



## LONDON BOROUGH OF BRENT

### MINUTES OF THE EXECUTIVE Monday 11 November 2013 at 7.00 pm

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

Also present: Councillors Chohan, Aden, S Choudhary and Hashmi

Apologies for absence were received from: Councillors J Moher

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

None.

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

RESOLVED:

that the minutes of the previous meeting held on 14 October 2013 be approved as an accurate record of the meeting.

#### 3. **Matters arising**

None.

#### 4. **Order of business**

The Executive agreed to change the order of business to take earlier in the meeting those items for which members of the public were present.

#### 5. **Deputation - HRA Asset Management Strategy**

With the consent of the Executive, Pete Firmin (representing Brent Fightback) addressed the meeting expressing concern over the HRA Asset Management strategy. He felt there was a general lack of clarity over the policy both with the public and members, the lack of support by tenants which was not accurately reflected in the outcome of the consultation and the extent to which new builds would be affordable at a time when many were experiencing higher costs of living. He drew comparisons proposals in LB Islington. Mr Firmin felt that the council's announcement of no increases in Council Tax levels was misleading if tenants were having to pay increased rents and to finance new builds. Mr Firmin and stressed the need for social and not market rents levels.

#### 6. **Housing Revenue Account - Asset Management Strategy**

The report from the Strategic Director of Regeneration and Growth set out a long-term approach to the maintenance and development of the council's housing assets in order to best meet its housing objectives. A draft of the strategy was agreed in July for consultation to proceed on the approach proposed. Brent tenants and leaseholders and the wider public were consulted on the draft strategy over an eight week period from early August to early October and it was felt that there was a high-level of endorsement for the approach proposed in the draft strategy and responses received were taken into account in finalising the strategy.

The Chair (Councillor Butt, Leader of the Council) responded to representations heard earlier in the meeting and drew attention to the council's difficult financial position and housing regeneration activity taking place around the borough to improve people's lives for example in South Kilburn, Alperton and Barham Park. Councillor McLennan (Lead Member, Housing) in introducing the report, advised that a decision had yet to be taken on the proportion of new builds that would be affordable but this would be in the region of 60-80%, at social not market rent levels. She welcomed the intention to build affordable new homes and the long term approach to meet objectives. Regarding the consultation, Councillor McLennan reported that this had been widespread and there was a high level of endorsement. A rent policy was under development and income would be used to improve existing and new council housing.

Andrew Donald (Strategic Director, Regeneration and Growth) clarified the position on rents which would not be set until February 2014. Social rent levels would be maintained in accordance with the existing rent conversion policy, with a commitment to increase to no more than the Retail Price Index. Affordable housing was a pre-requisite of government grant. Andrew Donald stated that the comparisons with boroughs such as Islington were unfair as Brent did not own surplus land.

Councillor Pavey (Lead Member, Children and Families) stated that advance notice of the report coming to the Executive had been given both in the consultation and on the council's forward plan and regretted that concerns expressed earlier in the meeting had not been raised earlier for proper discussion. As a member of the HRA reference group he acknowledged that the strategy was not perfect and regretted the need to increase rents. However the private sector rents were inflating and the number of homeless increasing.

RESOLVED:

- (i) that approval be given to the HRA Asset Management Strategy which is appended to the report and authorise its implementation from 1 April 2014;
- (ii) that agreement be given to an indicative five-year capital budget of £86.3m for stock investment, with the final budget being reported annually to the Executive for approval;
- (iii) that approval be given to proceed with an initial programme for the development of between 75 and 100 new affordable homes within the HRA estate for let at Affordable Rents with local consultation and scheme

development to be managed by Brent Housing Partnership and with the final schemes to be subject to approval by the Executive;

- (iv) that capital receipts that are realised from the disposal of HRA stock be ring-fenced for the development and acquisition of affordable housing through the HRA subject to annual approval in the capital programme, and that replacement receipts that have arisen from Right-to-Buy sales since April 2012 and that arise in the future, are additionally ring-fenced for the development or acquisition of affordable housing through the HRA;
- (v) that further examination is made of approaches to maximise the provision of new affordable housing with the intention being to develop one thousand affordable homes, including replacement homes, from 2014-2022, with this including examination of the use of corporate land-holdings, prudential borrowing, the contribution of BHP and relevant partnership arrangements to achieve this, and to report further to the Executive in respect of specific projects in relation to this;
- (vi) that approval be given to the rent policy set out in the Asset Management Strategy for the period 2014-19 with actual rent increases being subject to annual approval by the Executive;
- (vii) that under the HRA prudential borrowing regime, additional HRA borrowing of up to £20.6m be approved, to be used by March 2016;
- (viii) that it be noted that the responses to the consultation regarding the draft HRA Asset Management Strategy which are set out in Appendix 2 to this report;
- (ix) that the content of the Equality Impact Assessment which is set out in Appendix 3 to the report be noted.

## **7. Supporting People Services - accident prevention**

The report from the Acting Director Adult Social Services sought approval to award a contract for the provision of Accident Prevention and Handyperson Service as required by Standing Order 88(c). The report summarised the results of the procurement process undertaken by Brent officers and following completion of the evaluation recommended a contractor for award of the proposed contract. The report also set out the financial implications and other benefits associated with the contract.

Councillor Hirani (Lead Member, Adults and Health) stated that the successful bidder was better in terms of both price and quality and he was pleased the council would be able to continue to offer more services to vulnerable and elderly people.

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 approval be given to the award of the contract for Supporting People - Accident Prevention and Handyperson Service to Elders Voice for an initial contract period of two years with the option to extend for a further period of one plus one years;
- (ii) that it be noted that the value of the contract for the provision of Accident Prevention and Handyperson Services is estimated to be circa £137,000 per annum for up to four year duration of the contract over the contract period stated at paragraph (i) above;
- (iii) that it be noted the successful bidder is also the incumbent and therefore no transition period for contract implementation is required.

#### **8. Supporting People Services - emergency response**

Councillor Hirani (Lead Member, Adults and Health) introduced the report which sought approval to award a contract for the provision of Supporting People - Emergency Response as required by Standing Order 88(c). The report summarised the results of the procurement process undertaken by Brent officers and following completion of the evaluation, recommended a provider for award of the proposed contract the former having expired in March. Councillor Hirani referred to the financial implications and other benefits including activities associated with the contract. Councillor R Moher welcomed the award of the contract to Elders Voice, a local organisation.

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 approval be given to the award of the contract for Emergency Response to the Barnet Group for an initial contract period of two years with the option to extend for a further period of one plus one years;
- (ii) that it be noted that the value of the contract for the provision of Emergency Response Service is estimated to be circa £100,000 per annum for the contract period stated at paragraph (i) above.

#### **9. Registered Children's Homes Block Contract**

Councillor Pavey (Lead Member, Children and Families) introduced the report which requested approval to participate in a collaborative procurement with local authorities within the West London Alliance for the procurement of a 12 bed block contract for therapeutic children's homes placements. The initiative was designed to reduce spending on externally commissioned placements and to be more proactive. Costs would be reduced through economies of scale and travel costs with savings of £3.2M over three years. Councillor R Moher (Lead Member, Resources)

suggested that during negotiations, efforts be made to press for a better deal for the council given that there are no children's homes in the borough. The Executive noted that a further report at the tender award stage would be presented for approval prior to contract award.

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 approval be given to participate in a collaborative procurement of a 12 bed block contract for therapeutic children's homes placements led by one of the other West London Alliance boroughs;
- (ii) that approval be given to the collaborative procurement exercise described in paragraph (i) being exempted from the normal requirements of Brent's Contract Standing Orders in accordance with Contract Standing Orders 85(c) and 84(a) on the basis that there are good financial and operational reasons as set out in paragraph 3.4 to 3.8 of the report.

**10. Determination proposal to permanently expand St Joseph's Catholic Primary School by September 2014**

The report from the Acting Director of Children and Families informed the Executive of the outcome of the statutory proposal to alter St Joseph's Catholic Primary School through permanent expansion from September 2014 and recommended that it be approved. The Governing Body of St Joseph's Catholic Primary School was in agreement with the Diocese of Westminster and in partnership with Brent Local Authority has proposed to alter the school by adding one form of entry. Councillor Pavey (Lead Member, Children and Families) expressed concern that at the number of children who were without a school place and the expansion was the latest instalment in the programme. He commended the school which was very popular and the Governing Body were in favour of the expansion, as were the majority of parents.

RESOLVED:

- (i) that approval be given to the permanent expansion of St Joseph's Catholic Primary School (Voluntary Aided) by one form of entry from September 2014, conditional upon the grant of full planning permission under the Town and Country Planning Act 1990 by December 2013 or other such date as agreed by the Director of Children and Families and the Strategic Director of Regeneration and Growth;
- (ii) that it be noted that the reason for approving the alteration of St Joseph's Catholic Primary School is to provide permanent primary places in areas of the borough which have severe shortages of Reception and Year 1 school places.

## 11. **Cycle Training Contract Tender**

The Strategic Director, Environment and Neighbourhoods introduced her report which concerned the procurement of a cycle training provider for adults and children in Brent. It sought authority to invite tenders and delegate authority to award a contract. The Director referred to the funding received for cycling programme which she was very keen to encourage as it was a sustainable form of transport, good for health and was one the council's priority sports.

RESOLVED:

- (i) that approval be given to officers to invite tenders to provide cycle training for adults and children;
- (ii) that approval be given to the proposed evaluation criteria set out in paragraph 5.1 of the report;
- (iii) that approval be given to delegate authority to the Strategic Director of Environment and Neighbourhoods to award the contract, subject to notification of the award on the Executive Forward Plan.

## 12. **Appointment of Certificated Bailiffs for the collection of Penalty Charge Notice debts**

Councillor Pavey (Lead Member, Environment and Neighbourhoods) presented a report which sought approval to award contracts for the provision of certified bailiff services for the collection of unpaid debts in relation to parking and traffic Penalty Charge Notices as required by Standing Order 88. He reminded the Executive that there was a distinction between certified bailiffs and debt collectors and anticipated that the approach should be good value for money. The report also outlined why this approach to selecting certified bailiff services represents good value for the Local Authorities involved in the process on the basis that the method of allocating warrants attracts added value commitments from the Primary Bailiff.

RESOLVED:

- (i) that approval be given to the award of a contract for the recovery of parking debts, to Collect Services Limited (who will initially act as Primary Bailiffs) subject to satisfactory performance, for a period of three years with the option of extending the contract for a further two years;
- (ii) that approval be given to the award of contracts for the recovery of parking debts, to Newlyn PLC, Task Enforcement Limited, and J.B.W. Group Limited (who will initially act as Secondary Bailiffs) for a period of three years with the option of extending the contracts for a further two years;
- (iii) that the process proposed for changing the appointment of Primary Bailiffs described in paragraph 3.9 and delegate future decisions around this process to the Director of Environment and Neighbourhoods be noted;

- (iv) that approval be given to an exemption from the usual tendering requirements of Contract Standing Orders in respect of the direct award of contracts as detailed in (i) and (ii) above for the good financial and/or operational reasons set out in paragraphs 3.7 and 3.8 of the report.

### 13. **Delegation of Powers to Birmingham City Council**

The report from the Director of Environment and Neighbourhoods sought approval for the London Borough of Brent to authorise Birmingham City Council to investigate and institute proceedings against illegal money lenders operating within the Brent Council area. Councillor Mashari (Lead Member, Environment and Neighbourhoods) hoped that more could be done to help victims and promote credit unions given that poorest and most vulnerable were likely to suffer the most and welcomed the initiative which targeted illegal money lending activity and brought actions against those involved,

RESOLVED:

- (i) that approval be given to delegate to Birmingham City Council the function of the enforcement of Part III of the Consumer Credit Act 1974 within the London Borough of Brent and delegate to Birmingham City Council the power to institute criminal proceedings for any matters associated with illegal money lending or discovered during investigations by the Illegal Money Lending Team (ILMT) at Birmingham City Council;
- (ii) that approval be given to the "Protocol for Illegal Money Lending Team Investigations" attached as Appendix 1 and delegate authority to Strategic Director of Environment and Neighbourhoods in consultation with the Head of Consumer and Business Protection to enter into the protocol agreement on behalf of the London Borough of Brent with Birmingham City Council and, if required, approve minor alterations.

### 14. **School Expansion Programme - Phase 2 Permanent Primary School Expansion Works Contract, Preston Manor and Portfolio Update**

Councillor Crane (Lead Member, Regeneration and Major Projects) outlined progress of delivery of the Schools Capital Portfolio/School Expansion Programme. He was pleased to report that all on-time applications had been offered a school place however there were 600 late applications and the number out of school was rising weekly. While progress was being made, the council still required further government assistance for additional funds as the borough could not keep pace with demand. Councillor Crane advised that governing bodies who had rejected expansion proposals may be asked to reconsider.

Members supported Councillor McLennan's view that the importance of the applying for a school place before the deadline should be publicised and reinforced.

The Executive also had before them appendices to the report which were not for publication as they contained the following categories 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).

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

RESOLVED:

- (i) that the update on school place planning and pupil projections be noted;
- (ii) that the update on the current status of the Temporary Primary School Expansion Programme 2013/14 be noted;
- (iii) that the update on the current status of the Phase 1 and 2 Permanent Primary School Expansion Programmes be noted;
- (iv) that authority be delegated to the Strategic Director of Regeneration & Growth in consultation with the Director of Legal & Procurement and the Lead Member for Regeneration and Growth to award the works contracts for the following Phase 2 Permanent Primary School Expansion projects: Harlesden Primary, St Joseph's Primary, Wembley High Technology College and Preston Park Primary;
- (v) that in the event that the current procurement process referred to in paragraphs 3.16-3.24 fails to provide a tender that can be accepted, approval be given to a further procurement process via an open or restricted tender procedure through an OJEU advertisement as set out in Appendix 1, and agreement to the pre-tender considerations for this as set out in Appendix 2;
- (vi) that the update on the current status of the Phase 3 and 4 Permanent Primary School Expansion Programmes, in particular the inclusion of Islamia Primary School within the Phase 3 expansion programme be noted;
- (vii) that the update on the Secondary School Expansion Programme, including the Priority Schools Building Programme and free school be noted;
- (viii) that the update on the current status of Schools Capital Portfolio including SEN programme be noted;
- (ix) that authority be delegated to award a services contract for Project Management/Employers Agent services for the Schools Capital Portfolio using a framework to the Strategic Director of Regeneration and Growth in consultation with the Director of Legal and Procurement and the Lead Member for Regeneration and Growth;
- (x) that the Borough Solicitor be authorised to finalise and complete all required legal documentation in relation to the Phase 2 Permanent Primary School Expansion projects outlined in the report and in relation to the external project manager referred to at recommendation (ix).

## 15. Award of Contract for Mail Services



The report requested authority to award contracts as required by Contract Standing Order No 88a, summarised the process undertaken in selecting the supplier for the contracts and recommended to whom the contracts should be awarded. Councillor Denselow (Lead Member, Customers and Citizens) welcomed the contract awarded in collaboration with other London Boroughs and which had been competitors both in quality and price. All the council's mail would now be delivered by a single supplier.

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:

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RESOLVED:

- (i) that the Council's participation in a collaborative procurement under a framework agreement for contracts for mail services be noted;
- (ii) that approval be given to the award of a contract for Collection and Delivery of Mail to Royal Mail Group Limited, for a period of two years from 1 December 2013 with an option to extend from 1 December 2015 to 9 August 2016;
- (iii) that approval be given to the award of a contract for Hybrid Mail to Royal Mail Group Limited, for a period of two years from 1 December 2013 with an option to extend from 1 December 2015 to 9 August 2016.

## 16. **South Kilburn Regeneration Programme**

In introducing the report from the Strategic Director of Regeneration and Growth, Councillor Crane (Lead Member, Regeneration and Major Projects) summarised the progress made on the regeneration of South Kilburn and sets out approvals required by the Executive to further progress projects within Phases 2 and 3 of the regeneration programme. He was particularly pleased with the plans for a health centre in Peel Precinct at neutral costs which had been long awaited. An issue of concern was the plan for a ventilation shaft on the Queens Park site for HS2 and discussions were taking place to identify an alternative location. Should the council have to petition the bill before parliament, a report would be submitted to Full Council.

Councillor Denselow thanked the Regeneration Team for the work that had been done on basements in the Queens Park. Regarding the ventilation shaft, members present questioned the alternative site and the extent to which it was a suitable alternative. It was noted that consultation would take place.

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 progress made on the South Kilburn Regeneration Project as set out in this report be noted;

#### **Phase 1b Recommendations**

- (ii) that the Strategic Director of Regeneration and Growth's proposed amendments to the Development and Sales Agreement with Catalyst Housing Ltd in relation to former Cambridge Court, Wells Court and Ely Court and Bond Hicks Bolton and Wood House (together defined as Phase 1b), as set out in section 3 below be noted;
- (iii) that approval be given to the recycling the Phase 1b overage payment back into the South Kilburn Regeneration Programme to enable the early acquisition of leasehold interests;

#### **Site 18 Recommendations**

- (iv) that it be noted that if the Hybrid Parliamentary High Speed 2 (HS2) Bill ('HS2 Bill') once laid includes provision for a ventilation shaft on Site 18, that the question as to whether to oppose the HS2 Bill will be put to Full Council;

#### **Post Office Plus Site Recommendations**

- (v) that authority be delegated to the Strategic Director of Regeneration and Growth in conjunction with the Borough Solicitor and the Chief Finance Officer to enter into a Collaboration Agreement with Woodville Properties the landowner of 5-9 Chippenham Gardens and the Post Office site to bring forward a comprehensive redevelopment of 5-9 Chippenham Gardens and the Post Office site with the Council's adjoining land at 4-26 Stuart Road (together defined as the 'Post Office Plus Site') as shown edged red on Plan A at Appendix of the report from the Director of Regeneration and Growth;
- (vi) that approval be given to the removal of 4-26 Stuart Road as shown edged red on Plan B at Appendix 1, from the South Kilburn Regeneration Programme if the Strategic Director of Regeneration and Growth in conjunction with Borough Solicitor and Chief Finance Officer is unable to agree and enter into a Collaboration Agreement with Woodville Properties in respect of Post Office Plus Site;

#### **[Recommendations (vii) to (ix) are subject to entering into a Collaboration Agreement with Woodville Properties in respect of the Post Office Plus Site]**

- (vii) that a contract for a full architectural design team be awarded to PRP Architects to lead the design team through to a full planning application (RIBA Stage 3) for the redevelopment of the Post Office Plus Site;
- (viii) that the Director of Regeneration and Growth develop a draft allocation policy for allocating homes to secure tenants living within 4 -26 Stuart Road;

- (ix) that the Director of Regeneration and Growth commence statutory consultation with secure tenants residing in 4-26 Stuart Road on three proposals (i) statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of Schedule 2 to the Housing Act 1985 ("Ground 10A") (ii) consultation on the Council's proposal to make a CPO on properties in 4 - 26 Stuart Road that are currently occupied by secure tenants (iii) consultation in connection with the draft allocation policy for allocating homes to secure tenants living within 4 -26 Stuart Road. Officers will report back to the Executive on the outcome of the statutory consultation and may, depending on the outcome of the consultation seek Executive approval to (i) authorise the Director of Regeneration and Growth to seek the Secretary of State's consent to the disposal and development of 4 - 26 Stuart Road for the purpose of Ground 10A, (ii) authorise the final Allocation Policy for 4 - 26 Stuart Road, and (iii) proceed with securing vacant possession of properties within 4 - 26 Stuart Road occupied by secure tenants through negotiation and private treaty and then, if necessary, via possession proceedings based on Ground 10A and CPO;

### **Peel Recommendations**

- (x) that it be noted that officers intention, subject to the approval of the Borough Solicitor, to progress procurement of a full architectural design team to develop a hybrid planning application for 8 to 14 Neville Close (all numbers inclusive), 97 to 112 Carlton House, Peel Precinct (together defined as 'Peel') as shown edged red on Plan C at Appendix 1 by calling off either the Homes and Communities Agency (HCA) Multidisciplinary Panel or the GLA Architecture and Urbanism Consultants Framework Agreement Panel and report back to the Executive following award of contract;
- (xi) that the Strategic Director of Regeneration and Growth be authorised to procure a specialist health care provider through an open market tender process to enter into an agreement to take a lease of and manage the South Kilburn Health Centre to be developed within Peel and report back to the Executive to secure approval for award of the contract;
- (xii) that approval be given to the Strategic Director of Regeneration and Growth undertaking a mini competition under the Greater London Authority (GLA) London Development Panel subject to the approval of the Borough Solicitor, to identify a developer partner for the regeneration of Peel and report back to the Executive to secure approval for award of the contract;
- (xiii) that approval be given to set rent levels for the affordable units at Peel once complete, at a rent equivalent to HCA Target Rent Levels;
- (xiv) that approval be given to proceed with securing vacant possession of the properties and commercial units within Peel through negotiation and private treaty and then, if necessary, via possession proceedings based on Ground 10A in relation to the secure tenants and then CPO for all remaining interests;

- (xv) that the Executive authorise the Operational Director of Property and Projects (where the Operational Director of Property and Projects in conjunction with the Chief Finance Officer considers applicable) to acquire third party interests and rights within Peel as necessary to progress the project by way of negotiation;
- (xvi) that the Strategic Director of Regeneration and Growth be authorised to seek Secretary of State's consent to appropriate for planning purposes all interests in Peel;
- (xvii) that the Strategic Director of Regeneration and Growth be authorised to develop a draft allocation policy for allocating homes to secure tenants living within Peel;
- (xviii) that approval be given and the Strategic Director of Regeneration and Growth be authorised to commence statutory consultation with secure tenants residing in blocks earmarked for redevelopment within Peel on three proposals (i) statutory consultation in connection with seeking approval of the Secretary of State for use of Ground 10A of the Housing Act 1985 (ii) consultation on the Council's proposal to make a CPO on properties in Peel that are currently occupied by secure tenants (iii) consultation in connection with the draft allocation policy for allocating homes to secure tenants living within Peel. Officers will report back to the Executive on the outcome of the statutory consultation and may, depending on the outcome of the consultation seek Executive approval to (i) authorise the Director of Regeneration and Growth to seek the Secretary of State's consent to the disposal and development of Peel for the purpose of Ground 10A of the Housing Act 1985, (ii) authorise the final Allocation Policy for Peel, and (iii) proceed with securing vacant possession of properties within Peel occupied by secure tenants through negotiation and private treaty and then, if necessary, via possession proceedings based on Ground 10A and CPO;

### **Compulsory Purchase Order (CPO) Recommendations**

- (xix) that approval be given to the acquisition by agreement pursuant to section 227 of the Town and Country Planning Act 1990 and the making of a compulsory purchase order (CPO) pursuant to section 226 of the Town and Country Planning Act 1990 to acquire all non-Council interests (excluding secure tenancies) in the areas shown edged red on Plan C attached at Appendix 1 ('the CPO Land') being Peel respectively together with any new rights which may be required under section 13 of the Local Government (Miscellaneous) Provisions Act 1976 to facilitate the development of the CPO Land in furtherance of the regeneration of Peel (and such CPO being referred to in this report as "the CPO");
- (xx) that the Executive authorise the:
  - a) Submission of the CPO, once made in respect of the CPO Land, to the Secretary of State for confirmation whilst at the same time seeking to acquire the CPO Land by private negotiated treaty on such terms as may be agreed by the Operational Director Property and Projects;

- b) Operational Director Property and Projects to enter into agreements with and give undertakings to, on behalf of the Council the holders of all interests in the CPO Land or parties otherwise affected setting out the terms for the withdrawal of their objections to the confirmation of the CPO and including the offering back of any part of the CPO Land not required by the Council after the completion of the development at Peel or the acquisition of rights over the CPO Land in place of freehold acquisition, where such agreements or undertakings are appropriate;
- c) Making of one or more general vesting declarations or the service of Notices to Treat and Notices of Entry (as appropriate) pursuant to the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 respectively should the CPO be confirmed by the Secretary of State or otherwise;
- d) Serving of all requisite notices on the holders of the CPO Land relating to the making, confirmation and implementation of the CPO;
- e) Operational Director Property and Projects to remove from the CPO any plot (or any interest therein) no longer required to be acquired compulsorily for the Scheme to proceed and to amend the interest scheduled in the CPO (if so advised) and to alter the nature of the proposed acquisition from an acquisition of existing property interests to an acquisition of new rights (if so advised);
- f) Operational Director Property and Projects within the defined boundary of the CPO Land, to acquire land and/or new rights by agreement either in advance of the confirmation of compulsory purchase powers, if so advised, or following the confirmation of compulsory powers by the Secretary of State;
- g) Operational Director Property and Projects, if so advised, to seek to acquire for the Council by agreement any interest in land wholly or partly within the boundary of the CPO Land for which a valid blight notice has been served;

### **General Recommendations**

- (xxi) that authority be delegated to the Operational Director Property and Projects (where the Operational Director of Property and Projects in conjunction with the Chief Finance Officer consider applicable) to acquire third party leasehold interests, as necessary in Phase 3 and Phase 4 to progress the regeneration programme, at market value by way of negotiation including any compensation amounts properly payable up to a total value equivalent to the overage payment value set out at Appendix 2;
- (xxii) that the Strategic Director of Regeneration and Growth be authorised to develop a Local Lettings Policy for allocating homes within South Kilburn and to undertake any consultation legally required in relation to the Local Lettings Policy.

## **17. South Kilburn Regeneration Decentralised Energy Project**

The report from the Strategic Director of Regeneration and Growth concerned the proposed procurement of an Energy Supply Company ('ESCO') to deliver the South Kilburn decentralised energy system to install, manage and maintain the system and deliver heat to all properties developed as part of the regeneration of South Kilburn (referred to as 'the Project'). It sought the Executive's approval to alter the procurement process in respect of the Project as required by Contract Standing Orders 88 and 89 and sought approval to procure an ESCo to deliver the Project through a competitive procedure similar to the Competitive Dialogue procedure (as set out in the Public Contracts Regulations 2006). The report also sought approval to award a consultancy contract to Parsons Brinckerhoff Ltd to project manage the delivery of the project, advise on and provide commercial and strategic financial advice in respect of the Project.

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 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 progress made on the South Kilburn Decentralised Energy System Project be noted;
- (ii) that approval be given to the Strategic Director of Regeneration and Growth to undertake a competitive procurement procedure (similar to the Competitive Dialogue procedure (as set out in the Public Contracts Regulations 2006) to procure an Energy Supply Company ('ESCO') to deliver the Project;
- (iii) that approval be given to the evaluation criteria as set out in this report which will form the basis for evaluation of the bids and the ultimate selection of the ESCo to deliver the Project. Further, that the Executive approves the Strategic Director of Regeneration and Growth to develop the detailed evaluation methodology and respective weightings to be applied to the evaluation criteria, within the parameters of the evaluation criteria set out in this report, prior to recommencement of the procurement process;
- (iv) that a consultancy contract be awarded to Parsons Brinckerhoff Ltd to project manage the delivery of the project, advise on and provide commercial and strategic financial advice in respect of the project.

## 18. **Mid-year treasury report 2013/14**

Councillor R Moher (Lead Member, Resources) updated members on recent treasury activity. She highlighted the current position on Icelandic Bank loans and was pleased to report that £4m of the original £5m deposit to Glitner had been received and a further £1m remained ring fenced awaiting a decision. On Heritable,

only £0.6 of the original £10m deposit remained outstanding. No losses were expected.

The Chief Finance Officer concurred that the council could be more optimistic than previously but no guarantees could be absolute.

RESOLVED:

that the 2013/14 mid-year Treasury report as also submitted to the Council and Audit Committee be noted.

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

None.

20. **Any other urgent business**

None.

The meeting ended at 7.55 pm

M BUTT  
Chair