



Executive

Monday, 13 December 2010 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Lead Member Councillors:

Portfolio

John (Chair)	Leader/Lead Member for Corporate Strategy and Policy Co-ordination
Butt (Vice-Chair)	Deputy Leader/Lead Member for Resources
Arnold	Lead Member for Children and Families
Beswick	Lead Member for Crime Prevention and Public Safety
Crane	Lead Member for Regeneration and Economic Development
Jones	Lead Member for Human Resources and Diversity, Local Democracy and Consultation
J Moher	Lead Member for Highways and Transportation
R Moher	Lead Member for Adults, Health and Social Care
Powney	Lead Member for Environment, Planning and Culture
Thomas	Lead Member for Housing and Customer Services

For further information contact: Anne Reid, Principal Democratic Services Officer
020 8937 1359, anne.reid@brent.gov.uk

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The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item	Page
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1	Declarations of personal and prejudicial interests	
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Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

2	Minutes of the previous meeting	1 - 16
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3	Matters arising (if any)	
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4	Petitions - Save Day Centres for People with Learning Disabilities in Brent	
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A petition has been received from Brent Learning Disability Users and Carers in the following terms:

- Service users and carers have been saying since 2007 that they value Day Centres and do not want them closed. It is a vital resource and proposed closures will have a significant negative impact on the quality of their lives;
- they want Brent to give them freedom of real choice: not to be forced to take direct payments or be manipulated into accepting service options on false promises.

We the undersigned support this campaign.

Agenda item 6 relates.

5	Deputations (if any)	
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Housing and Community Care Reports

6	Adult Social Care Direct Services review	17 - 28
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In July 2010 the Executive agreed to consult with service users, carers and stakeholders on the draft Day Opportunities Strategy as a precursor to the transformation of all buildings-based, directly-provided adult social care day services. It also agreed to consult on a number of specific proposals which were set out in the Learning Disabilities Information Sheet, an appendix to the strategy. The consultation process is now complete and this report sets out the results of the consultation, the

options for transformation and a recommended course of action.

Appendices circulated separately

Ward Affected: All Wards;
Lead Member: Councillor R Moher
Contact Officer: Alison Elliott, Adult Social Care
Tel: 020 8937 4230 alison.elliott@brent.gov.uk

7 Authority to approve extension of contracts for housing support services for people with physical disabilities 29 - 32

This report seeks exemption from full tendering requirements and approval to re-commission services with existing providers of Supporting People funded housing support for people with physical disabilities.

Ward Affected: All Wards;
Lead Member: Councillor R Moher
Contact Officer: Helen Duckworth, Supporting People
Tel: 020 8937 2283
helen.duckworth@brent.gov.uk

Children and Families Reports

8 Authority to award a construction contract for the re-building of Roundwood Youth Centre 33 - 42

This report requests authority to award the contract in relation to the construction works at Roundwood Youth Centre as required by Contract Standing Order 88 (c). This report summarises the process undertaken in tendering this contract, following the evaluation of tenders, and recommends to whom the contract should be awarded.

Appendix also below

Ward Affected: Harlesden;
Kensal Green;
Willesden Green;
Lead Member: Councillor Arnold
Contact Officer: Krutika Pau, Director of Children and Families
Tel: 020 8937 3126 krutika.pau@brent.gov.uk

Environment and Neighbourhood Services Reports

9 Statement of licensing policy - Licensing Act 2003 43 - 52

This report sets out the outcome of consultation over the review of the Council's Statement of Licensing Policy under the Licensing Act 2003 and recommends changes to that policy.

Ward Affected: All Wards;
Lead Member: Councillor Powney
Contact Officer: Alan Howarth, Health, Safety

Regeneration and Major Projects Reports

10 Civic offices and property disposals strategy 53 - 60

The Council is planning to relocate from a number of major office buildings around the Borough to the Civic Centre which is due to be available for occupation in 2013. In order to prepare for this event it is necessary to regularise land title issues and appoint external property consultants to provide guidance as to the marketing and disposal of certain assets. This report seeks authority to undertake this work and for an appropriation to facilitate it.

Ward Affected:

Barnhill;
Stonebridge;
Wembley
Central;
Willesden
Green;

Lead Member: Councillor Crane

Contact Officer: Richard Barrett, Property and
Asset Management

Tel: 020 8937 1334 richard.barrett@brent.gov.uk

11 Local Development Framework - West London Waste Development Plan 61 - 68

This report asks the Executive to consider the draft West London Waste Plan which is proposed for public consultation and, in particular, to note the sites proposed for allocation for waste management use within Brent. Executive is asked to agree the draft plan for public consultation.

Appendices circulated separately

Ward Affected:

All Wards;

Lead Member: Councillor Crane

Contact Officer: Ken Hullock, Policy and
Research Team

Tel: 020 8937 5309 ken.hullock@brent.gov.uk

Central Reports

12 Collection Fund Surplus/Deficit at 31 March 2011 69 - 72

As part of the Council Tax setting process for 2011/2012 the Council is required to estimate the amount of any surplus or deficit on the Collection Fund as at 31 March 2011. This must be done by the 15 January 2011 and this report asks Members to approve the balance projected.

Ward Affected:

All Wards;

Lead Member: Councillor Butt

Contact Officer: Mick Bowden, Deputy Director
of Finance

Tel: 020 8937 1460 mick.bowden@brent.gov.uk

13 Performance and Finance Review quarter two

73 - 90

This report summarises Brent Council's spending, activity and performance in the second quarter of 2010/11 and highlights key issues and solutions to them. It takes a corporate overview of financial and service performance and provides an in depth analysis of high and medium risk areas. The report is accompanied by appendices providing budget, activity and performance data for each service area, the Local Area Agreement, ring fenced budgets and the capital programme. Vital Signs trend data and graphs are also provided along with the council's overall budget summary.

Ward Affected:
All Wards;

Lead Member: Councillor John
Contact Officer: Phil Newby, Director of Strategy, Partnerships and Improvement
Tel: 020 8937 1032 phil.newby@brent.gov.uk

14 Fees and Charges

Circulated separately

This report sets out proposed increases in fees and charges for council services from 1st January 2011 and for on and off street parking charges from 1st February 2011. The increases are one of the measures the council needs to take to address the projected budget gap of £37m in 2011/12 resulting from reductions in government grant and pressures on the council's budget. Currently many fees and charges for council services in Brent are below fees and charges by other London councils and the increases proposed in this report will bring charges in Brent more into line with other councils.

Ward Affected:
All Wards;

Lead Member: Councillor Butt
Contact Officer: Clive Heaphy, Director of Finance and Corporate Services
Tel: 020 8937 1424
clive.heaphy@brent.gov.uk

15 Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

16 Reference of items considered by Call in Overview and Scrutiny Committee 91 - 92

The recommendations from the Call-in Overview and Scrutiny Committee held on 30 November are attached. The full minutes will follow. Any

recommendations arising from the second meeting of the Call-in Overview and Scrutiny Committee due to take place on 9 December will also be circulated separately.

17 Exclusion of Press and Public

The following item(s) is/are not for publication as it/they relate to the following category of exempt information as specified in the Local Government Act 1972 namely:

Appendix: Authority to award a construction contract for the re-building of Roundwood Youth Centre

Report above relates

Date of the next meeting: Monday, 17 January 2011



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near The Paul Daisley Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge



LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Monday, 15 November 2010 at 7.00 pm

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

ALSO PRESENT: Councillors Adeyeye, Daly, Hashmi, Kabir, Lorber, McLennan, Moloney, Naheerathan, BM Patel, HB Patel, RS Patel and Sheth

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

Councillor Powney declared a personal interest in the reports relating to the waste collection strategy, waste and street cleansing and the waste disposal levy mechanism as a member of the West London Waste Authority.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 18 October 2010 be approved as an accurate record of the meeting.

3. **Matters arising (if any)**

4. **Order of business**

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

5. **Deputations and Petition - former allotment site adjacent to Elms Gardens, Sudbury**

Mr Koranteng addressed the Executive on behalf of the residents of Elms Court/Elms Gardens Action Group who had petitioned against the proposal to dispose of the formal allotment site adjacent to 19 Elms Gardens, Sudbury as outlined in the report from the Directors of Regeneration and Major Projects and of Housing and Community Care. He asked the Executive to recognise what he considered to be shortcomings in the report in that it did not address concerns raised by residents. Mr Koranteng referred to correspondence to officers which had not or had only recently been acknowledged and inadequate consultation on the proposals. The petitioners asked the Executive not to authorise the proposed land sale and referred to an outstanding formal complaint alleging procedural impropriety that had yet to be resolved. Mr Koranteng questioned the authority under which the decision was taken to obtain consent for the de-designation of the allotment site

which he felt had deliberately been allowed to decline. He drew attention to limited access to the site as a residential scheme and its ecological and wildlife value. Mr Koranteng asked that the allotment site be preserved for the local community who would not benefit from the proposed alternative allotment site at Gladstone Park.

The Executive thanked Mr Koranteng for his presentation.

6. **Disposal of former allotment site adjacent to 19 Elms Gardens, Sudbury, and establishment of new replacement allotment site at Gladstone Park Gardens**

The Executive had before them a report from the Directors of Regeneration and Major Projects and of Housing and Community Care which sought authority to dispose of the former allotment site adjacent to 19 Elms Gardens, Sudbury for residential development to support the redevelopment of the Barham Park estate and the consequent creation of a new replacement allotment site at Gladstone Park Gardens.

Councillor Lorber (ward councillor) addressed the Executive in support of local residents who were against the proposals. Referring to the case that had been put earlier in the meeting, Councillor Lorber recognised that the council had to balance priorities but now that the community were making a claim for the retention of the allotment site he felt that the Administration should reverse the original decision to develop the site, as it had done on a similar occasion. Councillor Lorber suggested the need for a coherent policy on how to deal with land in residential areas which residents feel should be used for other purposes. He felt that the situation should now be reviewed in the light of developments in other parts of the borough and questioned the recommendation to dispose of the site whether or not the proposed disposal to a housing association proceeded. Councillor Lorber put that the area was lacking in public open space and that available money was being spent on an educational site in another part of the borough that would not benefit Sudbury residents. Councillor Lorber asked the Executive to take time to consider the many issues that had been raised. Councillor Daly (ward councillor) addressed the Executive on behalf of residents and pointed out that the Elms Gardens allotments were part of the nearby sports ground and were a wildlife site recognised on both the GLA's and the council's websites. The area was also recognised to be deficient in open space provision. Councillor Daly stated that the decision taken in 2008 to de-designate the allotment site and to start negotiations for housing development had been taken without public discussion. She put that information given to central government had been misleading and questioned the site's description as vacant and derelict. Councillor Daly stated that the site was a recognised wildlife site and asked that the views of residents against the loss of amenity be taken into account. She asked that a decision on the disposal be deferred to allow consideration of possible alternative decant sites at Perrin Road and Linthorpe Avenue, outstanding information to be provided and for further consultation to take place.

Councillor Crane (Lead Member, Regeneration and Economic Development) referred members to the officers' report which sought agreement to the sale of the former allotment site to Notting Hill Housing Trust and to replacement allotments in Gladstone Park Gardens. He pointed out that de-designation had already been agreed and that the sale price would be subject to planning permission. He understood residents' concerns and also the view that the consultation under the previous Administration had not been widespread. Councillor Crane put that the

council needed to take action in support of the Barham Park estate redevelopment and displaced residents were entitled to be re-housed locally. He also stated that a legal reason for not proceeding had not been identified and it would be for the Planning Committee to consider the site's suitability for redevelopment.

RESOLVED:

- (i) that agreement be given to the disposal of the freehold interest of land at Elms Gardens, Sudbury to Notting Hill Housing Trust (NHHT) as development land to initially provide decant accommodation for Barham Park Estate residents;
- (ii) that agreement be given to the creation of a new replacement allotment site at Gladstone Park, Dollis Hill subject to the appropriate legal procedures as set out in the body of the report from the Directors of Regeneration and Major Projects and Housing and Community Care being properly undertaken;
- (iii) that the Director of Children and Families be authorised to commence and comply with the procedure as set out in section 122(2A) of the Local Government Act 1972 to agree that the education land used as open space at Gladstone Park was no longer required for the purpose for which it was currently held and to appropriate the land for statutory allotment purposes. In addition to this, to consider any objections made to the appropriation, and unless there are objections received which in her opinion were significant, to implement the appropriation. If such objections are received then a further report will be brought back to the Executive for consideration;
- (iv) that officers be instructed to ensure that the development adequately addressed the concerns of local residents and that further meetings be held with the residents' group in order to consult on any development proposals;
- (v) that it be noted that the purchase price payable by NHHT would be dependent upon the level of grant available and may not match best value if the site were disposed in the open market. If this proved to be the case the Executive would be able to utilise the "Well-Being" Powers under the General Consent (England) 2003 to dispose of the land at less than best consideration in return for more affordable housing;
- (vi) that, in any event, as the Secretary of State consent given in relation to the disposal and further mentioned paragraph 3.3 of the Directors' report was based on the sale price not being lower than current valuation, if the disposal was less than best consideration then the consent of the Secretary of State would be required and that the final decision on the disposal price be delegated to the Directors of Regeneration and Major Projects and Housing and Community Care;
- (vii) that, in the event that the disposal to NHHT for the specific purpose of assisting with the redevelopment of Barham Park Estate does not proceed, that the site be disposed on the open market, subject to the same requirement for consultation with local residents and the development of an alternative scheme which addressed the concerns of local residents.

7. Deputations - Libraries Transformation project

Jack Sayers (local resident) addressed the Executive in relation to the report from the Director of Environment and Neighbourhood Services which sought approval to consult on proposals to transform the service while rationalising libraries across the borough. Mr Sayers spoke in support of the retention of Cricklewood Library as an important facility in the area. He recognised the difficult position in which the council had been placed as a result of current public sector funding cuts however he asked that the building, which was protected by covenant, be retained so that the local community could make efforts to find a way to manage it.

The Executive then heard from Eric Pollock (Chair, Friends of Cricklewood Library) who reminded the Executive of the history of the library which had been in existence since the 1930s and was a valuable community asset. He referred to the campaign to save the library in the past and the events that had been held there on various subjects. He supported the relocation of the Borough Archive to the more suitable premises at the Willesden Green Library Centre but felt that local residents would be much deprived by the loss of Cricklewood Library.

David Butcher (local resident) addressed the Executive in support of the retention of Kensal Rise Library which he felt was well resourced, valued by the community and in the heart of the area. He referred to the history of the library, opened in 1900 by the author Mark Twain and commended the way in which the premises was used and also the staff. Mr Butcher referred to the role libraries played in keeping children interested in books and that it was also well used by adults. He also recognised the financial restrictions within which the council had to operate but was sure the community would be willing to get involved in initiatives to help the library be more cost effective. Mr Butcher concluded by reiterating that the library was successful cultural focal point and that its closure would have a negative impact on the community.

The Executive thanked presenters for their contributions.

8. Libraries Transformation project

Councillor Powney (Lead Member, Environment, Planning and Culture) introduced the report from the Director of Environment and Culture which set out proposals to improve the quality of library provision in the borough while contributing to efficiency savings needed in response to funding reductions. The report sought approval for a public consultation exercise which would involve public meetings and the Area Consultative Forums. The Executive also had before them an appendix to the report which was not for publication for the following reasons set out in schedule 12(A) of the Local Government Act 1972 namely:

- information relating to the financial or business affairs of any particular person (including the Authority holding the information) and
- information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Councillor Powney set out the reasoning behind the proposals which took into account location, current usage and options for the future and also the condition of

the buildings. He referred to the high level of correspondence he had already received on the matter and including that from organisations interested in providing a service. He emphasised the need for robust business cases to be presented in order for these to be given serious consideration. Councillor Powney also recognised that in cases where covenants were involved, owners' consent to changes in management arrangements would need to be obtained. In response to petitioners, Councillor John contributed that the cost of borrowing books was high in some libraries taking into account the running costs of premises and that there was evidence that those libraries located on high streets were better used and so more cost effective.

Councillor HB Patel spoke against the proposals stating that the country was well known for its library service and that location and running costs should not be deciding factors. He welcomed the intention to consult but drew attention to the strength of feeling expressed by residents who would fight closures. Councillor Lorber referred to improvements that had taken place in Barham Library and Neasden Library involving shared facilities and the recent redevelopment of Harlesden Library with the benefit of lottery funding. He expressed a wish that the consultation would be meaningful, take into account all users who would be affected including schools and those with low incomes and ensure that all options were presented clearly.

Councillor Powney assured that the public consultation on the future of the library service would be fully advertised and that details would be sent to ward councillors. Members regretted that closures had to be considered but in the face of public sector funding cuts, the current costs were not sustainable.

RESOLVED:-

- (i) that the proposals of the Libraries Transformation Project at 3.3 of the report from the Director of Environment and Culture be noted;
- (ii) that the public consultation on the proposals be approved;
- (iii) that agreement be given to the submission of a further report to the Executive in April 2011, setting out the consultation results and final recommendations on the future of the library service.

9. **Deputation - Waste collection strategy**

Elaine Henderson, speaking on behalf of Brent Friends of the Earth, addressed the Executive in connection with the report from the Director of Environment and Neighbourhood Services which set out the outcome of the public consultation on the revision of the council's waste strategy. She referred to the Friends of the Earth assessment that so far this year, £9 million had been wasted on landfill tax. She commended the Director's report which she felt contained a number of good initiatives, recognising the financial constraints within which the council had to operate. In commenting on the proposals, Ms Henderson spoke against the recommendation to move away from kerbside sorting to fully co-mingled dry recyclables collection and suggested that consideration be given to collecting paper and card separately as was the practice in Sheffield. This would avoid the need to re-educate residents, the purchase of new bins and also reduce contamination.

Ms Henderson put forward that the implementation plan be approved subject to this amendment. In relation to the consultation that had taken place on the waste collection strategy, Ms Henderson stated that it had not been made clear, particularly in the Brent Magazine, that collections would be fortnightly and that Friends of the Earth were considering calling for a judicial review.

10. **Waste collection strategy**

Councillor Powney (Lead Member, Environment, Planning and Culture) introduced the report from the Director of Environment and Neighbourhood Services on the new Waste Collection Strategy and reminded the Executive that at its meeting in August 2010 agreement had been given to go out to consultation on proposed revisions. The report presented the outcome of the consultation and sought approval for implementation. The Executive also had before them an appendix to the report which was not for publication for the following reasons set out in schedule 12(A) of the Local Government Act 1972 namely:

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

Councillor Powney responded to the deputation earlier in the meeting from Brent Friends of the Earth and stated that consideration had been given to several collection streams and that the council had been advised that at this time given the composition and mobility of the Brent population it would be simpler to co-mingle dry recyclables. Additionally, the current green boxes would be too small for the required tonnage. Contamination would always be a problem but a market could be found for recycled materials. Regarding fortnightly collection, Councillor Powney stated that it had been made clear that the council would be collecting the various bins on different weeks. Other issues that had been raised in the consultation related to the design of the bins which had now been changed, and he confirmed that most waste would be disposed of within Europe.

Councillor Powney proposed the recommendations in the report.

RESOLVED:-

- (i) that the response from the public consultation on the revised Waste Strategy as described in the report from the Director of Environment and Neighbourhood Services at Appendix A be noted;
- (ii) that approval be given to the formal adoption and implementation of the revised Waste Strategy as described in the report and at Appendix B;
- (iii) that the proposed draft implementation plan for the revised Waste Strategy as described in paragraph 7.0 of the report be noted;
- (iv) that the programme of procurement required to implement the revised Waste Strategy as described in paragraph 8.0 of the report be noted;
- (v) that agreement be given to the variation to the existing Waste Services contract with Veolia as set out in Appendix C of the report.

11. **Commissioning of the specialist Child and Mental Health Service (CAHMS) in Brent 2011-13**

The report from the Director of Children and Families sought exemption from full tender requirements for the commissioning of the specialist Child and Mental Health Service for 2011-13. The Executive noted that the contract would be for one year with an option to extend until 2013. The Executive also had before them an appendix to the report which was not for publication for the following reasons set out in schedule 12(A) of the Local Government Act 1972 namely:

information relating to the financial or business affairs of any particular person (including the Authority holding the information)

RESOLVED:-

- (i) that approval be given to an exemption from the usual tendering requirements of Contract Standing Orders in relation to the joint Council and NHS Child and Adolescent Mental Health Service, on the basis that there were good operational reasons for doing so as set out in section 3 of the report from the Director of Children and Families;
- (ii) that approval be given to award a contract jointly with NHS Brent for the joint Council and NHS provision of Child and Adolescent Mental Health Services to the current provider, Central and North West London NHS Foundation Trust, for the period 1 April 2011 to 31 March 2012 with an option to extend the contract for a further one year until 31 March 2013, which would be utilised, should timescales indicate the need for a further extension to be implemented.

12. **Waste and street cleansing - street cleansing efficiency savings**

Councillor J Moher (Lead Member, Highways and Transportation) introduced the report that presented options for efficiency savings in the council's street cleansing operation. He assured that the service would be closely monitored to ensure that the sweeping was carried out at the frequency agreed in the contract.

RESOLVED:-

- (i) that the three options (not mutually exclusive) for delivering efficiency savings in the street cleansing operation as set out in the report from the Director of Environment and Neighbourhood Services be noted and approved;
- (ii) that officers' response to the independent review of the street cleansing service undertaken by consultants, Gordon Mackie Associates be noted.

13. **Changes to the waste disposal levy mechanism**

The report from the Director of Environment and Neighbourhood Services described a proposed change to the current mechanism for payment to the West London Waste Authority (WLWA) for the disposal and treatment of waste. WLWA approved the change at their meeting on the 21 July 2010. Councillor Powney

(Lead Member, Environment, Planning and Culture) advised that the WLWA's six constituent boroughs, including Brent, needed to formally confirm their acceptance of the new arrangements. The monthly charging arrangements would be to the advantage of the WLWA boroughs.

RESOLVED:-

- (i) that the rationale behind the switch to a new levy mechanism be noted;
- (ii) that agreement be given to the new "Pay as You Throw" levy mechanism to be adopted for implementation in 2011-12.

14. Awards of new contracts to incumbent providers of housing support services for people with mental health needs

The report from the Director of Housing and Community Care sought an exemption from the tendering requirements of contract standing orders in relation to contracts for housing support services for people with mental health needs, in accordance with contract standing order 84. It further sought approval to negotiate and award new contracts to the existing providers for a period of one year commencing from 1 December 2010 with an option to extend for a further period of up to one year. Councillor Thomas (Lead Member, Housing and Customer Services) added that this was an opportunity to work with West London Alliance partners to achieve savings.

RESOLVED:-

- (i) that approval be given to an exemption from the tendering requirements of Contract Standing Orders pursuant to Contract Standing Order 84 for the reasons set out in paragraph 5 of the report from the Director of Housing and Community Care in order to allow for the direct award of new contracts for housing support services as set out in resolution (ii) below;
- (ii) that authority be delegated to the Director of Housing and Community Care to directly award to the existing service providers as listed in Appendix 1 to the report, new contracts for housing support services for people with mental health needs for the period from 1 December 2010 to 30 November 2011 with the option to extend until 30 November 2012;
- (iii) that it be noted that the Director of Housing and Community Care will negotiate contract price reductions with regard to the new contracts providing that service quality can be maintained.

15. Call off contract from London Collaborative Procurement Framework Agreement for the provision of Community Equipment Service

The report from the Director of Housing and Community Care requested approval pursuant to the council's contract standing orders for the award of a call off contract from a framework agreement following a successful collaborative procurement exercise for the provision of a community equipment service through a consortium of London Boroughs led by the Royal Borough of Kensington and Chelsea.

RESOLVED:-

- (i) that the award of framework contract to Medequip Assistive Technology Limited (Medequip) for the provision of Community Equipment Services (the Framework) following a collaborative procurement exercise carried out by the Royal Borough of Kensington and Chelsea be noted;
- (ii) that approval be given to the award of a call off contract from the Framework to Medequip for the provision of a Community Equipment Service to the London Borough of Brent for the period from 1 July 2011 up to 31 March 2015 with provision for extension as set out in the framework agreement;
- (iii) that authority be delegated to the Director of Housing and Community Care and the Borough Solicitor to finalise the access agreement required under the framework to establish contractual terms with Medequip and the Royal Borough of Kensington and Chelsea.

16. Authority to invite tenders for the procurement and management of temporary accommodation

Councillor Thomas (Lead Member, Housing and Customer Services) introduced the report which sought authority pursuant to the council's contract standing orders 88 and 89 to invite tenders to conclude a framework agreement for the Procurement and Management of Temporary Accommodation pursuant to the council's private managed accommodation scheme. He stated that the proposed framework agreement would commence in April 2011 for the duration of two years with an option to extend for up to two years and would hopefully achieve savings. Brent would be the lead authority.

The Executive also had before them an appendix to the report which was not for publication for the following reasons set out in schedule 12(A) of the Local Government Act 1972 namely:

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

RESOLVED:-

- (i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for a framework agreement for the procurement and management of temporary accommodation as set out in paragraph 3.4 of the report from the Director of Housing and Community Care;
- (ii) that approval be given to officers inviting expressions of interest, agreeing shortlists, inviting tenders for a framework agreement for the procurement and management of temporary accommodation and evaluating them in accordance with the approved evaluation criteria referred to in (i) above.

17. Authority to agree recommendations from the London Councils to manage projected overspend on the Taxicard Scheme

The report from the Director of Housing and Community Care requested that authority be delegated to the Director to agree to the proposals recommended and presented by the London Councils to the Transport and Environment Committee (TEC) on 14 October 2010 to address the cost pressures within the taxicard scheme and pull the spend back in line with the budget for 2010/11. In a supplementary report circulated at the meeting, the Executive were advised that a further report had been received from London Councils discussed at the London Council Environment Committee which met on 11 November which contained an additional recommendation requesting boroughs to put in place a moratorium for any new members for the rest of the financial year.

The Executive agreed the recommendations in the report and also in the supplementary paper.

RESOLVED:-

- (i) that the recommended budget control measures that have been drawn up by the London Councils and presented to the TEC as detailed in section 3.6.3. of the report from the Director of Housing and Community Care be noted;
- (ii) that authority be delegated to the Director of Housing and Community Care to agree to the recommended budget control measures with the London Councils to pull the spend back in line with the budget for 2010/11;
- (iii) that in light of further information received from London Councils, agreement be given to a moratorium for all new applicants, this to apply from the 15 November 2010 until 31 March 2011.

18. Young people and teenage parent accommodation based services and floating support services

The Executive had before them a report which provided an update on the procurement process of two frameworks for teenage parent based accommodation services and floating support services and of two frameworks for young people based accommodation services and floating support services since approval to tender was given at the Executive meeting on 15 June 2009. Approval was now being sought to depart from the existing procurement route in respect of the teenage parent based accommodation services and floating support. Officers now were seeking exemption from full tendering requirements and sought approval to re-commission the services with the existing providers on a one year contract from 1 April 2011, with an option to extend the contract by a further year to 31 March 2013. In connection with the two frameworks for young people based accommodation services and floating support service, officers sought authority to extend the contracts with the existing providers to enable the procurement process to be concluded.

Councillor Thomas (Lead Member, Housing and Customer Services) acknowledged the difficulty of the financial situation and the need to find efficiency savings. Consideration would be given to Frameworks 3 and 4 at a later stage.

RESOLVED:-

- (i) that approval be given to an exemption from the usual tendering requirements of contract standing orders in relation to the teenage parent based accommodation services and floating support services on the basis that there are good operational and/ or financial reasons for doing so as set out in Section 3 of the report from the Director of Housing and Community Care;
- (ii) that approval be given to the award of the contracts for housing support services for teenage parents at Melrose Avenue NW2 and Nicoll Road NW10 and their respective floating support services to the current providers, Catch 22 and Stadium Housing Association, for the period from 1 April 2011 to 31 March 2012, with the possibility of extending such contract for one further year to 31 March 2013;
- (iii) that approval be given to the extension of current contracts for young people based accommodation services and floating support services with Depaul Trust, Catch 22, St Christophers Fellowship, Coram Housing and Support Service, Brent Housing Partnership and Centre Point for a period of eight months, to 30 September 2011, to allow for their tender.

19. Brent Local Development Framework - revised Local Development Scheme

The report from the Director of Regeneration and Major Projects asked the Executive to endorse the proposed Local Development Scheme. It set out the timetable for the preparation, consultation on, and adoption of documents which will comprise the council's Local Development Framework.

RESOLVED:-

that agreement be given to the proposed Local Development Scheme timetable at Appendix 1 of the report from the Director of Regeneration and Major Projects as a basis for the continued preparation of the Local Development Framework, and for inclusion in submission of a revised scheme to the Secretary of State and the Mayor of London.

20. South Kilburn regeneration acquisition of additional land

Councillor Crane (Lead Member, Regeneration and Economic Development) introduced the report which provided an update of progress of the regeneration of South Kilburn since the report to the Executive meeting on 23 June 2010. It also sought members' agreement to a range of items in order to progress the regeneration objectives for the South Kilburn estate. Councillor Crane drew attention to the financial implications set out in the report in particular the sale of land and using the capital receipt progress to further sites. He also pointed out the possibility of current central government cuts impacting on the Homes and Communities Agency which would affect programme funding.

RESOLVED:-

- (i) that progress of regeneration and the clarifications to the phasing plan for the regeneration of the South Kilburn estate, and that work is proceeding to update this phasing plan be noted;

- (ii) that the immediate cessation of permanent lettings on the properties at Bond House, Cambridge Court, Ely Court, Bronte House, Fielding House, Hicks Bolton House, Wells Court and Wood House be authorised;
- (iii) that agreement be given to the service of demolition notices in relation to secure tenancies at Bond House, Bronte House, Cambridge Court, Ely Court, Fielding House, Hicks Bolton House, Wells Court and Wood House, which are all on the South Kilburn estate, and the Director of Housing and Community Care be authorised to issue all and any notices required to be issued in connection with such demolition;
- (iv) that the Director of Housing and Community Care be authorised to carry out the prescribed statutory consultation procedure and seek the Secretary of State's consent to the phased disposal and redevelopment of Bronte House, Fielding House, Wells Court and Wood House in addition to the Phase 1 sites on the South Kilburn estate referred to in paragraph 3.26 of the report from the Director of Regeneration and Major Projects 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 those residential dwellings let under secure tenancies.
- (v) that the following be authorised:
 - (a) the making of compulsory purchase orders (the CPO's) to acquire all interests and rights in the properties listed in appendix 1 [and otherwise comprised in the land edged in bold black and hatched on the draft Plan headed [the map referred to in the London Borough of Brent South Kilburn Regeneration Compulsory Purchase Order 2010-11] inclusive of the leasehold interests set out on Appendix 2 to the Report to the Executive meeting on 23 June 2010 being interests in the South Kilburn estate 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 Housing and Community Care in consultation with the Director of Legal and Procurement to include in the Compulsory Purchase Orders authorised by the Executive on 23 June 2010 and at 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 Housing and Community Care and the Director of Legal and Procurement deem it necessary to facilitate the delivery of the South Kilburn Regeneration Phase 1;
- (vi) that the CPOs, once made, be submitted 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 Housing and Community Care;
- (vii) that the following be authorised:

- 1) Director of Housing and Community Care 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 including rights in the CPO Land relating to the making and confirmation of the CPOs;
 - 4) Director of Housing and Community Care 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 Housing and Community Care 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 Housing and Community Care, 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.
- (vii) that the Director of Housing and Community Care be authorised (in conjunction with the Director of Legal and Procurement) to seek the consent of the Secretary of State under Section 19 of the Housing Act 1985 (where applicable) to the appropriation of housing land for planning purposes;
- (viii) that the Director of Housing and Community Care be authorised (where the Director of Housing and Community Care in conjunction with the Director of Legal and Procurement consider applicable) to commence and comply with the procedure as set out in section 122(2A) of the Local Government Act 1972 by publishing a public notice in the local newspaper on two consecutive publication dates of the Council's intention to appropriate public open space in the South Kilburn estate to planning purpose and in particular to consider any objections made to the appropriation, and unless there are objections received which in his opinion are significant, to implement the proposed appropriation. If such objections are received then a further report should be brought back to the Executive for consideration.

21. Strategy for primary school developments

Councillor Crane introduced the report which clarified the strategy and options for delivering sufficient primary school places utilising the School's Capital Programme and the Basic Need Safety Valve Funding. He drew attention to the arrangements that had been made for 'bulge classes' for September 2010 and Basic Need Safety Valve was now available to provide additional reception places by September 2011. A number of schemes had been identified but were subject to design work, consultation and planning permission. A further report would be submitted to the Executive in February 2011. Councillor Arnold (Lead Member, Children and Families) referred to the rising pressure on school places which was a London wide problem. London Councils were campaigning but no additional funding had been forthcoming to date.

RESOLVED:-

- (i) that approval be given to the reprioritisation of recommended schemes for spending the £14.766m Basic Need Safety Valve funding as set out in the table under paragraph 3.3.8 for providing additional primary school places;
- (ii) that approval be given to a further allocation of £4.997m, over and above the previously approved £12.013m from the Council's main Capital Programme as set out in the table under paragraph 3.4.3 towards new permanent primary school provision in the borough;
- (iii) that a further report be presented to Executive in February 2011 setting out recommendations for prioritising the expenditure of £17.010m from the Council's main Capital Programme on primary expansion schemes, including those set out in Table 6 of the report from the Directors of Regeneration and Major Projects relating to new and/or expanded schools at Braintcroft, Capital City Academy and Wembley High;
- (iv) that approval be given to award three contracts to Mott McDonald for project management and full design team services (including CDM Co-ordination) for the Preston Manor, Newfield and Brentfield schemes, respectively;
- (v) that authority be delegated to the Director of Regeneration and Major Projects to appoint one or more works contractors using existing construction frameworks, for the Preston Manor, Newfield and Brentfield schemes;
- (vi) that approval be given to an exemption from the quotation requirements of Contract Standing Orders to allow the appointment of Watts as Employer's Representative for the construction phases of the Preston Manor, Newfield and Brentfield schemes, for the good operational reasons set out in paragraph 4.4 of the report from the Director of Regeneration and Major Projects.

22. Inspiring Brent: Brent Councils programme for the London 2012 Games

Councillor John (Leader of the Council) introduced the report from the Chief Executive which provided an update on the delivery of Brent's Action Plan for the London 2012 Games which has been developed by the 2012 Steering Group. The report outlined key achievements to date and areas to be developed to a secure a legacy for Brent. The report also outlined developments in the London 2012 City

Operations Programme and the role Brent would be required to play in delivering successful Games. Councillor John emphasised that the council would have to meet any funding shortfall should external funding streams not support the costs incurred.

RESOLVED:-

- (i) that the progress made Brent's on the 2012 Action Plan be noted;
- (ii) that the financial and operational implications of being a host borough be noted and agreement given to the city operations work programme as detailed in paragraphs 3.6 to 3.10 of the report from the Chief Executive.

23. Internal Audit Provision 2011 onwards

Councillor Butt (Lead Member, Resources) presented the report that sought approval for the council to enter into a contract with the London Borough of Croydon for the provision of internal audit services via Deloitte for a two year period from April 2011 to March 2013. The anticipated cost of this contract over two years, including inflationary uplift is £577,675.

RESOLVED:

that approval be given for the council to enter into a contract with the London Borough of Croydon to provide internal audit services from April 2011 to March 2013 and to enter into a related third party agreement with Deloitte Public Sector Internal Audit Ltd.

24. Authority to award contract for the provision of revenues and IT support

The Director of Finance Services report requested authority to award a contract for the provision of Revenues and IT Support as required by Contract Standing Order No 88. The report summarised the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommended to whom the contract should be awarded. The Executive also had before them an appendix to the report which was not for publication for the following reasons set out in schedule 12(A) of the Local Government Act 1972 namely:

information relating to the financial or business affairs of any particular person (including the Authority holding the information)

RESOLVED:-

- (i) that approval be given to award the contract for the provision of Revenues and IT Support Services to Capita Business Services Limited with effect from 1 May 2011;
- (ii) that delegated powers provided through regulations issued under the Deregulation and Contracting Out Act 1994 for the assessment and collection of Council Tax and Business Rates be granted to Capita Business Services Limited with effect from the 1 May 2011.

25. **Reference of item considered by Forward Plan Select Committee**

None.

26. **Any Other Urgent Business**

None.

The meeting ended at 8.50 pm

A JOHN
Chair



Executive
13 December 2010

Report from the Director of Housing and Community Care

Wards affected:
ALL

Adult Social Care Direct Services Review

1.0 Summary

- 1.1 In July 2010 the Executive agreed to consult with service users, carers and stakeholders on the draft Day Opportunities Strategy as a precursor to the transformation of all buildings-based, directly-provided adult social care day services. It also agreed to consult on a number of specific proposals which were set out in the Learning Disabilities Information Sheet, an appendix to the strategy.
- 1.2 The consultation process is now complete and this report sets out the results of the consultation, the options for transformation and a recommended course of action.
- 1.3 The consultation process was carried out in three waves in August, September and October. In each wave separate service user, carer and staff meetings were held in the 11 directly provided Day Services. In total, there were 42 consultation meetings. A summary of the consultation process and outcomes is attached at Appendix A.
- 1.4 The consultation responses across all client groups were broadly supportive of the principles underpinning the strategy: personalisation and a greater focus on community activities. However, users and carers also wanted to retain the consistency of a building base service. The main concerns raised were focused on implementation of the strategy.
- 1.5 The consultation responses raised a number of significant concerns in response to the specific proposals in the learning disability information sheet, which was an appendix to the strategy. The concerns were wide ranging, but they focused on:

- wanting to stay with friends and maintain current relationships
- feeling vulnerable in the community
- capacity and accessibility of a reduced number of Day Services
- quality and relevance of the current assessments for people currently using directly provided services.

1.6 Most service users did not want to see the closure of any day centres. Carers also stressed how much they value the respite the day services provide them and were not convinced that there were enough services in the community for the people they care for to access.

1.7 The fact that the consultation was organised in three waves meant there were opportunities in later waves to address issues raised earlier in the process. Significant concerns remain, but real examples of the benefits of Direct Payments, a commitment to tackle those concerns (e.g. recognising the importance of friends and maintaining relationships wherever the service is delivered) and concerns about the physical condition of the buildings meant that there was more appreciation of some of the specific proposals outlined in the learning disability information sheet.

1.8 The other factors that will inform the Executive's decision on the draft Day Opportunities Strategy and the learning disability information sheet proposals were also discussed at each of the consultation meetings. The key factors that were highlighted in consultation meetings were:

- national policy (which has a clear focus on personalisation, promoting service user choice and control to increase independence and lead to a more fulfilling life)
- experience in other parts of the UK (where a focus on personalisation and community based activity have led to greater independence for service users and improved financial sustainability)
- the practical implications of the condition of the current buildings (current health and safety concerns)
- the current financial context and the potential impact of the Comprehensive Spending Review on the council's budgets.

2.0 Recommendations

2.1 The Executive agrees the final version of the Day Opportunities Strategy attached at Appendix B.

2.2 The Executive agrees implementation of Option 4 where implementation is built on a comprehensive and inclusive reassessment and support planning process for every current service user, and is subject to staff and union consultation.

3.0 Day Opportunities Strategy

3.1 The draft Day Opportunities Strategy reflects national policy, focused on the need to develop more personalised services for adults in order to promote

independence and help people to lead fulfilling lives, and the work that has already been done locally as part of the Adult Social Care Transformation programme. It also reflects the One Council Improvement and Efficiency Strategy, which stresses the need to develop innovative services with local people to deliver improved outcomes in a cost effective way given the current financial pressures on the council.

- 3.2 The strategy outlines proposals for the future design of day opportunities across all client groups in adult social care. The principles underpinning the strategy are:
- a move away from services delivered in buildings to a large number of people at the same time and towards the delivery of personalised services
 - service users will be supported to access services provided within the community – leisure, employment, learning and social activities - to enable them to contribute to the local economy and their local communities
 - we will work with partners to ensure that these services meet the needs of people with a learning disability
 - the role of staff will change to support the delivery of the personalisation agenda.
- 3.3 The 12-week consultation process has been broadly supportive of the principles underpinning the strategy but not necessarily the specific practical implications of the strategy. Some of the outcomes, such as greater use of Direct Payments were supported by some service users, but a number of general concerns have been raised about implementing the strategy. For example, some service users and carers feel:
- choice and community activities are better suited to younger people
 - service users are vulnerable in the community
 - they may lose touch with their friends in the centres
 - there will be less respite for carers if activities are community based
 - personalised services will be more expensive
 - private providers may be more expensive
 - the strong relationships with workers in the centre will be broken.
- 3.4 Therefore, it is crucial whichever option is taken forward that we continue to improve communication and engagement over the coming months to ensure that we can address these and other concerns while also delivering improved outcomes for service users and carers. This is particularly important in the current financial context, which will make implementation more challenging.

4.0 Implementing Changes to Learning Disability Day Opportunity Services

- 4.1 The learning disability information sheet was an appendix to the draft Day Opportunities Strategy presented to the executive in July. It set out a draft plan for the transformation of all directly provided Learning Disability services in line with the draft Day Opportunities Strategy.
- 4.2 The draft plan built on the significant amount of work carried out within Learning Disability Services over the last three years, including previous service reviews,

reassessments and skills audits. It reflects the fact that teams within the service, service users and carers are expecting change to happen following this preparatory work, and it is desirable that this work begins as soon as possible given the uncertainty regarding day services. It also incorporates the existing commitment to a new facility, the John Billam Resource Centre, which will replace Albert Road and ASPPECTS, and the current financial pressures on the council.

- 4.3 The draft plan was focused on bringing the six directly provided Learning Disability day services (Stonebridge, Projects, Strathcona, Albert Road, ASPPECTS and CASS) together into one purpose-built facility, the John Billam Resource Centre. This would be achieved through increasing levels of independence among service users and changing the operating model to focus on activities based in the community. Currently these six services provide support to 295 service users (177 per day).
- 4.4 The 12-week consultation process has raised a number of significant concerns in response to the specific proposals in the draft plan highlighted in the learning disability information sheet.
- 4.5 Service user concerns were wide ranging. For example, they:
- do not want to lose the day centres as meeting places, where they have friends
 - do not want to lose the relationship they have with their key workers
 - are concerned about travel arrangements which could become more difficult if services are based in the community
 - did not think there was enough space in Strathcona
 - feel vulnerable in the community.
- 4.6 Carers concerns focused on the following:
- changes are driven by the need to save money rather than improvements to the service
 - the capacity of John Billam to accommodate all Learning Disability day service users
 - the quality and relevance of the current assessments, and the need for future high quality, transparent assessments and support plans to be focused on the needs of individuals if the changes are to happen
 - the capacity of Strathcona and John Billam Resource Centre to meet the needs of those requiring a building based service
 - the need to demonstrate what a person centred plan would look like
- 4.7 In light of these concerns, this report outlines four options for taking forward the Day Opportunities Strategy for directly provided Learning Disability day services.
- 4.8 **Option 1:** *No change – current service users, current service model in the same buildings.* The current revenue cost of the six directly provided Learning Disability day services (£3.7 million) would not change. However, capital investment of £150k is required in Stonebridge to tackle immediate structural problems with subsidence.

- 4.9 There would be no impact on service users in any of the six directly provided services in this option as services would continue in the current service model. Therefore, there was support for this option from service users and carers. However, even if immediate structural problems are addressed, Stonebridge would remain unfit for purpose, and so the service would not improve. Option one is not aligned to the draft Day Opportunities Strategy because it would have little or no impact on the levels of independence and any increase in services delivered in the community would lead to excess capacity in directly provided services, which would reduce value for money.
- 4.10 **Option 2: Improve Stonebridge – current service users, current service model in the same buildings, but with significant investment in Stonebridge.** The current revenue cost of the six directly provided Learning Disability day services service (£3.7 million) would not change. However, in addition to the £150k capital investment in Stonebridge to tackle immediate structural problems, a further £850k would be required to ensure the building is fit for purpose for the medium term.
- 4.11 Only service users at Stonebridge would be affected by this option. There would be a temporary negative impact while the building works were carried out, but there would be a positive medium term impact as the building would then be fit for purpose. Therefore, there was support for this option from service users and carers. Option two is not aligned to the draft Day Opportunities Strategy because it would have little or no impact on the levels of independence and any increase in services delivered in the community would lead to excess capacity in directly provided services, which would reduce value for money.
- 4.12 **Option 3: Buildings based, community focused service – increase levels of independence by 10 per cent and close Stonebridge but retain Strathcona.** This option would reduce the revenue cost of the service by £635k (17 per cent) as well as releasing £1.3 million (capital) from the sale of Stonebridge. This option ensures two learning disability, buildings-based, day services (Strathcona and John Billam) are retained in the medium term. It has been developed to reflect concerns raised in the consultation, in particular the importance of day centres as a key meeting place, which allows service users to maintain important relationships in a safe environment.
- 4.13 In this option eligible service users from Stonebridge and Projects would move to the Strathcona site. There would be no reduction in service for eligible service users. Currently, 232 service users are supported by these three services, but only 114 service users per day access a buildings-based service. The ‘per day’ figure reflects the fact that a significant number of service users either do not attend every day or access employment on a daily basis, but it does not reflect the fact that some service users may not be eligible for the service any more. The Strathcona facility has a capacity of 130. There would also be minimal impact on service users at ASPECTTS because their service is currently provided on the Strathcona site, but in a different building.

- 4.14 If this option is agreed, implementation would be built on a comprehensive and inclusive reassessment and support planning process for every current service user. The process would be aligned to the principles underpinning Valuing People and co-designed with service users and carers. It would be based on current unmet needs, a transparent application of eligibility criteria and reflect service user aspirations. The outcome would be a personalised package of support for eligible service users focused on outcomes that support people to lead independent and fulfilling lives. This would be delivered through a Personal Budget that may or may not include directly provided day services as appropriate. This process would also be designed to ensure that service users and carers have more information about any changes. Therefore, there was support for this option from service users and carers.
- 4.15 This option is aligned with the draft Day Opportunities Strategy because of the focus on person centred planning and increased levels of independence and community based activity. It would also deliver improved value for money because the reduction in overall capacity in directly provided services would ensure that excess capacity is minimised. The potential, identified in the consultation, to use other Council buildings more flexibly to provide additional capacity, for example New Millennium, also offers additional service options to ensure value for money.
- 4.16 **Option 4:** *Implement the draft plan as set out in the Learning Disabilities Information Sheet – increase levels of independence by 30 per cent and create a community based service model.* This option would reduce the cost of the service by £1.068 million (29 per cent) as well as releasing £2.9 million (capital) from the sale of Stonebridge and Strathcona. This option reflects the original draft plan set out in the learning disability information sheet.
- 4.17 In this option Strathcona will close when John Billam Resource centre is completed which is likely to be early 2012. Service users will move to Strathcona following the closure of Stonebridge in early 2011. All service users will receive a comprehensive and inclusive reassessment and support planning process and this option is dependent on the successful shift to alternative community based services.
- 4.18 In this option the John Billam Resource centre would provide the buildings base for those who need it although, as outlined above, the consultation has identified the potential to use other council buildings more flexibly to provide additional capacity and improved value for money, for example New Millennium. All service users of directly provided service would be affected by this option.
- 4.19 Significant concerns were raised about this option during consultation. The two key concerns were the capacity of John Billam, which as a buildings-based service has a capacity of 60, and the fact that planning for this option is based on reassessments done over the last two years, which may no longer be valid. These are genuine issues, which have been addressed in three ways in the planning:

- As in Option 3, implementation would be built on a comprehensive and inclusive reassessment and support planning process focused on the individual needs and outcomes of service users
- The capacity of the John Billam Resource Centre will be greatly increased if the service becomes a community based service and service users are only there for a part of the day
- The consultation identified, as stated above, the potential to use other council buildings more flexibly to provide additional capacity and improved value for money, for example New Millennium.

4.20 This option is completely aligned to the draft Day Opportunities Strategy because it would be implemented through person centred planning, it would increase levels of independence significantly and would make the service predominantly community based. It would also deliver improved value for money because the reduction in overall capacity in directly provided services would ensure that excess capacity is minimised.

5.0 Co-production, continuing communication and engagement

5.1 Continued engagement with service users, carers, staff and other stakeholders will be crucial to the successful implementation of any of the options outlined above. As outlined above a co-designed process of reassessment and support planning would be central to this, but the communications plan, which has been revised and is attached at Appendix C for information, outlines the full breadth of communication activity which will be delivered.

6.0 Financial Implications

6.1 This report considers four options for taking forward the Day Opportunities Strategy for directly provided learning disability day services. The details of these options are set out at section 4 of this report.

6.2 The current revenue costs of the six directly provided Learning Disability Day Services is £3.7m per annum.

6.3 The capital and revenue impact of each option, together with the estimated capital receipt(s), are set out in the following table:-

Option	Description	Revenue £000	Capital £000	Capital Receipt £000
1	No change but address subsidence	20	150	0
2	No change, Stonebridge fit for purpose	71	1,000	0
3	Close Stonebridge	-635	0	-1,300
4	Close Stonebridge and Strathcona	-1,068	0	-2,900

Options 1 and 2 will both require capital investment that is not currently in the Council's budget. As this capital investment is unfunded, there will be a revenue

impact (not budgeted) arising from the associated debt charges (interest and principal repayment). It should be noted that the costs of financing are based on the Council's current estimate of 5% annuity, and this is subject to change. Options 3 and 4 both generate revenue savings for the Adults Social Care Budget, and will also generate a useable capital receipt for the Council. The savings are the full year effect, and take account of staffing, running costs and redundancy costs where applicable.

6.4 The estimated timing and cumulative impact on the revenue budget for each option is set out in the following table:-

Option	Description	2011-12 £000	2012-13 & ongoing £000
1	No change but address subsidence	20	20
2	No change, Stonebridge fit for purpose	71	71
3	Close Stonebridge	-635	-635
4	Close Stonebridge and Strathcona	-635	-1,068

7.0 Legal Implications

7.1 Guidance issued by the Department of Health requires that the Local Authority "provide, whether at centres or elsewhere, facilities for occupational, social, cultural and recreational activities and, where appropriate, the making of payments to persons for work undertaken by them" to those who qualify for services under s29 of the National Assistance Act 1948 or s2 CSDPA 1970. The Local Authority also has a power to provide such services where necessary to promote the welfare of older people under s45 of the Health Services and Public Health Act 1968. The Local Authority will need to demonstrate that the chosen option does ensure sufficient facilities will be available for occupational, social, cultural and recreational activities to both current and future services users and that these can be accessed by individual services users. The move towards personalisation of adult social care does not affect the duties set out in legislation; however the increased use of existing community resources rather than specialized separate provision is not prohibited by legislation or government guidance.

7.2 The Executive is reminded that they are required to approach the outcome of any consultation objectively and in a fair manner. Care should be taken to ensure that all groups with protected characteristics as defined by the Equality Act 2010 are consulted and their concerns given due regard. The proposals should set out how these concerns will be addressed.

7.3 As a public authority, the Council has general duties to promote equal opportunities relating to race, disability and gender and to remove discrimination. These duties are set out in the:

- Disability Discrimination Act 2005 (DDA 2005);

- Equality Act 2006;
- Equal Pay Act 1970;
- Race Relations (Amendment) Act 2000 (RRAA 2000);and
- Sex Discrimination Act 1975.
- Equality Act 2010

Currently the DDA 2005 requires public authorities, when considering disabled people, to promote positive attitudes towards disabled people and take positive steps, even if that involves treating disabled people more favourably than others.

To provide guidance on the duty there is a Statutory Code of Practice. The general duty is not absolute but it does require authorities in respect of all their functions to give due regard to disability equality.

The core general duties are similar for race and gender i.e.:

- To promote equality of opportunity; and
- To eliminate harassment and unlawful discrimination.

From April 2011 part 11 of the Equality Act 2010 will be in force requiring that the local authority remove or minimise disadvantages suffered by those with a protected characteristic under the Act. It must also take steps to meet the needs of persons with a protected characteristic. In particular for disabled persons this includes taking steps to take account of their disabilities (s149(4)) and to encourage persons with a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. The increased reliance on existing community based services rather than separate specialist services should meet these objectives provided there is evidence that the community resources do adequately take into account the disabilities of the various services user groups in such a way that they can readily access the facilities. The Executive will need to consider whether each option in line with the duties detailed within the DDA and Equality Act 2010. In demonstrating that due regard has been given to the duty to promote equality of opportunity and to eliminate harassment and unlawful discrimination that Executive must demonstrate a “substantial rigorous and open-minded approach” to the duty.

The local authority’s Single Equality’s Scheme requires consultation and an impact assessment for this change in policy. This should focus not only on the number of people to be affected, but also consider the degree of impact on those actually affected.

At present the local authority must comply with the Equality Act 2010 when providing services. Under this Act age is now a protected characteristic and therefore particular care needs to be considered to the impact that the proposals will have on the elderly to access services if these are to be based primarily in the community rather than at the specialist centres. Carers are not a protected group but it is worth considering whether the impact on carers would have an adverse or

significant impact on those they care for and their ability to access facilities and services if these are to be based primarily in the community.

8.0 Diversity Implications

8.1 The Day Opportunities Strategy and the specific proposals for learning disability services are designed to deliver a more personalised service, which recognises individual needs and supports service users to access the support and services they need and want in the community. This will enable them to become participants in their local communities and develop networks and support as close to home as possible.

8.2 The Equality Impact Assessment (attached at Appendix D) that was written during the consultation confirms that the draft Day Opportunities Strategy will create a more positive approach to diversity, ensuring that individual needs, whatever they may be, are addressed to give people more control over the way they live. This is also reflected in the focus on person centred planning as the foundation of the implementation of any major changes to the service.

9.0 Staffing Implications

9.1 As the original Executive report highlighted, the draft Day Opportunities Strategy requires a significant change in working practices in all directly provided day services to create a clear focus on personalised support delivered in the community wherever possible. Staff are being supported in this change. For example, most staff have already undertaken the New Ways of Working training course. This change in culture and practice will continue over the coming months.

9.2 In each of the three waves of consultation, staff in all directly provided services have been consulted on the strategy and the draft plan outlined in the learning disability information sheet. However, they were not formally consulted on the impact on their posts. Therefore, they are aware of the strategy and the potential implications of the specific proposals outlined in the learning disability information sheet. While concerns were raised about the impact on jobs and the readiness for implementation, there was broad support for the direction of travel.

9.3 The options outlined above will have different impacts on the numbers, roles and skills required to deliver personalised services in directly provided services. If the Executive decides to close services (options three and four), there will be an impact on staff and this will be subject to full consultation.

Background Papers

Putting People First: DH policy December 2007

Living Well with Dementia: a national strategy for dementia services, Department of Health, February 2009

Valuing People Now: a new, three-year strategy for people with learning disability, Department of Health 2009

Duty to Promote Disability Equality: Statutory code of Practice (England and Wales)

Appendices

- A. Summary of Consultation response and outcomes
- B. Draft Day Opportunities Strategy
- C. Direct Services Communication Plan
- D. Equalities Impact Assessment

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Executive
16 December 2010

**Report from the Director of
Housing and Community Care**

Wards affected:
ALL

Authority to approve extension of contracts for housing support services for people with physical disabilities

1.0 Summary

- 1.1 This report seeks exemption from full tendering requirements and approval to re-commission services with existing providers of Supporting People funded housing support for people with physical disabilities.

2.0 Recommendations

- 2.1 That the executive approve an exemption from the usual tendering requirements of Contract Standing Orders in relation to the accommodation services and floating support services for people with physical disabilities, on the basis that there are good operational and/ or financial reasons for doing so as set out in Section 3 of the report.
- 2.2 The Executive approve an extension of one year from 17th December 2010 to 16th December 2011, for all the seven Supporting People funded Physical Disability/Sensory Impairment contracts, (as listed in paragraph 3.4 of this report) with the scope to extend for up to another year to 16th December 2012 (2 years in total) if the services continue to be strategically relevant, demonstrate good value for money, and continue to demonstrate satisfactory performance.
- 2.3 Should the Executive not support the recommendation set out in 2.1 and 2.2 above, it is requested that a 12 month extension to the current contracts be granted to allow sufficient time for a tender exercise to be undertaken. This extension would take the existing contracts up to 16th December 2011.

3.0 Detail

- 3.1 The Supporting People (“SP”) Programme is a national programme for the provision of housing related support services for vulnerable people to gain, increase or maintain their independence. Currently SP funds the provision of “accommodation based services” (support tied to accommodation) and “floating support services” (support to service users in their own home). Services assist clients in maintaining their accommodation, i.e. help with; accessing benefits, budgeting, ensuring bills paid, education, training, employment, healthy living, community engagement etc.
- 3.2 The SP Programme commenced in April 2003. The Programme in Brent was valued at £13.7 million in 2004/5 and has reduced to £12.3 million for 2010/11. It is anticipated that further reductions will take place in 2011-12 and beyond, following the October 2010 Comprehensive Spending Review.
- 3.3 In May 2007, the Executive approved a five year future procurement strategy for Supporting People contracts. An element of this procurement strategy was undertaking a strategic review in 2011 and the procurement of contracts for services to people with a physical disability in 2011-12. To enable time for this strategy to be implemented, the Executive granted approval for exemption from tendering requirements and award to the existing providers for contracts for physical disability contracts. These contracts were for a period of two years from 1st December 2006 (ie up to 30th November 2009) with an option to extend under chief officer delegated powers for one year, plus one year. The contracts have already been extended under those powers to 30th November 2010.
- 3.4 Supporting People currently funds 7 housing-related support services for people with a physical disability/sensory impairment to a total cost of £360,490 for 2010-11. A total of 135 people with physical disability/sensory impairment receive these specialist services from 7 different providers. Two of these services are accommodation-based housing support service for 12 people with a sensory impairment. There are also four floating support services funded addressing the complex needs of people with a physical disability/sensory impairment, some of whom may have dual diagnosis

Provider	Capacity	Annual contract price 2010-11 £	Service Type
Apna Ghar HA	81	125,669	Floating
Association of Muslims with Disabilities	15	54,235	Floating
Genesis Housing Group	10	35,086	Floating
Middlesex Association For the Blind	17	26,729	Floating
RNID	6	105,849	Accommodation Based
Stadium HA	6	6,312	Floating
Salvation Army	8	6,610	Accommodation Based

- 3.6 As can be seen from the table above, the individual contract values for these services are comparatively small, given that some Supporting People contracts are valued at over £1 million per year. Given the current reduced budget for the Supporting People programme and the significant efficiency savings required annually, the cost of a full re-tendering exercise limited to these services is prohibitively high. Extending the contracts will allow us to carry out a strategic review in the light of reduced funding availability following the Comprehensive Spending Review. This will take place early in 2011. More significantly, it will also allow us to consider opportunities for obtaining economies of scale for these services through tendering any future requirements jointly with the West London Alliance as part of wider Procurement Plan to be developed jointly over the next few months with all West London local authorities.
- 3.7 This report seeks approval to extend the contracts with the incumbent providers of physical disabilities and sensory impairment for one year with the scope to extend for up to another year (2 years in total) if the services agree contract price reductions and continue to be strategically relevant and to demonstrate satisfactory performance. This will allow for a strategic review and consideration of joint with West London and will be the subject of report to Executive in 2011.

4.0 Financial Implications

- 4.1 The Supporting People budget is currently £12.3 million per year. However, the Comprehensive Spending Review reduced the amount nationally available over the next four years by 12%. The exact amount available to Brent has yet to be notified to the council. However, the Supporting People Grant has been un-ring-fenced since 2008. It is expected that SP services will therefore need to contribute to larger spending cuts required across the council. Negotiations are ongoing with all providers of Supporting People contracts, with the aim of significantly reducing overall Supporting People spending over the next 2 years.
- 4.2 Contract negotiations for these services will therefore ensure that the any future agreed contract sum is equal to or less than the current contract price, with our target being a reduction of a minimum of 12% on current contract values of £360,490 and service providers will have the benefit of a contract extension. The services would continue to be funded within the existing Supporting People budget.
- 4.2 There are no additional financial implications arising from the recommendations set out in this paper.

5.0 Legal Implications

- 5.1 The report recommends the award of accommodation based services and floating support services identified in paragraph 3.10 above. Such contracts are required by standing orders to be tendered. Where any contract is proposed not to be tendered, then only the Executive can approve this under Standing Order 84 on the conditions that there are good operational and / or financial reasons for doing so. The

Executive therefore needs to consider whether the grounds identified in section 3 of this report constitute good operational and financial reasons for not tendering.

- 5.2 In addition, Members may only grant an exemption from tendering where there is no breach of European public procurement requirements. These services are Part B services under the Public Contracts Regulations 2006 (the EU Regulations) and are thus exempt from the full tendering requirements of the EU Regulations. Most importantly, there is no strict requirement to advertise and tender Part B contracts in accordance with EU Regulations. However award of Part B contracts is subject to over-riding obligations of fairness and transparency and there is certainly EU case law to suggest that even part B contracts should be subject to some form of advertised process. However this is subject to an analysis of the nature of the service and whether there is likely to be cross-Europe interest. This is unlikely with most social services contracts, and so the risk of a challenge is considered low.
- 5.3 As Part B services, the award of accommodation based services and floating support services would still require notification of contract award to the EU Publications Office.
- 5.4 The award recommends the extension of existing accommodation services and floating support services. As these contracts have already been extended using delegated powers, Executive approval to such extension is required.

6.0 Diversity Implications

- 6.1 The new contracts will require providers of housing support services to deliver services which are culturally sensitive by providing cultural awareness training for all staff, matching specific language requirements where possible and recruiting a local workforce which reflects the communities of Brent.
- 6.2 In providing a range of training, employment, leisure and social activities the service will be open to all members of the surrounding community. Partnering arrangements with local community groups and specialist providers will be encouraged as part of the contract terms for the service.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 There are no staffing implications or accommodation implications for the Council.

Background Papers

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Martin Cheeseman

Director of Housing and Community Care

	<p style="text-align: center;">Executive 13 December 2010</p> <p style="text-align: center;">Report from the Director of Children and Families</p>
<p style="text-align: right;">Wards affected: Harlesden, Kensal Green and Willesden Green</p>	
<p>Authority to award a construction contract for the re- building of Roundwood Youth Centre</p>	

APPENDIX 1 IS NOT FOR PUBLICATION

1.0 Summary

- 1.1 This report requests authority to award the contract in relation to the construction works at Roundwood Youth Centre as required by Contract Standing Order 88 (c). This report summarises the process undertaken in tendering this contract, following the evaluation of tenders, and recommends to whom the contract should be awarded.

2.0 Recommendations

- 2.1 That the Executive note the award of a contract for pre-construction services and preliminaries in the sum of £346,990.00 to Morgan Sindall Construction plc (formally known as Morgan Ashurst) in relation to the construction works at Roundwood Youth Centre
- 2.2 That the Executive delegate to the Director of Children & Families authority to award a contract for the construction works at Roundwood Youth Centre to Morgan Sindall Construction plc, subject to confirmation of myplace Big Lottery funding from the Department for Education and subject to confirmation that the final price tendered is within the limit of the Big Lottery funding.

3.0 Detail

- 3.1 On 26 February 2009 the Council received an in principle award of £4,997,151 from the myplace Big Lottery Fund to fund the demolition of the existing Roundwood Centre building, site preliminaries, build the new youth centre, external works, professional fees, contingency, furniture and equipment.

- 3.2 The Roundwood myplace project is a development opportunity to create a new, world-class facility on the site of the existing Roundwood Youth Centre. The proposed building, to be known as the Roundwood Youth Centre, is within the heart of Harlesden and has the potential to become a central hub for young people in an area of significant deprivation. The new Roundwood Youth Centre will provide a landmark building for Harlesden and will make a significant contribution to the general regeneration of the local area. The building will be created using energy efficient and environmentally friendly materials to ensure that the design adheres to the principles of sustainable developments.
- 3.3 The Roundwood Centre is due to be completed by March 2012 and will serve young people in Harlesden and throughout Brent. As well as having a world-class design for the build, the new Roundwood Youth Centre will have hugely improved facilities including state of the art equipment, an internet café, performance space, dance and music studios, a sports hall, astro turf, a climbing wall, roof terrace and a multi use games area (MUGA). Roundwood Youth Centre will provide a safe and secure environment for all young people in the catchment areas to meet and take part in youth work activities and sessions, gain accreditation and get information, advice and guidance on any issues they may have, including careers and health and emotional issues.
- 3.4 Young people have been involved in the developing design from the beginning. "Brent Youth Matters 2" youth forum members have attended meetings with architects and visited various innovatively structured venues to gain ideas. The new Roundwood building has been designed with robust consultation with young people, user groups and potential users.
- 3.5 As detailed in paragraphs 3.11 to 3.21, Officers proceeded to let a contract for pre-construction services and preliminaries. On 6 July 2010 the Council received an email notification from the Big Lottery Fund on behalf of the Department for Education (DfE) to the effect that the capital spending for youth facilities was to be reviewed and that the Big Lottery Fund were awaiting a decision from the Department for Education on the future of myplace funding. The milestone review decision process that was underway with the Big Lottery Fund at that time was put on hold pending a decision from the Department for Education and as at 19 November 2010, there has been no further news on the future of the programme.
- 3.6 In the same communication, the Local Authority was advised that committing costs in excess of 5% of the lead in payment of the grant would be at the risk of the Council. An assessment of spending to date was made and the Project Steering Group have been able to take the programme as far as securing planning permission and preparing and issuing packages, for example subcontracting specifications for aspects of the build such as electrical work, mechanical engineering, to the sub-contractors. The project is now on hold pending confirmation of funding.
- 3.7 Owing to the uncertainties about the myplace funding and the need to place the project on hold at RIBA stage E following the news that there would be no confirmation of funding before the outcome of the Public Spending Review, there has been an inevitable delay to the project. In order to meet the requirements to complete the build within the timeframe specified it is essential to commence the works on site early in January 2011.

The IESE Procurement and its Benefits

- 3.8 The intention is to award a call off contract from the Improvement and Efficiency South East Buildings Work-stream Construction Framework (the IESE Framework). The IESE Framework Agreement was established following an EU-compliant process and any call-off is on the basis of most economically advantageous tender. The IESE Framework is one to which a number of contractors have been appointed after testing on minimum standards of economic standing and technical capacity. The framework is structured to provide for traditional procurement using a two-stage contract (ie pre-construction services and then the main build contract). The added value of this IESE procurement route is that it allows for open book accounting with the main and sub-contractors, enabling the Council and appointed consultants to audit the cost management process during the pre-construction and construction phases. Under the IESE Framework rules, it is necessary to run a mini-competition process among the participating contractors to appoint a contractor for the pre-construction phase, and there is no contractual obligation to proceed to contract award until the contract proposals are offered at the end of the pre-construction phase.
- 3.9 Officers considered that using the IESE Framework Agreement allows the Council to procure the required new-build works within the timeframe permitted, with reduced expenses incurred. Officers regard the IESE Framework Agreement to be beneficial for the following reasons:
- Programme time saving and programme certainty
 - Cost certainty earlier in the process - open book policy
 - Comprehensive risk reduction earlier in the process
 - Collaborative working
 - Contractor certainty - already pre-qualified on financial stability and quality
 - Resources are minimised when compared to the OJEU procurement route
 - Process - KPI's and Stage approvals, following the RIBA design stages.
 - All contractors have worked on projects for Local Authorities
 - The opportunity is there to ensure that continuous value engineering of the project is meeting its objectives of cost certainty.
 - Updated management and project specific preliminaries costs, if necessary
 - Alignment of the cost plan with design development and budget
 - Negotiations with subcontractors and suppliers to achieve best value costs within cost plan
 - Designing out risk and increasing buildability within project budget
- 3.10 It was therefore decided to proceed with using the IESE Framework. In accordance with Contract Standing Order 86 (d) (ii), the necessary approvals to use the IESE Framework were obtained from the Director of Children & Families, the Director of Finance & Corporate Resources and the Borough Solicitor in February 2010.

The process required to be followed by the IESE Framework

- 3.11 Under the rules of the IESE Framework, the IESE team at Hampshire County Council ran an Expression of Interest process to identify relevant contractors on behalf of the Council in relation to the required construction works at Roundwood Youth Centre.

- 3.12 Following an evaluation of the Expressions of Interest, the appointment of a preferred contractor using the IESE Procurement Framework is based on structuring the Mini-Competition Tender Documents around the specific stakeholder and project requirements. It enables the contractor to fully understand these requirements and prepare an initial Draft Execution Plan (DEP) identifying risk and issues within the project. The evaluation scores the DEP in addition to their cost and ability submissions. The transparency of this approach allows the stakeholders and Design Team to fully assess the contractors' competence and suitability to deliver this complex project.

The Expression of Interest process

- 3.13 All ten IESE Framework Agreement contractors were invited to express their interest against outline project information including their preferred type of work, their relevant experience, capacity and their geographical presence. All ten contractors on the IESE Framework chose to express interest and were evaluated.
- 3.14 The evaluation was carried out by the Council's agent, MACE, with guidance from IESE. Selection was based on the criteria set by IESE including the contractors' overall performance, KPIs on finance, quality, programme and satisfaction. That information was provided direct by IESE and sourced from previous Framework projects, capacity and relevance to the project.
- 3.15 Following the evaluation of the Expression of Interest, four contractors were shortlisted. Details of these contractors are set out in Appendix 1

Tender process

- 3.16 Following the evaluation of Expressions of Interest, invitations to tender were issued in March 2010 to the four contractors to enter the mini-competition. The mini-competition was held to enable the selection of a contractor to be appointed under a call-off contract for pre-construction work to include design work, to inform on technical solutions best suited to the scheme requirement and the development of a cost plan.
- 3.17 A full breakdown of the criteria and requirements were issued to the four contractors covering project description, duties of the framework contractor and the ability (competence to carry out the work) and cost submissions.
- 3.18 The written tender submissions were evaluated by the myplace Project Steering Group (comprising Council Officers, representatives from MACE and two young people from Brent Youth Matters 2) led by MACE. The contractors were awarded marks based on the agreed criteria and weightings set out in the evaluation matrix, detailed in Appendix 2. The prices submitted by tenderers for the pre-construction services and preliminaries are contained in Appendix 3.
- 3.19 An initial evaluation of tenders from all four contractors was undertaken. One of the contractors (Contractor A) did not score as well as the others and in accordance with IESE Framework procedures it was not considered appropriate to invite Contractor A to be interviewed. The other 3 contractors were invited to interviews on 8 April 2010 and their proposals jointly evaluated by the Design Team, Brent Youth and Connexions Service, young people and a representative from Property and Asset Management. The primary purpose of the interview was to seek

clarification on the understanding of the scheme and the Youth and Connexions Service's requirements based on an agreed schedule of questions applicable to all contractors. The interview confirmed Contractor C's ability to deliver the project within the budget and programme constraints.

3.20 The evaluation report at Appendix 2 gives the detailed evaluation scoring showing the strengths of the highest scoring bidder. The overall final percentage scores are summarised as follows:

- Contractor C 69.1%
- Contractor D 65.5%
- Contractor B 61.3%
- Contractor A 48.6%

3.21 Following completion of the evaluation process, the evaluation panel recommended that the contract for Pre-Construction Services be awarded to Contractor C, Morgan Sindall Construction plc (formerly Morgan Ashurst). Morgan Sindall Construction plc (Morgan Sindall) tender for Pre-construction services was in the sum of £346,990 and as a result, their appointment was agreed by officers under delegated powers.

3.22 The implications of appointing Morgan Sindall through the IESE Procurement route has enabled the early introduction of the contractor to the Council to ensure the new build and demolition of the existing building is delivered with minimal disruption to the operation of the present Roundwood Youth Centre. In addition to the contractors design/buildability advice to the Design Team, all the intrusive surveys and investigations (Level 3 asbestos, access, structural, M&E services, fire) have been completed well before the main contract commencement, highlighting any construction/programme issues impacting on the budget, therefore assuring the output cost certainty of the contract

3.23 The Planning Application for the scheme received approval on 16th September 2010, with conditions which include:

- Sustainability measures are to ensure BREEAM Very Good rating on the new build.
- 10% renewables calculation is to be included.
- Water consumption and reduction measures to be included
- Tree protection measures to be put in place
- Noise survey to be carried out as existing at nearest noise sensitive point to the boundary
- A Green Travel Plan is required
- A Landscape management plan is required
- A cycle storage facility with security is to be included
- There is to be provision for refuse storage and recycling
- Ecology protection and monitoring measures to be proposed by the contractor

3.24 By appointing Morgan Sindall through the IESE Framework for Pre-construction services, the Council benefits from their early input into achieving BREEAM credits at the design stage, reducing financial pressures during the construction phase to reach the BREEAM requirement.

- 3.25 A breakdown of Morgan Sindall Pre-construction Stage Management Structure and Costs submission has been received from Morgan Sindall. It supports the reasoning behind the evaluation process selecting this contractor as the main contractor to successfully deliver the new build scheme at Roundwood Youth Centre. Morgan Sindall have been preparing for the competitive tendering of sub contractor packages for the main construction contract. Once tenders for these sub contractor packages have been received, Morgan Sindall will be able to provide a price for the main contract. Pricing will be examined by the Council's cost consultants to ensure best value. Subject to confirmation of myplace Big Lottery funding from the Department for Education and subject to confirmation that the final price tendered is within the limit of the Big Lottery funding, Officers would wish to proceed with the award of the main construction contract to Morgan Sindall.
- 3.26 Subject to Executive approval to appointing a main contractor in accordance with Recommendation 2.2, it is anticipated that start on site commences early in January 2011, subject to confirmation of funding from the myplace, with delivery of the completed project by March 2012. The Council through Mace, as architect and lead consultant, will retain control over the final design to ensure that proposals meet the aspirations of the client team. It is proposed that Morgan Sindall will feed into the design development stage alongside the Design and Client Team from RIBA Stage E.
- 3.27 The form of build contract proposed will be a JCT form of contract under a traditional design methodology. A tender price has been sought at RIBA Stage E from Morgan Sindall, but to ensure a robust and firm contract tender price, it is envisaged that the contract would not be signed until RIBA Stage F design is clarified to ensure minimal provisional sum pricing.

4.0 Financial Implications

- 4.1 The report notes that utilising the IESE Framework Agreement that facilitates bringing on board a contractor at an early stage of the procurement process enables the principles of Best Value to be adhered to, as outlined in paragraphs 3.23 and 3.24 and how tasks enabling cost certainty during pre-construction and post construction phases may be achieved.
- 4.2 To date the council has commitment from the Big Lottery Fund to re-imburse up to 5% (£249,857.55) of the total in principle grant award of £4,997,151 subject to submission of a valid claim once relevant invoices are received
- 4.3 The Council's Contract Standing Orders state that works contracts exceeding £1,000,000 (High Value Contracts) shall be referred to the Executive for approval to award the contract under Council Standing Order 88(c).
- 4.4 The indicative value of this works contract will be higher than £1,000,000 although it will not exceed the balance of the total £4,997,151 Big Lottery Fund Grant remaining after the costs of the Preconstruction and Preliminaries have been met (maximum £249,857.55) the Executive is hereby being requested to approve the works contract to Morgan Sindall, thus enabling works to start early in January 2011, subject to confirmation of funding by the Big Lottery Fund on behalf of the Department for Education.

- 4.5 There are no additional revenue costs arising from the project. Revenue costs will be met from existing Youth Service budgets, increased lettings to community organisations and income generation.

5.0 Legal Implications

- 5.1 The estimated value of the construction contract is over the EU threshold for works contracts (of £3,927,260) and the award of the contract is therefore governed by the Public Contracts Regulations 2006 (the “EU Regulations”). Normally a contract that is above the EU works threshold requires a formal EU-compliant tender process to be undertaken. However where there is an intention to call-off a framework that has been procured in accordance with EU Regulations, then there is no requirement to pursue a full tender process provided that the call-off is in accordance with the framework rules.
- 5.2 The award of the construction contract is subject to the Council’s own Standing Orders and Financial Regulations in respect of High Value Contracts. As such, the construction contract should ordinarily be tendered. However, where there is a call-off under a framework agreement established by another contracting authority, Standing Order 86 (d) provides an exception to this whereby, if the call-off is recommended by the relevant Chief Officer, the Director of Legal and Procurement has advised that participation in the framework agreement is legally permissible and approval from the Director of Finance has been obtained from the Director of Finance and Corporate Services, then no formal tendering procedures apply. Approval from the Executive to any award of a call-off contract is however still required in connection with High Value contracts though the Executive is able to delegate this approval to award to Officers.
- 5.3 The Director of Legal and Procurement has advised that participation in the IESE Framework agreement is legally permissible.
- 5.4 It should be noted that the award of this works contract to Morgan Sindall is subject to the Council receiving the amount of £4,997,151 from myspace Big Lottery funding from the Department for Education
- 5.5 A JCT standard form contract will be used for the construction contract as permitted by the IESE Framework.

6.0 Diversity Implications

- 6.1 The Roundwood Youth Centre is situated in Harlesden where there are relatively high numbers of young people Not in Education Employment or Training (NEET) and high numbers of young people living in low income households. Young people in the area come from diverse ethnic and cultural heritage groups.
- 6.2 The design strategy, the building form and the equipment to be installed will support the provision of a wide range of activities, facilities and amenities for all, including young people with disabilities and those who need youth provision most and so will enhance inclusion and participation.
- 6.3 An equalities impact assessment has been completed for the myplace project.

7.0 Staffing/Accommodation Implications

- 7.1 The staff at Roundwood Youth Centre are currently delivering youth provision in a building that is no longer fit for purpose.
- 7.2 The building works as proposed will improve the accommodation and will thereby facilitate the organisation, management and operation of youth provision within the Centre.

Background Papers

None.

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Krutika Pau
Director of Children and Families

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Evaluation Matrix

		Contractor A	Contractor B	Contractor C	Contractor D
Ability	Draft Project Execution Plan	2	2	3	3
	Logistics Report	5	5	8	4
	Draft programmes	5	7	7	5
	Supporting information to cost submission	5	8	6	9
	Cost plan comment	6	10	11	5
	Previous experience of project team	14	15	15	15
	Interview		5	10	12
Subtotal (max 100)		37	52	60	53
Weighted total (max 70)		29.6	41.6	48.3	42.7
Cost	OH&P	4.0	4.4	4.0	5.0
	Pre-construction	7.0	5.8	5.1	6.5
	Construction	8.0	10.5	11.7	11.4
Weighted total (max 30)		19.0	19.7	20.8	22.8
TOTAL		48.6	61.3	69.1	65.5

Prices

Contractor	Preconstruction	Preliminaries	Total
Contractor A	£5,200.80	£435,627.00	£440,827.80 (note)
Contractor B	£11,720.73	£257,549.00	£269,269.73 (note)
Contractor C	£36,868.00	£310,122.00	£346,990.00
Contractor D	£10,562.00	£334,600.00	£345,162.00

NB: IESE noted irregularities in build up of the preconstruction and preliminaries for both Contractor A and Contractor B.

OH&P, 'CAR' insurance and VAT at market rate excluded.



Executive
13 December 2010

**Report from the Director of
Environment and
Neighbourhood Services**

Wards affected:
ALL

Review of Statement of Licensing Policy

1.0 Summary

- 1.1 This report sets out the outcome of consultation over the review of the Council's Statement of Licensing Policy under the Licensing Act 2003 and recommends changes to that policy.

2.0 Recommendations

- 2.1 Members are asked to agree this report and adopt the proposed changes to the Statement of Licensing Policy.

3.0 Detail

- 3.1 The Licensing Act 2003 requires the Council to prepare, consult and publish a statement of licensing policy before it can carry out its duties under the Act. The Statement of Licensing Policy is a statement of how Brent as the licensing authority intends to exercise the licensing functions imposed upon it by the Act. It may state the Council's general approach to the making of licensing decisions and the regulation of licensing activities. It should provide transparency for all those affected by the licensing regime which means not only applicants for licences but also local residents who are able to make representations to Brent in opposition to certain applications for a licence.
- 3.2 The policy first published in January 2005 has to be reviewed every three years. The first review was carried out in 2007 and the policy published in January 2008. Our second policy review has now been carried out.
- 3.3 A copy of the policy and officer's recommendations were sent to the Heads of Responsible Authorities, trade representatives and all the consultees involved

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in the original policy, in all over 150 consultation letters were sent out. In addition the same consultation documents were displayed on our website.

- 3.4 Replies were received from the Police, Committee Services and the Greater London Authority.
- 3.5 The comments received as part of the consultation and officers recommendations regarding those comments have been listed in Appendix A of this report.
- 3.6 Officers have not recommended any alterations to the policy themselves. The Government are currently reviewing the Act and associated regulations. If the Government consultation results in changes to current legislation our policy will have to be revised in accordance with the changes.
- 3.7 Where new paragraphs suggested for insertion in the policy duplicate existing numbers then subsequent paragraphs will be renumbered.

4.0 Financial Implications

- 4.1 There are none arising from this report.
- 4.2 The Council is required to publish copies of its policy and the cost of this will come from Health Safety & Licensing's existing budget. The original 2005 policy was published in book form and the revised 2008 policy was published on the internet. This policy will be published on the internet and hard copies made available if requested.

5.0 Legal Implications

- 5.1 Before Brent can carry out any of its functions under the Act, it is required to prepare and publish a Statement of Licensing Policy. The Government issued an order appointing the 7th January 2005 as the day by which each licensing authority must have determined and published its policy. There was also a requirement that policies must be reviewed every three years or sooner.
- 5.2 Alongside the Act, the Government has issued Statutory Guidance in June 2004 (and revised this year) under s182 of the Act which sets out a framework of contents for the Statement of Licensing Policy. Members should note that policies could be challenged by way of judicial review where they do not comply with the Act or their contents do not accord with the Government's Guidance without good reason. The Policy could also be challenged if the administrative processes for consultation are found to be flawed. This could include circumstances where the Licensing Authority has failed to suitably review its statement of policy.

6.0 Diversity Implications

- 6.1 Paragraphs 10.0 to 10.4 of the policy deal with diversity matters.
- 6.2 An equality impact assessment was undertaken in respect of the policy in

2

2008 and did not identify any adverse impact towards the various groups within the community.

6.3 Further monitoring and consultation has taken place during the life of the last policy and this has not highlighted any adverse impact.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None specific to this report

Background Papers

Details

The Licensing Act 2003
Government Guidance
Consultation Documents

File

Legal File
HSL Library
Consultation File

Contact Officers

Any person wishing to inspect the above papers should contact Alan Howarth, Health, Safety and Licensing Division, Brent House, 349-357 High Road, Wembley, Middlesex HA9 6BZ, Telephone: 0208 937 5369.

Sue Harper

Director of Environment and Neighbourhood Services

Appendix A				
Date	Consultee	Comments	Officer's Recommendations	Reason
29/09/10	Brent Committee Services	In respect of paragraph 14.7 of the Policy concerning making representations on applications, it mentions that the Council will withhold publishing personal details of individuals where there is sufficient reason to believe that this would lead to intimidation. However, it does not go into any detail as to how this is determined i.e. is it sufficient for the individual concerned to express such a fear, or does the Council take a considered view as to whether that would be appropriate? Also, is there any prior information to those making representation that alerts them to the right to request withholding their personal details? In view of this, would it be considered appropriate to add some further detail to the paragraph outlining how personal details can be prevented from becoming public?	Insert New Paragraph 14.8 "Where persons making a representation wish to have their details kept confidential this will be considered on an individual basis after receiving a request from the person concerned, and they will be required to show that there is a reasonable fear of intimidation. In any event sufficient information (without identifying the objector) will be given to the other party to enable them to address the objection. Information informing objectors of our policy over the right to have personal details withheld is included on the consultation notice we ask applicants to display and in our acknowledgement letter sent on the receipt of an objection.	To clarify the Council's approach to the confidentiality of objectors.
28/10/10	Greater London Authority	The Council is fully committed to a safe and successful Olympic and Paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and	Agreed and be inserted into the policy as paragraph 4.1.5	To give guidance to applicants with respect to applications made for events to be held during the period of

		prioritised for the security of major events before, during and after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is [the Council's policy] likely that such applications will not be granted.		the London Olympic and Paralympic Games
31/10/10	Metropolitan Police	Can we have a definitive time that the representation period starts for all applications to be clearly identified?	Not agreed	The legislation states the times that a representation period starts and finishes. There are different times and periods for different types of application.
31/10/10	Metropolitan Police	The policy should acknowledge that “Best Bar None” has had a positive effect on the	Insert new heading and paragraphs. “Best Bar None”	This is a voluntary scheme and therefore

		licensing objectives and therefore the Council has an expectation that pubs, clubs and bars sign up to the scheme or to reach the minimum standards of operation set out in the scheme.	<p>“Best Bar None has been running in Brent since 2007 and has had a positive effect on the promotion of the licensing objectives.”</p> <p>“The Council is committed to supporting Best Bar None and participating in the organisation, promotion and running of the scheme.”</p> <p>“The Council will encourage and support eligible premises to participate in the scheme or to reach the scheme's minimum standards.”</p>	we should encourage rather than expect licensee to join. We do however acknowledge that the scheme has been a great success and we should be encouraging as many premises as possible to participate.
31/10/10	Metropolitan Police	An expectation to fully address the licensing objectives in the operating schedule after a written risk assessment has been completed.	Not agreed	<p>There is already a paragraph (3.3) that addresses operating schedules.</p> <p>It is open to the Police or any other Responsible Authority to make a representation to an application if they feel the operating schedule has not fully addressed the licensing objectives.</p>
31/10/10	Metropolitan	A declaration that a Temporary Event Notice	Agreed and insert new paragraph “3.6	To ensure the safety

	Police	should not be used to supersede a premises licence condition.	where there is a notification to hold a temporary event the Council will assume, where applicable, the holder of the event to comply with the relevant conditions attached to the premises licence where the event is to be held.”	of persons attending a temporary event.
31/10/10	Metropolitan Police	A declaration that a Temporary Event Notice should not be used to cover the full 96 hour period unless it covers one specific event.	Agreed and insert new paragraph “3.7 A notification of a temporary event should not be used to cover multiple events. The Council expects each notification to be for a single event and for the date and times that event is to be held. One notification for 96 hours should not be used to cover more than one event.”	To deter persons from making a multiple application and holding more events than is allowed by statute.
31/10/10	Metropolitan Police	“Police recommend in general that outside areas (e.g. beer gardens) should not normally be used after 23:00 hours.”	Agreed and add to paragraph 6.2	To advise applicants on the police policy towards outside areas.
31/10/10	Metropolitan Police	On major event days at Wembley Stadium all licensed premises in the vicinity of the Stadium will be expected to adhere to a voluntary code whereby (i) they close one hour before the scheduled start of the event, (ii) customers shall not be allowed to congregate outside the premises, (iii) No glass bottles shall be handed over the bar but decanted into plastic vessels, (iv) the DPS shall work in partnership with the	Agree and insert in the policy as paragraph 4.1.6. “It is recommended that, for major events at Wembley Stadium, licensees should, where appropriate, include the following in their operating schedule, (i) they close one hour before the scheduled start of the event, (ii) customers shall not congregate outside the premises, (iii) No glass bottles shall be served (iv) the	To clarify the Police and Council’s approach to licensed premises within the vicinity of Wembley Stadium on event days.

		<p>Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event, (v) no alcohol or “alcopop” type drinks shall be displayed or sold in glass containers with the exception of wines and spirits, (vi) no more than 4 cans per person shall be sold.</p>	<p>DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event, (v) no alcohol drinks shall be displayed or sold in glass containers with the exception of wines and spirits, (vi) no more than 4 cans per person shall be sold.</p> <p>Where the applicant offers this as part of their operating schedule or where there is a relevant representation and the Licensing Sub-Committee at a hearing use their discretion to impose a condition the following recommended conditions will be taken from our pool of model conditions and applied.</p> <p>On major event days at Wembley Stadium the following shall apply:</p> <ul style="list-style-type: none"> • Customers shall not be allowed to congregate outside the premises. • No glass bottles shall be handed over the bar but decanted into plastic vessels. • The DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior 	
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			<p>Police Officer on duty at the event.</p> <ul style="list-style-type: none"> • No alcohol or “alcopop” type drinks shall be displayed or sold in glass containers with the exception of wines and spirits. • No more than 4 cans shall be sold per customer. <p><u>These conditions shall not apply unless they have formed part of the applicant’s operating schedule or they have been imposed by the Licensing Sub-Committee following a hearing to determine a relevant representation.”</u></p>	
19/11/10	Legal Services	14.7 In some exceptional and isolated circumstances interested parties may be reluctant to make representations because of fears of intimidation or violence if their personal details such as names and addresses are divulged to the applicant. If the Council consider that the reasons for such fear are genuine and well founded it will withhold some or all of the interested party’s personal details	Agreed	To clarify paragraph 14.7 because of the inclusion of a new paragraph (14.8)

		<p>from the applicant, giving only enough details (such as street name or general location within a street) which would allow an applicant to be satisfied that the interested party is within the vicinity of the premises. However, withholding such detail will only be considered where the circumstances justify such action and the Council is satisfied that the complaints are not frivolous or vexatious. Objectors will be informed of the Council's policy on disclosure of personal details in the consultation notices applicant's are required to display and also in the acknowledgement letter sent on the receipt of an objection</p>		

	<p style="text-align: center;">Executive 13 December 2010</p> <p style="text-align: center;">Report from the Director of Regeneration and Major Projects</p>
<p style="text-align: right;">Ward Affected: Barnhill, Wembley Central, Stonebridge, Willesden Green</p>	
<p>Civic offices and property disposals</p>	

1.0 SUMMARY

- 1.1 The Council is planning to relocate from a number of major office buildings around the Borough to the Civic Centre which is due to be available for occupation in 2013. In order to prepare for this event it is necessary to regularise land title issues and appoint external property consultants to provide guidance as to the marketing and disposal of certain assets. This report seeks authority to undertake this work and for an appropriation to facilitate it.

2.0 RECOMMENDATIONS

- 2.1 That the Executive notes the appointment of consultants Collyers International to provide advice and guidance to the marketing and selection of purchasers for various properties as outlined in the report and any additional properties that might become surplus following the outcome of various One Council Reviews.
- 2.2 That the Executive agree to the appropriation of the Town Hall site pursuant to S. 122 of the Local Government Act 1972 for planning purposes provided that it is satisfied in principle that the Town Hall site is no longer required for the purposes for which it is currently held.
- 2.3 That the Executive note that a report or reports will be presented to a future meeting of the Executive which will recommend the disposal of these assets. These reports will follow on from appropriate marketing and subject to contract negotiations.

3.0 DETAIL

- 3.1 The construction of a new Civic Centre and relocation of Brent Council to this new building will result in a number of key operational buildings becoming surplus to the Council's. This report highlights those buildings and identifies some of the main issues and risks surrounding disposal.
- 3.2 The office accommodation strategy of Brent Council was first looked at holistically with a view to securing long term solutions some years ago. This culminated in a

decision to seek to synchronise, as much as possible, lease end dates around 2012/13. This decision was influenced by the fact that most of the buildings would need a major refurbishment or rebuilding around this time and that it was felt possible, through negotiations with landlords, to seek to co-terminate existing leases. It was also considered at the time that this strategy would then allow the Council to develop the ambition of a consolidated operation. This initial strategy has ultimately resulted in the proposal to construct the Civic Centre.

3.4 We are now at the stage where we can begin to plan with some certainty the actual decant dates for our major buildings. Consequently we need to embark on a process of due diligence so as to ensure we maximise the value of our freehold assets and minimise our exposure to unnecessary lease costs. Thus we also now need to deal with any title or lease issues and allow sufficient time to provide maximum exposure of our assets to the open market. We therefore need to carry out some “house-keeping” issues regarding the Town Hall site and this is set out in Paragraphs 3.7 to 3.12 below. We also need to appoint external consultants to assist now in disposing of surplus buildings. As such officers have recently undertaken a mini-tender using an appropriate OGC Framework, and a well known firm of real estate and property consultants has been selected by officers for recommendation to members

3.5 Since 2003 a number of office buildings have been vacated as we have made better use of other accommodation. Factors influencing this rationalisation of the portfolio have been:

Increased scrutiny of office areas

Reduced numbers of managers offices

Use of scanning and electronic systems to reduce filing

Shared drives giving greater flexibility to desk locations

Some home-working initiatives and other IT initiatives to promote flexible/remote working such as blackberrys.

Rationalisation of services most recently through the Staffing and Restructuring projects

Office Buildings fully vacated or partly vacated since 2003:

- Elizabeth House: 900 sq m
- Triangle House: 400 sq m
- Chesterfield House (Part) 1154 sq m (Dec 10)
- Brondesbury Road 1100 sq m (occupied by Mental Health Trust and Brent Council staff)
- 1 Craven Park 300 sq m

This is an on-going process and, for example, it is intended that both Cottrell House and London Road will be similarly vacated during 2011 with any relocated staff and services being absorbed within our existing portfolio. Therefore overall current density of occupation is about 1 workstation per 8 sq m

In addition the recent creation of the new Regeneration and Major Projects Department along with internal reorganisations at Brent House and Chesterfield House have recently been completed or are being undertaken. Approximately 500 staff have all relocated. The whole of Brent House will be operating on an open

plan basis with desk sharing and about 1 workstation per 8 sq m). All these moves have involved the wholesale recycling of office furniture to save costs.

Other recent projects have been the new Finance Centre Town Hall and relocation of the People's Centre to the Town Hall. (approximately 90 staff)

- 3.6 Paragraph 3.4 above refers to the need to provide maximum exposure of our assets to the open market.
- 3.7 As part of this process it is necessary to appropriate the Town Hall site for planning purposes in order to ensure the proper redevelopment of the site since such an appropriation will allow the Council to use powers in Part IX of the Town and Country Planning Act 1990 which only apply where land has been acquired or appropriated for planning purposes. At present, the Council hold the Town Hall for office, community and administrative functions and due to the firm commitment to relocate these functions to the Civic Centre it is clear the current building is no longer required for that purpose – hence the proposals to dispose of it.
- 3.8 The Town Hall because of its Listed Building status and its importance as a visual, social and historic landmark in the borough needs to be sensitively redeveloped and an appropriate use found for the main building. The Civic Centre business case assumes that receipts from the sale of the Town Hall site, Quality House and Brent House will be used towards the Civic Centre. It is considered that such redevelopment is clearly in the public interest and provides sufficient justification for the appropriation which will allow flexibility in what can be achieved in terms of redevelopment and will facilitate redevelopment which will improve the economic, social and environmental well-being of the area. Appropriation will allow for the operation of powers including s. 237 of the 1990 Act, to override third party rights which might impede such redevelopment or which make it more difficult to achieve the optimum scheme. If that power were required, then there would be in any event an entitlement to compensation for any party whose rights were overridden.
- 3.9 The Council has already included the Town Hall site in its Local Development Framework Site Specific Proposals. The submission acknowledges the fact that it is a Grade II Listed Building and proposes a mixed use development including offices, retail (for local needs only), residential, hotel and community facilities ensuring the retention of the Listed Building. At an examination in public by an Inspector on 2 November into representations received on this Site Specific Proposal the Inspector identified one main issue, namely has the local community been properly notified during the DPD preparation.
- 3.10 An informal planning brief has also been drawn up which will be finalised when the Inspector issues his report into the representations made into the Site Specific Proposals. The brief will form part of the marketing package and provide greater certainty over how the site may be used and adapted in the future. Whilst it is not possible to be certain with regard to the precise proposals which will come forward, and be considered acceptable, nonetheless the proposed appropriation will assist the Council's objective of obtaining the best scheme in the public interest.
- 3.11 The existing facilities at the Town Hall which include the library, One Stop Shop, Civic Hall, Committee Rooms, Registrars Office, Wedding Garden, Members

Accommodation and the various office staff will all decant to the new Civic Centre in June 2013. After that date the Town Hall will no longer be required for its current purposes and will be empty.

3.12 It is proposed that steps will be taken to initiate the strategy to market the Town Hall site by the end of 2010/early 2011. In order to provide a sensitive redevelopment encompassing proposals in the Site Specific Allocation and the planning brief it is considered in the public interest that the Town Hall site should be appropriated under section 122 of the Local Government Act 1972 for planning purposes now. This will enable a mixed use development to take place and give an opportunity for proposals to come forward which will secure the long term restoration of this important Grade II Listed Building.

3.12 The Civic Centre will ultimately result in the following buildings being vacated:

Brent House
 Town Hall and Library
 Chesterfield House
 London Road
 Quality House
 Douglas Avenue
 Chancel House (BHP)
 Challenge House
 Mahatma Ghandi House

Other buildings indirectly affected are:

Hampton House
 Pyramid House
 Willesden Green Library

3.13 The Civic Centre will eventually be providing 1600 workstations at an 8 desks to 10 staff ratio with approx 9.5 sqm per workstation. Thus it is envisaged that 2000 staff will be capable of being accommodated within the Civic Centre

3.14 **Detail**

Brent House	Office Area 6,500 sq m (Council) 300 sq m (Contractor) 2,275 sq m (let to Air France) Proposed date of vacation 25 June 2013 (Council) 25 June 2014 (Air France) Marketing Jan 2012 Disposal June- Dec 2013 Legacy issues- Potential significant costs of operating building if Air France refuse to move early. Costs of empty rates, security until a sale complete, potential empty prominent building in Wembley if not quickly refurbished or redeveloped.
Town Hall and Library	Office Area 3,800 sq m

	<p>Date of vacation March 2013-June 2013</p> <p>Marketing April 2011</p> <p>Disposal 2013</p> <p>Legacy issues Costs of empty rates, security until a sale complete, potential vacancy of prominent building in Wembley if not quickly refurbished or redeveloped.</p>
London Road	<p>Occupied by Mental Health Trust Staff and Council Staff Office Area 1,100 sq m</p> <p>Date of vacation proposed March 2011</p> <p>Legacy Issues Dilapidation payment to landlord Risks-.Works to MGH might not be completed in time</p>
Chesterfield House	<p>Office Area 1,731 sq m Shop Area 100 sq m Date of vacation 24 March 2013 (lease expiry) Legacy Issues Dilapidation payment to landlord</p>
Gwenneth Rickus	<p>Await advice- being reviewed as to whether to be disposed of with office/training functions transferring to new Civic Centre</p>
Chancel House	<p>Occupied by Brent Housing Partnership</p> <p>Office Area 2,900 sq m</p> <p>Date of vacation 31 January 2014 (break notice)</p> <p>Legacy Issues Dilapidation payment to landlord</p>
Douglas Avenue	<p>Occupied by 25 (Children and Families staff)</p> <p>Office Area 250 sq m</p> <p>Date of vacation Anytime</p> <p>Legacy Issues Securing planning consent for redevelopment or sale as nursery</p>
Mahatma Gandhi House	<p>Lease End: 18th September 2016 Staff approx: 400 Housing and Community Care Area: 4600 sq.m.</p> <p>Legacy issues:</p> <ul style="list-style-type: none"> • Dilapidations • Costs of potential early surrender • Unlikely to be able to sublet for remaining three years of lease

Areas that are being addressed to ensure a smooth transfer of staff to the Civic are:

- Electronic filing Systems including post
- Standardised support models for flexible working
- Access to transport for staff who need to be mobile to undertake their work.
- Desking arrangements and personal storage
- Open plan working protocols

There are a number of important issues with the above matters which need to be resolved using expertise both corporately and within service departments.

3.15 A number of other properties that are not directly related to the office buildings rationalisation are likely to become surplus to the Council's requirement. Work currently being done by service areas and the recent Assets Toolkit study of the Council's property undertaken by EC Harris has helped to identify some property that might no longer be required for the existing service. It should be noted that some of these buildings might be redeployed to other uses, possibly held if they could be re-let for income or alternative uses sought and the property sold. It is therefore proposed that Colliers International are also instructed on these properties if it is in the best financial interests of the Council.

3.16 **Consultancy Appointment**

It was identified that the Council needs some assistance for the marketing and selection of purchasers or occupiers for the various properties outlined above. It was also identified that the Office for Government Commerce (OGC) has a suitable framework for such consultants, known as the Property Solutions – Estates Professional Services. This framework includes 8 providers, being most of the large organisations known to operate in this field. In accordance with Standing Order 86(d) the relevant Chief Officer recommended use of this framework and the Director of Finance and Corporate Resources approved it, while the Borough Solicitor confirmed its use as legally permissible. A mini-competition exercise was then undertaken and the bids were evaluated in accordance with the framework's requirements and the evaluation criteria notified to the bidders. Following that process an award report was prepared for the Chief Officer and an award of contract is proposed to be finalised with Colliers International

4.0 **FINANCIAL IMPLICATIONS**

4.1 There will be costs associated with disposal of the properties. The fees and disbursements for disposing of the buildings will be in the region of £150,000. These will be deducted from the eventual sale price. The fee will vary depending upon the actual receipt. The Civic Centre budget makes provision for these costs.

5.0 **LEGAL IMPLICATIONS**

5.1 The process leading to the appointment of consultants as noted in the first recommendation of the report has taken place in compliance with Contract Standing Orders and the European public procurement rules concerning

frameworks. A written agreement with the consultant will need to be drawn up, in the form provided for within the framework agreement.

- 5.2 Under Section 122 of the Local Government Act 1972 the Council can appropriate land for any purpose which under the legislation it can acquire land. What this means is that although the Council already owns the Town Hall site it can appropriate it for another purpose provided it is a purpose for which it is allowed under the legislation to acquire land and provided the land is no longer required for the purpose for which it is held immediately before the appropriation. The Council must be satisfied that the appropriation is in the public interest.
- 5.3 Under Section 226 of the Town and Country Planning Act 1990 the Council is authorised to acquire land if the Council thinks that the acquisition of the land facilitate the development or redevelopment of the land and the development, re-development or improvement is likely to contribute to the promotion or improvement of the economic well-being of their area and/or the promotion or improvement of the social well-being of their area and/or the promotion or improvement of the environmental well-being of their area.
- 5.4 With the decant of all the facilities and staff presently at the Town Hall to the new Civic Centre and the need to ensure that on disposal of the site that there is a sensitive redevelopment of the site particularly having regard to the Grade II Listed Building it would be proper to appropriate the land to planning purposes.

6.0 DIVERSITY IMPLICATIONS

- 6.1 The new Civic Centre will be fully accessible to disabled staff and public visitors.

7.0 STAFFING/ACCOMMODATION IMPLICATIONS

- 7.1 The substantial majority of Brent Council staff will transfer to the new Civic Centre

8.0 BACKGROUND PAPERS

Various Papers held in Property and Asset Management

Contact Officers

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ANDREW DONALD

Director of Regeneration and Major Development

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	<p style="text-align: center;">Executive 13 December 2010</p> <p style="text-align: center;">Report from the Director of Regeneration and Major Projects</p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p>Brent LDF – Draft West London Waste Plan</p>	

1.0 Summary

- 1.1 This report asks the Executive to consider the draft West London Waste Plan which is proposed for public consultation and, in particular, to note the sites proposed for allocation for waste management use within Brent. Executive is asked to agree the draft plan for public consultation.

2.0 Recommendations

- 2.1 That Executive notes the views expressed, and recommendation made, by Planning Committee in making a decision on the Waste DPD.
- 2.2 That Executive agrees the draft joint West London Waste Plan for formal public consultation for 6 weeks commencing in mid January 2011.
- 2.2 Notes that approval is also has been, or is being, sought to undertake consultation on the draft West London Waste Plan by five other west London councils, namely Hillingdon, Ealing, Harrow, Hounslow and Richmond upon Thames, as members of the West London Waste Authority partnership.

3.0 Detail

Planning Committee

- 3.1 Planning Committee considered the report on 21st October and, whilst accepting the need to find sites for processing waste within west London, several Members expressed concerns about the distribution of sites across the area and that too much waste processing was likely to be focussed in and around Brent/Ealing, particularly in Park Royal. There were concerns that the concentration of waste facilities would lead to significant environmental impacts in those areas.
- 3.2 It was the Committee's formal recommendation that the consultation document should not be agreed until further consideration to the potential sites, including joint site visits being made with Members of Executive. It is officers' view that, although there may be an imbalance in the location of sites around the sub-region, this is a direct consequence of the spread of potentially appropriate industrial land with good access from the strategic road network and with access to rail or water transport facilities. There are significant amounts of strategic industrial land in Brent and, consequently, much greater opportunity for identifying appropriate sites for waste processing. The methodology for choosing sites, and the reasons behind this imbalance, is explained more fully in paragraphs 3.8 to 3.11 below. It should be emphasised also that the sites are required to deal with the considerable amounts of industrial and commercial waste generated within the area, as well as with municipal waste generated by households. Commercial and industrial waste is generally generated in larger quantities in the larger industrial estates and is appropriately dealt with in the same areas. Executive should be aware also that the other West London Boroughs have agreed the report for public consultation via their Cabinets or Lead Member, but with Hounslow and Harrow still requiring ratification by Full Council.

Background

- 3.1 The Proposed Sites and Policies Consultation Document is the latest stage in the preparation of a joint Waste Development Plan Document (DPD), known as the West London Waste Plan, for the six west London boroughs. It is being prepared jointly by the six West London Waste Authority (WLWA) boroughs of Brent, Ealing, Harrow, Hillingdon, Hounslow, and Richmond upon Thames – and when completed will form part of the Local Development Framework for each borough.
- 3.2 The purpose of the WLWP is to set out a planning strategy to 2026 for sustainable waste management, deliver national and regional targets for waste recycling, composting and recovery and provide sufficient waste management capacity to manage waste arisings. Planning applications for any new waste management facilities will be considered in the light of the WLWP policies, and they will also be assessed by the relevant council against the individual borough's Local Development Framework, including its local development management policies and any other material considerations.
- 3.3 Municipal solid waste and commercial and industrial waste arisings to be managed to 2026 are identified in the London Plan borough level waste apportionment. In order to accommodate the waste management capacity to manage projected waste arisings, it is anticipated that the land-take required across the six west London boroughs is 56ha under the 2008 London Plan. This requirement has been reduced to a far more realistic figure of 37ha as a result of the Mayor's 'Minor Alteration – waste arisings and apportionments' to the London Plan in December 2009. The draft WLWP contains sufficient contingency to meet the 2008 London Plan requirements, given that the 2008

London Plan is the adopted Plan at this time. However, this contingency will also allow scope for a number of sites to be deleted from the Draft WLWP Proposed Sites and Policies document, should there be valid objections during the consultation stage, and particularly given that the revised London Plan figures will gain more credence following its Examination in Public.

- 3.4 The Draft WLWP Proposed Sites and Policies document seeks to provide sufficient waste management capacity to manage projected waste arisings by safeguarding the capacity of selected existing waste management facilities and identifying opportunities for additional facilities, whilst aiming to ensure that the WLWA boroughs do not manage a disproportionate amount of waste from other London boroughs.

Brent Sites

- 3.5 In Brent, there are two existing waste sites that are considered to be suitable for intensification or re-orientation, i.e. to make a potentially bigger contribution to the management of waste locally. These are the Veolia Depot at Marsh Road, Alperton (1261) and the Twyford waste transfer station (352). There are also four sites that are identified as potential locations suitable for new waste treatment facilities. These are the Hannah Close site in Wembley (144), which was recently granted planning consent for waste management use, part of Twyford Tip also known as Asian Sky site (386), the rail sidings at Premier Park Road, Park Royal and formerly known as Heinz sidings (129) and land at Marsh Road, Alperton adjacent to the Veolia Depot (1262). These sites are shown on the maps at pages 26, 32 and 33 of the draft DPD appended. (NB The site numbers correspond to those in the schedule of sites and the maps in the attached draft Waste Plan.) These sites all scored highly in the site assessment process and, consequently, it is considered that they can be operated for waste management use without significant direct impacts on residential areas.

How the Sites Were Chosen

- 3.6 Initial consultation on a West London Waste Plan Issues and Options report was undertaken between January and February 2009. Comments received have since helped to shape the Draft WLWP Proposed Sites and Policies document.
- 3.7 Members should note that a 'Sustainability Appraisal' was carried out by the consultants Mouchel, in order to ensure that sustainability considerations are taken into account early in the process of policy development. The area of search throughout the six boroughs included an initial list of some 312 sites. The suitability of all these sites was tested by consultants Mouchel in light of the 'Sustainability Appraisal' and against a list of environmental site selection criteria. In addition to this a Habitat Directive Assessment, Equalities Impact Assessment and a Strategic Flood Risk Assessment was also undertaken.

Site Selection Criteria and Scoring of Sites

- 3.8 One of the primary reasons for engaging consultants to undertake the site selection process, apart from providing specific expertise in planning for waste, was to bring an independent assessment to the process. In this way it was hoped that bias towards particular boroughs could be avoided. A methodology that has been applied to other parts of the country, including North and South London, was proposed by the

consultants and, in the main, accepted by the Steering Group of officers and Members. This methodology had a set of criteria which were then scored. The criteria and a long list of sites with their respective scores are included at Appendices 2 and 3.

- 3.9 It can be seen from an examination of the 'long list' that the criteria and scoring resulted in a bias towards sites within the Strategic Industrial Areas such as Park Royal. This also accords with Londonwide policy set out in the London Plan which identifies the Strategic Industrial Sites as being the most appropriate locations for new waste management sites. Brent and Ealing, largely because of the size of the Park Royal industrial estate (it has been described as the largest in western Europe), have more land in Strategic Industrial Areas than the other boroughs in West London. Both Brent and Ealing also have the North Circular Road cutting through the borough, as well as major radial roads. For these reasons it is inevitable that the balance of appropriate sites will be weighted towards the boroughs with a good supply of industrial land. Richmond, for example, has barely any industrial land, and therefore it is generally accepted by the other boroughs in west London that the potential for new waste management sites to be located there is minimal.
- 3.10 The assessment of sites led to a short list of 24 sites, which are the subject of this consultation. A key part of the consultation is to gather the views of major stakeholders, including local residents. The sites are listed in Section 4 of the attached draft plan. Following public consultation, it is anticipated that the revised WLWP Proposed Sites and Policies document will contain fewer sites.
- 3.11 Members are asked to note that the sites chosen for consultation are either adjacent to, or are, existing waste sites, or adjacent to or within existing industrial areas, given that industrial areas must be considered for possible use for waste treatment, as a requirement of the London Plan. No account has yet been taken of the type of process that may be acceptable on each of the proposed sites. This will be a matter for consideration as, and when, planning applications for waste management use are made.

Potential for Financial Compensation

- 3.12 Planning Committee of 21st October 2010 asked officers to consider the issue of compensation for those Boroughs which have a greater supply of new sites from Boroughs with fewer sites. The first point to bear in mind is that the plan is to deal with all waste streams, not just the municipal waste processed by West London Waste. It would be extremely complex to work out a compensation package dealing with commercial and industrial waste as this is not processed by the waste authority. With regard to municipal waste, this is mainly processed outside of Brent, nearly all of it going to Hillingdon at present, and this has been the case for some considerable time. Given that the sites across West London which currently process waste will continue to do so into the future, albeit potentially by treatment rather than waste transfer, then it is likely that Brent's municipal waste will continue to be processed largely outside of the borough. It is likely that a compensation package of the sort suggested for municipal waste would result in a greater net financial loss to the Borough.

Benefits of Designating Sites

- 3.13 There are also some potential benefits in terms of the better planning of the borough in identifying sites for waste management in appropriate locations. On the one hand, having appropriate sites identified in an adopted plan will mean that the Council, as local planning authority, is in a far better position to reject planning applications for less appropriate sites than it would be without the plan. It is officers' experience that requests are being made on a regular basis by commercial operators either seeking sites on which to process waste or proposing waste management sites. Brent Council has only recently granted planning consent for potentially one of the largest waste processing facilities in London at Hannah Close, which will be run by a commercial operator. This was not originally considered by Brent officers to be one of the preferred sites because of its location on the main road access to the Wembley Regeneration Area but, in the absence of identified preferred alternatives in a statutory plan, was not in a position to turn it down. It is considered important, therefore, to develop an effective local policy framework for waste sites for the determination of private planning applications. Also, the identification and subsequent acquisition of sites in preferred locations for waste management will make it considerably easier to relocate existing waste management operators who are not in good locations, should the need arise.

Consultation Arrangements

- 3.14 Consultations on the Draft West London Waste Plan are planned for a six-week period commencing in mid-January. The overall format for the consultations is prescribed by Regulation 27 of The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 and the detailed arrangements will comply with the Council's Statement of Community Involvement, 2006. The six boroughs have agreed that consultation will be undertaken by members of the WLWP Steering Group Committee together with a firm of consultants, CAG, with a programme drawn up which is agreed with their respective corporate communication officers.

4.0 Financial Implications

- 4.1 The costs for undertaking the consultation are estimated at £2,500 per borough and will be met from the existing revenue budget.
- 4.2 Members should note that delays in adoption of the Plan might lead to the Council (and its West London Waste Authority partners) being subject to a number of additional expenses in dealing with its waste in future. For example, by continuing to send waste to landfill, it will be liable to pay landfill taxes (currently £48 per tonne going up to £56 in April 2011) as well as costs associated with transporting waste out of the area in the absence of more local facilities to treat / recycle waste.
- 4.3 For municipal waste Brent pays for the West London Waste Authority in two ways. First, there is a fixed cost for the authority (salaries, etc.) and, additionally, the Council is billed at £90 per tonne for waste to landfill and £40 per tonne for composting.

5.0 Legal Implications

- 5.1 The Council has power to make joint arrangements with other boroughs for the discharge of its functions. The West London Waste Plan will constitute part of the Borough's Local Development Framework. Formally, it will be a Development Plan

Document - further to section 7(c) of the Town and Country Planning (Local Development) (England) Regulations, 2004 - as it will include a site allocation policy for waste management facilities in the borough.

- 5.2 When preparing the West London Waste Plan, the Local Planning Authority must comply with the consultation requirements found both in the Town and Country Planning (Local Development) (England) Regulations 2008 (“the 2008 Regulations”) and the 2008 revised Planning Policy Statement 12 (Local Spatial Planning) which sets out government policy on Local Development Frameworks. This includes the duty to consult with specific and general consultation bodies, the requirement to place an advertisement in the newspaper and the general duty to comply with the Council’s Statement of Community Involvement.

6.0 Diversity Implications

- 6.1 Full statutory public consultation has been, and will continue to be, carried out in preparing the Waste DPD. An Equalities Impact Assessment of the Waste DPD has also been carried out.

7.0 Staffing/Accommodation Implications

- 7.1 There are no staffing and accommodation implications arising directly from this report.

8.0 Environmental Implications

- 8.1 The Waste DPD may potentially give rise to a significant impact upon the local environment close to waste management sites. However, the identification and use of appropriate sites will mean that the environmental impact is controlled and minimised, particularly upon residential areas, and managing waste locally rather than it being sent to landfill will help mitigate against the effects of climate change. Sustainability appraisal has been undertaken at all stages of developing the Waste DPD.

9.0 Background Papers

London Borough of Brent LDF – Local Development Scheme, March 2009
Waste DPD, Issues & Options Consultation Report, Sept. 2010
Brent Core Strategy, 2010
The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008
Planning Policy Statement 12, Local Spatial Planning, 2008

Contact Officers

Any person wishing to inspect the above papers should contact Ken Hullock, Planning Service 020 8937 5309

Andy Donald
Director of Regeneration and Major Projects

Appendices

Meeting Executive
Date Dec.13th 2010

Version no.3
Date 17/11/10

Appendix 1 - West London Waste Plan - Draft Consultation Document
Appendix 2 - site selection criteria
Appendix 3 – original long list of sites with scores by borough

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 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and a banner, surrounded by the words 'BRENT' and 'COUNCIL' in a circular arrangement.</p>	<p>Executive 13 December 2010</p> <p>Report from the Director of Finance and Corporate Services</p>
<p>Wards affected: ALL</p>	
<p>Collection Fund Surplus/Deficit at 31 March 2011</p>	

1.0 SUMMARY

- 1.1 As part of the Council Tax setting process for 2011/2012 the Council is required to estimate the amount of any surplus or deficit on the Collection Fund as at 31 March 2011. This must be done by the 15 January 2011 and this report asks Members to approve the balance projected.

2. RECOMMENDATIONS

- 2.1 To agree the calculation of the estimated Collection Fund balance as at the 31 March 2011 as a deficit of £1.3million.

3. DETAIL

- 3.1 Income from Council Tax is used to fund budget precepts on the Fund from Brent and the Greater London Authority (GLA), which levies a precept on London's local authorities. If the eventual collection of Council Tax is estimated to be greater than precepts on the Fund (taking the cumulative position since the introduction of Council Tax in 1993), a surplus occurs. If the reverse happens, as is the case in Brent, there is a deficit. Any surplus or deficit is shared between Brent and the GLA in its role as a preceptor.
- 3.2 Total arrears as at 31/3/10 were £32.011m. The total bad debt provision (including the £1.5m deficit declared at 31/3/10) was £24.758m. Therefore £7.253m of debts to this date need to be collected to avoid the necessity for further provisions.

3.3 In considering the Collection Fund position at 31 March 2011, there are a number of factors Members need to bear in mind, as follows:

- In-year collection of council tax has improved in recent years. It increased from 93.2% in 2006/07 to 95.0% in 2009/10. It is anticipated that the collection rate for 2010/11 will continue this improvement. One of the main reasons for the increased collection has been a very significant increase in payments by direct debit, from £43.6m in 2006/07 to an estimated £55m in 2010/11.
- Collection of council tax arrears amounted to £1.7m in 2009/10. In the current year the figure is higher than at the same stage in 2009/10, and it is expected that the final 2010/11 total will be just over £2m.
- Collection carries on for some years after the original debt arose. As an example, since April 2005, £1.95m has been collected for arrears relating to 2002/03 or earlier. Even in the current financial year £63k has been collected in respect of these arrears, which are now more than seven years old. Over the last year the Council has increased the number of debts to be recovered through attachment of earnings, deduction from benefit and charging orders on properties. This means that these debts will be recovered over a longer period, but that the likelihood of eventually recovering the full debt is substantially increased. A programme of other recovery initiatives has also been implemented, including the early identification of, and support for, those experiencing financial difficulties. The council also continues to take action against those wrongly claiming the single person's discount.
- As a result of improvements in collection, there has been a reduction in the overall level of un-provided arrears from £12.5m at 31 March 2007 to £7.25m at 31 March 2010.

3.4 The shortfall as at 31 March 2010, as outlined in paragraph 3.2, was £7.25m. It is estimated that in the full 2010/11 financial year, £2.06m of Council Tax arrears will have been collected in relation to earlier years, leaving a further £5.19m to collect. Based on projections of future years' collection of arrears, it is estimated that around a further £3.3m will eventually be collectable for years up to 2009/10, leaving a shortfall of approximately £1.9m. This figure is dependent on the required collection level of 97.5% for 2010/2011 debits eventually being achieved. In addition, over the last year, there has been an increase in properties on the Council Tax valuation list – this means that the total take from Council Tax is greater than assumed when the 2010/11 budget was set. This will provide approximately another £0.6m which reduces the shortfall to £1.3m.

3.5 The deficit on the Collection Fund as at 31 March 2011 will be split with the Greater London Authority. The GLA share (based on its share of the total precept in 2010/2011) would be 22.64% of any deficit. If a deficit of £1.3m is declared, the GLA share would be £294,000, leaving Brent's share as £1,006,000.

4. FINANCIAL IMPLICATIONS

- 4.1 The proposals in this report have a direct impact on the level of Council Tax in 2011/2012. Any deficit or surplus has to be taken into account in the calculation of next year's Council Tax.

5. LEGAL IMPLICATIONS

- 5.1 Regulation 10 of the Local Authority (Funds) Regulation 1992, made under Section 99 of the Local Government Finance Act 1988, requires an estimate of the surplus or deficit on the Council's collection fund to be made by 15 January each year (or the next working day). This estimate is one of the figures to be used in the budget and council tax setting process for 2011/12.

6. DIVERSITY IMPLICATIONS

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications arising from it.

7. STAFFING IMPLICATIONS

- 7.1 None directly.

8. SUMMARY

- 8.1 In view of the factors outlined above, we recommend that the projected balance on the Collection Fund as at 31 March 2011 be declared as a deficit of £1.3million. This would mean Council Tax bills for 2011/2012 include an element of approximately £10.34 at Band D to meet Brent's share of this deficit (compared to £12.05 in 2010/11).

9. BACKGROUND INFORMATION

Revenue and Benefits Monthly Progress Reports - Council Tax Collection Statement.

Council Tax Accounts 1993/94 onwards.

Any person wishing to inspect the above should contact David Huberman, Finance Manager, Town Hall, Forty Lane, Wembley HA9 9ED. Telephone 020-8937-1478.

CLIVE HEAPHY
Director of Finance and Corporate Services

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	<p style="text-align: center;">Executive 13 December 2010</p> <p style="text-align: center;">Report from the Directors of Finance and Corporate Services and Strategy, Partnerships and Improvement</p>
<p>For Action</p>	<p style="text-align: right;">Wards Affected: ALL</p>
<p>Performance and Finance Review Quarter 2, 2010/11</p>	

1. Summary

- 1.1 This report summarises Brent Council's spending, activity and performance in the second quarter of 2010/11 and highlights key issues and solutions to them. It takes a corporate overview of financial and service performance and provides an in depth analysis of high and medium risk areas. The report is accompanied by appendices providing budget, activity and performance data for each service area, the Local Area Agreement, ring fenced budgets and the capital programme. Vital Signs trend data and graphs are also provided along with the council's overall budget summary.

2.0 Recommendations

The Executive is asked to:

- 2.1 Note the council's spending, activity and performance in the second quarter of 2010/11.
- 2.2 Require that all directors ensure that spending is kept within budget and underperformance tackled, and that measures are taken, in consultation with relevant portfolio holders, to achieve this.
- 2.3 Agree the virements detailed in appendix F.

3.0 Background

- 3.1 The success of the council is ultimately measured by the delivery of the priorities within the Corporate Strategy and its jointly agreed outcomes in the Local Area Agreement. That is principally determined by the council's overall strategic planning framework and reviewed through the annual report to Council in November on progress against the Corporate Strategy and the Annual Review published in late summer. Regular Performance and Finance

Review reports allow members to ensure that council finances and performance remain on track to help achieve these priorities.

3.2 Appendices included in this report as supplementary documentation are:

Appendix A	Performance summary -
- A1	- Children and Families
- A2	- Environment and Culture
- A3	- Housing and Community Care
- A4	- Corporate Centre
Appendix B	General Fund services – Financial, activity and performance monitoring information for each of the council's main service areas:
Appendix C	Capital programme
Appendix D	Housing Revenue Account
Appendix E	Local Area Agreement
- E1	- A Great Place
- E2	- A Borough of Opportunity
- E3	- One Community
Appendix F	Budget Virements
Appendix G	Budget Summary
Appendix H	Vital Signs – high and medium risk performance digest

Please note that service areas will reflect the new structure from the next quarter onwards.

4.0 Corporate context

4.1 The Council's new Administration has recently developed a new Corporate Strategy, which reflects new priorities for a challenging economic environment. Difficult decisions will need to be taken and priorities will need to be achieved against a background of reduced government grant, Members' ambitions to keep council tax increases low, demographic pressures, and the increasing costs of Waste Disposal and Social Care.

4.2 The Council has demonstrably raised the responsiveness, relevance and quality of our public services through its careful approach to service development and financial planning. Despite these real and sustained improvements, the organisation now acknowledges that the conventional silo-based and incremental approaches to improving performance and efficiency are no longer the most appropriate strategies to sustain us for the new economic realities in which we find ourselves. Brent has therefore developed an ambitious change programme to support the Council's One Council Programme which is structured around three key themes:

- *Making the 'One Council' approach a reality*
Development of the infrastructure to build a leaner, more effective, dynamic and community focused organisation, which maximises the use of its resources.
- *Raising performance and maximising efficiency*
Service reviews run by cross-council teams to develop and implement more customer-focused and effective service delivery models.
- *Delivering on major projects*
Delivery of large capital schemes around the borough including the new Civic Centre and the regeneration of Wembley, South Kilburn and the North Circular Road.

4.3 The impact of the recent economic downturn and heightened public concern about child protection means that the council has had to reassess its priorities, although its fundamental approach remains the same. A lot of the council's work supports people who might be most affected by the economy by helping them find work, adult and community education, other employment and training initiatives, preventing homelessness and providing accommodation when people become homeless, ensuring people receive the state benefits to which they are entitled, and supporting those with social care needs.

5.0 Overall financial position

General Fund Revenue budget

5.1 A summary of the latest 2010/11 budget position is included in Appendix G. This is the second quarter of the financial year and current forecasts show an improvement of £400k in the Authority's financial position. The quarter 1 forecast was for an overspend of £4.5m and this expected to reduce to £4.1m. Pressures continue within both children and adult social care but departmental managers have been successful in identifying savings which have helped to tackle overspends within their areas. However, overspends within Environment the Housing Benefits have partly offset those gains. Work continues across all departments to identify further savings to bring their budgets back into balance or significantly reduce these overspends. For the quarter 2 report the re-organisational changes that took effect on the 18th

October are not reflected in these figures. Forecasts are still based on structures in place at end of September

- 5.2 The 2009/10 provision outturn was reported to the Executive as part of the quarter 4 2009/10 Performance and Finance review on 26th July 2010. That showed an improvement in balances brought forward from 2009/10 of £55k, from £8.908m forecast when the 2010/11 budget was set to £8.963m. This improvement was provisional but has now been confirmed following the completion of the audit of the 2009/10 accounts by the Audit Commission.
- 5.3 As part of the central government savings announced on 10th June Brent lost £6.855m of grant funding compared with that previously announced of which £5.371m related to 2010/11. This included losses of funding of £2.249m from Area Based Grants and £4.606m of other grants including £3.634m of LAA Reward Grant, £390k of Housing Planning Delivery Grant, £143k of swimming grant and £439k from the Local Authority Business Growth Incentive scheme. At the Executive on 26th July members agreed that reductions were to be made directly from areas where the grant was being utilised and these have now been incorporated into service area and central budgets.
- 5.4 Pressures identified in quarter 1 remain significant factors at this stage in the year. The main factors driving these include:
- (i) Increases in activity, particularly client numbers in Adult Social Care and Children's Services, which became evident or occurred late in the last financial year. They were therefore not part of the 2010/11 budget considerations.
 - (ii) Inflationary pressures from suppliers. The retail price index to which a number of major contract prices are linked such as refuse, parking and revenues were running above 5% for the first few months of the financial year.
 - (iii) In year savings required by central government following their announcement of cuts in June. Delivering full year savings when the announcement was only made in June puts overall pressure on overall service area budgets as the full saving may not be possible from the area funded from grant.
 - (iv) The continuing legacy of the recession on income figures and some service budgets such as benefits. The number of Housing and Council tax benefit live claims has risen from 34,082 in June 2008 to 41,001 currently including a rise of 226 claims over the last three months.
 - (v) The One Council Programme is driving out "*headroom*" in budgets that may previously have been used to absorb "*overspendings*" elsewhere.

The table below sets out the latest forecast.

	Latest Budget £'000	Forecast £'000	Variance £'000
Children and Families	57,953	59,689	1,736
Environment and Culture	47,506	47,910	404
Housing & Community Care:			
o Housing	26,018	26,527	(509)
o Adult social care	89,113	92,513	3,400
Finance & Corporate Resources / Central Units	25,752	26,252	500
Service Area Total	246,342	251,873	5,531
Central items	46,890	45,467	(1,423)
Area Based Grants	(26,355)	(26,355)	0
Total council budget	266,877	270,985	4,108
Application of balances	(1,408)	(5,516)	(4,108)
Total after application of balances	265,469	265,469	0

5.5 The main issues in individual services areas are as follows:

- Children and Families. The service area is currently forecasting an overspend of £1.736m a reduction of £319k compared to the first quarter forecast of £2.055m. The major risks areas to the budget remain the children's placement budget which is projected to overspend by £1.9m, with legal costs £650k over budget and other pressures within the Social Care budget adding around £500k. The number of looked after children rose sharply in March 2010 to its peak in May of 376 children having been running at about 350 throughout the year. Much of the increase was for children in the age range 0-12 with high numbers of these being the subject of court proceedings. Although the number of children coming through in the 1st half of the year has returned to normal levels there has not been a significant reduction in the total of looked after children with the numbers remaining relatively stable for the last quarter at around the 370 level. The mix of independent and in-house foster carers still remains an area of concern and the review of foster caring aims to increase the number in-house carers so reducing costs. A number of other initiatives including preventative work is being undertaken as part of the One Council Programme to improve the position. Children and Families have been able to offset pressures within their budget through more targeted use of their SureStart grant and increasing charges to the schools budget for Early Years costs.
- Environment and Culture. There are a number of general pressures linked to the factors described in paragraph 5.4. The main areas of budget pressure are the Parking Account, Sports and the Planning Service which is having to cope with the impact of the removal of the

Planning Delivery Grant which amounted to £390k. The current overspend is forecast to be £404k.

- Housing and Community Care The current forecast overspend is £2.981m this is an increase of £56k from the 1st quarter forecast. The quarter 1 report identified that Adult Social Care recorded a net overspend of £2.8m in 2009/10 which was actually mitigated by some one-off under spending which is not available in 2010/11 although £1.3m of growth has been added to the budget. A number of these spending pressures including rising costs and client numbers are impacting on the current financial year. Current forecasts now suggest that the level of overspend in 2010/11 is likely to exceed the 2009/10 levels and the latest forecast is for an overspend of £3.4m. There are pressures particularly across Learning Disabilities with staffing costs in the day centres, pressures on nursing, residential, supported living and direct payments budgets. There are also pressures on the Mental Health and Physical Disability areas. The Transformation Programme, which is a key project within the One Council Programme, is seeking to generate efficiencies while increasing choice and service quality for clients. It will be crucial that this is able to deliver to help ensure that the budget is brought back into balance. Housing and Community Care have been able to review a number of areas in Housing and identify savings of £509k including £170k on bad debt provision for Private Housing Services and the Temporary Accommodation budget, with further savings of £112k for incentive payments to landlords and £200k on Temporary Accommodation budget. Further reviews are currently on-going to identify other savings.
- Corporate. There is likely to be a shortfall in summons cost income, due to lower recovery levels. This area overspent in 2009/10 and collection overall is nearly 20% down this year compared to last year. In addition benefit payments have increased significantly over the last two years. Although most of these grants are recovered via Government subsidy. There are subsidy penalties relating to claimant error overpayments which are rising as the level of payments rise and putting pressure on the Housing Benefit Budget. These pressures are likely to lead to an overspend of £500k in the current year.

5.6 The forecast for central items is for a £423k underspend. This is made up of an underspend of £223k on concessionary fares where the final settlement agreed for 2010/11 was lower than expected. In addition there is an underspend of £200k currently forecast on premature retirement compensation. The target saving from the overall One Council Programme is on target to be achieved.

5.7 The current forecast shows overspending across all service areas particularly in the areas of adult and children's social care. All service areas have been taking action to limit the impact of pressures in their areas. asked to prepare plans for bringing their 2010/11 spend in line with budgets. It is essential that the current overspend is reduced significantly as the consequences of the

present position will adversely impact on both 2010/11 and also future years at a time when resources are severely constrained. This situation will be strictly monitored over the coming months and further work will be undertaken to review the central items for further savings.

- 5.8 Members are asked to agree a number of 2010/11 virements which are detailed in appendix F.

The above changes will be reflected in the third quarter monitoring report.

Housing Revenue Account

- 5.9 The Housing Revenue Account (HRA) is a ring-fenced account containing the income and expenditure relating to the Council's Landlord duties for more than 9,000 dwellings.
- 5.10 The HRA forecast outturn for 2010/11 indicates a surplus carried forward of £466k, which is in line with the budget.

Schools Budget

- 5.11 The ring-fenced Schools Budget is split into two parts. The first part delivers delegated funding to schools - school budget shares. The second part is termed central items expenditure and covers local authority retained elements to support activities such as pupil referral units and payments to non maintained nurseries.
- 5.12 The central items budget for 2010/11 is £20.8m and the latest forecasts indicate there will continue to be pressures on this budget due to increased numbers of children being given Special Education Needs (SEN) statements in schools. The overspend is currently running at £300k. Any overspending in this area will ultimately need to be met from a top slicing of the Dedicated Schools Grant in 2011/12.

Capital programme

- 5.13 Financial monitoring information for the capital programme is included in Appendix B.
- 5.14 There have been a number of changes to the forecast outturn position for 2010/11 since the Quarter 1 Performance and Finance Review report to the Executive in September 2010. The following paragraphs detail those changes to the forecast outturn position not previously reported.

Children and Families capital

- 5.15 Additional DCSF funding for Ark Academy totalling £12.747m has been received.

- 5.16 Primary expansion works and related Basic Needs Safety Valve Funding in the sum of £41k have been re-phased from 2011/12 to 2010/11 in line with current expenditure forecasts.
- 5.17 Total slippage of £5.847m has been identified in the capital programme from 2010/11 to 2011/12 as follows:
- Alperton School Underpinning - £2k
 - Wembley Manor Rebuild and Expansion - £373k
 - Crest Academies - £301k
 - Wykeham School - £81k
 - Oliver Goldsmith - £109k
 - Asset Management Plan Works - £798k
 - Hut Replacement Programme - £568k
 - New Opportunities Fund Works - £193k
 - Expansion of Primary School Places - £3.422m

This slippage has arisen primarily due to:

- works on site being delayed resulting in extended scheme delivery timelines. These are being managed as far as possible in conjunction with consultants and contractors to minimise the impact on scheme completion dates. This relates mainly to the listed individual school schemes.
- a delayed procurement process resulted in a number of the Asset Management Plan works not being able to go on site during the summer holidays.
- as per the Brent Primary Schools Expansion: Delivery Strategy 2010-14 report submitted to Executive on 15 November 2010 there will be a detailed review of the schools assets portfolio to ensure limited Council resources are applied to areas of maximum need in order to meet statutory duties and a further report will be presented to Executive in February 2011 setting out recommendations for prioritising expenditure.

Environment and Culture capital

- 5.18 An additional second phase grant of £46k has been received from the Department for Environment, Food and Rural Affairs for contaminated land works.
- 5.19 The Additional grant allocation of £125k to repair damaged highways following extreme winter weather included in the Qtr 1 report has been removed as grant was subsequently identified as a revenue stream.
- 5.20 The programme has been increased by £1.104m to include the new self funded CCTV Enforcement of Moving Traffic Contravention scheme as approved by Executive at the June 2010 meeting.

- 5.21 The programme has been increased by £850k to include the next phase of works at Chalkhill for the provision of park facilities. These works were part of the overall development plan and are funded from the earmarked reserve account.
- 5.22 The programme has been increased by £55k to include the required improvements to non car access in the vicinity of Willesden Sports Centre. These works were part of the overall development plan and are funded from provisions.

Housing and Community Care: Housing capital

HRA

- 5.23 Major Repairs Allowance works have been reduced by £1.202m to reflect the MRA Adjustment previously announced by central government.

Corporate

- 5.24 The programme has been increased by £2.907m in 2010/11, £15.252m in 2011/12, £6.290m in 2012/13 and £169k in 2013/14 to include the full South Kilburn Regeneration Scheme which is in line with the report to Executive on 15th November 2010. The scheme is intended to be primarily financed from a cash envelope generated from ongoing disposals but the capital programme also includes an existing £1m contribution to the scheme to be funded by the Council.
- 5.25 The programme has been increased by £150k to include the required demolition and landscaping costs at Dollis Hill House to be funded from provisions.

Prudential Indicators

- 5.26 Prudential indicators were introduced as part of the prudential borrowing regime introduced as part of the Local Government Act 2003. The arrangements are aimed at ensuring authorities exercise their borrowing powers responsibly, with capital expenditure plans that are affordable, external borrowing that is prudent and sustainable, and treasury management decisions taken in accordance with good professional practice. Prudential limits are set as part of the budget process, monitored during the year, and actual performance reported at outturn. There are no variations to report for Quarter 2.

6.0 Overall performance position

Corporate and Community Strategies

- 6.1 The council has decided on a revised set of Vital Signs indicators to accurately reflect its changing priorities and keep in line with the changing

needs of residents. This set is transitional and will be further revised in line with the new Corporate Strategy. Newly introduced indicators include those that focus on: communications and diversity, human resources spend and health and leisure. Of the new Vital Signs, 56% are currently on target (green star) or just below target (blue circle), an eight percent increase from last quarter. 23% are well below target (red triangle) compared to 30% last quarter.

Overall Council Performance				
				
	Low risk	Medium risk	High risk	No data
Percentage Quarter 2 PIs	44%	12%	23%	21%

Local Area Agreement Update

Overall LAA Performance				
				
	Low risk	Medium risk	High risk	No data
Percentage Quarter 2 PIs	26%	11%	30%	33%

6.2 The Local Area Agreement is currently made up of 29 targets, seven of which are local indicators. Although the LAA is no longer monitored by central government, the council will continue to monitor its indicators as they are considered vitally important to its performance management.

LAA Priorities:

6.21 **NI 16 Serious Acquisitive Crimes**

This indicator is under achieving (1995 crimes against a quarterly target of 1801) although it is expected that the overall target should be met. However, the risks of not achieving this target are high. This is due to: a) the unplanned release of prolific criminals from prison, b) reoffending, which is exacerbated by the national level to drastically reduce prison places, and c) the recession, drug addiction and alcohol abuse, all of which fuel robbery and burglary rates. Actions being taken to mitigate these risks are: working with probation and prison services to have planned releases where criminals have support to break through the re-offending cycle, as well as providing Police with warnings of prolific offenders being back in the borough; and continued work with Brent in2 Work who assist ex-offenders.

6.22 **NI 24 Satisfaction with the way the Police and Council deal with ASB**

Performance for this quarter shows that 94% of victims using this service rate it as good to excellent, which is 7% above the target (87%) for this quarter. This is generally due to case officers having a smaller case load which

enables them to provide a better service to individual victims. The overall target for this priority is expected to be met without any risks at this stage.

6.23 NI 15 Serious Violent Crimes

While we have exceeded the target for serious violent crime for this quarter (128 crimes against a target of 174), the actual number of crimes has risen in comparison to last quarter. This is because the definition of “serious violent crime” has changed to now include witness and victim perception; and suspicion of a weapon. The new government has indicated further changes to the methods of counting so it may be some time before one quarter can be meaningfully compared to another. However, it is expected for the overall target to be met, although not without risks. These risks include an increase in gang activity and the longer hours of darkness and festivities increases alcohol and drug intake, which often results in violent crime. There is also an increase in domestic violence which generally increases as Christmas approaches, and as there is an increase in the number of pregnant women in the borough this increases domestic violence. Actions being taken to mitigate these risks include the formation of a Violence Reduction Strategic Group; working with key partners e.g. midwives and licensing authorities as well as the use of intelligence to focus Police, Youth Offence and the DAAT team resources.

6.24 Local – Number of Accidental and Deliberate Fires in Residential Properties

Performance for this quarter shows that the priority is over achieving its target by 4 fires. The priority is expected to continue its success and achieve the overall target at the end of the year.

6.25 NI 192 Percentage of Household Waste sent for Reuse, Recycling and Composting

This quarter’s performance is significantly below target. Unfortunately, it seems that there is currently an inadequate collection infrastructure in place, and this issue will not be resolved until mid 2011. It is therefore unlikely that this priority will meet its overall target.

6.26 NI 188 Planning to adapt to Climate Change

During the last quarter, there has been increased joint working between Brent Council Emergency Planning and Business Continuity, and priorities have been identified. Whilst all the targets and milestones for this priority have not currently been met due to a delay in setting up of the Brent Climate Change Steering Group, the priority is on track to achieve the target of Level 3 by March 2011. The highest risk of this priority not achieving its target is if adapting to climate change becomes a low council priority as a result of other key issues such as reducing budgets.

6.27 NI 185 CO₂ Reductions from Local Authorities

Central government has made some minor adjustments to the 2008/09 data, the 6% reduction now amounts to 2,353 tonnes of CO₂. Due to insufficient evidence of an improving situation and improved performance based on robust and accurate data it is unlikely that this target will be met. The main

risk to not achieving this target is the Council and schools not participating and/or reducing their emissions significantly. However, there are controls in place to mitigate these risks, such as P&AM's work programmes in schools and council buildings, the Carbon Management Programme Bronze Project Concept Paper, Council Travel Plan and the 10:10 campaign roadshow.

6.28 NI 152 Working Age People on Out of Work Benefits

Performance for this quarter has dipped. The gap between Brent's key out of work benefits compared to the rest of London has doubled for Q2 10-11 to +3.0, against a target of +1.4%. This is mostly due to a revision in the calculation of the working age population which has caused a drop in Brent by 18,200 people between Q1 & Q2 10-11, and a rise in benefit claimants of 740 people. It is also partly due to the continued effects of the economic downturn on the labour market. Due to this as well as the continued plans for government spending cuts, lack of general funding, and the minimal impacts that the reduced Brent In2 Work service can provide, all point towards underachievement of this LAA target by the end of the year.

6.29 NI 150 Adults in Contact with Secondary Mental Health Services in Employment

Performance for this quarter is poor, 8.37% against a target of 13.5%. Given the current economic down turn and rising levels of employment, it is unlikely that the overall target will be met.

6.30 Local – Income Maximisation

All targets for this quarter have been met and it is expected that the overall LAA target should be met by the end of the year. During this quarter, 92 claims were received, of which 53 clients were cleared by the "Money Max Team" and 39 referrals were sent to partner organisations. In total 2 benefit claims were awarded, although as the claims are still in progress their monetary value is not known.

6.31 NI 40 Number of Drug Users Recorded as being in Effective Treatment

Since Quarter 1 the National Drug Treatment Monitoring System (NDTMS) has revised the baselines and trajectories and has communicated the changes to partnerships. In addition, the revised target for Brent 2010/11 has been reduced to 1040 from 1210. The latest NDTMS data highlights that the cumulative figure for new treatment journeys to the end of August were 215, against an annual target of 977, which suggests the overall annual target will be met.

6.32 Local – Tuberculosis Treatment Completion Rate

This priority is also part of the NHS Brent Corporate Strategic Initiatives, and treatment rates consistently achieve and exceed the targets. It is therefore expected that this indicator will achieve the overall target for this year.

6.33 NI 121 Mortality Rate from all Circulatory Diseases at Ages under 75

As part of NHS Health Checks, a Vascular Health Check Programme to recognise people aged 40-74 years that may be susceptible to cardio vascular disease, and to identify and/or prevent early stages of vascular change. This

programme is initially going to be piloted in the Harlesden area, with 10 GP practices agreeing to take part. In addition a 4 year Obesity Strategy Plan (2010-2014) has been approved and is being prepared to be launched on 30 November 2010.

All the milestones for this indicator have been achieved for this quarter, and it is expected that this priority will be delivered by the end of the year. Whilst business cases are being developed to look at the long term savings in obesity related health problems and the roll out of NHS Health Checks to the whole of Brent, the funding for implementation and sustainability of the NHS Health Checks needs to be agreed in a challenging environment.

6.34 NI 112 Under 18 Conception Rate

There has been a 31% reduction in the Quarter 2 rate for 2009 against Quarter 2 in 2008. The reduction in the number of conceptions for the first 6 months puts us in good stead to reduce the rate of conceptions. However in order to achieve a 41% reduction (as per the LAA target), there would need to be no more than 128 conceptions in 2009. This figure has already reached 75, and therefore unless the rate of reduction continues as it currently is, with no fluctuations, it is unlikely that the LAA target of a 41% reduction will be met.

6.35 NI156 Number of Households Living in Temporary Accommodation

Good performance last year has had a positive impact on this quarter's performance. Even though the number of temporary accommodation has increased this quarter in comparison to last quarter, there has been the lowest number of acceptances this quarter in more than ten years; the target has been exceeded by almost 7%. This priority is therefore expected to achieve its overall target by the end of the year.

In addition, Brent has continued to be one of the most successful authorities in terms of (i) procurement of the private sector direct lettings and this has boosted successful prevention, and (ii) achieving on average 15 qualifying offers per month.

6.36 NI 155 Number of Affordable Homes Delivered (gross)

1644 new homes have been completed since 2008/09 to date. This has already exceeded the mayor's revised target for the 2008/11 period.

6.37 NI 154 Net Additional Homes Provided

This indicator has a target of providing 412 homes this year. However, due to the inherent variables of housing development, the indicator can only be effectively monitored on an annual basis. Generally, the Planning Service monitors the implementation of planning consents for residential development by undertaking a comprehensive sites survey following the financial year end. This survey identifies schemes according to whether they were completed, in progress or started during the financial year, and provides scope for mid year projections, although, their actual completions are subject to unpredictable variables such as weather conditions, and financial problems. It is expected, however, for the overall target to be met by the end of the year.

6.38 NI108 Key Stage 4 Black Caribbean Boys and Somali Boys

Three multi agency groups have been established to improve outcomes and reduce exclusions for Black Caribbean and Somali boys for the ages of 9-13 and 14-19. Schools that buck the trend for outcomes have been identified and a meeting was held to identify ways in which good practice can be shared. A website has been set up (to be launched in the spring term) with leading schools to share good practice and ways of narrowing the gap for Black Caribbean and Somali boys. This target is not expected to be achieved by the end of the year but actions are being taken to mitigate this risk. For example, the use of development of the cross phase work on speech, language and communication drive to improve levels of literacy for target pupils, partnership work with schools who buck the trend and targeted support for schools that are under-performing. However, the impact of this targeted work will only follow in 2012 outcomes.

6.39 NI 111 First Time Entrants to the Youth Justice System aged 10-17

This indicator has exceeded its quarterly target and is currently on track to achieve its overall target. This is due to the success of the Triage programme which continues to have a positive impact on performance. The programme has now received 255 referrals from the Police since it was established in October 2009. However, a lack of funding could lead to the termination of the YOS preventative work, especially the Youth Inclusion programmes in Church End and Roundwood. Consequently, this could lead to a negative impact on performance and hence the achievement of the LAA targets. Other risks include the scaling down of the Triage Programme and less effective Youth Crime Reduction partnership work, which may result from funding cuts and reorganisation.

6.40 NI 56 Child Obesity in Primary School (year 6)

This indicator has met its quarterly target of all 12 families completing the MEND programme over the summer period. However, it is unlikely that the overall LAA target will be met, as trends from the previous two years have shown that the percentage of obese children in year 6 has increased (from 22.5% to 22.9%) and the total percentage of overweight and obese children has been maintained (at approximately 32.2%).

6.41 NI 63 Stability of Placements of Looked After Children

The performance target for this indicator is impacted by the total number of children in care and for both quarters 1&2, this has remained higher than 2009/10. The outturn for this priority for the previous 3 years had been between 61-64%, and the statistical neighbour outturn for 2009/10 was 65.8%. These statistics suggest that the target of 78% will not be met.

6.42 Local – Children’s Sports Participation

This priority is over-achieving its quarterly target by approximately 2,300 visits by young people to council owned sports centres. It is therefore expected that the overall LAA target will also be met by the end of the year. However, the greatest risk to the priority is if the recession makes young people’s sports activities unaffordable for parents.

6.43 NI51 Effectiveness of Child and Adolescent Mental Health Services (CAMHS)

The LAA CAMHS target is progressing well, achieving its current objectives and is working towards achieving the required outcomes by the end of the life of the LAA. The Comprehensive Spending Review is a potential risk if the CAMHS Grant is reduced further but this will not be known at least until the end of October 2010. However, the CAMHS Review is undertaking a comprehensive needs assessment so that if budgets are cut further then funds can be targeted to address the mental health needs of the most vulnerable young people.

6.44 NI 54 Disabled Children's Services

No monitoring form returned for this quarter.

6.45 NI 130 Social Care Clients receiving Self Directed Support

This indicator has dropped in performance in comparison to last quarter. The introduction of QAM and the change process has impacted on the momentum following the roll out of Personal Budgets between November 2009 and April 2010. The rapid increase in volume during that period has stalled performance this quarter and it is unlikely that the overall target will be achieved. To mitigate the risk of not achieving the targets for this indicator, staff are being encouraged to become more involved in the Customer Journey Project, and to become more involved in workshops in the relevant workstreams. This will ensure feedback is captured in order to develop a system that is fit for purpose.

6.46 NI 135 Carers receiving Needs Assessment or Review

This priority is not currently meeting its targets. The main risk for not achieving this target is with Carers Assessments not being undertaken. The actions being taken to mitigate the risk of not achieving the targets for this indicator include: improving the level, quality and consistency of carer's assessments through the development of self supported assessment process; and addressing the carers assessment process needs through the Customer Journey Project to ensure it fits into changes to improve the experience of people requesting help and support. In addition, actions such as manually recording completed carers assessments and comparing these with electronic records and all relevant staff given specific monthly targets which will be strictly monitored are also being undertaken.

6.47 NI 141 Vulnerable People achieving Independent Living

The performance data for this indicator has a time lag of 6 weeks so the data provided relates to actual data for Quarter 1, where 72 out of 90 departures from homes were planned moves. This equates to 80% (backdated to Quarter 1 on the scorecard), which is on track to meet the overall annual target. There is a risk of the number of unplanned moves reported by the vulnerable client groups (such as offenders, young people etc.) increasing, although there are controls in place to mitigate these risks such as being in constant dialog with providers to minimise such departures and to address issues as part of the clients support planning process.

6.48 NI 131 Reducing Delayed Transfers of Care

The performance for this quarter is 9.3 against an annual target of 11 (this data is not shown on the scorecard as the values required to calculate the overall figure are presently unknown, but will be provided by NHS Brent shortly). The area of risk was described as pressure surge, although there were no reported eventualities for this quarter. However, the local Health Economy has a Pressure Surge Plan across the social care economy which would have addressed issues in the eventuality of a surge.

6.49 Local – Volunteering

No monitoring form returned for this quarter.

Comprehensive Area Agreement (CAA)

7.0 The CAA was discontinued from May 2010 as its reporting is no longer required to central government. However, the LAA continues to be monitored for the remainder of its term until the end of March 2011. Many of the performance indicators currently in the LAA will continue to be monitored as they are locally relevant.

8.0 Financial implications

8.1 These are set out in the body of the report.

9.0 Legal implications

9.1 The capital programme is agreed by Full Council as part of the annual budget process. Changes to, or departures from, the budget during the year other than by Full Council itself can only be agreed in accordance with the scheme of Transfers and Virements contained in the Constitution. Any decisions the Executive wishes to take and any changes in policy which are not in accordance with the budget set out in March 2009 and are not covered by the Scheme of Transfers and Virements will therefore need to be referred to Full Council.

9.2 The Director of Finance and Corporate Services is satisfied that the criteria in the scheme are satisfied in respect of virements and spending proposals in the report.

10.0 Diversity implications

10.1 This report has been subject to screening by officers and there are no direct diversity implications.

11.0 Background documents

11.1 Corporate Strategy 2006/10
Community Strategy 2006/10
Local Area Agreement 2008/11
Budget Report 2010/11
Best Value Performance Plan 2008/09

12.0 Contact officers

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CLIVE HEAPHY
Director of Finance & Corporate Services

PHIL NEWBY
Director of Strategy, Partnerships and Improvement

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CALL-IN OVERVIEW AND SCRUTINY COMMITTEE – 30 NOVEMBER 2010 RECOMMENDATIONS TO THE EXECUTIVE

Reports relating to:

- (i) **Waste and street cleansing – street cleansing efficiency savings**
- (ii) **Waste collection strategy**

RESOLVED:-

- (i) that upon considering the reports from the Director of Environment and Neighbourhood Services on Waste street cleansing – street cleansing efficiency savings and Waste collection strategy, the decisions made by the Executive be noted;
- (ii) that in view that the total savings projected of £1.5m exceeds the target of £1.2m, the Executive be requested to re-consider the frequency of street cleaning in Zone 5 streets and the scrapping of weekly waste collections;
- (iii) that the Executive be requested to provide re-assurance that that the waste collection and recycling contractor be instructed to ensure that all recycled materials be sold within UK markets;
- (iv) that the Executive be requested to re-consider using co-mingling techniques because of concerns raised by councillors and Friends of the Earth about this method and investigate whether local authorities using kerbside collections are achieving the council's recycling rate targets;
- (v) that the Executive be requested to agree to engage with relevant local organisations such as Brent Friends of the Earth in considering street cleansing, waste collection and recycling issues; and
- (vi) that the Executive be requested to agree to approach Plain English Campaign to undertake an independent assessment of the council's consultation on the waste collection strategy to determine whether a re-consultation is necessary.

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