

**Meeting of the Executive
Monday 15 December 2008 at 7.00 pm
LIST OF DECISIONS**

PRESENT: Councillor Lorber (Chair), Councillor Blackman (Vice Chair), and Councillors Allie, D Brown, Detre, Colwill, Matthews, Sneddon, Van Colle and Wharton.

Councillor Motley also attended the meeting.

ITEM 1 Local Development Framework Core Strategy and Site Specific Allocations

Summary:	This report sets out how the LDF Core Strategy and Site Specific Allocations (SSA) documents have been amended to meet the Inspector's criticisms of the last submission versions of these documents (produced in November 2007). It reports on the changes made to the Core Strategy and SSA's as a result of consultation carried out in the summer of 2008 and following discussions with Government Office for London and other agencies. The revised LDF Core Strategy, Site Specific Allocations documents and Infrastructure & Investment Framework are recommended for public consultation to take place in January and February 2009, before being re-considered by Executive.
Ward(s):	All
Decision Taken:	That agreement be given to: (i) the responses to the August pre-submission versions of the LDF Core Strategy and Site Specific Allocations as set out in Appendix 1 of this report; (ii) the new version of the LDF Core Strategy and Site Specific Allocations for public consultation in Appendix 2 of this report; (iii) the accompanying draft Proposals Map; The inclusion of the Infrastructure and Investment Framework for the purposes of public consultation as set out in Appendix 3 of this report; and (iv) delegate minor changes to the Core Strategy and Site Specific Allocations documents to the Director of Environment and Culture; (v) instruct officers to prepare a report setting out the options in funding the borough's infrastructure requirements after consultation has taken place on the Infrastructure and Investment framework; and (vi) the timetables in paragraph 3.41 and 3.42 of the Director's report to form the basis of Brent's Local Development Scheme (LDS).

ITEM 2 Wembley Masterplan 2008 supplementary planning document - consultation and next stages

Summary:	This report outlines the results of the Wembley Masterplan 2008 consultation exercise authorised by Executive on the 4 th August 2008 - It describes the respondents' comments and concerns, and seeks agreement to the responses and subsequent proposed amendments. Approval is also sought for the next stage of the
-----------------	--

	Masterplan consultation and adoption process.
Ward(s):	Wembley Central / Tokyngton
Decision Taken:	<p>(i) that the proposed responses to the consultation representations and changes to the Masterplan as outlined in Section 3.3 and detailed in Appendix one and two of the report from the Director of Environment and Culture;</p> <p>(ii) that approval be given to further targeted public consultation (following the Programme in Appendix 3) on the updated Masterplan in light of the detailed amendments resulting from the accompanying Infrastructure and Investment Framework and MVA transport study for the Wembley Area;</p> <p>(iii) that the results of consultation are reported back to Executive in March before it adopts the Masterplan as a Supplementary Planning Document (SPD); and</p> <p>(iv) that authority be delegated to the Director of Environment and Culture to make any minor changes to the final publication draft</p>

ITEM 3 Dollis Hill House – Update on progress by Training for Life

Summary:	This report provides members with an update on progress made by Training for Life (TFL) on developing their proposal for the redevelopment of the Dollis Hill House. It explains the recent decision by the London Mayor not to contribute any capital funding to the scheme and the subsequent decision by Training for Life to withdraw. It also reminds Members of the history of the House and asks members to revisit the previous decision to apply for consent to demolish.
Ward(s):	Dollis Hill/Dudden Hill/Mapesbury
Decision Taken:	<p>(i) that the progress since February 2008 made by Training for Life in developing their business plan for the refurbishment of the Dollis Hill House be noted and also that following the recent decision by the London Mayor that Training for Life have decided to withdraw from the process:</p> <p>(ii) that Training for Life be thanked for their work over the past year in developing their proposal for the House;</p> <p>(iii) that the following decision made at the September 2007 Executive be confirmed:</p> <p>a) instruct officers to prepare an application for listed building consent to demolish Dollis Hill House.</p> <p>b) that if consent to demolish is granted, the Director of Environment and Culture be authorised to take such steps as necessary to carry out demolition, to landscape and grass the site and consult on a suitable memorial to the association with Gladstone.</p>

ITEM 4 Authority to award a CCTV framework agreement

Summary:	This report requests authority to make an appointment to a framework agreement for the supply and installation of CCTV apparatus as required by Contract Standing Order No 88. This
-----------------	---

	report summarises the process undertaken in tendering this framework agreement and, following the completion of the evaluation of the tenders, recommends who should be appointed to the framework
Ward(s):	All
Decision Taken:	(i) that the tendering process undertaken and the information supplied summarising the bids submitted by the respective tenderers be noted; (ii) that approval be given to the appointment of Tenderer B (see Appendix 3 to the report from the Director of Environment and Culture) to the CCTV Framework for the supply and installation of CCTV apparatus for a period of four years from date of award.

ITEM 5 South Kilburn Regeneration

Summary:	In July 2004, the Council in partnership with South Kilburn New Deal for Communities published a masterplan for the physical regeneration of South Kilburn. Following an OJEU procurement process, Hyde Housing Association were appointed as the lead partners to deliver the scheme using the Large Scale Voluntary Stock Transfer mechanism. Hyde assembled a consortium including Bellway and Taylor Woodrow (later to become Taylor Wimpey) to progress the scheme, and the Council entered into a protracted negotiation process with the consortium. In order to support the regeneration of South Kilburn, the government committed a sum of £50 million from the Communities & Local Government Stock Transfer funding pot. By the spring of 2008 it became clear that even with the gap funding pledged by the government there remained a deficit in the overall business plan for the scheme. As the impact of the credit crunch worsened, so the prospects of reaching a financially viable deal with the Hyde led consortium reduced. Consequently the Council has taken the step of pro-actively reviewing its options for the delivery of the physical regeneration of South Kilburn. This report sets out the outcomes of that review and makes recommendations about how best to take the scheme forward. A map of South Kilburn is attached at Appendix 1 showing the specific zones referred to throughout the report.
Ward(s):	Kilburn, Queens Park
Decision Taken:	(i) that the key objectives for regeneration in South Kilburn as set out in paragraph 3.6 of the report from the Director of Policy and Regeneration be noted; (ii) that it be noted that the Council has failed to reach agreement with the Hyde led consortium in relation to a financially viable model for an estate wide Large Scale Voluntary Stock Transfer for South Kilburn, although there remains scope to agree a partial transfer; (iii) that agreement be given to a revised delivery strategy to bring forward the physical regeneration of South Kilburn, as set out in section 4 of the Director's report and summarised as follows:

- In the short term prioritise the development of opportunity sites to maximise decant opportunities. Specifically seek to bring forward Zone 11, Texaco Garage, and Gordon House sites.
- In the medium term prioritise the demolition and re-provision of the Bison blocks in Zones 2B, 3A and 3B (Austen House, Fielding House and Bronte House), which currently provide the poorest standard of living accommodation in South Kilburn.
- Seek opportunities to bring forward key community facilities at the earliest possible stage – with specific priority attached to health, sports and education facilities.
- Seek to preserve the higher value land parcels for possible use within a future Joint Venture vehicle.

(iv) that it be noted that officers have submitted an Expression of Interest to bid for £97.15 million of credits under round 6 of the Housing PFI to bring forward the redevelopment of Zones 1B, 1D, 2B, 3A, 3B and 3C within the masterplan;

(v) that agreement be given to a further time limited negotiation with Hyde in an effort to bring forward a viable scheme for large scale voluntary stock transfer, incorporating sites 1B, 1D, 2B, 3A, 3B, 3C within the masterplan and approval be given to an end date for negotiations with Hyde of 30th January 2009, following which alternative delivery arrangements will be sought if agreement cannot be reached;

(vi) that officers bring forward detailed planning applications for schemes on Zone 11, Zone 14b (Texaco Garage site), and Zone 1C (Gordon House) in order to increase potential decant capacity within South Kilburn; that it be noted that for Zone 11 this will require the re-provision of the Albert Road Day Centre and the British Legion Club, the details of which will be provided in a future report; and agreement be given to an OJEU procurement process to appoint an appropriate technical team to develop the planning application;

(vii) that agree be given in principle to explore further the benefits, viability and risks associated with establishing an asset backed Joint Venture vehicle to deliver the balance of the regeneration in South Kilburn with a view to a more detailed report coming forward in spring 2009;

(viii) that officers should progress proposals for new sports facilities and a new Healthy Living Centre as quickly as possible;

(ix) that it be noted that a further report will come to the Executive regarding the disposal of land for the Healthy Living Centre in due course;

(x) that officers should progress proposals for a new integrated primary school on an alternative site at the eastern end of the park, bringing together the existing Carlton Vale Infants School and Kilburn Park Junior School with a range of other nursery and children's provision;

(xi) that the approach to ongoing community engagement and consultation as set out in section 6 of the report from the Director of Policy and Regeneration be endorsed.

ITEM 6**South Kilburn Neighbourhood Trust**

Summary:	The purpose of this report is to outline the proposal to incorporate South Kilburn Neighbourhood Trust, as a successor body to the NDC programme in South Kilburn. The report sets out the proposed constitutional framework for the Trust, which is proposed to be a charitable company limited by guarantee, due primarily to a number of tax advantages over the other models endorsed by central government guidance. It is proposed that the Trust be incorporated with a board of 7 directors, including a representative from the Council. Alongside the constitution, it is proposed there be a legally binding Framework Agreement setting the parameters for the Trust's operation and requiring the Council's consent to certain key decisions.
Ward(s):	Kilburn, Queens Park
Decision Taken:	(i) that approval be given to the setting up of the South Kilburn Neighbourhood Trust as a charitable company limited by guarantee as set out in this report; (ii) that the constitution of the Trust as attached to the report from the Director of Policy and Regeneration be approved; (iii) that the Council appoint one representative of the Council as a member / director of the Trust, and that in the first instance this be the Executive Member for Regeneration; (iv) that agreement be given to the entry into a Framework Agreement and Services Agreement with the Trust and delegate authority to the Director of Policy and Regeneration to agree the exact terms of this, in consultation with the Borough Solicitor.

ITEM 7**St Augustine's High School BSF programme: shared community use of new sports hall facility**

Summary:	This report outlines the plans for a new sports hall being built for St Augustine School as part of Westminster City Council's Building Schools for the Future (BSF) programme and makes proposals for joint use of this facility for the benefit of South Kilburn residents.
Ward(s):	Kilburn
Decision Taken:	(i) that the land shown as site A on the plan attached to the report from the Director of Policy and Regeneration (Appendix 1) be transferred to the London Diocesan Board for Schools in consideration for transfer of land shown as site B (Appendix 2), and the construction of a new children's play area to replace the existing facility. The land transfer to be subject to confirmation by the Head of Property & Asset Management that the amended Site B is suitable for provision of a children's play area to at least match the existing facility; (ii) that up to £50k of the existing Section 106 monies earmarked for sports facilities in South Kilburn be utilised to provide any capital contribution needed to make the facility suitable for "pay and play". (iii) that the sum of £200k, be transferred to the proposed new South Kilburn Neighbourhood Trust (SKNT) provided that it enters

	<p>into an agreement with the Council to make the annual subsidy payments referred to in para 4.5 below and authority for approval of the terms of such agreements be delegated to the Director of Environment and Culture;</p> <p>(iv) that the transfer of land referred to in para (i) above, is subject to the entry into of a Section 106 or other form of Agreement providing for joint use with Westminster City Council and the Governing Body of St Augustine's School and approval of the exact terms of such agreement is delegated to the Director of Environment and Culture;</p> <p>(v) that officers seek to pursue the provision of additional gym capacity within the South Kilburn area, subject to financial resources.</p>
--	--

ITEM 8

Performance and Finance Review - Quarter 2 2008/2009

Summary:	This report summarises Brent Council's spending, activity and performance in the second quarter of the 2008/09 financial year and highlights key issues and solutions to them. It takes a corporate overview of financial and service performance and provides an analysis of high 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(s):	All
Decision Taken:	<p>(i) that the council's spending, activity and performance in quarter two be noted;</p> <p>(ii) 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.</p> <p>(ii) that agreement be given to the virements listed in paragraph 5.6 and Appendix G.</p>

ITEM 9

Collection Fund Surplus/Deficit at 31st March 2009

Summary:	As part of the Council Tax setting process for 2009/2010, the council is required to estimate the amount of any surplus or deficit on the Collection Fund as at 31 st March 2009. This must be done by the 15 th January 2009 and this report asks Members to approve the balance projected.
Ward(s):	All
Decision Taken:	To agree the calculation of the estimated Collection Fund balance as at 31 st March 2009 as a deficit of £1,500,000.

ITEM 10

Future options for the Sale of Granville New Homes

Summary:	The Granville New Homes residential development is due to complete by Spring 2009. There is a below the line report which considers the disposal options available to the Council on completion
-----------------	---

	<p>of the development with the detailed financial information set out therein. There is another below the line report setting out details of the progress of the development of Granville New Homes and the Council's development contract with Higgins. This report is above the line and does not contain confidential information or information relating to the business or financial affairs of any organisation, including the Council. In March 2007, the Council selected Hyde Housing Association (Hyde) as the "preferred partner" to purchase these properties. However, Hyde has subsequently revised their offer which has now reduced to reflect the movement in property values and the general downturn in the property market over the past 12 months. Given this, officers have considered alternative retention and disposal options and are seeking the Executive's authority to dispose of the Granville New Homes development to Brent Housing Partnership Limited (BHP) as this presents the best alternative option for the Council. The report also requests that the Executive gives approval for the Director of Finance and Corporate Resources to provide BHP a loan, using the Council's prudential borrowing powers, so that they are able to secure their financing requirements prior to the completion of the development.</p>
Ward(s):	Kilburn
Decision Taken:	<p>(i) that it be noted that Hyde Housing Association has reduced the offer price that was proposed in March 2007 and given this, officers have considered other retention and disposal options for the Granville New Homes development;</p> <p>(ii) that agreement be given to the disposal of Granville New Homes to Brent Housing Partnership (BHP) at a price (as set out in the below the line report) and on any other such terms including provision for tenants to acquire their properties in the future as approved by the Director of Housing and Community Care and the Director of Finance and Corporate Resources and in consultation with the Lead Member for Housing, subject to the Director of Finance and Corporate Resources being satisfied that BHP's financial projections are robust;</p> <p>(iii) that the Council to provide BHP a loan using the Council's prudential borrowing powers (as set out in the below the line report) and to provide delegated authority to the Director of Finance and Corporate Resources to agree the terms and conditions of the loan agreement;</p> <p>(iv) that BHP be offered a leasehold interest for up to 45 one bed void properties (as set out in the below the line report) and to give approval for BHP to let these properties at market rent levels . The exact number of properties to be transferred and the terms of transfer to be determined by the Director of Housing and Community Care in consultation with the Director of Finance and Corporate Resources;</p> <p>(v) that BHP be permitted and granted approval to own, manage and grant tenancies in respect of the Granville New Homes properties and the one bed void properties that are transferred by the Council to BHP pursuant to this report;</p> <p>(vi) that the Director of Housing and Community Care be authorised to enter into a short term lease on such terms as he considers appropriate, to permit occupation of the GNH properties pending their sale to BHP as set out in the below the line report;</p> <p>(vii) that BHP may submit a bid to the Housing Corporation to</p>

	allow tenants occupying these properties to purchase their home under the Social Homebuy scheme as set out in paragraph 3.6.10 of the report from the Director of Housing and Community Care subject to the approval of the Director and Finance and Corporate Resources.
--	---

ITEM 11 Child Protection Arrangements in Brent

Summary:	This report informs the Executive of child protection arrangements in Brent in the light of the tragic death of "Baby P" in Haringey and the publication of the critical Ofsted inspection report on safeguarding and child protection in Haringey.
Ward(s):	All
Decision Taken:	That the verbal report from the Director of Children and Families.

ITEM 12 Progress report on the Wembley Park Academy (ARK Academy): approval of draft final business case & update on the progress towards delivery of the academy

Summary:	At their meeting of 11 February 2008 the Executive gave approval, subject to PfS approving the OBC, to officers to invite expressions of interest, shortlist bidders and invite and evaluate tenders for the construction of the Wembley Park Academy and authorised the Director of Children and Families, in consultation with the Borough Solicitor to agree the selection of a preferred bidder for the Design and Build Contract following evaluation of tenders. This report seeks Executive approval to the draft Final Business Case with authority being delegated to the Director of Children and Families (C&F), in consultation with the Director of Finance and Corporate Resources to approve the final business case for onwards submission to Partnership for Schools (PfS). The report also notes progress on a number of matters since February 2008, including the provision of temporary accommodation on the site to enable early opening of the school in September 2008, the appointment of the Preferred Bidder (formally referred to for the purposes of the procurement as the "Selected Panel Member") and the submission of the planning application for the substantive buildings. The report also looks forward to the decisions that will need to be made by the Executive by February 2009 in order for the scheme to remain on programme to deliver the new buildings.
Ward(s):	Preston
Decision Taken:	(i) that the general progress since the last full report to the Executive on 11 February 2008 be noted; (ii) that it be noted and accepted that as a consequence of discussions between Department for Children, Schools and Families and ARK, the September 2009 planned intake of 6 form Year 7 entry (which was to be housed in Phase 2 temporary accommodation, pending completion of the permanent buildings) has been cancelled and that the Council will therefore not be able to proceed with the 2009 intake as envisaged by the 11 February 2008 Executive

	<p>decision;</p> <p>(iii) that approval be given to the draft Final Business Case (FBC) in the form annexed as Attachment 5 to the report from the Director and Children and Families and delegate to the Director of Children and Families in consultation with the Director of Finance and Corporate Resources approval of the final FBC which is to be submitted to PfS in January 2009;</p> <p>(vi) that the intention to submit a report to the 16 February 2009 Executive to approve the award of the Design and Build contract for the full permanent Works in the event that Planning Permission is granted, the Final Business Case is approved by Partnership for Schools /Department for Children, Schools and Families and all outstanding issues itemised in the PB letter are resolved with the Preferred Bidder. The same report will seek Executive approval for entering into the Development Agreement with ARK.</p>
--	--

ITEM 13 The Future Organisation and Academy Status of John Kelly Boys' and John Kelly Girls' Technology Colleges

Summary:	<p>Following the Executive approval of the Expression of Interest (EOI) for the John Kelly Colleges to become Academies this report sets out the process for change. The process requires the closure of the existing colleges (from now on referred to as schools) as predecessor schools in August 2009 and the opening of the schools under Academy status in September 2009. It is expected that the Academy schools will operate from new buildings from September 2012. Attached to this report are draft statutory notices (Appendices 1 and 2) outlining the proposal for the closure of both schools that will be the basis of the formal consultation once the informal consultation has taken place. The report asks the Executive to agree to publish the Statutory Notices for the closure of both schools to enable them to become Academy schools on the same site.</p>
Ward(s):	All
Decision Taken:	Agree to consult on the closure of the John Kelly schools to enable them to become Academies in September 2009, through a process of informal consultation followed by the publication of statutory notices.

BELOW THE LINE REPORTS

ITEM 14 Proposed acquisition and subsequent disposal of 64/64A Cedar Road NW2 6SP

Summary:	<p>This report recommends the use of the Leasehold Reform Act by the Council to compulsorily acquire the freehold of this currently vacant property. The process of compulsory acquisition is known as enfranchisement.</p> <p>This report further recommends that after enfranchisement, the property is sold with vacant possession. The difference in the purchase price and the disposal value to be retained by the Council.</p>
Ward(s):	Mapesbury
Decision Taken:	<p>(i) that the Head of Property and Asset Management agree the terms of the acquisition, at a price indicated in the report from the Director of Finance and Corporate Resources (together with the freeholder's reasonable costs); subject to this figure being confirmed as reasonable in the circumstances by an external professionally qualified valuer. Arrears of ground rent and current ground rent shall also be paid to the Freeholder.</p> <p>(ii) that, as soon as practical after acquisition of the freehold, the Head of Property and Asset Management arrange the disposal of the property with vacant possession by way of auction at a auction reserve price approved by the Director of Finance and Corporate Resources.</p> <p>(iii) that agreement be given to ringfence the income generated from the sale of this property for the purchase of an alternative property in order to replace the loss to its overall housing stock subject to a further report being presented to Members exploring the options available.</p>

ITEM 15 Granville New Homes – Development update

Summary:	<p>The report sets out to explain the current position on the development Granville New Homes (GNH) contract and the cost overruns on the building contract relating to it.</p> <p>Members will be required to note the cost overrun on this project and to agree a fixed price with the contractor to complete the development.</p>
Ward(s):	Kilburn
Decision Taken:	<p>(i) that the increase in budget required for this scheme of £3.238m (from budget agreed by the Executive in March 2007) and to note the reasons for that additional requirement as set out in the report from the Director of Housing and Community Care;</p> <p>(ii) that authority be delegated to the Director of Housing and Community Care in consultation with the Director of Finance and</p>

	Corporate Resources, to agree a fixed price sum as indicated in the report with Higgins Construction to complete the building contract (the "Building Contract) and on other terms as are agreed by the Director of Housing and Community Care in consultation with the Director of Finance and Corporate Resources.
--	--

ITEM 16 Future options for the Sale of Granville New Homes

Summary:	The Granville New Homes residential development is due to complete by Spring 2009. This report considers the disposal options available to the Council on completion of the development. In March 2007, the Council selected Hyde Housing Association (Hyde) as the "preferred partner" to purchase these properties. Officers are now recommending The report also requests that the Executive gives approval for the Director of Finance and Corporate Resources to provide BHP a loan, using the Council's prudential borrowing powers, so that they are able to secure their financing requirements prior to the completion of the development.
Ward(s):	All
Decision Taken:	<p>(i) that it be noted that Hyde Housing Association has reduced the offer price that was proposed in March 2007 and given this, officers have considered other retention and disposal options for the Granville New Homes development;</p> <p>(ii) that agreement be given to the disposal of Granville New Homes to Brent Housing Partnership (BHP) at a price and terms set out in paragraph 3.7 of the report from the Director of Housing and Community Care and on any other such terms, including provision for tenants to acquire their properties in the future as approved by the Director of Housing and Community Care and the Director of Finance and Corporate Resources and in consultation with the Lead Member for Housing, subject to the Director of Finance and Corporate Resources being satisfied that BHP's financial projections are robust;</p> <p>(iii) that agreement be given for the Council to provide BHP a loan using the Council's prudential borrowing powers as set out in paragraph 3.6.13 and Appendix 4 of the Director's report and provide delegated authority to the Director of Finance and Corporate Resources to agree the terms and conditions of the loan agreement;</p> <p>(iv) that BHP be offered a leasehold interest for up to 45 one bed void properties as set out in paragraphs 3.6.15 to 3.6.17 of the Director's report and approval be given for BHP to let these properties at market rent levels. The exact number of properties to be transferred and the terms of transfer to be determined by the Director of Housing and Community Care in consultation with the Director of Finance and Corporate Resources;</p> <p>(v) that BHP be permitted and approved to own, manage and grant tenancies in respect of the Granville New Homes properties and the one bed void properties that are transferred by the Council to BHP pursuant to this report;</p> <p>(vi) that the Director of Housing and Community Care be authorised to enter into a short term lease on such terms as he considers appropriate, to permit occupation of the GNH properties pending their sale to BHP as set out in paragraph 3.8.3 of the</p>

	Director's report; (vii) that BHP may submit a bid to the Housing Corporation to allow tenants occupying these properties to purchase their home under the Social Homebuy scheme as set out in paragraph 3.6.10 of the report and subject to the approval of the Director and Finance and Corporate Resources.
--	---

P Lorber
Chair