



LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE

Monday, 16th November, 2009 at 7.00 pm

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

APOLOGIES: Councillors Wharton

ALSO PRESENT: Councillors Dunwell, John and R Moher

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

None declared.

2. **Councillors Van Colle and Wharton**

Members extended best wishes to Councillor Wharton for a speedy recovery and congratulations to Councillor Van Colle and his family following the birth of a granddaughter.

3. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 19 October be approved as an accurate record of the meeting.

4. **Order of business**

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

5. **Deputation - development of contracts with voluntary organisations**

The Executive heard from Phil Sealy, lay adviser to WISE (West Indian Self Effort) in respect of the report before members which set out the findings of the review of services provided by WISE and the New Testament Community Project. He reminded members of the background to the development of WISE's premises in Alric Avenue, funded by urban programme grant for specific use and how, since 1998, the premises came to be shared with APDA (Asian People with Disabilities), originally on a temporary basis. Mr Sealy stated that the increase in the incidence of strokes among the community placed increased demand on the services provided by WISE and the organisation needed the use of more building space. Shared use of premises was in breach of the original intent for the premises and

further disadvantaged the community. Phil Sealy added that APDA, unlike WISE, was not in operation solely for Brent residents but provided services for neighbouring boroughs for which fees were paid. He concluded in saying that WISE would welcome a formal, agreed lease arrangement.

6. Development of contracts with voluntary organisations

The Director of Housing and Community Care introduced the report which set out the findings of a review of services provided by West Indian Self Effort (WISE) and New Testament Community Project and proposed changes to the funding arrangements. He acknowledged that the long standing issues relating to the lease for the WISE premises in Alric Avenue and the report made clear that these would need to be resolved. The Executive agreed to add a resolution confirming this expectation.

RESOLVED:-

- (i) that the findings of the review be noted and approval given to the development and subsequent award of three-year contracts to West Indian Self Effort and New Testament Community Project to deliver culturally specific day care services for older people to replace the current grant funding arrangements;
- (ii) that approval be given to an exemption,, in accordance with Contract standing order 84(a) from the usual tendering requirements of Standing Orders to permit negotiations leading to the award of three year contracts to West Indian Self Effort and New Testament Community Project on the basis of 'good operational and financial reasons' as set out in paragraphs 3.18 and 3.19 of the report from the Director of Housing and Community Care;
- (iii) that the grant of the above contract be subject the resolution of issues relating to the lease for the premises at Alric Avenue.

7. Deputations - authority to award the residential and respite care contract for people with learning disabilities

Sharon Iles, addressed the Executive on behalf of carers and residents of Melrose House in Willesden, a residential and respite care service for people with learning disabilities. She expressed a wish for the service to be retained as a council run service, even if only for a few more years, to allow continuity of the care. In the event of the externalisation going ahead, Ms Iles sought assurances on adherence to contractual commitments and involvement in decision making supported living arrangements.

George Fraser, speaking on behalf of the trade unions UNISON and the GMB, stated that in addition to opposing the principle of externalising the service to the private sector, also had a number of what he considered to be legitimate concerns regarding which members had been sent correspondence. He welcomed the Director's assurances on supported living but questioned whether the in-house bid had included this provision. He also questioned how it was possible for tenders to be invited when staff's new job descriptions had yet to be evaluated. George Fraser also stated that question of pensions needed to be addressed, for which

there were serious implications for staff. He urged the Executive to respond to the concerns outlined in the Unions' letter stating that residents deserved the benefit of a level playing field.

8. Authority to award the residential and respite care contract for people with learning disabilities

The Director of Housing and Community Care, Martin Cheeseman, introduced his report which requested authority to award the residential and respite care contract for people with learning disabilities following a tendering exercise. In response to the deputations received earlier in the meeting from Sharon Iles, on behalf of residents and carers of Melrose House, and George Fraser (Unison and the GMB union). Martin Cheeseman advised that the contract provided that all residents who transferred would continue to have their needs met in a similar way as at present. There was provision in the contract for individuals to move to supported living. However, this could only be done through an agreed assessment process. The existing residents had been in residential care for a long time and therefore he considered it very doubtful that they would be able to change to supported housing. Commissioning would ensure the correct level of service. Additionally, existing staff would be transferred so this should further provide continuity of care. It had been agreed at the outset that a comparison would be made with the in-house service and the current position was the result of an extensive private finance initiative commenced in 2001.

During the course of agreement on building design discussions had taken place on the need to balance the needs of existing residents against the need to make provision for an incremental move to supportive living as vacancies occur. While the current staff who he felt provided a good service in a run-down building, Martin Cheeseman stated that the appointment of an external provider would buy in additional staff and expertise to meet the new challenges. The recommended tenderer, The Camden Society, a not-for-profit organisation, were responsible for a number of homes in other boroughs as well as other services for people with a learning disability. and who were well regarded. The organisation had experience of employing transferred staff and would be able to better provide training and relief support. In response to the enquiry over pension, the Director acknowledged the Unions' concerns and advised that any variations in the pension provisions would need to be referred to the General Purposes Committee for agreement.

In response to questions from Councillor Detre (Lead Member, Regeneration and Economic Development) the Director advised that the costs of risk sharing would be same whether the service was provided by The Camden Society or in-house. There was no requirement for the tender to be OJEU compliant but the principles of transparency and fairness would still apply. Councillor John (Leader of the Opposition) referred to the discontent at the proposals she felt was expressed by a number of sectors including service users, carers, staff, voluntary sector and the trade unions the net result of which was an adverse effect on staff morale. Too many changes were being introduced simultaneously and she felt that the situation could have been better managed, giving staff confidence in the future. Martin Cheeseman replied that Councillor John was making reference to a much wider process of change relating to Learning Disability services and much had been a learning process and a period of unprecedented change. The Council was no longer able to be an efficient provider of adult services and The Camden Society

had a greater expertise in training and developing staff. He assured that the TUPE and pensions rights of individual staff would not be affected.

Councillor Blackman (Lead Member, Resources) contributed that Melrose House had been in a poor condition for a very long time and it was good news that the residents and staff would get new accommodation. He emphasised that residents would be at their most vulnerable during the transfer and sought guarantees on how long they would be able to the same carers and also assurances over staff conditions of service post transfer. Martin Cheeseman responded that the expectation was for TUPE to last as long contracts were in place however, this did not rule out the possibility of future changes in circumstances. The staff ratio was set by the Care Quality Commission.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:-

- (i) that approval be given to the award of the contract for the provision of residential and respite care services for people with learning disabilities for a period of three years commencing on 1 February 2010 with an option to extend the contract for a further two-year period to The Camden Society subject to resolution of pensions arrangements and to subsequent endorsement of arrangements by the General Purposes Committee;
- (ii) that the Director of Housing and Community Care be authorised, in consultation with the Director of Finance and Corporate Resources and the Borough Solicitor to resolve pensions arrangements;
- (iii) that approval be given to the grant of short term rent free leases in respect of Melrose House, the three properties at Tudor Gardens and the property at Willesden Lane to The Camden Society in accordance upon the terms of the Contract for the reason set out in paragraph 7.10 of the report from the Director of Housing and Community Care.

9. Local Development Framework - progress and proposed changes for examination

Councillor Van Colle (Lead Member, Environment, Planning and Culture) introduced the report from the Director of Environment which set out progress on the Council's LDF (Local Development Framework) in particular the Core Strategy and Site Specific Allocation documents. This was expected to be the last report on the LDF until its examination by a Planning Inspector in 2010. A number of representations were made following consultation in June 2009 and proposed changes were set out in Appendix 1 to the report. Councillor Van Colle stated that he was satisfied that the changes proposed protected the interests of the Council and those providing development under the framework.

RESOLVED:-

that agreement be given to the proposed changes to the Core Strategy set out in Appendix 1 to the report from the Director of Environment and Culture, for public consultation.

10. Supporting People Refreshed Five Year Strategy 2009-14 and financial benefits of preventative housing related support services

The report before the Executive sought approval for a new five year Supporting People strategy covering the period to April 2014. The Director of Housing and Community Care in introducing his report drew attention to the financial benefits of funding preventative housing related support services and to the ten strategic key priorities for the programme for the next five years.

RESOLVED:-

- (i) that the new five year Supporting People strategy be approved;
- (ii) that further reports be presented as required to seek approval for any significant changes in policy or practice arising from the further work on developing the Strategy set out in the report from the Director of Housing and Community Care;
- (iii) that the demonstrable financial benefits that accrue to the Council from Supporting People services and the contribution that Supporting People funded preventative housing related support services make and would continue to make to the Council's agendas on personalisation and the provision of preventative services be noted.

11. Sustainable lettings - proposed scheme at W04 Quadrant Court

Councillor Allie (Lead Member, Housing and Customer Services) introduced the report from the Director of Housing and Community Care which made recommendations to introduce a lettings plan for the W04 Quadrant Court Scheme owned by Genesis Housing Group and Family Mosaic Housing Association. Councillor Allie drew attention to the proposal for a proportion of the family sized units to be under occupied relative to usual social housing levels, thereby increasing sustainability. The Executive welcomed the proposals which would provide quality residential units.

RESOLVED:-

- (i) that approval be given to the lettings scheme for the proposed W04 Quadrant Court scheme so as to allow 50% of the units therein to be let using a different set of lettings criteria for dwelling sizes to allow a limited level of under-occupation as set out in paragraph 3.1.6 of the report from the Director of Housing and Community Care;
- (ii) that approval be given to the proposals concerning 60% of first lettings for the W04 Quadrant Court Scheme to transfer applicants on the Council's

housing register as set out in para. 3.1.9 of the report from the Director of Housing and Community Care.

12. Authority to exempt from tendering a contract to provide a supported housing service at 115 Pound Lane NW10

The report from the Director of Housing and Community Care sought approval for a contract for supported housing services at 115 Pound Lane NW10 to be exempt from the tendering requirements ordinarily required by the Council's contract standing orders, for the good operational and financial reasons set out in the report.

RESOLVED:-

- (i) that a housing support service for single homeless people at 115 Pound Lane, Willesden Green be exempt from the tendering requirements ordinarily required by Contract Standing Orders for good operational and financial reasons as set out in section three of the report from the Director of Housing and Community Care;
- (ii) that a three year contract for housing support services for hostel residents at 115 Pound Lane, Willesden Green be awarded to the existing provider St Mungo's Community Housing Association Ltd from 1 April 2010, with the option of a further two year extension, on the basis that the Council receives 100% referral and nomination rights to the service and accommodation units at the hostel.

13. Approval for a new Learning Disability Resource Centre

The report from the joint from the Directors of Housing and Community Care, Finance and Corporate Resources, Environment and Culture and Policy and Regeneration advised of the progress made in indentifying a suitable site for Albert Road Day Centre (ARDC), following the decision in July 2009 to relocate in or near to the John Billam recreation ground, as part of the regeneration of South Kilburn. The Director of Housing and Community Care stated the proposals had been subject to extensive consultation with officers, in particular those from the Planning Service. The opportunity had also been taken to relocate the Council's existing autistic unit from its current location at Strathcona Day Centre. The Director assured that detailed discussions would take place on proposals for the shared use of the facilities for community hire to ensure users were safeguarded.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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RESOLVED:-

- (i) that approval be given to use of the site shown edged red in the plan in Appendix 1 to the report from the Director of Housing and Community Care ("the New ARDC Site") for the relocation of Albert Road Day Centre as a

Resource Centre for people with learning disabilities, subject to appropriation of the New ARDC Site as set out in paragraph (ii) and also the grant of planning permission;

- (ii) that the Director of Environment and Culture be authorised to commence and comply with the procedure as set out in section 122(2A) of the Local Government Act 1972 to appropriate the New ARDC Site for planning purposes;
- (iii) that officers preparing and submitting a detailed planning application for a new Resource Centre to relocate the ARDC and ASPPECTS to the John Billam site.

14. Reference of items considered by Forward Plan Select Committee

None.

15. Any Other Urgent Business

None.

The meeting ended at 8.00 pm

P LORBER
Chair