



LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Monday, 18 July 2011 at 7.00 pm

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

ALSO PRESENT: Councillors S Choudhary, Hashmi, Lorber, HB Patel and RS Patel

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

Councillor Beswick declared a personal and prejudicial interest in the item relating to the Church End Development, having a relative living in the vicinity, left the room and took no part in the discussion or decision thereon.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 13 June 2011 be approved as an accurate record of the meeting.

3. **Order of business**

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

4. **Future funding of an events programme**

The report from the Director of Customer and Community Engagement outlined priorities underpinning the future delivery of an events programme and also options for funding within the current financial constraints. Members of the Hindu Council were present at the meeting but waived the right to speak. The Lead Member, Customers and Citizens, Councillor Jones, reminded the Executive of the outcome of the consultation exercise carried out earlier in the year, the concern that faith and cultural events were not seen to be inclusive and for the council to meet its obligations under the Equality Act 2010. Before members were proposals for a festivals and events programme from September 2011 and Councillor Jones recommended that this programme cease from April 2012. She recognised that some organisations relied on council funding but emphasised the need for the council to make legal and rational decisions. It was hoped that council officers would be able to give advice to organisations in making their own arrangements. The Chair, Councillor John, reiterated that funding for events would continue in the current year and set out the events that would receive council funding, acknowledging that some aspects of the programme in previous years may change.

Councillor Lorber (Leader of the Opposition) referred to the diverse nature of his ward and to the many festivals that had been celebrated over the years. He challenged the description of the events as religious and stated that they were inclusive, inviting the whole community and gave an opportunity to improve relations. Councillor Lorber asked for details of the equalities concerns referred to earlier in the meeting and questioned whether other events could also be affected such as Black History Month and Fireworks Night. He also felt that the matter should be raised at Full Council. Councillor HB Patel reminded the Executive that religious and cultural events had been celebrated for many years, that this was a diverse borough and that there was no clear evidence that they were not valued.

Councillor John in response referred to the new responsibilities placed on local authorities under the Equality Act, guidance on which was published in April this year and which required a new approach. She drew attention to the microsite and appendices to the report which contained the Equality Impact Assessment and audit carried out. Councillor John stated that it was recognised that some groups were relying on receiving funding in the current year and consequently it was being recommended that financial support be given for the interim and the funding cease with effect from April 2012. A realistic programme from September would be supported within the time and staffing resources available and Councillor John again listed the events that the council would help to fund which included Fireworks Night for health and safety reasons.

Councillor Powney (Lead Member, Environment and Neighbourhoods) also referred to the new responsibilities under the Equality Act which he felt were significantly different. He stated that some evidence from the consultation indicated that people did not view the religious events as inclusive but community specific. There was no suggestion that they cease but only to no longer be council funded. There was nothing to prevent members of the council from putting a motion to full council should they wish for further debate.

The Executive agreed the proposals as moved by Councillor John.

RESOLVED:-

- (i) that in the light of the council's equalities responsibilities, delivery of any cultural/faith based events cease from April 2012 and a reduced programme be delivered;
- (ii) that during this transition year 2011/12 officers look to support the delivery of a realistic programme of work within the budget available to include:
 - Festival of Light celebration combined with Fireworks Night on 5 November
 - Eid
 - Navratri grant
 - Festive Lights (tree dressing)
 - Chanukah
 - Holocaust Memorial Day
 - St Patrick's Day
 - St George's Day

- (iii) that it be noted that the delivery of certain major events would not be able to take place due to insufficient time to programme any large scale events and the necessary recruitment of specialist staff;
- (iv) that the commitment to providing advice and support for local community groups to stage a broad range of celebratory events be endorsed;
- (v) that the priorities underpinning any future delivery of an inclusive events programme be noted.

5. Petition - Save Preston Library

The Executive had before them a petition in support of the Save Preston Library Campaign which opposed the sale or redevelopment of the library site that did not include a Brent public library. The Chair, Councillor John, advised that a Judicial Review of the earlier decision to close a number of Brent libraries was due to commence the following day in the High Court and consequently it had been decided to defer consideration of the report from the Director of Regeneration of Major Projects on the library asset strategy. The petitioners were invited to present their petition this evening or at later date when the report was considered.

In response to questions from the petitioners on the reason for the withdrawal of the report at this late stage, Councillor John responded that it was considered that the pending Judicial Review would constrain what members would be able to say and, as such, hinder discussion on the report. Samantha Warrington on behalf of the petitioners, agreed to defer formal presentation of the petition.

6. Asset Strategy for buildings to be vacated consequent to the outcome of the Library Transformation Programme

RESOLVED:

that in the light of the Judicial Review hearing scheduled to commence the following day, consideration of the report on proposals for an asset strategy for vacated library buildings be deferred.

7. The future of the housing stock: proposals for future ownership, investment and management

The report from the Director of Regeneration and Major Projects considered two recent developments relating to the provision of housing services in Brent. Firstly, the reform arrangements for the Housing Revenue Account system as proposed by central government, which would see a transfer of responsibility from the current national subsidy system to a locally managed, self-financing arrangement. The report set out the implications of the proposed settlement and in the light of this made recommendations for the future of the housing stock. Secondly, the Council had recently completed an independent review of the housing management arrangements for its housing stock. The management agreement between the Council and Brent Housing Partnership (BHP), an Arms Length Management Organisation (ALMO) was due to expire in August 2012 and the review considered

a range of options in order to test the most effective and efficient arrangements for the future delivery of the housing management service.

Councillor Long (Lead Member, Housing) in introducing the report referred to the government's reform of the Housing Revenue Account system which would have the effect of reducing the HRA debt considerably and resulting in the full range of stock ownership, investment and management options being financially viable over the medium term. On housing management, Councillor Long stated that housing stock transfer as a result of the South Kilburn regeneration programme would eventually mean that the total housing stock within the HRA would reduce to only 7,000 properties. A number of options had been considered including partnership management, outsourcing a directly managed housing management service and she outlined the reasons why these had been discounted. The recommended options were either direct management in-house by the council or an 'optimised ALMO'. Councillor Long indicated that it was felt that a transfer back to the council would not be popular and would have financial implications. An optimised ALMO was proposed and she referred members to the advantages. Consultation would take place with tenants.

The Chair Councillor John paid tribute to valuable work of Brent Housing Partnership (BHP), welcomed Gerry Doherty (BHP, interim Chief Executive) and Kathy Ellison (Chair, BHP Board) to the meeting and stated she looked forward to the future.

RESOLVED:-

- (i) that in the light of the recent Housing Revenue Account settlement, the council retain ownership of its existing housing stock;
- (ii) that in the light of the recent Independent Review of Housing Management, the council consults tenants and residents on a preferred option to manage the housing stock through Brent Housing Partnership, as an Optimised Arms Length Management Organisation focusing strongly on housing management;
- (iii) that a new management agreement between the council and Brent Housing Partnership be drafted, with full heads of terms to be completed by October 2011;
- (iv) that in considering how best to optimise BHP, a full review be undertaken of the following functions (to be completed by October 2011), with a view to delivering improvements and efficiencies:
 - human resources
 - finance processing
 - communications
 - legal
 - procurement
 - contract alignment
 - rent accounting
 - rent collection
 - aids and adaptations

- (v) that a joint governance review be undertaken between the council and Brent Housing Partnership (to be completed by October 2011), which would review both the BHP Board structure and the relationship between the council and BHP, with a view to ensuring that BHP was fit for purpose for the duration of the proposed new management agreement;
- (vi) that following the outcome of the consultation as set out in paragraph (ii) above and after the reviews set out in paragraphs (iv) and (v) above have been carried out, a report be presented to the Executive in early 2012 regarding a final decision on the future role of BHP and the management of the Council's housing stock after the current BHP Management Agreement expires in September 2012.

8. Arts Development Strategy

The report from the Director of Environment and Neighbourhood Services outlined the Arts Development Strategy (Appendix 1 to the report) for the council which had been developed following the recent consultation. It also proposed the council's delivery of an Arts Development Programme for the borough within the current financial constraints. Councillor Powney (Lead Member, Environment and Neighbourhoods) referred to the improvements outlined in the strategy and acknowledged the reduction in grant to the Tricycle Theatre. There would be a focus on the new Civic Centre and Willesden Green Library.

RESOLVED:-

- (i) that the Arts Development Strategy attached as Appendix 1 to the report from the Director of Environment and Neighbourhood Services be approved;
- (ii) that approval be given to the proposals in paragraph 7.0 of the Director's report. This would deliver an arts programme against the four key priorities and reduce the grant to the Tricycle Theatre by £20k per annum;
- (iii) that the council's commitment to the future development of arts and cultural activities in the borough at the new Civic Centre and a new cultural hub in Willesden, conditional on the proposed redevelopment progressing be endorsed.

9. Authority to Invite Tenders for the Parking Enforcement and Notice Processing Contracts

The Lead Member, Highways and Transportation, Councillor J Moher, introduced the report which sought authority to invite tenders for the Parking Enforcement and Notice Processing contracts to commence 4 July 2012, as required by Contract Standing Orders 88 and 89.

RESOLVED:-

- (i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 4.1 of the report from the Director of Environment and Neighbourhood Services;

- (ii) that approval be given to officers inviting expressions of interest, agreeing shortlists, inviting tenders for the Parking Enforcement and Notice Processing contracts and their evaluation in accordance with the approved evaluation criteria referred to in (i) above.

10. **Additional street cleansing savings**

The 2011-12 budget making process made some explicit decisions about reduction in service levels in street cleaning. There were also further savings built into the budget which required negotiation with Veolia as to how they could be achieved. The report from the Director of Environment and Neighbourhood Services recommended the approval of further variations in the council's waste services contract in order to meet agreed budget reductions and Councillor J Moher (Lead Member, Highways and Transportation) referred members to the specific changes proposed in the report.

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 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 requirement to achieve further reductions in the cost of the Council's Waste Services Contract and the progress of negotiations relating to those reductions set out in paragraphs 3.3 to 3.7 of the report from the Director of Environment and Neighbourhood Services be noted;
- (ii) that agreement be given the package of changes to street cleaning services set out in paragraph 3.10 of the report from the Director of Environment and Neighbourhood Services;
- (iii) that the intention to seek further cost reductions from the waste services contractor in relation to the agreed changes be noted and authority delegated to the Director of Environment and Neighbourhood Services and the Director of Finance and Corporate Services to conclude those negotiations.

11. **South Kilburn update report**

The report from the Director of Regeneration and Major Projects summarised the progress made on the regeneration of South Kilburn which, as the Lead Member Councillor Crane pointed out, had been in discussion for more than a decade and was now taking shape. The regeneration programme was one of the largest in London, with four sites, three of which already had planning permission, the final

one to be agreed in 2012. Councillor Crane drew attention to the various aspects of the project as set out in the report which required approval. The former Albert Road Day Centre site presented a further opportunity for development.

Finally Councillor Crane was pleased to be able to recommend rent levels that were affordable and commended the work of officers in achieving this outcome.

The Executive agreed the report.

RESOLVED:-

- (i) that the Executive note the progress made on the South Kilburn Regeneration project as set out in the report;
- (ii) that agreement be given to progress with Phase 2 of the regeneration proposals in line with the overall phasing strategy, including the redevelopment of Bronte and Fielding Houses, the Queens Park Station area (Zone 18) and 4-26 Stuart Road;
- (iii) that officers be authorised to take preparatory steps with a view to procuring an EU compliant contract with a prospective energy suppliers to bring forward a decentralised energy solution for South Kilburn;
- (iv) that the appointment of Alison Brooks Architects from the LDA Architecture, Landscape and Urban Design Framework Agreement to lead the design team through to full planning application (RIBA Stage C or D) for the Bronte and Fielding site be noted;
- (v) that the appointment of Maccreanor Lavington Architects from the LDA Architecture, Landscape and Urban Design Framework Agreement to lead the design team through to full planning application (RIBA Stage C or D) for the Queens Park Station Area (Zone 18) be noted;
- (vi) that agreement be given to set rent levels for the affordable units within Phase 1b sites, including Wells Court, Cambridge Court, Ely Court, Bond House and Hicks Bolton House once completed, at a rent equivalent to Homes and Community Agencies Target Rent Levels and to adopt this rent level for other affordable development in South Kilburn until borough wide rent levels are reviewed later in the year;
- (vii) that the Director of Regeneration and Major Projects' intention to undertake a mini-competition under the South Kilburn Developer Framework to identify a developer partner for the disposal of Phase 1b sites, including Wells Court, Cambridge Court, Ely Court, Bond House and Hicks Bolton House be noted;
- (viii) that the Director of Regeneration and Major Projects be authorised to seek the Secretary of State's consent to the disposal and redevelopment of phase 2 sites including Cullen House, Site 11B and 4-26 Stuart Road on the estate for the purposes of ground 10A of Schedule 2 to the Housing Act 1985, to enable the Council to apply for a court order to obtain vacant possession of residential dwellings let under secure tenancies, Section 32 of the Housing Act 1985 to dispose of housing land, Section 19 of the Housing Act for

appropriation of land for planning purposes and under the necessary Act (if applicable) to dispose of non housing land;

- (ix) that approval be given to the making of compulsory purchase orders (CPOs) to acquire (a) all interests and rights in the properties listed in Appendix 1 and comprising the land shown edged red on the plans in Appendix 1 (the CPO Land) and (b) any new rights in the CPO Land which may be required under section 13 of the Local Government (Miscellaneous Provisions) Act 1976, notably the Argo Business Centre, Post Office and 4-26 Stuart Road, Site 18 comprising the Queen's Park Station Area and Site 11B comprising the Albert Road Daycare Centre (ARDC) and the British Legion;
- (x) that the Director of Regeneration and Major Projects be authorised to stop long term lettings on Cullen House and 4-26 Stuart Road and continue to prioritise all new development site lettings in South Kilburn to tenants within sites on the next phase of development;
- (xi) that the Director of Regeneration and Major Projects' intention to undertake a mini-competition under the South Kilburn Developer Framework to identify a developer partner for the disposal of the 4-26 Stuart Road site and to secure any other affordable housing on the Argo and Post Office sites for that partner in pursuit of decant units for South Kilburn be noted;
- (xii) that Director of Regeneration and Major Projects' intention to take steps to secure the Albert Road site (11B) for disposal on the open market be noted;
- (xiii) that approval be given to the submissions of the CPOs, once made, to the Secretary of State for confirmation whilst at the same time seeking to acquire the land by private negotiated treaty on such terms as may be agreed by the Director of Finance and Corporate Services;
- (xiv) that approval be given to the service of demolition notices and the suspension of tenants' Rights to Buy in relation to secure tenancies at 4-26 Stuart Road and Cullen House, which are all on the South Kilburn estate, and authorise the Director of Regeneration and Major Projects to issue all and any notices required to be issued in connection with such demolition;
- (xv) that approval be given to the following:
 - 1) Director of Regeneration and Major Projects to enter into agreements and make undertakings on behalf of the Council with the holders of interests in the CPO Land or parties otherwise affected by the Scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPOs and including the offering back of any part of the CPO Land not required by the Council after the completion of the development or the acquisition of rights over the CPO Land in place of freehold acquisition, where such agreements are appropriate;
 - 2) Making of one or more general vesting declarations or 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 CPOs be confirmed by the Secretary of State;

- 3) Service of all requisite notices on the holders of the CPO Land relating to the making and confirmation of the CPOs;
- 4) Director of Regeneration and Major Projects to remove from the CPOs any plot (or interest therein) no longer required to be acquired compulsorily for the scheme to proceed and to amend the interests scheduled in the CPOs (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);
- 5) Director of Regeneration and Major 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;
- 6) Director of Regeneration and Major Projects, if so advised, to seek to acquire for the Council by agreement any interest in land wholly or partly within the limits of the CPO Land for which a blight notice has been validly served.

12. **Alperton Masterplan SPD**

The report from the Director of Regeneration and Major Projects set out the consultation process carried out and the representations made on the draft Alperton Masterplan Supplementary Planning Document (“the draft SPD”) attached as Appendix A to the report. The report also set out the proposed officer responses to the consultation representations and proposed changes to the draft SPD as a consequence. The Lead Member (Regeneration and Major Projects) drew attention to the potential for 1,600 new homes and the hope for private sector investment. He asked the Executive to agree to changes to the draft masterplan SPD and thereafter formerly adopt the Alperton Masterplan SPD to the council's Local Development Framework Core Strategy.

RESOLVED:-

- (i) that the proposed responses to the consultation representations and amendments to the draft masterplan SPD as outlined in section 4.0 of the report from the Director of Regeneration and Major Projects and detailed in Appendix 3 of the report be approved;
- (ii) that Alperton Masterplan be adopted as a Supplementary Planning Document to the Council's Local Development Framework (LDF) Core Strategy;
- (iii) that authority to make any minor changes to the final publication draft be delegated to the Director of Regeneration and Major Projects.

13. **Church End redevelopment**

Councillor Crane (Lead Member, Regeneration and Major Projects) introduced the report which sought member approval to the disposal of the council's remaining freehold interest in Church End Car Park to Catalyst Housing Group Limited (CHGL). The report also sought approval to initiate compulsory purchase of all interests (inclusive of freehold interests) other than that already owned by the housing association in this area. These actions would enable CHGL to bring forward the regeneration of this area in line with council objectives.

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 disposal of its freehold interest to Catalyst Housing Group Limited (CHGL) in accordance with the terms set out in the report from the Director of Regeneration and Major Projects and as outlined in the appendix to that report;
- (ii) that approval be given to:
 - (a) the making of compulsory purchase orders (the CPOs) to acquire all interests and rights in the properties listed in paragraph 3.5 to the Director's report and shown as the land hatched in black on the plan attached in the Appendix 2 together with properties referred to in paragraph 3.7 (which properties are referred to hereafter as "the CPO Land") under section 226 (1)(a) of the Town and Country Planning Act 1990 and any new rights in the CPO Land which may be required under section 13 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (b) the Director of Regeneration and Major Projects in consultation with the Director of Legal and Procurement to include in the Compulsory Purchase Order authorised by this Executive meeting such other additional interests and rights as are disclosed during the land referencing exercise which the Director of Regeneration and Major Projects in consultation with the Director of Legal and Procurement deem it necessary to facilitate the delivery of the Church End Growth Area;
 - (c) include authority to the appropriation of land for planning purposes where applicable;
- (iii) that approval be given to the submission of the CPOs, once made, to the Secretary of State for confirmation whilst at the same time seeking to acquire the land by private negotiated treaty on such terms as may be agreed by the Director of Regeneration and Major Projects;

(iv) that the following be authorised:

- 1) the Director of Regeneration and Major Projects to enter into agreements and make undertakings on behalf of the Council with the holders of interests in the CPO Land or parties otherwise affected by the scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPOs and including the offering back of any part of the CPO Land not required by the Council after the completion of the development or the acquisition of rights over the CPO Land in place of freehold acquisition, where such agreements are appropriate;
- 2) the making of one or more general vesting declarations or 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;
- 3) the service of all requisite notices on the holders of the CPO Land including rights in the CPO Land relating to the making and confirmation of the CPO;
- 4) to remove from the CPO any plot (or interest therein) no longer required to be acquired compulsorily for the scheme to proceed and to amend the interests 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);
- 5) 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;
- 6) if so advised, to seek to acquire for the Council by agreement any interest in land wholly or partly within the limits of the CPO Land for which a blight notice has been validly served.

Councillor Beswick declared a personal and prejudicial interest in this item, having a relative living in the vicinity, left the room and took no part in the discussion or decision thereon.

14. **Quality House, 249 Willesden Lane, Willesden**

249 Willesden Lane was currently occupied by the Council's Brent and Harrow Trading Standards Unit. In accordance with the Council's strategy toward rationalising its office portfolio ahead of the move to the Civic Centre an opportunity has arisen to relocate staff into Brent House. The report from the Director of Regeneration and Major Projects report therefore recommended the disposal of the freehold interest in 249 Willesden Lane.

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 agreement be given to the sale in accordance with the terms set out in the Appendix to the report from the Director of Regeneration and Major Projects at paragraphs 5.1 and 5.2;
- (ii) that the Assistant Director, Property and Asset Management be authorised to conduct further negotiations and secure a sale in the best financial interests of the council in the event that any preferred parties fail to conduct the transaction with due diligence.

15. Disposal of 58 and 86 The Avenue, Kilburn

The Executive considered a report which sought approval for the open market disposal of two council owned residential properties situated at 58 The Avenue, Brondesbury, London, NW6 7NP, and 86 The Avenue.

RESOLVED:-

- (i) that approval be given to the open market disposal of the Council's freehold interest of the buildings comprising dilapidated and vacant residential units 58 The Avenue, Brondesbury, London, NW6 7NP, and 86 The Avenue, Brondesbury, London NW6 7NN;
- (ii) that the Assistant Director of Regeneration and Major Projects (Property and Asset Management) instruct marketing agents so as to ensure that the best price was achieved on sale of the freehold and to instruct Legal in the matter of the disposal.

16. Budget Strategy 2012/13 to 2015/16

The report before members from the Director of Finance and Corporate Services set out the financial prospects for the council for the next four years. Councillor Butt (Lead Member, Resources) advised that approval was sought to the overall budget strategy addressing the budget gap, achieving savings through the One Council Programme and the delivery of the Borough Plan.

RESOLVED:-

- (i) that the latest forecast for the Council's revenue budget for 2012/13 to 2015/16 at Appendix A and the assumptions used to derive this be noted;
- (ii) that the overall budget process set out in the report be endorsed;
- (iii) that the proposed budget timetable be noted.

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

None.

18. **Any Other Urgent Business**

None.

The meeting ended at 7.45 pm

A JOHN
Chair