery of leisure management services for Brent, Ealing and Harrow Councils to Sports and Leisure Management Ltd based on their Variant bid for Brent at the cost explained in section 4 of the report from the Director of Environmental and Neighbourhood Services and detailed in confidential appendix 2 be approved:
- (ii) that it be noted that the contract award will only be implemented if Ealing and Harrow Council also approve the award.
- (iii) that approval be delegated to the Director of Environment and Neighbourhood Services in consultation with the Director of Legal and Procurement to finalise outstanding contractual matters.
- (iv) that the use of Prudential borrowing to fund the required £1.776M capital investment that would result in the facility improvements and provision of gym equipment detailed in paragraphs 4.4 and 4.5 of the report from the Director of Environment and Neighbourhood Services and which compared favourably to the contractor's borrowing rates, be authorised.
- (v) that the shared contract management model set out in paragraph 3.32 of the report be agreed, whereby Ealing would act on behalf of Brent and Harrow as the client for leisure services
- (vi) that an exemption from the usual tendering requirements of Contract Standing Orders be authorised to enable the award of a service contract to Ealing Council for the duration of this leisure management contract.
- (vii) that authority be delegated to the Director of Environment and Neighbourhood Services, in consultation with the Director of Legal and Procurement, to conclude and sign on the Council's behalf the Inter Authority Agreement discussed in paragraph 3.33 of the report.
- (viii) that the grant of leases to the new contractor of such Council premises as the Contractor may occupy for the purpose of the performance of the contract be approved; such leases to run concurrently with the contract and to be on terms to be agreed with the Director of Environment and Neighbourhood Services in consultation with the Director of Legal and Procurement and Assistant Director of Regeneration and Major Projects (Property and Asset Management).

6. South Kilburn Regeneration Phase 2b

Councillor Crane (Lead Member for Regeneration and Major Projects) introduced the report concerning the Durham Court, Gloucester House, Masefield House and Wordsworth House, which comprised Phase 2b of the South Kilburn regeneration programme. The report summarised the process undertaken in conducting a mini-competition under a framework with respect to Gloucester House and Durham Court. It was intended that the redevelopment of these sites would deliver high quality residential led development of approximately 214 new homes and an energy centre for the South Kilburn neighbourhood heating system. Members' attention was drawn to the revised Appendix 3 which set out the final scores awarded to all tenderers following evaluation. A preferred bidder which had submitted the most

economically advantageous tender was identified and approval was being sought to award the company a contract to develop detailed design and specification to RIBA Stage D+ as required by Contract Standing Order 88. The report also set out the rationale for seeking approval to an amended Allocation Policy for Phase 2b, which included an option to use a Compulsory Purchase Order (CPO) under section 226(1)(a) of the Town and Country Planning Act. The representations received in response to the consultation held and the council's response, were highlighted.

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 Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:

- (i) that a contract for a full architectural design team be awarded to Feilden Clegg Bradley Studios LLP from the Homes and Communities Agency's Multidisciplinary Panel Framework to lead the design team through to full planning application (RIBA Stage D+) for the redevelopment of Gloucester House and Durham Court in South Kilburn (being part of 'Phase 2b').
- (ii) that, having noted the responses to the consultation, as set out in Appendix 6 to the report from the Director of Regeneration and Major Projects, in connection with seeking approval of the Secretary of State for use in seeking possession of properties in Phase 2b under Ground 10A of Schedule 2 to the Housing Act 1985, authority be delegated to the Director of Regeneration and Major Projects to seek the Secretary of State's consent pursuant to Part V of Schedule 2 to the Housing Act 1985 to the disposal and development of Phase 2b for the purpose of Ground 10A of Schedule 2 to be used to obtain possession of dwellings occupied by Secure Tenants in Phase 2b, South Kilburn.
- (iii) that, having noted the responses to the consultation as set out in Appendix 6 to the report, in connection with the intention to make a Compulsory Purchase Order on properties in Phase 2b currently occupied by secure tenants and in connection with the draft Allocation Policy for secure tenants with homes in Phase 2b, the adoption of the Allocation Policy which will apply to all Secure Tenants with homes in Phase 2b and which includes the proposal to make a CPO on properties in Phase 2b currently occupied by secure tenants as well as seeking possession of properties in Phase 2b, be approved, subject to the Secretary of State's consent, under Ground 10A of Schedule 2 to the Housing Act 1985. This policy sets out the basis on which replacement homes would be allocated to Secure Tenants currently occupying homes in Phase 2b and the legal means to be adopted for seeking possession of dwellings occupied by Secure Tenants in Phase 2b through the use of Ground 10A of the Housing Act 1985 (if approval is given by the Secretary of State) and compulsory purchase powers under section 226(1)(a) of the Town and Country Planning Act 1990.

7. **Review of the School Expansion Programme 2012-2016**

The report before the Executive provided an update on the current projections of demand for primary, secondary and SEN provision and the associated proposals to increase provision to meet this demand. Approval was also sought to appoint a design team and associated services to progress the school expansion programme. Councillor Crane (Lead Member for Regeneration and Major Projects) emphasised that at present there was insufficient funding to undertake all of the proposals encompassed within the school expansion programme and that the council would need to bid for funds to meet basic need and continue to lobby the government for increased funding via London Councils. Andrew Donald (Director of Regeneration and Major Projects) advised that the council had a shortfall of approximately £2m for the proposed expansion of primary provision and £17m for the proposed secondary expansion schemes. Whilst the council had made progress in meeting this shortfall it was noted that there was a trend of increasing demand on school places.

Councillor Pavey (Lead Member for Children and Families) endorsed the proactive approach of the council in meeting demand and commented that good teaching and management created warm, positive school environments irrespective of school size.

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 Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:

- (i) that the update on demand for primary, secondary and SEN provision as set out in section 4 of the report from the Director of Regeneration and Major Projects and the Director of Children and Families be noted.
- (ii) that the update on primary, secondary and SEN proposals, as per section 5 of the report, be noted.
- (iii) that the proposals for providing temporary school places for 2013-14 as per section 6 of the report be approved.
- (iv) that the current allocation of funds as per the forecast allocation listed under Table 10 of the report be approved.
- (v) that a contract be awarded to Curl la Tourelle for the Design Services (including Architects, M&E, Landscape Architecture and Structural Engineering) for Phase 2 & 3 of the school expansion programme, as recommended in section 10 of the report.
- (vi) that it be noted that the total value of the contract was £1.34m at a fee rate of 3.193% based on the estimated building works contract sum of £42m.

(vii) that authority be delegated to the Director of Regeneration and Major Projects in consultation with the Lead Member for Regeneration and Major Projects to appoint one or more consultant services using existing Framework Agreements up to combined total value of £3m, for the expansion of the schemes referred to in sections 5 and 6 of the report.

8. Proposed redevelopment of the Learie Constantine Youth and Community Centre

The report from the Director of Regeneration and Major Projects set out a proposed redevelopment strategy for the Learie Constantine Youth and Community Centre, the freehold for which was owned by the Council. This strategy had been developed in collaboration with the Learie Constantine West Indian Association (the Association) which held the leasehold for the centre, with an unexpired term of approximately 84 years.

Mr Phil Sealy addressed the meeting on behalf of Mr Mullings (Chair of the Association) and drew members' attention to a written submission circulated in advance of the meeting. This document set out actions previous undertaken by the Association to attempt to purchase the freehold from the council and to pursue redevelopment of the centre on this basis, the proposals for which had included a residential unit for the Association's use.

Councillor Crane (Lead Member for Regeneration and Major Projects) advised that officers had been working with the Association to agree the best way forward to redevelop the centre. A joint venture agreement was proposed which would deliver the benefit of a new community centre for the Association and additional housing for the borough. The council was unable to support the Association's previous plans for redeveloping the centre as they did not meet best value considerations. Additionally, officers were unable to support the Association's wish to obtain residential dwellings for its use through redevelopment of the site as the Association did not currently have the benefit of residential accommodation. The report highlighted that there was the possibility of considering the redevelopment of the site comprehensively with adjacent Council owned land at 41-37 Dudden Hill Lane which currently held both vacant and occupied properties. Officers would continue to review this option, taking account of the circumstances of these properties and final redevelopment proposals would be put to the Executive for approval at a later date.

The Executive expressed its thanks to Phil Sealy for his representations to the meeting

RESOLVED:

- (i) that the proposed redevelopment strategy as set out in paragraphs 3.7 to 3.26 of the report from the Director of Regeneration and Major Projects be approved.
- (ii) that it be noted that there was an opportunity to consider the redevelopment of the Learie Constantine Centre site comprehensively with adjacent Council owned land at 41-37 Dudden Hill Lane to increase the total developable area, as set out in paragraphs 3.19 and 3.20.

(iii) that it be noted that the final redevelopment proposals would be submitted to the Executive for approval at a later date once the details have been agreed with the Learie Constantine West Indian Association and approved by the Council's Major Projects Review Panel.

9. Strathcona Road, Former Day Care Centre - proposed disposal on a subject to planning basis.

The council owned the freehold interest in the Strathcona Road site, which contained a property that was formerly a Day Care Centre, now decommissioned and vacant. It was proposed to dispose of the site for a capital receipt in line with the Council's Property and Asset Strategy, which sought to create savings through property and to achieve a redevelopment of the site that would best meet the Council's planning and regeneration policies. The report summarised the marketing and informal tender process that had been conducted and recommended a preferred bidder and reserve option to be pursued should matters not progress with the preferred bidder as desired.

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 Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED

- (i) that the disposal of the Strathcona Road site on a subject to planning basis to Howarth Homes Ltd. or a preferred purchaser, currently Metropolitan Housing Trust, for a capital receipt upon the grant of planning consent be approved.
- (ii) that, as a reserve in the event that the offer approved in recommendation (i) does not proceed satisfactorily, the offer from Rydon Construction/Catalyst Housing be approved
- (iii) that authority be delegated to the Assistant Director of Regeneration and Major Projects, Property and Asset Management, to agree the terms of the transaction in conjunction with the Director of Finance and Corporate Services.

10. Compulsory Purchase of a property in Woodheyes Road

Councillor McLennan (Lead Member for Housing) introduced a report seeking approval to make a Compulsory Purchase Order (CPO) in respect of a property in Woodheyes Road, which had remained vacant for more than 20 years. Despite numerous efforts, the potential legal owner of the property, who was believed to be an Australian citizen and living in Australia, could not be traced. It was considered that empty properties had a significant contribution to make to Brent's development of a sustainable community and in meeting housing needs. The property was considered to be in an ideal location and of a size suitable for a family in housing need.

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 Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:

- (i) that the use of compulsory purchase powers to acquire the property in Woodheyes Road (referred to in Appendix 2 to the report from the Director of Regeneration and Major Projects) under section 17 of the Housing Act 1985 be approved.
- (ii) that the Director of Legal Procurement Services be authorised to make and seal the Order for submission to the Secretary of State for Communities and Local Government for confirmation.
- (iii) that in the absence of a relevant objection to the Order, the Director of Legal and Procurement be authorised to confirm the said Compulsory Purchase Order in the event of the Secretary of State returning the Order.
- (iv) that upon confirmation of the Compulsory Purchase Order officers proceed with the acquisition of the property.
- (v) that subject to confirmation of the Compulsory Purchase Order, the disposal of the property at open market value to a Registered Social Landlord in the first instance, or by way of auction with covenants applied to bring the property back into use as soon as possible, be approved.
- (vi) that in the event that the proceeds of sale are unclaimed, in accordance with the compensation code within the statutory limitation period, the recycling of any residual receipt from the disposal back to the capital programme budget to secure funding for future private sector housing improvement, be approved.
- (vii) that the financial costs of the compulsory purchase order be indemnified through the capital programme.

11. Task Group Report - a review of gangs in Brent and the development of services for prevention, intervention and exiting

The Executive considered a report setting out the work, findings and recommendations of the Partnership and Place Overview and Scrutiny Committee's task group investigation into gangs and services for prevention, intervention and exiting. Councillor Van Kalwala (Chair of the Task Group) spoke to the report, highlighting the impact of gangs on communities and noting the complexity of the issue. National estimates indicated that gangs could affect up to 6 per cent of all 11-19 year olds in the borough; approximately 4000 Brent young people. The existing work to address this issue was commended, although the need to ensure a co-

ordinated and collaborative approach with partners and stakeholders was highlighted.

Councillor A Choudry (Lead Member for Crime Prevention and Public Safety) praised the work of the task group and acknowledged its contribution. Councillor Pavey (Lead Member for Children and Families) added his commendation, noting the importance of developing greater partnerships with schools to address this issue.

RESOLVED:

- (i) that the task group's recommendations be noted
- (ii) that officers consider the appropriateness of the task group's recommendations when revising Brent's community safety strategy and in the context of the Council's service planning and budget setting process.
- (iii) that the members of the task group be thanked for their work.

12. **Appointment to Outside Bodies**

RESOLVED:

- (i) that the following appointments to the Executive sub committees approved:

HIGHWAYS COMMITTEE

| Members | Alternates |
|--------------|------------|
| CHOUDRY | Hirani |
| DENSELOW | R Moher |
| MASHARI (VC) | Crane |
| McLENNAN | Pavey |
| J MOHER (C) | Butt |

BARHAM PARK TRUST COMMITTEE

CRANE
DENSELOW
HIRANI
R MOHER
MASHARI

- (ii) that the following appointments to the outside bodies be approved:

LONDON COUNCILS GRANTS COMMITTEE (ASSOCIATED JOINT COMMITTEE)

| | |
|------|-------------------------------------|
| BUTT | Hirani (Deputy) R Moher (Deputy) |
|------|-------------------------------------|

JOINT HOUSING CONSORTIUM

McLENNAN
OGUNRO

13. **Reference of item considered by Call in Overview and Scrutiny Committee (if any)**
14. **Any other urgent business**
None.

The meeting ended at 7.32 pm

M BUTT
Chair