

MINUTES OF THE EXECUTIVE MEETING
Monday, 14th January 2008 at 7.00 pm

PRESENT: Councillor Lorber (Chair), Councillor Blackman (Vice Chair), and Councillors Allie, D Brown, Clues, Colwill, Matthews, O'Sullivan, Van Colle and Wharton.

Councillors Detre, Dunwell, Gupta, Hashmi and Mistry also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

Councillor O'Sullivan declared a personal interest in the report relating to temporary accommodation as a board member of Brent Housing Partnership.

2. Minutes of the Previous Meeting

RESOLVED:-

that the minutes of the previous meeting held on 10th December 2007 be approved as an accurate record subject to the replacement of 'Councillor Patel' in Clause 5 by 'Councillor Mistry' and the inclusion of Councillor Mistry in the list of members also attending the meeting.

3. Deputations - Authority to tender contract for the provision of residential and respite care

The Executive agreed to receive representations from Mr Knight, speaking on behalf of residents of Melrose House, concerning the provision of residential and respite care services for people with learning disabilities currently provided by Brent Learning Disability Partnership on the Melrose House site and proposals to invite tenders in respect of these services. Mr Knight stated that currently, the level of care was good and this view had been supported by the Commission for Social Care Inspection (CSCI), the clients and their advocate. He felt that the type of care currently provided at Melrose would always be required by some people with similar levels of ability and who need care and protection. He felt that quality of care could worsen where residents were given inappropriate choices in the drive to promote independence. Mr Knight was also concerned at the absence of detailed financial information in the report from the Director of Housing and Community Care and suggested that the option of an in-house service be retained in case the bids came in at higher prices than anticipated.

Mr George Fraser also addressed the meeting on behalf of the GMB and UNISON trade unions who were fundamentally opposed to the proposals to externalise the service. He argued that concerns indicated in the report that staff would have difficulty in adapting to a changed environment and of the financial benefits in the proposed management arrangements were unsubstantiated. Mr Fraser felt the staff should be commended for their work and also referred to the CSCI inspection report which had acknowledged their experience. He reiterated previously stated concerns that the report from the Director of Housing and Community Care contained relatively little information on costs and reminded the Executive that the

recently agreed single status pay awards would have to be honoured should the service be externalised. He felt that the staff and management had the necessary skills to submit a viable bid and he asked the Executive to support what he considered to be an excellent team. Mr Fraser put that no-one was happy with the proposals which were based on the drive to externalise the service and he felt the service users and staff deserved better.

4. Authority to tender contract for the provision of residential and respite care

The report from the Director of Housing and Community Care concerned the provision of residential and respite care services for people with learning disabilities currently provided by Brent Learning Disability Partnership on the Melrose House site. The PFI re-provision of residential and respite care services for people with learning disabilities and the requirements relating to the provision of these care services is summarised. This report requested approval to invite tenders in respect of these residential and respite care services as required by Contract Standing Orders 88 and 89.

The Director in responding to the deputations received earlier in the meeting referred to the fact of the changing world of social care and the need for more personalised service provision. He accepted that the existing residents were used to a particular type of establishment however, new users would have more independent forms of living and so a future service provider would have to meet both these needs. The time would come when the Borough would need a more specialist provider and there were financial benefits if it provider was a larger organisation due to economies of scale. The Borough Solicitor drew members' attention out the requirements of the Disability Discrimination Act (DDA) 1995 designed to promote equality and which would need to be taken into account during the procurement process. Any tenderers would need to comply with the provisions and relevant information would be included in the contract specifications.

A member raised questions on the cost of the service, why it was felt that a replacement service would be cheaper and whether costs were being put before service quality. Questions were also raised on whether the national guidelines for more individual choice would be detrimental and how would residents be assured that the changed management arrangements would be better. It was suggested that consideration be given to this take place after the relocation to new premises. Members also queried how the tender would be structured to take into account new residents to ensure the appropriate level of expertise.

The Director responded that CSCI would continue to regulate and standards would be maintained. He did not anticipate large savings however, in the long term, having an external provider would lead to an enhanced level of care, better able to deal with more varied clients in the future. He reminded that since the 1980s, it was policy to move towards

local government being a commissioner and not a service provider and this has meant that local authorities' skills in service provision have decreased. The Director stated that the issue of choice would remain and acknowledged it was complex and not without critics, however it was necessary to take into account the needs of individuals. He confirmed that existing residents would move en bloc to the new provision and service user representatives and their families would be able to speak to members and be involved in the evaluation process. As staff were likely to transfer under TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) arrangements, residents would have continuity of carers. The aim would be to find an external adviser that had a wide range of skills and expertise, managed by specialist care managers. Should this not be the case then he would not recommend their appointment. It was the intention for new arrangements to be in place prior to the move from Melrose House to allow the management of one change at a time. Any new provider would have to give evidence of understanding the personalised agenda and experience of its practice.

The Chair in summing up, stated that the proposals to change the provision of residential and respite care services and been many years in discussion and felt that the Council had responded positively to the residents and their carers so there should be no doubt as to its commitment. Change was increasingly necessary with the arrival of new residents and as staff retire and he felt that running only one home did not give the Council the necessary experience. Continuity would be ensured by TUPE and the onus would be on the Council to ensure proper review and assessment. The Chair proposed the recommendations in the report which were agreed.

RESOLVED:-

- (i) that approval be given to the invite of tenders from external providers for the provision of residential and respite services;
- (ii) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 3.20 of the report from the Director of Housing and Community Care;
- (iii) that approval be given to officers inviting tenders for the residential care services at Tudor Gardens and the respite care services at 167 Willesden Lane NW6 and evaluate them in accordance with the approved evaluation criteria referred to in (ii) above.

5. Proposed community primary and nursery schools admission arrangements for September 2009

The report from the Director of Children and Families advised members of the need to agree proposed admissions arrangements for Brent's Community Schools for the September 2009 intake. The Lead Member, Councillor Wharton, drew members' attention to the changes that were being proposed and which once agreed, the arrangements would be

formally consulted upon. Final admission arrangements must be determined before 15th April 2008.

RESOLVED:-

- (i) that the proposed admissions arrangements as outlined in Appendix C to the report from the Director of Children and Families be approved and go forward for statutory consultation;
- (ii) that if no adverse comments are received following a wider consultation on the proposed admission arrangements for community schools 2009, the proposed arrangements be accepted as the determined arrangements without a further report to this Executive.

6. **Customer Contact Transformation Programme – progress report**

The Director of Housing and Community Care outlined current progress on the Customer Contact Transformation Programme first considered on 12th February, 2007. It was agreed at that time to replace the existing One Stop Customer Service model of six drop in centres with one main borough drop in reception (longer term this could possibly be within any new civic centre) and in partnership develop five shared service customer contact points around the borough.

RESOLVED:-

- (i) that the current status of the Kingsbury “Pilot” Customer Contact Point Project be noted;
- (ii) that enhanced self service facilities be established within Kilburn Library;
- (iii) that the establishment of a permanent appointments system within the new Kilburn Contact Point be deferred pending interim results obtained from the Kingsbury “Pilot” Customer Contact Point;
- (iv) that the current status of the Harlesden Library option for a Customer Contact Point be noted;
- (v) that the longer term plans to work with Libraries to enhance customer contact arrangements within all libraries, wherever possible, over a phased period be noted;
- (vi) that the revised position concerning the capital and capital financing costs be noted;
- (vii) that the Director of Housing and Community Care submit a further update report based upon three months preliminary findings and experience from the Kingsbury Shared Service “pilot” arrangement;

- (viii) that the existing timetabled “roll out” of any further Customer Contact Points be deferred to enable the experience and learning acquired from Kingsbury and the wider Customer Service Transformation Project to be incorporated within future strategic decisions and planned changes concerning Customer Contact Points within the Borough;
- (ix) that the current work status concerning the strategic location of document handling facilities within the Borough be noted.

7. Temporary Accommodation Update

The report from the Director of Housing and Community Care provided members with an update on progress against the Government’s target to halve the number of homeless households in temporary accommodation by 2010. The report also provided an update on impact of the reduction in Housing Benefit subsidy cap levels for leased temporary accommodation for 2008/09.

Members expressed concern at the impact of the two successive changes in housing benefit subsidy caps for leased accommodation by 5% for 2007/08 and a further 10% reduction for 2008/09, the latter of which would result in a significant loss of income of £1.927m. The Director confirmed that this would adversely affect Council Tax payers. There was also evidence of increased difficulties in getting private sector landlords on board undermining the success of the Council’s temporary to permanent schemes. Members regretted that the Council was still unable to provide permanent homes for people most in need.

The Director agreed that the situation was challenging however efforts were being made to ensure that the Department of Work and Pensions understood what the Council was trying to achieve. In response to an enquiry from Councillor Van Colle, the Director confirmed that regular audits were being conducted particularly to establish under-occupation and that LOCATA was still working efficiently within the available supply.

The Executive agreed that representations be made to the Secretary of State on the impact of the housing benefit losses and requesting funding and meaningful proposals to help deal with the problem of homelessness.

RESOLVED:-

- (i) that the update on progress against the temporary accommodation reduction targets be noted;
- (ii) that the implications of the reduction in Housing Benefit subsidy cap levels for leased temporary accommodation for 2008/09 be noted;
- (iii) that representations be made to the Secretary of State on the implications of the reduction in housing benefit subsidy cap levels requesting additional funding and meaningful proposals that would

to allow the Council to reduce the numbers in temporary accommodation.

Councillor O'Sullivan declared a personal interest as a board member of Brent Housing Partnership.

8. Collection Fund Surplus/Deficit at 31st March 2008

As part of the Council Tax setting process for 2008/2009, the Council was required to estimate the amount of any surplus or deficit on the Collection Fund as at 31st March 2008. This must be done by the 15th January 2008 (or first working day thereafter), and this report asked members to approve the balance projected. The Lead Member (Finance and Resources) Councillor Blackman stated that collection of last year's arrears was on target however there were significant sums outstanding from previous years. The message needed to go out that monies due would be pursued by every means.

RESOLVED:-

to agree the calculation of the estimated Collection Fund balance as at the 31st March 2008 as a deficit of £1,500,000.

9. Management of new Cemetery adjacent to Carpenders Park Cemetery

The report from the Director of Environment and Culture provided members with a background to the proposed management of London Borough of Harrow's new cemetery at Carpenders Park by the Brent Cemetery Service. The new partnership would provide an improved service for both Boroughs with shared costs for staff, machinery, plant and infrastructure. Councillor Van Colle (Lead Member, Environment, Planning and Culture) welcomed the initiative which provided financial savings for both authorities.

RESOLVED:-

- (i) that agreement be given to the principle of Brent Cemeteries and Mortuary Service managing the Harrow Council element of Carpenders Park Lawn Cemetery;
- (ii) that the Director of Environment and Culture be instructed to enter into an agreement with the London Borough of Harrow in the terms set out in Appendix B, or with such amendments as the Head of Cemetery and Mortuary Services, in conjunction with the Borough Solicitor, considers to be in the Council's best interest;
- (iii) that approval be given to enter into a lease of the new cemetery area at a peppercorn rent and on such other terms and conditions as the Head of Cemeteries and Mortuary Services, in conjunction with the Head of Property and Asset Management and the Borough Solicitor, considers to be in the Council's best interest.

10. **Library Strategy 2008-2012**

The Director of Environment and Culture's report presented the response to the consultation on the draft Library Strategy 2008 – 2012 and requested formal adoption of the Library Strategy 2008-2012 and implementation of its recommendations. The Lead Member, Councillor Van Colle was pleased to announced the renovation of three libraries and the successful application for lottery funding for Harlesden Library. In addition, opening hours would be extended. He regretted that the mobile library service had to be discontinued due to the cost of replacing the existing vehicle. The Chair added that the Administration had responded to users concerns about opening hours and libraries would continue to so do and to monitor the service which would now be in a better position to meet national standards.

Councillor Mistry (ward councillor) referred to the delay in the Kingsbury Library project and also questioned when new stock would be available. The Director was pleased to respond that £1/2m had been spent on new stock for the libraries for the first time in three years. New books would be on the shelves for the new Kingsbury Library. Councillor Hashmi (ward councillor) expressed gratitude for the decision to retain the library service provision in his area.

RESOLVED:-

- (i) that the response to the public consultation on the draft Library Strategy 2008-2012 (Appendix B) be noted;
- (ii) that the Executive approves the formal adoption of the Library Strategy 2008 -2012;
- (iii) that the Executive notes the successful application for £1.4 million to the Big Lottery Fund for development of the existing Harlesden Library into a combined Harlesden Library and Learning Centre and approves the progression of the project to the next stage including tender for the procurement of contractors. The total cost of the scheme will be around £2 million and officers are working on options to bridge any potential gaps in funding. (see para 4.4).

11. **Public Right of Way Improvement Plan – Approval to consult**

This report sought approval for the Council to carry out consultation with interested parties on the Council's Draft Public Rights of Way Improvement Plan (ROWIP).

RESOLVED:-

that officers be authorised to undertake consultation on the raft Rights of Way Improvement Plan (contained in Appendix 2) with the persons and

bodies listed in Appendix 1 and to then report back to the Executive with the outcome of such consultation.

12. Any other urgent business - Housing and Social Care Non HRA PFI Project – Funding of Advanced Works

The Executive had been previously circulated with a report from the Director of Housing and Community Care, not included on the original agenda which referred to the decision taken on 8th October 2007 to award of the Housing and Social Care PFI to Brent Co-efficient (BCE) and which gave authority to officers to finalise all documents relating to the PFI subject to the scheme being affordable. However, since then there had been delay in reaching financial close because of the need to secure planning permission on all sites in the first phase of the PFI. It was reported that this delay would lead to additional costs and in order to minimise these the report recommended that members agree to fund works in advance of financial close.

The Deputy Director of Finance confirmed that the costs would be recovered once the PFI had been entered into. There was a commitment on all sides for the PFI to go ahead and there would be costs to the Council and BCE if it did not. The financial implications in the report set out the risks and measures that would be taken to address these.

In connection with the design of Ada Lewis House, Empire Way, the Director of Housing and Community Care advised that the planners were content with the redesigned scheme which had met most of their concerns and the application for planning permission for redevelopment of the site was likely to go before the Planning Sub-Committee on 5th February 2008.

The Chair certified the report as urgent as delays in gaining planning approval for all the first phase schemes included as part of the PFI project mean that the timetable for reaching financial close on the project has slipped. It had been intended that the last of the phase 1 schemes – on the Ada Lewis site on Empire Way – would be going to Planning Committee on 18th December 2007 but that did not prove possible. Further discussions have been held with the proposed PFI contractor and it was clear that delay is adding to costs. The only way of limiting these additional costs is approval of advanced works prior to financial close of the PFI. Delay until the February Executive would add up to £233k to the costs of the scheme.

RESOLVED:-

that agreement be given to the Council providing an indemnity to Bouygues UK Limited (a member of the BCE Consortium) to cover the costs incurred by it (up to a maximum amount of £1.044m) in undertaking advanced works on sites within the PFI project so that work can proceed and additional costs are avoided. The indemnity would be able to be called upon to be met at a date to be agreed between the Council and Bouygues

UK Limited but not before the estimated date of financial close being 26 March 2008. The form of indemnity to be agreed by the Director of Housing and Community Care.

The meeting ended at 8.30 pm.

P LORBER
Chair