



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET

Held as an online virtual meeting on Monday 9 November 2020 at 10.00 am

PRESENT (In Remote Attendance): Councillor M Butt (Chair), Councillor McLennan (Vice-Chair) and Councillors Farah, Knight, Nerva, M Patel, Krupa Sheth, Stephens, Southwood and Tatler

1. **Apologies for Absence**

None.

2. **Declarations of Interest**

None.

3. **Minutes of the Previous Meeting**

RESOLVED that the minutes of the previous meeting held on 12th October 2020 be approved as an accurate record of the meeting.

4. **Matters Arising (if any)**

None.

5. **Petitions (if any)**

None.

6. **Reference of item considered by Scrutiny Committees (if any)**

There were no items referred for consideration by either Scrutiny Committee.

7. **Draft Brent Climate Emergency Strategy (2021-2030)**

The Lead Member for the Environment, Councillor Krupa Sheth, introduced the report which sought approval to issue the draft of the Brent Climate Emergency Strategy for public consultation. The draft strategy had been developed following an extensive period of research and engagement with local communities and Cabinet heard that five key themes had been identified; consumption, resources and waste; transport; homes and buildings; nature and greenspaces; and supporting communities. In concluding her introduction Councillor Sheth highlighted how the climate emergency worsened existing inequalities for the poorest in society, whilst

tackling it would help improve health issues related to air quality, healthy diets and access to greenspaces, in turn alleviating the strain on National Health budgets and assisting the Council in its overall aim of carbon neutrality by 2030

Cabinet welcomed the report, highlighting the specific nature of the actions identified within the strategy and noting the extensive consultation process that would culminate in a final strategy being presented for adoption and launch in spring 2021. In supporting the strategy Members also highlighted the links between the climate emergency and many other areas of the Council's work, including social justice, the economy, Active Travel and School Streets initiatives and health and wellbeing.

RESOLVED that Cabinet:

- (1) Approve the Draft Brent Climate Emergency Strategy (as detailed in Appendix A of the report) to be issued for public consultation.
- (2) Note that, following comments received during public consultation, a revised final Brent Climate Emergency Strategy would be presented back to Cabinet in spring 2021 for adoption.

8. **School Place Planning Strategy 2019-23 Refresh**

The Lead Member for Schools, Employment and Skills, Councillor Stephens introduced the report which provided a refresh of the School Place Planning Strategy 2019-2023. Cabinet heard that the focus for primary school provision would be to ensure that current capacity remained steady over the next five year period, and it was anticipated that the recent opening of the North Brent School would ensure sufficient capacity was maintained in relation to secondary school places, with a review of the refreshed forecast demand information to be conducted in spring 2021. However there was a clear identified need for additional Special Educational Needs (SEN) school provision and this was emphasised in the report as a strategic priority.

Cabinet welcomed the consistent approach to refreshing the strategy in order ensure any changes in demand were identified, especially at a more localised cluster level, and could be addressed. It was noted that the lack of SEN provision was a nation-wide concern, reflecting an increase in the percentage of young people with more complex needs and a significant funding deficit identified nationally in terms of the High Needs element of the Dedicated Schools Grant. Councillor McLennan as Lead Member for Resources advised this had been recognised as an issue, with efforts already underway alongside other local authority financial leads to ensure the necessary funding was provided, particularly for those on Education, Health and Care Plans.

RESOLVED that Cabinet:

- (1) Note the refresh of the School Place Planning Strategy 2019-2023 detailed within Appendix 1 of the report.
- (2) Note that the forecasts for primary places would remain fairly steady over the next five years.

- (3) Note that the indicative programme timeline for the proposed secondary school expansion programme, presented to Cabinet on 14 October 2020, had been amended to allow time to review refreshed forecast demand information in spring 2021.
- (4) Note that there remained significant and increasing demand for places that meet the needs of children and young people with SEND aged 0-25 and the planned strategies for addressing this need.
- (5) Note the concerns about the impact of COVID-19 on Early Years provision and the strategies to support the sector.

9. **Commercial Trading Company**

The Lead Member for the Environment, Councillor Krupa Sheth, introduced the report which sought approval to form a general trading company as a vehicle to trade commercially (under the powers introduced by the Localism Act 2011 and Local Government Act 2003) for the provision of funeral services. Cabinet heard that Brent had been innovative in forming an in-house funeral service offering low-cost funerals to residents and managing the cost in delivering the legal duty for public health funerals. Increasing demand for this service had, however, required the Council to consider a new way of operating, whilst ensuring an affordable service could be maintained.

Cabinet supported the proposal, noting that the formation of the company would allow the Council to continue supporting residents in addressing funeral poverty.

Members noted the exempt appendix to the report in relation to the financial implications of the proposal.

RESOLVED that having considered the options identified within the report, Cabinet:

- (1) Agree the making of arrangements by the Director of Legal, HR Audit & Investigations, in consultation with the Lead Member for Environment and the Strategic Director of Regeneration and Environment, for the establishment of a general trading company, including any additional legal or constitutional issues to be reserved to the Council as shareholder and any necessary agreements between the company and the Council.
- (2) Note and agree the recommendations regarding the governance arrangements for the trading company and board members, as detailed within the report.

10. **Variation of long stop date in respect of Community Asset Transfer at Tenterden Pavilion & Sports Ground, Preston Road HA3 0QQ**

Councillor Butt, Leader of the Council, welcomed Mr Scott Wade to the meeting, who had requested to speak on the matter as a representative of Forest United Youth FC (the club).

Mr Wade thanked Cabinet for the opportunity to speak and drew Members' attention to an accompanying written submission from Forest United Youth FC. He reminded Cabinet that the Club had approached the Council back in 2013 with a view to collaborating on how the facilities at Tenterden and John Billam sports grounds could be enhanced for the benefit of all users. These discussions along with the Expression of Interest submitted had led to development and subsequent approval of the Community Asset Transfer (CAT) proposal in 2016. Whilst the transfer agreed had been to Wembley Education Charitable Trust (WECT) he advised that the Club had continued to work in collaboration with WECT, recognising their shared expertise in community relations and building management. Concerns were however highlighted in relation to the delay in progressing what were felt to be critical aspects of the proposal. These key items related to the provision of commensurate car parking capacity and certainty and security of access to outdoor playing facilities, with the absence of agreement on these issues making the feasibility of the current proposals uncertain from the Club's perspective. In summing up Mr Wade advised he was therefore seeking clarity on the progress of a resolution to these items.

Councillor Butt thanked Mr Wade for taking the time to address the committee, emphasising the desire of the Cabinet to find a solution that worked for all parties.

The Lead Member for Regeneration, Property and Planning, Councillor Tatler, then introduced the report which she advised was seeking approval to vary the longstop date on the Community Asset Transfer of Tenterden Pavilion and Sports Ground to three years from the date of planning approval, which had been granted in October 2020. Members were advised that the Council were continuing to work with the football club and WECT to find a solution to the issues raised, and the variation of the longstop date was required to enable negotiations to continue.

In terms of the progress made to date, Cabinet noted that planning approval had now been obtained for the scheme with a commitment to addressing the outstanding issues in relation to the lease arrangements, car parking and use of the outdoor facilities. Capital funding has been set aside by the Council to progress the drainage improvement works at the Tenterden Sports Ground in accordance with the planning permission.

Noting the request for a three year extension of the longstop, bringing the completion date to 2024, and highlighting the length of time that the negotiations had already been ongoing, Members were keen to ensure the Council continued working constructively to reach a solution on the issues raised. It was noted that the granting of planning permission had removed many obstacles to progression with the aim being to achieve final completion prior to 2024.

RESOLVED that Cabinet:

- (1) Delegate authority to the Strategic Director of Regeneration and Environment to agree the terms and vary the longstop date to 3 years from the Wembley Education Charitable Trust (WECT) obtaining planning approval. The condition being that the WECT would be required to obtain planning approval by September 2021, commence works, and secure funding shortly thereafter, therefore the longstop date for completion of the development would be September 2024.

- (2) Note that the WECT had met the 27 June 2016 community use caveat, with provisional terms agreed with Forest United Youth FC, allowing them to occupy an area within the new sports facility and to provide wider community access to the new sports facility when not operationally required by the WECT.

11. **South Kilburn Regeneration Programme – making of compulsory purchase order**

The Lead Member for Regeneration, Property and Planning, Councillor Tatler, introduced the report seeking approval for the authorisation of Compulsory Purchase Order (CPO) powers for use in the South Kilburn Regeneration Programme. Cabinet noted that CPO's would only be used as a last resort when it had not been possible for the Council to reach a negotiated settlement, which was the preferred option, for the purchase of outstanding leasehold interests and would follow extensive engagement and the offer of a full package of compensation, as detailed in the Tenant and Leaseholder Policy set out in Appendix 3 of the report. It was noted that the last leaseholder purchase had recently been agreed for Hereford and Exeter estates via mutual agreement, with only one commercial interest remaining outstanding.

In expressing their support for the proposal, Cabinet highlighted that residents had expressed their desire for the scheme to progress as quickly as possible and noted the significant progress made with the overall regeneration scheme since the outcome of the residents' ballot in autumn 2019. Whilst noting that approval of the recommendations would highlight the ongoing commitment to delivery of the Scheme, providing for use of CPOs if absolutely necessary, Members further welcomed the clarity provided in the report that CPO's were intended to be used as a last resort, with the Council having a very good record in acquiring leasehold interests by negotiated agreement for the Scheme without the use of a CPO.

RESOLVED that Cabinet:

- (1) Authorise the use of CPO powers for the Scheme and delegate authority to the Strategic Director of Regeneration and Environment, in consultation with the Lead Member for Regeneration, Property and Planning to proceed with the making and implementation of a CPO for each phase of the Scheme as necessary. The proposed order lands were indicatively shown in the plan attached as Appendix 1 to the report.
- (2) Delegate authority to the Strategic Director of Regeneration & Environment, in consultation with the Lead Member for Regeneration, Property and Planning to agree the terms and enter into contract for the leasehold interest at Blue Box Storage, Exeter Court, Granville Road, London NW6 5AJ. Members noted the estimated compensation settlement had been detailed in Appendix 2 of the report (containing exempt information).
- (3) Authorise the purchase of leasehold interests required for the Scheme by private treaty and delegate authority to the Strategic Director of Regeneration & Environment, in consultation with the Lead Member for Regeneration, Property and Planning to agree the terms and enter into contracts.

- (4) Note that the Council would remain sensitive to the needs of leaseholders affected by the impact of the Coronavirus pandemic and would engage in early dialogue and provide support for relocation to mitigate the impact.
- (5) Authorise officers to take all necessary steps to commence the process for the making, confirmation and implementation of a CPO for each phase, including securing the appointment of suitable external advisors and preparing all necessary CPO documentation under delegated authority as set out in (2) above. Cabinet noted the key steps to make a CPO had been set out in paragraph 3.13 of the report. Cabinet also noted that Appendix 3 of the report set out the policy in relation to displaced tenants and leaseholders in regeneration schemes, which aimed to maximise choice and secure a better match with individual circumstances, such as shared ownership and shared equity options and reversion to tenancy for vulnerable leaseholders.
- (6) Agree the detail of the following two additional measures to aid leaseholder acquisitions. Both measures would allow officers to further assist resident leaseholders who met the criteria:
 - (a) **Shared Equity/Ownership:** The Council would seek to acquire a number of properties from the local market and offer these as shared equity or shared ownership homes to eligible resident leaseholders. The way the shared equity product would work would be as follows. The Council would purchase a property from the local market that met the needs of the resident leaseholder. At the same time, the Council would purchase the resident leaseholder's property in a back-to-back transaction. The resident leaseholder would use funds made available from the buyback to purchase a percentage of the equity in the replacement property. Any value gap (typically 25% to 50%), would be met by the Council, and the Council's stake in the property was entered as a charge against the property. The resident leaseholder would not pay a rent on the equity they did not own and would be able to purchase the share they did not own in accordance with the shared equity agreement (known as staircasing) as detailed in paragraph 3.18 of the report. Any shared ownership scheme, if available, would be a part buy part rent scheme.

Cabinet agreed to delegate approval for each shared equity/ownership contract on a case-by-case basis to the Strategic Director for Regeneration and Environment in consultation with the Director of Finance.

- (b) **Council tenancy:** In exceptional circumstances, where assessment by a financial advisor indicates reduced financial security and supported by the criteria detailed in section 3.19 of the report, the Council could offer the leaseholder a council tenancy as part of the acquisition of their existing leasehold property at a reduced market value.

Cabinet agreed to delegate approval for each case to the Strategic Director for Regeneration and Environment in consultation with the Strategic Director of Community and Wellbeing.

12. **Northwick Park, One Public Estate – Update, Infrastructure Collaboration Agreement and Spine Road Construction**

The Lead Member for Regeneration, Property and Planning, Councillor Tatler, introduced the report updating Members on the progress of the Northwick Park, One Public Estate initiative, and seeking approval for both the execution of an infrastructure collaboration agreement, and the tendering and procurement for construction of a new spine road. Cabinet noted that the initiative was progressing well, and the proposals outlined in the report would provide the infrastructure required to allow work to continue. A Housing Infrastructure Fund Grant had been secured to fund the works.

Cabinet supported the proposals, highlighting the benefit of the scheme to not only the Council and residents within the borough but also London Northwest NHS Health Authority, University of Westminster and Network Homes as the other main partners. The assurance that local wildlife would be protected was also commended.

In considering the report, Members noted the exempt information contained in Appendices 1, 2, 3 and 5 of the report.

RESOLVED that Cabinet:

- (1) Approve entering into an infrastructure collaboration agreement with London Northwest NHS Health Authority, The University of Westminster and Network Homes Ltd. on the basis of the Heads of Terms set out in Appendix 3 of the report, which Members noted contained exempt information.
- (2) Delegate authority to the Strategic Director of Regeneration & Environment in consultation with the Lead Member for Environment, the Lead Member for Planning, Property and Regeneration and the Director of Finance to finalise all terms consistent with the Heads of Terms set out within Appendix 3 of the report and enter into the infrastructure collaboration agreement.
- (3) Approve the procurement of the construction works (and all other associated works and services) required for the completion of the new spine / access road.
- (4) Delegate to the Strategic Director for Regeneration and Environment in consultation with the Lead Member for Environment authority to agree relevant pre-tender considerations for the procurement of a suitable contractor for the works referred to in (3) above and thereafter evaluate tenders on the basis of such pre-tender considerations.
- (5) Delegate to the Strategic Director for Regeneration & Environment, in consultation with the Lead Member for Environment authority to select contractor(s) and enter into a contract with the contractor for the works referred to in (3) above.

Delegate to the Strategic Director of Regeneration and Environment to agree terms and enter into agreements pursuant to section 38 for the adoption of the new spine/access road and section 278 of the Highways Act 1980 in respect of works to the existing highway.

13. **Exclusion of Press and Public**

There were no items that required the exclusion of the press or public.

14. **Any other urgent business**

None.

The meeting ended at 10.43 am

COUNCILLOR MUHAMMED BUTT
Chair