



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET Monday 27 July 2015 at 7.00 pm

PRESENT: Councillor Pavey (Vice Chair, in the Chair) and Councillors Denselow, Hirani, Mashari, McLennan, Moher and Southwood

Also present: Councillors Filson, Marquis and Stopp

Apologies for absence were received from: Councillor Butt

1. **Declarations of personal and prejudicial interests**
2. **Minutes of the previous meeting**

RESOLVED:

that the minutes of the previous meeting held on 29 June 2015 be approved as an accurate record of the meeting.

3. **Matters arising**

None.

4. **Order of business**

The Cabinet agreed to vary the order of business so as to take earlier in the meeting those items for which members of the public were present.

5. **2015/16 Temporary School Expansion Programme**

The joint report from the Strategic Director of Regeneration and Growth and the Strategic Director of Children and Young People sought approval from Cabinet for the 2015/16 Temporary Expansion Programme and use of annexe buildings in order to meet the council's statutory duty for the provision of sufficient school places for 2015/16 academic year.

With the consent of the Chair, Mr Philip Bromberg (Save Preston Library) addressed the meeting and questioned the inclusion of the former Preston Library premises in the council's Property Disposals Programme which he felt was incompatible with its current use as a community library. He reminded the Cabinet of the list of activities provided to which had recently been added holiday reading and a cinema. Mr Bromberg stated that visitor numbers had increased, there were at least 40 active volunteers and the community library was carrying out a number of activities formerly the responsibility of the council which accorded with council

policy. Mr Bromberg acknowledged reference in the report to future school use of the site taking into account local aspiration for the community library to continue in some way however felt there was a need for a clear direction from the council on sharing the site particularly as the licence to occupy expired on 31 July 2015. He called on the Cabinet to confirm the value their work and, as a result, declare support.

Mr Kaushik Bhattacharya, a local independent film maker, addressed the Cabinet and outlined recent film events hosted by the Community Library one of which was a documentary film on Brent in association with the British Film Institute, all of which been shown to full houses and well received. He felt this demonstrated the importance of the service to all the community. Mr Bhattacharya outlined proposed uses of an investment grant and plans to use alternative premises while building works were in progress. He encouraged Cabinet members to join the film club so as to observe its value at first hand and referred to the potential significant loss should the library have to be relocated or close.

The Chair consented to a submission from Mr Mel Hacker (local resident) who took issue with reference in the report to 'Preston Road Library' and to it being an annexe and pop up facility. Mr Hacker reminded the Cabinet that Preston Library had been in existence since 1964 and used by the whole community. He put that the Community Library was a fully fledged service providing a wide range of facilities with 653 visits since April.

Councillor Pavey (Deputy Leader, in the Chair) responded to the concerns from members of the public and reiterated that the council's priorities were school places. With the Community Asset Transfer programme it would work with the community to revitalise underused buildings. He assured that no decisions on the future of the community library site would be taken until July 2017 apart from finding school places for 60 children. He welcomed the use of the premises as cinema.

Councillor Mashari (Lead Member, Employment and Skills) emphasised the extent to which the members and officers had engaged with the Preston Community Library supporters including personal visits to the premises however promises could not be made to one community group outside of due process. Furthermore, it had always been made clear that the priority should be for school places.

Councillor McLennan (Lead Member, Housing and Development) in introducing the report, drew attention to the outcome of a review of GLA pupil projection data and projected need for school places. She confirmed that the indications in the report relating to property disposal had been superseded and that the approval had been given to an extension of the lease to the Community Library until July 2017. Councillor Moher (Lead Member, Children and Young People) referred to the projected number of primary pupils against capacity for 2015-16 which was currently 2.3% instead of the recommended 5% and regretted the necessity to use temporary classrooms with little prospect of improvement in the near future.

Councillor Pavey reconfirmed that school places were the priority however the reference in the report at 3.16, section 5, third paragraph, to disposal of the former Preston Library site to fund investment was inaccurate. He clarified that it should instead state 'The property is currently identified as being surplus to operational requirements from 2016/17. Approval of the proposal to extend the school use until

July 2017 will clearly mean that this will not be the case, with the impact being that there is no prospect of the building being disposed of either under Community Asset Transfer or for a commercial lease, until 2017/18.'

Councillor Denselow (Lead Member, Stronger Communities) acknowledged the proximity of the deadline for the extension of the lease for Preston Road Community Library and trusted they would receive assurances.

Gail Tolley (Strategic Director, Children and Young People) referred to the future pressure on secondary places as the primary school children move through the system and the reliance that would be placed on Free Schools. Councillor Moher drew attention to the proposals to expand Byron Court and Oakington Manor primary schools which would now not be ready for September 2015.

RESOLVED:

- (i) that the projected demand for primary school places in 2015/16 alongside the planned capacity be noted;
- (ii) that approval be given to the 2015/16 Temporary School Expansion Programme as described in paragraphs 3.9-3.12 of the report from the Strategic Directors Children and Young People and Regeneration and Growth;
- (iii) that approval be given to the budget of £2.148m for the 2015/16 Temporary School Expansion Programme to be met from secured Basic Need Funding within the Schools Capital Portfolio;
- (iv) that approval be given to the continued use of council buildings to meet the required number of school places across the borough as described in paragraphs 3.15-3.16 of the report and to delegate authority for the Operational Director, Property and Projects to enter into necessary licences for use with the managing schools.

6. **Tudor Gardens – Supporting Independent Living**

The report from the Strategic Director, Adults reminded the Cabinet that in February 2015 agreement had been given to consult residents, families and stakeholders on the proposal to deregister Tudor Gardens Residential Care home and re-provide it as supported living accommodation in line with the department's objectives to support people to have increased choice and control to live as independently as possible. Following a twelve-week statutory consultation on proposed changes, the report outlined the responses to that consultation, the potential impact on the residents and resulting recommendations taking into account the feedback that had been received from service users, family members, advocates, staff and unions.

With the consent of the Chair, Mr Ken Knight addressed the meeting on behalf of relatives and carers at Tudor Gardens Residential Care Home and spoke against the proposals to move towards more independent living for the residents. Mr Knight contrasted the finding in the Equalities Assessment document produced in February 2015 which stated that the impact of the proposals on the residents would be negative with the EA appended to the report now before members which now

stated that the change in policy would have a positive impact on residents. He circulated a document to members which highlighted the changes between the February pre consultation report and that now before members for approval.

Mr Knight felt that all the residents needed 24/7 care and, given their mental age, lacked the capacity to understand what was on offer. He felt residents were not ready for employment and in any event, no assessments had been carried out since the home had opened in 2010. Mr Knight expressed concern that the managers and staff were leaving, claimed that one in three members of staff were on zero hour contracts and that he had no confidence in the TUPE guarantees. He was also not confident that the most successful bidder would necessarily be the best service provider.

Phil Porter (Strategic Director, Adults) in responding to the concerns put forward by Mr Knight, drew attention to an addendum to the report published before the meeting, which sought to correct and clarify perceived anomalies in the original report based on comments from Mr Knight. Regarding the change in the Equalities Assessment, he advised that following consultation, a different conclusion had been reached on the impact on residents, resulting in the change from 'negative' to 'positive'. Phil Porter stated that supported living would give residents more control over the support they received, acknowledged concern over assessments and gave assurance that in the next stage of the process, the assessments would ensure that the new service fully met needs of Tudor Gardens residents.

Members expressed concern and requested clarification on the journey from negative impact to positive, the issue of residents' capacity and the thoroughness of the consultation exercise. Members heard that it was not uncommon for the result of the Equalities Assessment to change as the result of a consultation process as efforts would have been made to address concerns raised in the first stage of the assessment and proposals changed to accommodate. Phil Porter advised that it had been made clear that this was not the end of the process but that engagement would carry on throughout the procurement exercise.

Councillor Hirani acknowledged that the de-registration process was not easily understood and explained that where some of the responses from residents had clearly indicated a lack of capacity, these had been intentionally omitted so as to avoid embarrassment. On behalf of the Cabinet, Councillor Hirani thanked Ken Knight for his contribution.

Councillor Hirani then went on to outline the advantages of supported living and that, in the light of the outcome of the consultation, it was proposed that the de-registration process would commence. He referred to the support that would be available to residents who would have their accommodation costs met through housing benefits. Residents would also have greater security of tenure and would be assisted to make applications for personal entitlements. The number of people coming through the care system was increasing, approximately 200 in the current month, and the new proposals would allow the council to help more residents. He felt that consultation had been extensive and reminded the Cabinet that the scheme was due to go live in April 2016 and that de-registration was subject to Care Quality Commission approval. Councillor Hirani stated that the proposals were designed to offer a different mode of care, avoid duplication with the Department for Work and Pensions, benefit those of working age and promote independent living.

In response to an enquiry from Councillor Moher, the Cabinet heard that residents with high care needs would still have access to 24 hour care. On the question of capacity, Phil Porter acknowledged the varied needs of residents and assured members that the aim of the next phase in the process was to have individual assessment assisted by an advocate, provide more tailored support and ensure individual needs continued to be met through the new provision.

In response to questions from Councillor Southwood regarding Care Quality Commission monitoring and the market for service providers, Phil Porter advised that quality standards would be monitored as they would for any service the council purchased through the contract management team, the service would still be provided by a provider registered and inspected by the CQC, that there were a large number of potential service providers and that TUPE would apply.

Councillor Pavey requested a note be sent to members of the Cabinet setting out in more detail the reasons for the change in the Equality Assessment, and Councillor Hirani confirmed that a further report would come back to Cabinet at the end of the procurement process, which would evidence not only that the assessment process had informed the procurement process, but also that all needs would continue to be met.

RESOLVED:

- (i) that the responses received during the consultation meetings over the 90 statutory consultation days between March and June 2015 as amended in the supplementary report, be noted;
- (ii) that approval be given to start the process to de-register Tudor Gardens as a residential care home and the re-provide as supported living accommodation for the reasons detailed in paragraphs 3.7 and 3.8 of the report;
- (iii) that approval be given to the invitation of tenders for the on site care and support services at Tudor Gardens on the basis of the pre-tender considerations set out in paragraph 7.1 of the report;
- (iv) that approval be given to the evaluation of the tenders referred to in (iii) above on the basis of the evaluation criteria set out in paragraph 7.1 of the report.

7. Adult Social Care Transforming Day Care-Direct Services

Councillor Hirani (Lead Member, Adults, Health and Well-being) introduced the report from the Strategic Director, Adults which reported on the outcome of consultation with service users, carers and stakeholders, agreed by Cabinet in February 2015, on the proposal to close Kingsbury Resource Centre and re-provide day opportunities services in the voluntary and independent sector. Consultation was carried out over three months; March, April and May 2015. Cabinet also agreed for council officers to consult and work up proposals to ensure the future financial viability of New Millennium Day Centre and that this would be done co-productively working with service users, carers and staff.

Councillor Hirani summarised the outcome of the consultation process, the options for change and the recommended course of action for the future of Kingsbury Resource Centre and New Millennium Day Centre. The proposal before the Cabinet was to remodel the New Millennium Day Centre as a hub to support users to use the community and to also better use the building through with extended operational hours.

Cabinet members expressed support for the proposals which were designed to give users more choice and improve their quality of life.

RESOLVED:

- (i) that the responses received during the consultation and co-production meetings held in March, April and May 2015 on the council proposals to close Kingsbury Resource Centre and remodel services at New Millennium Day Centre, be noted;
- (ii) that approval be given to the closure of Kingsbury Resource Centre following a comprehensive and inclusive reassessment and support planning process for current service users, noting that any closure would be subject to a further statutory 45 day staff and union consultation;
- (iii) that agreement be given to the remodelling of services at New Millennium to create a social enterprise. A full business case, including detailed financial implications and an implementation plan will be brought back to Cabinet in the autumn for further discussion and agreement.

8. **Brent Mental Health Improvement operating model and Section 75**

The report from the Strategic Director, Adults set out the outcomes of the Mental Health Operating Model work, which had been undertaken in partnership with Central and North West London NHS Foundation Trust (CNWL) and NHS Brent CCG (Clinical Commissioning Group) to develop a new assessment and care management model for community mental health services in Brent. It explained the thinking behind the new operating model and its fit into the broader mental health system and the wider work on mental health improvement that was taking place in North West London.

Councillor Hirani (Lead Member, Adults, Health and Well-being) in introducing the report, outlined the context referring to the recent Care Quality Commission inspection and the need for improved care coordination resource within the community mental health teams. Councillor Hirani highlighted proposals for the new operating model whose new structure would be based on a single point of access for all new referrals and also the establishment of a Brent Recovery Service delivering a range of functions including a “Staying Well Plan” for each service user being discharged. Future work would also include improved access to private housing, joint commissioning with the Clinical Commissioning Group, voluntary sector commissioning and improved partnership arrangements.

Members welcomed in particular the opportunity to improve integration and reduce fragmentation between services. They also looked forward to the introduction of a

“Staying Well Plan”, involvement with Employment Support Services and training to help reduce isolation and joint commissioning.

RESOLVED:

- (i) that the work of the Brent Mental Health Improvement Project to date be noted;
- (ii) that the emerging Brent community mental health service operating model be endorsed and approval given to the move towards implementation;
- (iii) that the move towards joint commissioning with Brent CCG of community mental health service teams and mental health services commissioned from the voluntary sector be endorsed;
- (iv) that approval be given to the extension of partnership arrangements with Central and North West London NHS Foundation Trust by entering into a 12 month partnership agreement under section 75 National Health Service Act 2006 for the delivery of mental health social care services;
- (v) that approval be given to an exemption from the usual requirements of Contract Standing Orders to carry out a tendering process in relation to High Value Contracts to permit the council to enter into the partnership agreement referred to in recommendation (iv) above for the good operational reasons set out in the report at paragraphs 3.52 and 3.53.

9. **Bridge Park Redevelopment - to enter into Heads of Terms**

Councillor McLennan (Lead Member, Housing and Development) was pleased to introduce the report which provided an update on the lands at Unisys and Bridge Park Leisure Centre and which sought agreement to enter into Heads of Terms with General Mediterranean Holding SA (“GMH”) as Guarantor and Harborough Invest Inc as Property Owner. The agreement was to sell part of the land owned by the London Borough of Brent at BPCLC to fund the design and build of a new leisure centre paid for out of the proceeds of sale and advanced Community Infrastructure Levy (CIL). Members were reminded that the report followed on from two previous reports to the Executive on 17 June 2013 and 17 February 2014 and it also set out the next steps following entering the Heads of Terms.

The current proposal was for a hotel and housing development on the land to be developed by GMH and Harborough and Councillor McLennan referred to discussions taking place on percentage of accommodation that would be designated as affordable. Councillor McLennan looked forward to the health benefits of having a swimming pool in the leisure centre while acknowledging the annual revenue costs.

Members welcomed the opportunity to develop the site which was long awaited. They urged officers to negotiate as hard as possible for a significant proportion of the housing development to be affordable mindful of the restrictions on viability. Reference was made to recent advertisements abroad for housing development in Willesden and Councillor McLennan referred to the need for a policy to avoid this. Councillor Hirani referred to residents who were not entitled to social and affordable

housing and enquired about the option of buy to rent. Councillor McLennan assured that a mix of housing development was under consideration.

Councillor Filson (Chair of Scrutiny Committee) stressed the importance of obtaining accurate financial status checks on General Mediterranean Holding SA and Harborough Invest Inc as they were both in overseas ownership and not registered at Companies House and also thorough background checks. Members noted that any concerns would be reported back. He also drew attention to the staffing implications should the existing centre not remain open until the new premises was complete.

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

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

RESOLVED:

- (i) that authority be delegated to the Strategic Director of Regeneration and Growth in consultation with the Chief Finance Officer and Chief Operating Officer to finalise negotiations and enter into Heads of Terms with General Mediterranean Holding SA as Guarantor and Harborough Invest Inc as Property Owner in substantially the form set out in Appendix 3 of the report from the Strategic Director, Regeneration and Growth;
- (ii) that authority be delegated to the Strategic Director of Regeneration and Growth in consultation with the Chief Finance Officer and Chief Operating Officer to enter into negotiations, finalise and enter into a land sale agreement with General Mediterranean Holding SA and Harborough Invest Inc.

10. **Sudbury Town Neighbourhood Plan Referendum**

Following the independent examination of the Sudbury Town Neighbourhood Plan, the report from the Strategic Director, Regeneration and Growth sought approval for the Plan to proceed to referendum subject to the modifications set out in the examiner's report. Subject to the majority of those who vote in the referendum being in favour of the Plan, it was recommended the Plan is made (adopted) by the Council as planning policy for the neighbourhood area.

RESOLVED:

- (i) that Sudbury Town Neighbourhood Plan, incorporating the recommended changes of the examiner, proceed to referendum;
- (ii) that subject to the majority of those who vote in the referendum being in favour of the Plan, the Plan is made (adopted) by the Council.

11. **Housing Supply and Demand - Homelessness, Allocations, and Social Lettings**

Councillor McLennan (Lead Member, Housing and Development) introduced the report from the Strategic Director, Regeneration and Growth) which provided an analysis of housing supply and demand issues, including performance in 2014/15 and challenges for 2015/16 onwards. She referred to the challenges of homelessness, temporary accommodation and evictions and the report set out proposals in response which included inside and outside borough provision. Councillor McLennan also drew attention to proposals for BHP to operate a leasing scheme and also establish an ethical lettings agency.

RESOLVED:

- (i) that the analysis of affordable housing supply and demand issues, including performance in 2014/15 and challenges for 2015/16 onwards be noted;
- (ii) that agreement be given to the revised Placement Policy for Temporary Accommodation and Private Rented Accommodation (PRSO) as set out in Appendix D to the report from the Strategic Director, Regeneration and Growth;
- (iii) that Brent Housing Partnership set up an ethical lettings agency as set out in paragraphs 4.23 to 4.26 of the report;
- (iv) that the Council award the contract to Brent Housing Partnership to continue to operate The Brent Direct Leasing Scheme (BDL) subject to consent being provided by the Secretary of State under section 27 of the Housing Act 1985;
- (v) that approval be given to an exemption from the usual requirements of Contract Standing Orders to carry out a tendering process in relation to High Value contracts, to allow the award of the contract referred to in Recommendation (iv) above to Brent Housing Partnership for the good financial / operational reasons set out in paragraphs 5.20 and 5.25 of the report.
- (vi) that agreement be given to the target proportion of social lettings for 2015-16 for homeless, housing register and transfer applicants as set out in paragraph 6.12 in the main body of the report.

12. Wembley and Alperton Housing Zones

Councillor McLennan was pleased to report that the Council had secured GLA Housing Zone designations for Wembley and Alperton which would help to accelerate the delivery of hundreds of new homes and bring forward regeneration in these areas. Cabinet noted that on 15 September 2014, approval had been given for the Council to submit bids to the GLA for Alperton and Wembley to become Housing Zones and agreed for a further report to be brought to Cabinet on the required funding arrangements between the Council and the GLA and any associated matters requiring approval.

It was noted that the Housing Zone designations would be used to increase and accelerate the delivery of new homes in Wembley and Alperton, largely through the acquisition and assembly of land, and by working with development partners.

Transport infrastructure would also be improved and Councillor McLennan paid tribute to the work of staff in the Regeneration Investment Team.

RESOLVED:

- (i) that approval be given in principle to entering into contract with the Greater London Authority to receive Housing Zone grant funding to assist with delivery of the Housing Zone objectives in Alperton (£13.9million) and Wembley (£8 million) with approval of the terms of such funding contracts to be delegated to the Strategic Director for Regeneration and Growth in consultation with the Chief Financial Officer;
- (ii) that approval in principle be given to taking steps to make use for development of retained land along the Wembley High Road frontage at Ark Elvin Academy through the Wembley Housing Zone, subject to receiving section 77 approval from the Secretary of State for Education and subject to meeting agreed costs in the fit out of the new academy;
- (iii) that the intention to make use of the Mayor's London Development Panel to develop the retained land at Ark Elvin Academy and to form a development partnership for the Wembley Housing Zone be noted;
- (iv) that authority be delegated to the Strategic Director for Regeneration and Growth in consultation with the Chief Finance Officer to take steps to dispose of the retained land at Ark Elvin Academy. The final decision on the disposal of the land will be subject to a final decision remaining with Cabinet;
- (v) that approval in principle be given to make Compulsory Purchase Orders of land interests within the Housing Zones under Planning, Housing and Highways legislation to bring forward the development objectives, subject to a further specific resolution of Cabinet in respect of the making of each order.

13. Brent Council Membership of the West London Economic Prosperity Board

The Cabinet considered the report from the Chief Executive which sought approval to establish a Joint Committee to be known as "West London Economic Prosperity Board," in partnership initially with Barnet, Ealing, Harrow and Hounslow (with other WLA members, namely Hammersmith & Fulham and Hillingdon also potentially joining later). The Cabinet also noted that the Leader or person nominated by the Leader, would take up membership of the Board on the behalf of Brent.

RESOLVED:

that the following be noted:

- (i) that Brent Council will enter into arrangements with some other West London local authorities for certain of their functions (as specified in the report) to be discharged jointly;

- (ii) that the Leader, having consulted the Chief Legal Officer, will agree the arrangements for functions and procedures (see Appendix 1) with the other authorities and/or their executives as appropriate;
- (iii) that the arrangements will include a Joint Committee (to be known as “the West London Economic Prosperity Board”);
- (iv) that the Leader (or suitable alternative chosen by the Leader) will be appointed as a voting member of the Joint Committee;
- (v) that the functions to be discharged by the Joint Committee will be with the intention of promoting economic prosperity within the local government areas of the participating boroughs;
- (vi) that it is anticipated that the participating boroughs will initially be Barnet, Brent, Ealing, Harrow and Hounslow, but that other WLA members (namely, Hammersmith & Fulham and Hillingdon) are also invited to join;
- (vii) that any changes to the constitution resulting from this report will be reported to Full Council for approval.

14. Financial Report - May 2015

The report from the Chief Finance Officer highlighted the overall financial position of the Council as at May 2015 including a Revenue Budget monitoring summary, 2015/16 Savings, Council Tax and NNDR Collection Rates, Other debt analysis and collection and Capital Programme monitoring summary. Councillor Pavey (Deputy Leader) considered the report a worthwhile reminder of the council’s financial position, including the current forecast risk the general fund budget being overspent by £2.6m by the year end. Members put forwards proposals to control spending including use of assets to reduce use of temporary accommodation and also noted efforts being made to recruit permanent social workers thereby decreasing the use of agency social workers. Attention was drawn to the Brent Start forecast overspend attributed to a unexpected reduction in classroom capacity and management information was being reviewed to ensure the final claim was fully accurate (and therefore maximising the grant draw down) and the provision of additional courses that would deliver further qualification outcomes. Council Tax collection was also down on last year and a procedure review was under way to improve processes.

RESOLVED:

that financial position of the Council as at the end of May 2015 be noted.

15. Reference of item considered by Scrutiny Committee

With the consent of the Cabinet, Councillor Filson (Chair, Scrutiny Committee) gave an update on discussion at the previous meeting held on 17 July 2015 which had considered Brent Housing Partnership performance in particular voids turnaround performance and also the impact of central government’s Right To Buy extension.

16. **Any other urgent business**

None.

The meeting ended at 9.05 pm

M PAVEY
Vice Chair, in the Chair