



# LONDON BOROUGH OF BRENT

## MINUTES OF THE EXECUTIVE Monday, 18 January 2010 at 7.00 pm

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

APOLOGIES: Councillor D Brown

ALSO PRESENT: Councillors Arnold, Crane, Malik, J Moher and R Moher

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

None.

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

RESOLVED:-

that the minutes of the previous meeting held on 14 December 2009 be approved as an accurate record of the meeting.

### 3. **Matters arising**

None.

### 4. **Deputations**

None.

### 5. **Order of business**

The Executive agreed to change the order of business to take earlier in the meeting those items for which the Audit Commission representatives and members of the public were present.

### 6. **Annual Audit Letter 2008/09**

The Executive welcomed Andrea White (District Auditor) and Paul Viljoen (Audit Manager) to the meeting. The Executive had before them the Annual Audit letter 2008/09 issued by the Audit Commission together with a report from the Director of Finance and Corporate Resources which summarised the findings. Ms White introduced the audit letter which focussed on audit as inspection was now carried out under the Comprehensive Area Assessment (CAA). She recognised that 2008/09 had been a challenging year for the borough and was pleased to confirm

that an unqualified audit opinion had been given for the Council's financial statements and also on the pension fund financial statements. There was also an unqualified value for money conclusion for the period ending 31 March 2009 and Ms White referred to areas for improvement. She emphasised the need for the council to monitor closely the change programme and also the financial position and implementing the International Financial Reporting Standard.

During questioning, Ms White clarified that the Level 2 score awarded to the council for use of resources reflected that adequate arrangements were in place. There was a need to demonstrate that these arrangements would produce higher outcomes if a Level 3 score was to be awarded. Ms White also responded to concerns expressed over the council's responsibility for the financial arrangements of self-governing schools. The council have responsibility for funding and therefore still needed to have arrangements in place to ensure these schools' compliance with financial regulations.

The Executive noted that the audit letter would be sent to all councillors.

RESOLVED:

that the contents of the Audit Report be noted and that the Audit Committee monitor progress against the main features highlighted and delivery of the Action Plan.

#### **7. Deputation - Former Scout Hut, Coniston Gardens, NW9**

Mr Suresh Mamtora, Chair of Springfield Estate Residents Association, addressed the meeting and introduced two petitions on behalf of the Association which were against proposals to sell the former scout hut site on Coniston Gardens adjacent to Oliver Goldsmith Primary School. He suggested that the site be developed for community use or extended school provision. He referred to a copy of the Land Registry map of the council's site which showed the location of the scout hut within the boundaries of what he suggested was the school site. Mr Mamtora referred to the shortage of facilities for young people in the area and felt that the Kingsbury Intergenerational Centre approved as part of the phase three Children's Centres programme would not be feasible as an alternative facility for extended school services for Oliver Goldsmith School due to distance and the need for shared use. Mr Mamtora clarified that the Association had no funds of its own to contribute to the development or future running costs and urged the Executive to retain the site with a view to finding funds in the future for the development of an extended school facility.

Councillor J Moher (ward councillor) spoke against the proposal to sell the former scout hall site given that the school had indicated that they would wish it to be retained for educational use. Mrs Knowler (Head Teacher, Oliver Goldsmith School) spoke in support of the site being retained for future school use. She questioned the proposed change of use from community to housing and whether land within the school site should be taken, regardless of whether it had been previously leased to another organisation. Mrs Knowler clarified that the possible site area referred to in the report as a minimum requirement to accommodate a new extended services facility identified in a feasibility study was not so and could be smaller. She put that in addition to the options of sale for housing, or extended school facilities for which funding was currently not available, there was a third

option of demolishing the existing building but allowing the school to maintain the site until funds for new premises were available. She was confident that the school, having a good fund raising track record, would be able to contribute financially. She urged the Executive not to give up the opportunity for a site for educational or community use.

#### 8. **Former Scouts Hall Site, Coniston Gardens, Kingsbury NW9**

The report from the Directors of Finance and Corporate Resources and Children and Families outlined options for the future use of the former scouts' hut site on 2 Coniston Gardens (adjacent to Oliver Goldsmith Primary School) either disposal to a housing association to deliver two five bedroom affordable housing units for rental or retention in the council portfolio for use as an extended services facility. In considering the report from the Directors of Finance and Corporate Resources and Children and Families and the deputations received earlier in the meeting, members questioned the extent to which the scout hut had been used previously by the community. It was clarified that the Land Registry map referred to by Mr. Mamtora indicated the extent of council owned land and not the use to which it had been put; the Borough Solicitor then also confirmed that the council had the power to dispose of the land in the way suggested. Reference was made to the intention to build a swimming pool in the Kingsbury area which would provide additional community facilities and attention was drawn to the shortage of housing for large families in the borough. The change of use of former scout hut sites was not without precedent. Councillor Blackman (Lead Member, Resources) felt that on balance, the preferred option would be to build two houses that would be in keeping with the area and it would not be fair to spend a significant proportion of Children and Families capital programme on one school. Councillor Wharton (Lead Member, Children and Families) added that Fryent Primary School, which was nearby, had been given funding through extended schools. Furthermore, the available funding was insufficient for a free standing development on the Coniston Gardens site which would not be available for many years and which would also have running costs. The Chair, Councillor Lorber (Lead Member, Corporate Strategy and Policy Coordination) contributed that discussions on the future use of the scout hut site had been taking place for a number of years and that the proposals would both provide much needed housing and provide the Council with a capital receipt.

The Executive also had before them appendices to the report which were not for publication as they contained the following category of exempt information set out in Schedule 12A of the Local Government Act 1972:

“Information relating to the financial or business affairs of any particular person (including the person holding that information).”

The Executive agreed the recommendations in the report.

RESOLVED:-

that the former Scout Hut, Coniston Gardens NW9 site be disposed to a Housing Association on the terms set out in the report from the Directors of Finance and Corporate Resources and Children and Families and on such other terms (including price) as considered appropriate by the Head of Property and Asset Management.

9. **Authority to invite tenders for short break services for disabled children and young people**

The report from the Director of Children and Families sought authority to invite tenders for framework contracts for the provision of Short Break Services provided for disabled children and young people in their own homes, as required by Contract Standing Orders 88 and 89. The Lead Member for Children and Families, Councillor Wharton, advised that the existing contract was coming to an end and the opportunity was being taken to tender for alternative options.

RESOLVED:-

- (i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 4.1 of the report from the Director of Children and Families;
- (ii) that approval be given to the invite of tenders and their evaluation in accordance with the approved evaluation criteria referred to in (i) above.

10. **Comments on the Mayor of London's Transport Strategy, Economic Development Strategy and Draft Replacement London Plan - consultation response**

The report from the Director of Environment and Culture set out comments on the consultation draft of the Replacement London Plan. The Mayor of London had also produced a Transport and an Economic Development Strategy which were also out to public consultation. The Executive noted that at its meeting on 10 December 2009, the Planning Committee agreed comments on the draft Replacement London Plan (subject to any further comments from the Executive). In order to meet the deadline for submission of comments officers have submitted the above comments to the Mayor of London but have said that this is subject to any further comments from the Executive. Councillor Van Colle (Lead Member, Environment, Planning and Culture) proposed that the comments set out in the report be agreed and formally submitted. It was noted that comments on other plans would be sought.

RESOLVED:-

- (i) that approval be given to the following as set out in the report from the Director of Environment and Culture:
  - (a) comments on the Consultation Draft of the Replacement London Plan;
  - (b) comments on the Mayor's Transport Strategy; and
  - (c) comments on the Mayor's Economic Development Strategy; and
- (ii) that the comments on the Transport Strategy and the Economic Development Strategy be sent to the Mayor of London to form Brent Council's response to the consultation on these documents and that the Council confirms that it has no further comments on the draft Replacement London Plan in addition to those set out in the Director's report.

**11. Proposed pre-submission changes to the Site Specific Allocation Development Plan Document**

The report from the Director of Environment and Culture summarised limited changes to the draft Site Specific Allocations Submission stage Development Plan Document of the emerging Local Development Framework. The limited changes were three new sites and a series of minor changes to the document. The changes are proposed following publication of, and consultation on, Brent's Site Specific Allocations in June 2009 in advance of submission to the Secretary of State.

RESOLVED:-

- (i) that agreement be given to the changes to the Site Specific Allocations Development Plan Document contained within the report from the Director of Environment and Culture;
- (ii) that the document be put to public consultation for a period of six weeks in accordance with the standards set out within the Council's adopted Statement of Community Involvement commencing upon the 22 January 2010.

**12. Inspiring Brent - Brent's Action Plan for the London 2012 Games**

Councillor Van Colle (Lead Member, Environment, Planning and Culture) introduced the report which provided an update on Brent's Action Plan for the London 2012 Games developed by the 2012 Steering Group. The report outlined developments in the London 2012 City Operations Programme and the main conditions of the London 2012 Host Borough Co-Operation and Licence Agreement. Councillor Van Colle asked the Executive to note the key achievements to date and areas of work to be developed and drew attention to the formal launch of the three year campaign 'Inspiring Brent' that would be take place on 2 February 2010.

RESOLVED:-

- (i) that progress made to date be noted;
- (ii) that approval be given to the 2012 Action Plan attached as Appendix to the report from the Director of Environment and Culture;
- (iii) that progress made towards signing the London 2012 Host Borough Co-Operation and License Agreement as referred to in Paragraphs 3.18 – 3.25 be noted and the Director of Environment and Culture be authorised to agree the exact terms thereof, on the advice of the Borough Solicitor.

**13. Proposed closure of the Church Lane parking shop**

The report from the Director of Environment and Culture proposed the closure of the Parking Shop in Church Lane, Kingsbury with effect from 1 July 2010. Councillor Van Colle (Lead Member, Environment and Culture) pointed out that this

parking shop had a relatively low number of visitors and notice of the closure would be well publicised. The potential for savings was significant.

RESOLVED:-

that approval be given to the closure of the Church Lane Parking Shop from 1 July 2010.

**14. Adult Social Care Annual Performance Assessment 2008/09**

The report from the Director of Housing and Community Care advised members on the Annual Performance Assessment (APA) judgement for Adult Social Care for 2008/09, published by the Care Quality Commission (CQC). Councillor Colwill (Lead Member, Adults, Health and Social Care) advised that overall, the council was performing well, in line with the previous year's performance. The report identified areas requiring further improvement and summarised action taken to date.

RESOLVED:

that overall annual performance assessment and in particular the strengths and areas for further improvement identified in the performance assessment report be noted.

**15. Authority to tender a contract for Supporting People funded services for domestic violence floating support service**

The report from the Director of Housing and Community Care sought authority to invite suitable providers to tender for a contract as required by Contract Standing Orders 88 and 89. The award of a contract would be for the provision of a Supporting People funded domestic violence floating support service. The Executive agreed on 15 June 2009 that the Supporting People domestic violence floating support services should be tendered as part of the Families floating support framework (under Families with complex needs framework). The report additionally sought authority to tender the contract for the provision of the domestic violence floating support service not as part of the Families floating support framework but as a separate contract.

RESOLVED:-

- (i) that approval be given to the tender of the Supporting People domestic violence floating support service being taken out of the tender for the Families floating support framework and being separately tendered alongside the service for women fleeing domestic violence accommodated in refuges;
- (ii) that approval be given to the pre tender considerations and the criteria to be used to evaluate tenders to award a contract for the provision of Supporting People funded services for floating support service for women escaping domestic violence with a range of support needs as set out in paragraph 7.1 of the report from the Director Housing and Community Care;



- (iii) that approval be given to the invite of tenders and their evaluation in accordance with the approved evaluation criteria referred to in paragraph (ii) above.

**16. Outcome of re-negotiation of existing housing support contracts for Offenders and People with Drug and/or Alcohol issues**

Martin Cheeseman (Director of Housing and Community Care) introduced his report which set out the outcome of the re-negotiation exercise carried out with existing providers of housing support contracts for services for offenders and people with drug and/or alcohol issues, and requested approval to extend the existing contracts. The new arrangements would achieve savings and increased service provision.

RESOLVED:-

- (i) that the outcomes of the re-negotiation meetings and the efficiency savings achieved be noted;
- (ii) that approval be given to the extension of the current contracts in relation to all the offender and drug and/or alcohol services funded by Supporting People, as listed in sections 4 and 5 of the report from the Director of Housing and Community Care, to 31 December 2012.

**17. Authority to Tender Contracts for Supporting People Funded Services for Single Homeless People**

The report from the Director of Housing and Community Care sought authority to invite suitable providers to tender for two framework agreements and one contract as required by Contract Standing Orders 88 and 89. The framework agreements would be for the provision of Supporting People funded accommodation based services and floating support services (with two initial call-off contracts to be entered into under each framework, shortly after award). The remaining contract would be for work and life skills training services for Single Homeless People. This report additionally sought authority to extend the current Supporting People Single Homeless contracts until 31 March 2011.

RESOLVED:-

- (i) that approval be given to the pre tender considerations and the criteria to be used to evaluate tenders to award framework agreements for the provision of Supporting People funded accommodation based services and floating support services for single homeless people, and a contract for work and life skills training services for single homeless people, as set out in paragraph 10 of the report from the Director of Housing and Community Care;
- (ii) that approval be given the invite tenders for the two framework agreements and one contract and their evaluation in accordance with the approved evaluation criteria referred to in paragraph (i) above;
- (iii) that approval be given to an extension of the existing Supporting People contracts for services for Single Homeless Services as specified in paragraph 8.9 of the Director's report until 31 March 2011.

## 18. **ALMO Settled Homes Initiative**

To ensure the delivery of the BHP's SHI scheme, BHP had requested a £8m loan from the Council, secured using its prudential borrowing powers, in order to deliver in the region of 50 properties under tranche 1 of their acquisitions programme. The report from the Director of Housing and Community Care set out the proposed changes that were required to deliver the ALMO SHI scheme.

Councillor Allie (Lead Member, Housing and Customer Services) in introducing the report, raised concerns over the use of Ground 8 of Schedule 2 to the Housing Act 1988 as a tool to evict tenants who were in serious rent arrears as it could be invoked when tenants owed only two months' rent and as it was mandatory once all conditions were satisfied. The Executive considered the feasibility of introducing a loan covenant which prevented BHP from using Ground 8 of Schedule 2 to the Housing Act 1988 as a tool or which required it to be used only as a last resort. The Executive heard advice from the Director that to prevent the use of Ground 8 would not be in line with borrowing requirements and from the Borough Solicitor that it would be unwise to fetter the action BHP felt to be appropriate. The Executive noted that BHP, as an agent of the council, was bound by requirements of the anti-poverty strategy.

It was proposed and agreed that the Director of Housing and Community Care develop a protocol setting out the circumstances for which Ground 8 would be used, similar to that in place for Granville Homes.

The Executive also had before them appendices to the report which were not for publication as they contained the following category of exempt information set out in Schedule 12A of the Local Government Act 1972:

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RESOLVED:-

- (i) that approval be given to note Brent Housing Partnership at present is not contemplating setting up a special purpose vehicle, as a wholly owned subsidiary of BHP, in order to deliver the scheme;
- (ii) that approval be given to approve the delivery arrangements proposed and note the increased number of dwellings achievable from the additional £5m HCA grant support;
- (iii) that approval be given to the provision of a loan facility to Brent Housing Partnership Ltd of up to £8million to facilitate the delivery of tranche 1 of SHI scheme and to delegate authority to the Director of Finance and Corporate Resources, in consultation with the Borough Solicitor, to agree the final terms and conditions of the loan facility;
- (iv) that approval be given to BHP, to enter into a Grant Agreement for the SHI scheme with the Homes and Communities Agency (HCA) in respect of their £10 million funding allocation, under the Settled Homes Initiative, and



delegate authority to Director of Finance and Corporate Resources to agree the terms of that Grant Agreement, in consultation with the Borough Solicitor;

- (v) that approval be given provide BHP a loan facility of up to £8 million to fund the acquisition of approximately 50 properties under the tranche 1 of the SHI programme and also delegate authority to the Director of Finance and Corporate Resources to agree the final loan sum to be provided to BHP and the term over which the loan will be repayable, subject to the following conditions:
  - (1) The loan sum will relate only to costs directly attributable to this scheme
  - (2) The loan is seen to be affordable to BHP and that the agreed loan repayment schedule is substantiated within the overall business case model, and
  - (3) The final agreement to provision of the loan remains within the best interests of the council
- (vi) that it be noted that the terms of the loan were generally neutral on the Council's finances and provide for a nil net contribution on the Council's General Fund;
- (vii) that the Director of Housing and Community Care be authorised to seek consent from the Secretary of State under section 25 of the Local Government Act 1988 in respect of the £8m loan facility once the final terms of the loan agreement have been agreed by the Director of Finance and Corporate Resources;
- (viii) that the Director of Finance and Corporate Resources be authorised to enter into a Direct Agreement with the HCA, in consultation with the Borough Solicitor in order to satisfy the grant conditions for the SHI grant allocated to BHP;
- (ix) that BHP be permitted to acquire, own and manage up to 286 properties and to grant tenancies in connection with the Settled Homes Initiative;
- (x) that BHP be required to agree a protocol for the use of Ground 8 of Schedule 2 to the Housing Act 1988 as a tool to evict tenants who are in rent arrears.

## 19. **Allocation of HRA Rooftop Telecommunication Income**

Following the introduction of the Corporate Manslaughter and Corporate Homicide Act 2007 and the recent fire at Lakanal House in Camberwell, Brent Housing Partnership (BHP) has had to review its health and safety procedures in order to ensure that all blocks were compliant with health and safety legislation. There have been a substantial accrual of income in the Housing Revenue Account (HRA) over the years arising from the telecommunications equipment rental situated on 13 housing tower blocks around the borough which stood at £1.195 million (excluding Watling Gardens) at March 2009. The report from the Director of Housing and Community Care proposed that given the substantial cost of the new health and safety initiatives, the funds that have accrued should be used to finance health and safety improvements and other works on the Council's stock borough wide.

RESOLVED:-

- (i) that agreement in principle be given to rescind the decision made by the Housing Committee in 1996 to allocate the telecommunication income to the Area Housing Boards for communal repairs and improvements and to grant delegated authority to the Director of Housing and Community Care in consultation with the Lead Member, to make a final decision on this issue following the outcome of consultation with the Area Housing Boards;
- (ii) that agreement be given that historic telecommunication rental income generated from masts located on Housing Revenue Account (HRA) tower blocks (excluding Watling Gardens) should be used to support expenditure on the Council's housing stock borough wide and to grant delegated authority to the Director of Housing and Community Care in consultation with the Lead Member, to make a final decision on this issue following the outcome of consultation with the Area Housing Boards;
- (iii) that agreement be given in principle that the future telecommunication rental income generated from masts located on Housing Revenue Account (HRA) tower blocks should be used to support expenditure on the Council's housing stock borough wide and to grant delegated authority to the Director of Housing and Community Care in consultation with the Lead Member, to make a final decision on this issue following the outcome of consultation with the Area Housing Boards;
- (vi) that in relation to the in principle decisions set out in paragraphs (i), (ii) and (iii) above, approval be given to grant the Director of Housing and Community Care in consultation with the Lead member, discretion to refer the in principle decisions back to the Executive for a final decision if he considers it prudent to do so following the outcome of the consultation with the Area Housing Boards;
- (v) that approval be given, subject to Paragraph (ii) above, to accrued income of £1.195m from Housing Tower Blocks Rooftop Telecommunication Masts (excluding Watling Gardens and which is held in the Housing Revenue Account), being allocated to be spent on the Council's housing stock borough wide;
- (vi) that approval be given to the budget virements for the HRA Budget for 2009-10 as set out in paragraph 4.3 of report from the Director of Housing and Community Care.

**20. Proposal to tender Revenue and IT services**

The report from the Director of Housing and Community Care sought authority to invite suitable providers to tender for the provision of Revenue collection and Information Technology (IT) services, following the expiry of the existing Capita contract on 30 April 2011. The current contract included the collection of revenues for Council Tax and National Non Domestic Rates (NNDR) and the provision and maintenance of IT systems specific to both Revenues and Benefits services.

Councillor Blackman (Lead Member, Resources) stated that the opportunity would be taken to test the market and expressed a wish that service improvements would continue.

RESOLVED:-

- (i) that future service provision from 1 May 2011 for the Revenues Service plus associated information technology support be secured through a retender exercise;
- (ii) that approval be given to the pre tender considerations and the proposed criteria to be used to evaluate the tenders for the Revenues Service and IT support as set out in Appendix 1 of the report from the Director of Finance and Corporate Resources;
- (iii) that officers invite tenders as referred to in paragraph (ii) above and evaluate them in accordance with the evaluation criteria set out in Appendix 1 of the report from the Director.

**21. Proposed Freehold Disposal of former Bryan Avenue Stores, Bryan Avenue, Willesden, NW10 2AS**

The report from the Director of Finance and Corporate Resource sought Executive approval to the freehold disposal of the former Bryan Avenue Stores and adjacent land by the Council to Family Mosaic Housing Association. The Executive noted that it would raise a capital receipt and social housing would be created.

The Executive also had before them appendices to the report which were not for publication as they contained the following category of exempt information set out in Schedule 12A of the Local Government Act 1972:

“Information relating to the financial or business affairs of any particular person (including the person holding that information).”

RESOLVED:-

that the Head of Property and Asset Management be authorised to dispose of the property and adjacent land with vacant possession to Family Mosaic Housing Association for such consideration as is the best that can reasonably be obtained in the opinion of the Head of Property and Asset Management and otherwise in accordance with the proposed terms outlined below and such other terms as he considers to be in the best interests of the Council.

**22. Brent Residents' Attitude Survey 2009**

Councillor Sneddon (Lead Member, HR and Diversity and Local Democracy and Consultation) introduced the report which highlighted the key findings of the Residents' Attitude Survey 2009 (RAS) and provided comparative performance information in relation to the previous residents' attitude survey conducted in 2005 and the place survey carried out in 2008. He drew attention to the importance of face to face interviews which it was felt gave a more representative sample of respondents. Councillor Sneddon also referred to the positive nature of the results,

in comparison to those of the place survey whose methodology involved a postal survey. Councillor Sneddon was pleased to report on the general overall satisfaction with the council and an improvement in the key indicators.

RESOLVED:-

- (i) that the report be noted the report, particularly the issues highlighted in section 4;
- (ii) that it be noted that findings from the 2009 Residents' Attitude survey have provided a robust data set which:
  - is invaluable to Council's new service planning framework, which is underpinned by the philosophy of evidence-based decision making.
  - enhances the Council's corporate evidence base to complement the findings of the place survey and the external comprehensive area assessment audit process.

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

None.

**24. Any Other Urgent Business**

***Borough Solicitor***

Members noted that this would be the last meeting of the Executive attended by the Borough Solicitor, Terry Osborne, who would be leaving the council's employment to take up a new post in Waltham Forest. Members on all sides thanked her for her help and advice over the past years and wished every success in her new role.

The meeting ended at 8.30 pm

P LORBER  
Chair