



## LONDON BOROUGH OF BRENT

### MINUTES OF THE CABINET Tuesday 14 April 2015 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor Pavey (Vice-Chair) and Councillors Crane, Denselow, Hirani, Mashari, McLennan and Moher

Also present: Councillors Chohan, Mahmood and Maurice

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

Councillor McLennan declared a personal interest in the item relating to the South Kilburn Development as a board member of South Kilburn Trust.

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

RESOLVED:-

that the minutes of the previous meeting held on 16 March 2015 be approved as an accurate record of the meeting.

#### 3. **Matters arising**

None.

#### 4. **Order of business**

The Cabinet agreed to take early in the meeting the item for which members of the public were present.

#### 5. **Employment, Skills and Enterprise Strategy**

Councillor Mashari (Lead Member, Employment and Skills) introduced the Employment, Skills and Enterprise Strategy which had been devised following an extensive consultation and engagement process. The document was the first such strategy to be produced in Brent and it was intended to align closely to the approach set out in other strategic documents, in particular the Borough Plan, the Regeneration Strategy and the Housing Strategy. Councillor Mashari stated that the strategy would inject a new impetus, was a working document to take to partners and she outlined the five strategic objectives which she looked forward to bringing to life.

With the consent of the Cabinet, Pratiba Ramsingh (District Operations Manager, Jobcentre Plus) and Phil Sperring (Business Director, Wates Living Space)

addressed the meeting in turn regarding the strategy. Ms Ramsingh stated that Jobcentre Plus was committed to the delivery of outcomes and looked forward to pooling resources to identify gaps and avoid duplication. Staff were already on site and ready to start work. Mr Sperring expressed commitment to working closely with the strategy and outlined what had already been delivered through careers, apprenticeships, masterclasses and work tours some of which had resulted in employment for local people. Future plans included a programme for out of work young people and construction related tours for children.

Members welcomed the strategy, the opportunity for partnership working and the direction of travel. Councillor Mashari thanked Ms Ramsingh and Mr Sperring for their contributions and work which it was hoped would spread across the borough.

RESOLVED:

- (i) that approval be given to the draft Employment, Skills and Enterprise Strategy;
- (ii) that the content of the Equality Impact Assessment which was set out in Appendix 2 to the report be noted.

#### **6. Award of contract for Care Provider Services**

The report from the Strategic Director, Adults concerned the commissioning of a new service delivery model for care services at a proposed new Extra Care facility at Park Royal in Brent. It sought approval to progress with Direct Payments (DP) for all residents and an exemption from tendering in accordance with Contract Standing Order 84(a) to allow officers to enter into discussions with the proposed provider and agree appropriate commercial and service terms leading to the award of a contract.

Councillor Hirani (Lead Member, Adults, Health and Well-being) advised that the estimated value of the shared care service contract was £316k per annum and negotiations would be subject to guarantees that would subsequently be confirmed in the contract on quality and the assurance that the cost was no more than the average cost on the WLA Home Support Framework including the London Living Wage. The final decision would be taken by Cabinet.

Councillor Mashari welcomed the inclusion of the LLW and Councillor Hirani assured that the proposals would be produce savings in the long term.

The Cabinet also had before them an Appendix to the report that was not for publication as it contained the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "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 an exemption from the usual tendering requirements of Contract Standing Orders in order for appropriate

commercial and service terms for the Extra Care facility contract at Park Royal to be agreed;

- (ii) that it be noted that the final decision to award the contract for the 'shared' elements of the service at the Extra Care facility at Park Royal would be subject to the approval of a further Cabinet report which would recommend that Mears Care Limited were awarded a contract with an initial term of one year with an option to extend for a further year.

## **7. Brent Safeguarding Adults Board – proposed governance arrangements**

The report from the Strategic Director, Adults advised that the council was required to establish a Local Safeguarding Adults Board ['LSAB'] together with associated governance arrangements and to appoint a Chair in accordance with the requirements of the Care Act 2014. The report set out the requirements for agreement and Councillor Hirani (Lead Member, Adults, Health and Well-being) confirmed that the existing arrangements with an independent Chair would continue.

RESOLVED:

- (i) that approval be given to the adoption of the proposed Constitution of the Brent LSAB attached at Appendix 1 of the report;
- (ii) that the council's new adult safeguarding responsibilities be delegated to the Strategic Director Adults;
- (iii) that authority be delegated to the Strategic Director, Adults following consultation with the LSAB, the Chief Executive and Cabinet Member for Adults, Health and Wellbeing to make minor amendments to the LSAB Constitution as and when necessary;
- (iv) that approval be given to a formal agreement between the LSAB Partners to support the functions of the Board and formalise a Pooled fund for the LSAB;
- (v) that authority be delegated to the Strategic Director, Adults following consultation with the LSAB Partners, LSAB chair and Chief Finance Officer to negotiate, vary, extend, renew or terminate the Pooled Funding Agreement for the LSAB on behalf of the Council in consultation with the Cabinet member for Adults, Health and Wellbeing.

## **8. Primary School Admissions - community schools' oversubscription criteria and admission arrangements 2016/17**

Councillor Moher (Lead Member, Children and Young People) introduced the report which set out the outcome of the consultation undertaken on proposals to amend the council's oversubscription criteria for community primary schools for 2016/17. The proposals were to create an additional criterion which prioritised siblings who lived within the catchment area of Brent Community Schools over siblings who live outside the school catchment; to amend the wording and expand the explanation of the social medical criterion to provide clearer information for parents and carers; and to change the method of measuring the distance in the 'tie breaker' within each

criterion from shortest safe walking distance using public rights of way, to straight line measurement. Councillor Moher advised that discussions had taken place with headteachers in February 2015. The Cabinet heard that the changes would be applicable for the 2016/17 intake to allow time for changes to be publicised. Admission appeals would be monitored for impact.

Councillor Mashari (Lead Member, Employment and Skills) sought clarification of the impact of welfare reform on school place provision on the ability of those families moving not through choice, to secure places. Gail Tolley advised that vulnerable families could be protected from splitting up on social/medical criterion. Councillor Moher acknowledged that the new criteria for siblings was potentially controversial however, the schools did not have the spare capacity.

RESOLVED:

- (i) that the results of the consultation carried out from 31 December 2014 to 28 February 2015 be noted;
- (ii) that the changes to the admission arrangements for community primary schools for 2016/17 as detailed in the report from the Strategic Director, Children and Young People at section 5 be approved: to prioritise siblings and children living within the catchment area over siblings living out of the catchment, to amend the wording and explanation of the social medical criterion and to change the distance measurement method to straight line measurement.

#### **9. Contracts with Academy Schools and Independent Special School for Special Educational and Alternative Education Provision**

Councillor Moher (Lead Member, Children and Young People) reminded the Cabinet of the council's statutory obligation to provide SEN (Special Educational Needs) places for young people. The report before the Cabinet sought delegated authority to negotiate contracts between the council and schools listed in Table 3.1 and Table 3.2 in the report for the provision of Additionally Resourced Provisions (ARP), independent schools, and English as an Additional Language (EAL) education placements for the academic year 2015/16. The report also considered future arrangements for placement of new students/pupils in subsequent academic years.

In order to negotiate the contracts, the report sought exemption from the usual procurement requirements of the council's Contract Standing Orders. The contract was for one year however consideration would be given to a longer term arrangement.

RESOLVED:

- (i) that it be noted that the costs of the proposed contracts referred to in (ii) below were fully met from the DSG;
- (ii) that authority be delegated to the Strategic Director, Children and Young People, in consultation with the Chief Finance Officer and the Chief Legal Officer, to negotiate contracts for the provision of special education

placements for the academic year 2015/16 to the schools listed in Table 3.1 and Table 3.2 of the report from the Strategic Director, Children and Young People;

- (iii) that agreement be given to an exemption from the procurement requirements of the council's Contract Standing Order No 96 to enable the council to negotiate the contracts referred to in (ii) above;
- (iv) that it be noted that officers would report on the outcome of the negotiations referred to in (ii) and if negotiations are successful, approval would be sought to the award of such contracts;
- (v) that the ongoing work detailed in paragraphs 3.6 and 3.7 to secure longer term more sustainable contractual arrangements for the provision of Additional Resource Provisions for special education and alternative education placements for the academic years following the academic year 2015/16.

#### 10. **Process for the appointment of local authority school governors**

The report from the Strategic Director, Children and Young People outlined proposed changes to the council procedure for appointing and removing Local Authority (LA) governors in accordance with the School Governance (Constitution) (England) Regulations 2007 and 2012. The proposal aimed to streamline and expedite the process for appointing LA nominated school governors. Councillor Moher drew attention to the requirement for appointments to be skills based and no longer nominated by political parties. References would be taken up.

Councillor Pavey (Deputy Leader) suggested that the proposals may not address the problem of the attracting the right people to stand for governor however he welcomed the diversity implications, the annual review and proposed that diversity be added to the list of skills, experience attributes for LA nominated governors. The Cabinet noted that a tracker system would be in place to monitor the vacancy filling process.

RESOLVED:

- (i) that the new procedure for appointment of local authority school governors, which was designed to meet the requirements of recent legislative changes, as set out in paragraphs 3.5 to 3.9 of the report from the Strategic Director, Children and Young People be approved;
- (ii) that the skills criteria set out in Appendix 1 of the report be approved;
- (iii) that it be noted that for all governing bodies of maintained schools which have reconstituted under School Governance (Constitution) (England) Regulations 2012 or the School Governance (Federations) (England) Regulations 2012, governors would be nominated, while in the interim period (until 1 September 2015) for non-reconstituted governing bodies, governors will be appointed;

- (iv) that diversity be added to the list of recommended skills, experience and attributes for nominated LA governors referred to in Appendix A.

#### 11. **School Crossing Patrol Service Review 2015/16**

Councillor Crane (Lead Member, Environment) welcomed Lorraine Langham (Chief Operating Officer) and Chris Whyte (Operational Director, Community Services) to their new roles.

The report from the Chief Operating Officer identified measures and initiatives to mitigate the impact of the removal of the school crossing service agreed as part of the budget process in March 2015 following consideration at the Cabinet meeting on 23 February 2015. The service was discretionary and would only be provided for those schools that were prepared to pay for it. The report outlined the timescales involved in completing the service deletion in line with the managing change policy.

The majority of schools had either agreed to pay for the service from the academic year 2015/16 or were already paying jointly, three schools had indicated that they were unwilling or unable to pay and responses were awaited from approximately 12 schools who would be contacted directly. Councillor Crane assured that road safety measures and traffic controls would be improved. Gail Tolley advised that both headteacher and chair of governors would have been sent letters and some schools had decided not to fund and SCP in the light of the traffic calming measures to be put in place.

The Chief Legal Officer drew attention to the equalities assessment that had been circulated as a supplementary document.

The Cabinet agreed the recommendations in the report.

RESOLVED:

- (i) that approval be given to the deletion of the School Crossing Patrol Service at the end of the academic year (20 July 2015), with the exception of schools that agree to pay for the service where SCPs would continue;
- (ii) that approval be given to the measures and initiatives set out in section 5.3 of the report to ensure that children, parents/carers and motorists are aware of the deletion of the SCP and that safety was maintained for child pedestrians.

#### 12. **Street Lighting: Energy and Carbon Saving Proposals - authority to tender**

Councillor Crane (Lead Member, Environment) introduced the report which set out the business case for further investment in the council's street lighting assets, aiming to: deliver long-term savings in energy costs; provide significant reductions in the Council's carbon emissions; and lay the foundations for a flexible and adaptive lighting strategy to meet the long-term needs of the borough. The report focussed on the potential replacement of existing high pressure sodium street lamps with modern Light Emitting Diode (LED) luminaires. The report also considered the potential benefits of investment in a Central Management System

(CMS), seeking to 'future proof' the LED investment and enabling the introduction of a dynamic lighting strategy across the borough.

Councillor Crane advised that members had visited other boroughs to see the proposed lighting in operation and while the proposals involved £6.6m of investment and £7.82m with the addition of a CMS, the long term savings were significant both financially and in carbon emissions.

Councillor Moher (Lead Member, Children and Young People) welcomed the proposals which would help reduce light pollution benefitting wildlife and birds. Councillor Denselow (Lead Member, Stronger Communities) asked if there would be any implications for anti social behaviour. Councillor Crane responded that the lighting quality would improve, the strategy would be reviewed and the management system allowed for adjustments to be made where necessary.

The Cabinet also had before them appendices to the report which were not for publication, in accordance with Schedule 12(A) (3) of the Local Government Act 1972, as they contain Information relating to the financial or business affairs of any particular person (including the authority holding that information).

RESOLVED:

- (i) that the business case for investment in LED (Light Emitting Diode) luminaires, be endorsed for the reasons outlined in section 3 of the report from the Chief Operating Officer, and officers be authorised to commence the procurement of LED luminaires with reference to the pre-tender considerations outlined in paragraph 6 of the report;
- (ii) that the business case for investment in Central Management System (CMS), be endorsed for the reasons outlined in section 3 of the report, and officers be authorised to commence the procurement of CMS with reference to the pre-tender considerations outlined in Part 6 of this report;
- (iii) that approval be given to the invite of tenders for the supply of LED and CMS on the basis of the pre-tender considerations set out in paragraph 6.1 of the report, and authority given to tendering in partnership with PFI Lighting Ltd, noting the issues set out in sections 4 and 5 of the report;
- (iv) that officers and their PFI partners evaluate the tenders referred to in (iii) above on the basis of the evaluation criteria set out in paragraph 6.1 of the report, with a further report to Cabinet following the tender exercise which will make recommendations on the award of Contract;
- (v) that officers develop a new lighting strategy, specifically facilitated by the deployment of CMS technology, which would seek further energy and carbon savings whilst meeting the long-term lighting needs of the borough.

### 13. **Arboricultural Services Contract**

The report before the Cabinet from the Chief Operating Officer set out options and identified a preferred course of action for the future procurement of the council's Arboricultural Services Contract. The current contract was due to expire in March

2016. Options for retendering were to either re-tender the contract, with the procurement exercise commencing immediately after Cabinet decision; or extend the contract by two years. Councillor Crane (Lead Member, Environment) recommended the latter as the preferred option in order to improve the council's market position, and facilitate greater long-term efficiencies, service improvements and savings. He also welcomed the opportunity for an asset management system that would improve programming quality.

RESOLVED:

- (i) that the Arboricultural Services Contract be extended by two years to 31 March 2018, noting the rationale for doing so as set out in the report from the Chief Operating Officer;
- (ii) that the negotiated service improvements offered by the incumbent contractor for the contract extension period (summarised in paragraph 5.9) be accepted;
- (iii) that a programme of removal and replacement of lime trees in the poorest condition be commenced, to improve the quality of the council's tree stock;
- (iv) that approval be given to the establishment of an intra-authority and intra-service working group, aimed at sharing knowledge and securing a formal Trees Partnership ahead of future tree maintenance procurement.

14. **ASB Crime and Policing Act 2014: delegation of functions to exercise the powers**

The Lead Member for Stronger Communities, Councillor Denselow advised the Cabinet of the new legislation that came into force on 20 October 2014 which rationalised the tools and powers available to partnerships and introduced simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities. The new Act replaced nineteen pre-existing measures with six new measures for tackling anti-social behaviour and the powers were available to various bodies such as local authorities, the police and registered housing providers. Councillor Denselow welcomed the opportunity to check longstanding problems.

Members welcomed the legislation, in particular Community Protection Notices and Public Space Protection Orders, which could be used to combat fly-tipping, street drinking and park sleeping.

RESOLVED:

- (i) that the contents of the report be noted;
- (ii) that authority be delegated to the Chief Operating Officer and to the Operational Director, Community Services to exercise and to delegate to officers at an appropriate grade the following functions under the Anti-Social Behaviour, Crime and Policing Act 2014 ("the 2014 Act"):
  - (a) issuing Community Protection Notices on behalf of the Council;



- (b) issuing Closure Notices on behalf of the Council for up to 48 hours;
  - (c) applying for to the Court for Closure Orders in consultation with the Chief Legal Officer;
  - (d) applying to the Court for Criminal Behaviour Orders in consultation with the Chief Legal Officer and requesting the Police/Crown Prosecution Service to apply for Criminal Behaviour Orders;
  - (e) issuing fixed penalty notices for breach of any Community Protection Notice or Public Space Prohibition Order;
- (iii) that authority be delegated to the Chief Operating Officer and the Strategic Director, Regeneration and Growth as the designated officers of the Chief Executive to issue a Closure Notice under the 2014 Act on behalf of the Council for up to 48 hours; and to the Head of Community Safety and Emergency Planning and as the designated officer of the Chief Executive to issue a Closure Notice for up to 24 hours;
  - (iv) that authority be delegated to the Chief Operating Officer, Operational Director, Community Services, and Strategic Director, Regeneration and Growth to exercise and to delegate to officers at an appropriate grade the function of authorising the issuing of court proceedings for civil injunctions under the 2014 Act on behalf of the Council in consultation with the Chief Legal Officer;
  - (v) that authority be delegated to the Chief Operating Officer in consultation with the Lead Member for Stronger Communities for the function of making Public Spaces Protection Orders under the 2014 Act and for this arrangement to be reviewed after one year;
  - (vi) that approval be given to the council's Community Trigger Protocol as set out in Appendix 3 of the report;
  - (vii) that the amount of Fixed Penalties relating to Fixed Penalty Notices issued under Section 52 and 68 of the 2014 Act be set at £75 (discounted to £50 if paid within 14 days);
  - (viii) that approval be given to the implementation and use of the additional mandatory ground for possession of secure tenancies where the council was the landlord.

#### 15. **Authority to award contract for the supply of ICT Datacentre equipment**

The report from the Chief Operating Officer requested authority to award a contract as required by Contract Standing Order No. 88 for the supply of ICT Datacentre Equipment. The report summarised the process undertaken in procuring the contract, which was in collaboration with LB Lewisham, and recommended to whom the contract should be awarded.

Councillor Pavey (Deputy Leader) welcomed the first step towards joint working with LB Lewisham as discussions were taking place around a reciprocal arrangement for disaster recovery and back office savings.

RESOLVED:

that the contracts for Datacentre Equipment Lot 1: Storage Solution, Lot 2: Backup Solution and Lot 3: Server Solution be awarded to Software Box Ltd.

**16. South Kilburn Regeneration Programme - Design Team, The Peel Site**

Councillor McLennan (Lead Member, Regeneration and Housing) introduced the report which sought approval to award a contract for an architecturally-led multidisciplinary design team for the comprehensive redevelopment of Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'the Peel Site' and as shown edged red on plan at Appendix 1), as required by Standing Order No 88. The report summarised the process undertaken by placing a notice in the Official Journal of the European Union (OJEU) and, following completion of the evaluation of the tender responses, recommended to whom the contract should be awarded.

Councillor McLennan welcomed the opportunity the mixed use redevelopment scheme brought for a much needed health centre and to meet the decant requirements of the existing secure tenants. Councillor Crane (Lead Member, Environment) referred to the health centre as a significant step for residents as it had been a longstanding key request and he looked forward to the continued improvement in conditions. Councillor Denselow (Lead Member for Stronger Communities) was pleased to report that since last May, there had been no gang related violent crime in the area. Regarding the implications for current businesses, the Strategic Director, Regeneration and Growth advised that there would be no long leases and the council would try to support where possible.

The Cabinet 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 Paragraphs 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)".

**RESOLVED:**

that a contract for an architecturally-led multidisciplinary design team be awarded to Penoyre & Prasad LLP to lead a full design team to prepare, submit and ensure the validation of a hybrid planning application and produce detailed design and specification to Stage 3 RIBA Plan of Work 2013 (Stage D+ RIBA Plan of Work 2007) for the comprehensive redevelopment of Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'the Peel Site'), being a standalone phase of the South Kilburn regeneration programme.

*Councillor McLennan declared a personal interest in this item as a board member of South Kilburn Trust.*

**17. Reference of item considered by Scrutiny Committee**

None.

18. **Sue Harper**

Councillor Crane (Lead Member, Environment) reminded the Cabinet that Sue Harper had attended her last meeting as Strategic Director Environment and Neighbourhoods and was due to leave the council in May 2015 and asked that his best wishes be conveyed to her. Members paid tribute to her professionalism and expertise over the years of service to the council and wished her well for the future.

19. **Councillor George Crane**

The Cabinet noted that this would be the last meeting attended by Councillor Crane in his capacity as Lead Member as he would be standing down from that role. Members thanked him for his contribution over the past months.

20. **Any other urgent business**

None.

The meeting ended at 8.05 pm

M BUTT  
Chair