



# **LONDON BOROUGH OF BRENT**

## **MINUTES OF THE EXECUTIVE Monday, 19 September 2011 at 7.00 pm**

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

ALSO PRESENT: Councillors Hashmi, Hunter, Lorber and McLennan

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

Councillor Powney declared an interest in the item relating to Brent's response to High Speed 2 consultation as a member of West London Waste Authority.

### **2. Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 17 August 2011 be approved as an accurate record of the meeting.

### **3. Order of business**

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

### **4. Petitions - school crossing patrols**

The Executive had before them details of four petitions in support of the retention of school crossing patrols in various locations around the borough. Present at the meeting in support of two of the petitions were Councillor Lorber (Leader of the Opposition) and Mr George Burn. The petitions were in response to a consultation exercise that had taken place earlier in the year and the report from the Director of Environment and Neighbourhood Services explained that the proposals now before members were significantly different from those originally proposed.

Councillor Lorber presented the petitions entitled 'Save Brent's Lollipops' supporting the retention of school crossings in the borough in particular in the Sudbury area and in the vicinity of Convent of Jesus and Mary Infants, Park Avenue and High Road Willesden. Councillor Lorber stated that for parents, safety was paramount. Over the years the council had worked hard to reduce the number of accidents and to remove school crossing patrols would turn the clock back. He felt that the revised proposals set out in the report, namely to ensure that priority sites continued to be covered but to reduce the number through natural wastage, re-assigning staff from lower priority sites, were insupportable and questioned the basis for the risk

evaluation statistics which he felt did not take into account all the risk factors in a location. He referred to Harrow Road and Sudbury School which appeared to have been omitted. Councillor Lorber also felt that contrary to indications in the report, infant schools did require patrols as frequently one adult was in charge of a number of children all walking to school. He felt that the Executive were not being presented with a solution that ensured safety.

Mr George Burn addressed the meeting in support of a petition objecting to proposed changes to school crossing patrols. He stated that he did not represent any particular group but through informal conversations had established that there were concerns over the proposals and the manner in which they had been introduced. He welcomed the revised proposals which did not involve a unilateral withdrawal, would allow greater consultation with schools and was pleased that the council had listened to concerns raised. Mr Burn stated that some schools said they were not consulted and parents were very upset at the plans for withdrawal. If schools were to contribute financially they would need a reasonable lead in time. Mr Burn said it was well understood that the council was under financial pressure but there was still a requirement of changes to be made fairly. He applauded attempts to use criteria to establish risk, for example, whether a pelican crossing was in the vicinity, and felt that each area needed to be considered as a whole taking into account how busy the road was in rush hour or limits on visibility. Mr Burn felt that the cost of providing crossing patrols was relatively small and that more work was required to ensure that each location was fairly assessed.

In response, Councillor John referred to the need for the council to identify approximately £100M savings over four years hence the need for change but nonetheless she thanked presenters for their contributions.

## **5. Review of school crossing patrol service**

The report from the Director of Environment and Neighbourhood Services explained that the School Crossing Patrol (SCP) service was a discretionary one and the council currently provided one of the largest services in London. Since the SCP service was first provided by the council many physical measures have been introduced around school entrances to improve road safety. However, unlike most other council services, there has been no fundamental review to determine whether or not the service should continue to be provided and, if so, the extent to which the service should be provided. Following a review and consultation, a set of proposals had been developed and were recommended for adoption. At the heart of the proposals was the use of a model to assess where priority should be given to providing a SCP. A threshold has been set above which priority would be given to providing cover. Over time, as a result of natural staff wastage, provision at lower priority sites would be discontinued unless alternative arrangements were agreed with schools. The report explained that consultation on an early set of proposals took place earlier in the year and that following consideration of the feedback from the consultation, the proposals, whilst still now involving adoption of a risk evaluation model, were significantly different from those originally proposed.

Councillor J Moher (Lead Member, Highways and Transportation) in introducing the report, acknowledged the concerns raised by petitioners earlier in the meeting. Regarding the consultation process he stated that it had been deferred to allow more time to consider the feedback. Councillor Moher advised that a task group

comprising lead members and officers had met on a number of occasions and reviewed each site, refining criteria and making difficult choices with a view to reducing the number of patrol sites. However, it was now being recommended that no patrols be withdrawn at this stage and that schools be asked to share costs. Councillor Moher accepted that some schools would not have the resources and would need time to make alternative arrangements. He assured that the council would continue to mitigate risks through technical, physical measures and transport proposals.

Councillor John moved the recommendations in the report which were agreed and again thanked Mr Burn for his contribution.

RESOLVED:-

- (i) that it be agreed not to proceed with the proposed withdrawal of School Crossing Patrol officers at this time;
- (ii) that the Director of Environment and Neighbourhood Services, together with the Director of Children and Families, undertake a detailed consultation with schools, including governors, encouraging them to contribute voluntarily to the costs of the service and further promoting the importance of road safety education in schools;
- (iii) that the risk evaluation matrix, as set out in Section 4.2 in the report from the Director, based on rates of vehicular and pedestrian traffic flows, additional risk factors and evaluation of mitigation, and the safety ranking of sites implied by that matrix, be adopted;
- (iv) that this matrix be used to prioritise the deployment of school crossing patrol officers at such time when there is natural turnover of staff within the service, ensuring that sites with a higher risk assessment (with an adjusted score greater than  $1 \times 10^6$ ) are prioritised for cover;
- (v) that the prioritisation of risk mitigation measures at school crossing patrol sites, particularly the introduction of speed reduction interventions and controlled crossings that will continue to reduce the adjusted risk scores of sites, be noted.

**6. Authority to renew grant funding for the Brent Citizens Advice Bureau and Brent Community Law Centre**

The joint report from the Directors of Regeneration and Major Projects and Adult Social Services sought authority to renew grant funding for a period of six months for Brent Citizens Advice Bureau and the Brent Community Law Centre Limited. The renewal of grant funding for a six month period would allow for the convergence of funding streams from the council to Brent Citizens Advice Bureau and the convergence of timelines between the funding bodies.

RESOLVED:-

- (i) that the grant for the Brent Citizens Advice Bureau be renewed for a further 6 months from 1 October 2011, to conclude 31 March 2012;

- (ii) that the grant for the Brent Community Law Centre Limited be renewed for a further 6 months from 1 October 2011, to conclude 31 March 2012.

## **7. The South Kilburn Regeneration Programme**

The report from the Director of Regeneration and Major Projects summarised the progress made on the regeneration of South Kilburn, and set out four main processes for approval for continuing the momentum established by the Council over the past two years for the regeneration of the area. Councillor Crane (Lead Member, Regeneration and Major Projects) stated that good progress was being made on all the projects in the area with applications due to be made for planning permission in late 2011 and in 2012, tower blocks to be demolished in 2013 and properties due to be compulsorily purchased. He drew attention to the proposal to withdraw long term lettings for one bedroom units earmarked for demolition to help manage the decanting process. Councillor Arnold (Lead Member, Children and Families and ward councillor) welcomed the progress being made but referred to concerns being raised by residents over inconvenience caused by utilities work in the area which Councillor Crane agreed to take up.

### **RESOLVED:-**

- (i) that the progress made on the South Kilburn Regeneration project as set out in the report be noted;
- (ii) that the Director of Regeneration and Major Projects be authorised to seek the Secretary of State's consent to the disposal and redevelopment of phase 2 sites on the estate for the purposes of Ground 10A of Schedule 2 of the Housing Act 1985, to enable the Council to apply for a court order to obtain vacant possession of residential dwellings let under secure tenancies, Section 32 of the Housing Act 1985 to dispose of housing land, Section 19 of the Housing Act for appropriation of all housing land within Phase 1b and Phase 2 of the South Kilburn Regeneration project for planning purposes and under the necessary Act (if applicable) to dispose of non housing land (all blocks and phases earmarked for redevelopment are listed in Appendix 2);
- (iii) that the Director of Regeneration and Major Projects be authorised to appropriate all land comprised within Phase 1b and Phase 2 of the South Kilburn Regeneration project to planning purposes when it is no longer required for the purposes for which it is held prior to appropriation subject in respect of land held for housing purposes to the consent of the Secretary of State under Section 19 of the Housing Act 1985;
- (iv) that the making of compulsory purchase orders (CPOs) to acquire (a) all interests and rights in the properties listed in Appendix 1 and comprising the land shown edged red on the plans in Appendix 1 (the CPO Land) and (b) any new rights in the CPO Land which may be required under section 13 of the Local Government (Miscellaneous Provisions) Act 1976, notably Bronte House, Fielding House, Wordsworth House, Masefield House, Durham Court and Gloucester House, be authorised;

- (v) that the Director of Regeneration and Major Projects be authorised to cease long term lettings and authorise the service of demolition notices and the suspension of tenants' Rights to Buy applications in relation to secure tenancies across the estate on all one bedroom properties that have been identified to be demolished as part of the South Kilburn Regeneration Programme and continue to prioritise all new development site lettings in South Kilburn to tenants within sites on the next phase of development (all blocks and phases earmarked for redevelopment are listed in Appendix 2 of the report);
- (vi) that the Director of Regeneration and Major Projects be authorised to cease all long term lettings in blocks earmarked for redevelopment within five years of their scheduled demolition date (all blocks and phases earmarked for redevelopment are listed in Appendix 2 of this report);
- (vii) that the CPOs, once made, be submitted to the Secretary of State for confirmation and that at the same time, the council seek to acquire the land by private negotiated treaty on such terms as may be agreed by the Director of Finance and Corporate Services;
- (viii) that demolition notices be served and the tenants' Rights to Buy in relation to secure tenancies at Masefield House, Wordsworth House, Durham Court and Gloucester House which are all on the South Kilburn estate, be suspended and that the Director of Regeneration and Major Projects be authorised to issue all and any notices required to be issued in connection with such demolition.
- (ix) that the following be authorised: -
  - (a) the submissions of the CPOs, once made in respect of the CPO Land, to the Secretary of State for confirmation whilst at the same time seeking to acquire the CPO land by private negotiated treaty on such terms as may be agreed by the Director of Regeneration and Major Projects;
  - (b) the Director of Regeneration and Major Projects to enter into agreements and make undertakings on behalf of the Council with the holders of interests in the CPO Land or parties otherwise affected by the Scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPOs and including the offering back of any part of the CPO Land not required by the Council after the completion of the development or the acquisition of rights over the CPO Land in place of freehold acquisition, where such agreements are appropriate;
  - (c) the making of one or more general vesting declarations or service of Notices to Treat and Notices of Entry (as appropriate) pursuant to the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 respectively should the CPOs be confirmed by the Secretary of State;
  - (d) the serving of all requisite notices on the holders of the CPO Land relating to the making and confirmation of the CPOs;

- (e) the Director of Regeneration and Major Projects to remove from the CPOs in respect of 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);
- (f) the Director of Regeneration and Major Projects within the defined boundary of the CPO Land, to acquire land and/or new rights by agreement either in advance of the confirmation of compulsory purchase powers, if so advised, or following the confirmation of compulsory powers by the Secretary of State;
- (g) the Director of Regeneration and Major Projects, if so advised, to seek to acquire for the Council by agreement any interest in land wholly or partly within the limits of the CPO Land for which a blight notice has been validly served.

## **8. LDF - Wembley Area Action Plan Public Consultation**

Having adopted the Core Strategy of the Local Development Framework (LDF) in July 2010 and the Site Specific Allocation DPD in July 2011, it was now proposed to produce a Wembley Area Action Plan as agreed in November 2010. Councillor Crane (Lead Member, Regeneration and Major Projects) in introducing the report drew attention to the process for producing the Plan. The report set out a draft vision and objectives for Wembley and proposed an initial public consultation on the key issues and options for the area to commence in late 2011/12 for adoption in mid 2013.

RESOLVED:

- (i) that the proposals for processing the Area Action Plan to adoption, and the Issues and Options for the proposed public consultation commencing on 27 September be agreed;
- (ii) that the Assistant Director, Planning and Development be authorised to make further editorial changes to the Issues and Options consultation document prior to finally issuing it for public consultation.

## **9. Brent's response to the HS2 consultation**

The joint report from the Directors of Regeneration and Major Projects and Environment and Neighbourhood Services provided an explanation of the current proposals for a new High Speed rail link to Birmingham, with particular reference to the implications for the Borough of the proposed interchange at Old Oak Common. Councillor Crane (Lead Member, Regeneration and Major Projects) referred to the likely significant impacts, both negative and positive, upon regeneration in the Borough especially in Harlesden, Kensal and Willesden areas. In relation to the tunnel (25-40 meters deep) Councillor Crane advised that the council had asked for evidence of any concerns from similar developments. Councillor Crane also referred to the impact on Willesden Junction and Wembley Central stations emphasising a wish for these not to be downgraded.

The Assistant Director, Planning and Development referred to discussions taking place on alternative locations for the ventilation and construction shaft currently earmarked for the Queens Park area.

RESOLVED:

that the response submitted to the secretary of state for transport in July 2011, as set out in paragraph 3.24 of the report from Directors of Regeneration and Major Projects and Environment and Neighbourhood Services, be endorsed.

*Councillor Powney declared an interest in the item relating to Brent's response to high speed 2 consultation as a member of the West London Waste Authority.*

#### 10. **Proposed Changes to Articles of Association for Brent Housing Partnership**

The Executive received a report which informed of changes required to the constitution of Brent Housing Partnership (BHP), the arms-length management organisation who managed the local authority's housing stock, and the reasons for those changes in respect of board membership. It sought members' approval to change the Articles of Association in light of those changes.

RESOLVED:

- (i) that the following clause be inserted into BHP's Articles as paragraph 16(1)(d):

"PROVIDED THAT all Independent Board Members will retire from office on expiry or termination of the Management Agreement dated 1st October 2002 or such earlier date as the Council may determine by notice to the Company Secretary"

- (ii) that BHP will not advertise their Tenant Board Member vacancy until the governance review, due to commence in September 2011, has been concluded.

#### 11. **Authority to invite tenders for Highways Maintenance Works**

The report from the Director of Environment and Neighbourhood Services set out the contractual situation regarding the council's management of Highways Maintenance. It proposed an effective seven month extension of the existing arrangements in order to maximise potential benefits from the emerging collaborative contract procurement across London and accordingly requested authority to award framework agreements as required by Contract Standing Order No 88.

RESOLVED:-

- (i) that the report which identified opportunities for collaborative procurement and improved service provision in the future, be noted;

- (ii) that an exemption from standing orders for the procurement of interim Highway Maintenance Framework Agreements on the basis of good operational reasons as set out in Section 3 of the report be agreed and the establishment of these Framework Agreements as listed in paragraph 3.2 of the report be approved;
- (iii) that the appointment to the Highways Maintenance Framework Agreements of the contractors listed in Appendix 1 from 1 August 2012 until 31 March 2013 be approved.

## **12. A review of Fairer Contributions Policy for Adult Social Services**

Following consultation with service users, the report from the Director of Adult Social Services recommended the adoption of a revised policy, namely the Brent Council's Fairer Contributions Policy [the 'policy'] which would ensure that practice in Brent was in line with Department of Health's Guidance. Councillor R Moher (Lead Member, Adults and Health) reminded the Executive that in the past the council had not charged for day centres and these would now be brought into the policy. The changes would be phased in gradually. Members noted the revised Equalities Impact Assessment that had been circulated in advance of the meeting.

RESOLVED:-

- (i) that the Fairer Contributions Policy (attached at Appendix A to the report from the Director of Adult Social Services) be adopted;
- (ii) that it be agreed that the new policy should begin to be implemented from 1 October 2011.

## **13. Outcomes of the consultation into the closure of Knowles House Site**

Councillor R Moher (Lead Member, Adults and Health) introduced the report from the Director of Adult Social Services on the Knowles House site which included Knowles House residential home, the Westbrook Community Day Centre and also a nursery. As the facilities did not meet the Care Quality Commission current quality standards and the running costs were considerable, a consultation on the possible closure of Knowles House was instigated. Councillor Moher outlined the consultation process which was from 18 April to the 9 July 2011 and was considered to be thorough. It was being recommended to close the site and the Executive noted that there were currently 12 permanent residents and six temporary residents at Knowles House residential home. Some care would be provided through the voluntary sector and carers and relatives would also assist. Councillor R Moher drew members' to the Equalities Impact Assessment attached to the report.

RESOLVED:

that the closure of the Knowles house site, and the re-provision of care for both Knowles House Residents and Westbrook Day service attendees be undertaken by agreed and appropriate approved independent and voluntary sector providers, as near to family and friends as is possible.



**14. Authority to agree changes to the Taxicard scheme in Brent from October 2011**

The report from the Director of Adult Social Services provided an overview of the Taxicard scheme; a summary of the changes implemented in Brent in January 2010 to reduce a forecast overspend in 2010/11; the funding changes implemented by London Councils to make the funding arrangements for the Taxicard scheme sustainable in the medium term; a summary of the consultation on options for the scheme in Brent, and the options the council could implement now that the consultation had been completed. Councillor R Moher (Lead Member, Adults and Health) advised that the recommended Option three proposed a revised set of proposals that reflected the outcome of the consultation and budget pressures. Councillor Moher advised that the scheme would be closely monitored given the aim of maximising benefit to scheme members.

RESOLVED:-

- (i) that Option 3 be implemented from 1 October 2011 in order to manage demand in the future and focus the scheme on those with the highest needs. This option was focused on the following changes:
  - (a) introduction of a mobility assessment to replace the current GP assessment for people who do not automatically qualify for a Taxicard
  - (b) a reduced trip limit of 48 as the standard with provision to extend the number of trips based on clear criteria related to the mobility assessment, wider need and available circle of support
  - (c) re-introducing double swiping and continuing to allow 'roll overs' to ensure that Taxicard members have control over their allocation and can use it to meet their individual needs.
- (ii) that authority be delegated to the Director of Adult Social Care in consultation with the Director of Finance and Corporate Services, to adjust the trip level if the monthly monitoring data from London Councils indicates there will be an overspend in 2011/12.

**15. Preventing youth offending - overview and scrutiny task group**

The Executive received the report which set out the findings and recommendations of the Preventing Youth Offending Task Group, presented for approval. The Children and Young People Overview and Scrutiny Committee had endorsed these at its meeting of 12 July 2011. Councillor Arnold (Lead Member, Children and Families) paid tribute to the work of the task group and drew attention to the recommendations for a comprehensive prevention strategy and which also referred to work that was already taking place. Earlier intervention was a cost effective approach and work continued with children's centres and also schools to reduce the risk of future offending. The strategy was based on 'Think Family' and 'Think Schools'. Councillor Arnold also referred to employment and housing challenges and to the recent riots that had occurred in town centres around the country which she felt had changed the climate, increasing the likelihood of youth offending.

Councillor Hunter, member of the task group, welcomed the recommendations and expressed the wish that the report would be used to make a real difference.

RESOLVED:-

- (i) that the approach and findings of the task group be endorsed;
- (ii) that the recommendations of the task group be passed to the One Council Programme Board to be addressed within the new project focusing on early intervention and services to children.

**16. Joint Procurement of Knowledge Management Software (Legal Services)**

The report from the Director of Legal and Procurement concerned the purchase of on-line legal resources for use by Legal Services. It described a proposal to procure a framework or frameworks for use by an association of London Boroughs known as the London Boroughs Legal Alliance (LBLA). It was proposed that Brent take the lead in the procurement. The report then requested approval for an exemption from the usual Brent tendering requirements for the reasons set out in the report. The Executive noted that the costs would be met from existing resources and would allow access to up to date data and increase efficiency.

RESOLVED:-

- (i) that the proposal for Brent to act as lead authority for a collaborative procurement (with other members of the London Boroughs Legal Alliance) of a framework or frameworks for the procurement of on-line legal resources be noted.
- (ii) that tenders need not be sought for the collaborative procurement described in paragraph 2.1 of the report for reasons connected with the protection of exclusive rights, as described in paragraphs 3.6 – 3.10 of the report from the Director of Legal and Procurement, in accordance with Contract Standing Order 86(e)(i).

**17. Private Hire Framework - WLA**

The report from the Director of Finance and Corporate Services explained that Brent Council was participating in the West London Alliance Transport Efficiency Programme in collaboration with the London Boroughs of Barnet, Ealing and Hounslow with the potential for wider collaboration over the next few years with other future partner organisations including London Boroughs, the NHS, Transport for London and other relevant public sector providers. The Programme sought to deliver savings in the cost of transport provision for participating partners, whilst maintaining or improving service standards, through a wide range of collaborative initiatives including the procurement of a single framework for the provision of contracted passenger transport services for the carriage of vulnerable adults, children/young people with Special Educational Needs (SEN) children, disabled people, patients and other authorised individuals. The Framework would operate for a period of four years and would commence in April 2012. The report requested approval to invite tenders for the framework, as required by Standing Orders 88 and 89.

Councillor Butt (Lead Member, Resources) stated that the Framework was expected to provide savings through greater economies of scale, and more efficient operating arrangements than the current single borough arrangements.

RESOLVED:-

- (i) that the pre-tender considerations and the criteria to be used to evaluate tenders, as set out in paragraph 7.1 of the report, be approved;
- (ii) that officers invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in the decision above.

#### **18. Request authority to tender the Insurance Contracts**

Councillor Butt (Lead Member, Children and Families) introduced this report which concerned the future provision of the Council's Insurance Services contracts. The report requested approval to invite tenders in respect of the proposed Insurance Services contracts to start 1 April 2012, as required by Contract Standing Orders 88 and 89. The Director of Finance and Corporate Services advised that the time extension would allow further exploration of markets.

The Executive also had before them an appendix which was not for publication as it contained the following category of exempt information specified in Schedule 12 of the Local Government (Access to Information 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 the Council's Insurance Services as set out in paragraph 3.10 of the report from the Director of Finance and Corporate Services;
- (ii) that approval be given to officers to invite of expressions of interest, agree shortlists, invite tenders in respect of the Council's Insurance Services contracts and evaluate them in accordance with the approved evaluation criteria referred to in (i) above;
- (iii) that approval be given to the extension of the current insurance services contract with Zurich Municipal for a period of six months.

#### **19. Performance and Finance review - quarter 1**

The joint report from the Directors of Strategy, Partnerships and Improvement and Finance and Corporate Services summarised the council's budget position and performance in relation to the delivery of the Borough Plan, Our Brent Our Future 2010-2014. The Director of Finance and Corporate Services stated that the overspend was approximately £1.3M but there was no room for complacency. He referred to the primary causes which included pressures on Special Educational Needs budgets and placement costs. Should compensatory savings not be

identified the council would have to call on its reserves however he hoped this could be avoided. Councillor Crane called for further discussion on public health and targets to reduce obesity.

RESOLVED:-

- (i) that the Finance and Performance information contained in the report be noted and that remedial actions as necessary be agreed;
- (ii) that the 2010-11 budget virements contained in the report be agreed.

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

None.

The meeting ended at 8.00 pm

A JOHN  
Chair