

MINUTES OF THE EXECUTIVE
Monday, 19th October, 2009 at 7.00 pm

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

ALSO PRESENT: Councillors Dunwell, Hashmi, Mistry, Motley and HB Patel

1. Declarations of personal and prejudicial interests

Councillor Detre declared an interest in item 18 – NDC Succession Strategy and South Kilburn Neighbourhood Trust Business Plan by virtue of being a Council appointed representative on the South Kilburn Project Steering Group.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 15 September 2009 be approved as an accurate record of the meeting.

3. Matters arising (if any)

None

4. Deputations (if any)

None.

5. Order of business

The Executive agreed to change the order of business to allow early consideration of the following item for which a member of the public was present to present a petition on the subject.

6. Petition for changes to consultation process

This report has been prepared in response to a petition presented to the Council requesting that in all future consultations every voter on the electoral register who is resident in the consultation area be include.

Mr Frank Ashleigh addressed the meeting in support of the petition calling for changes to the Council's consultation process. He stated that the current rules were a travesty allowing as they did only one response per household which meant a huge number of opinions were missed. He called for the edited version of the electoral register to be used as a basis for who should be consulted or at least for the Council to make clear that it invited the opinion of everyone within a household.

Councillor Sneddon (Lead Member for Human Resources & Diversity and Local Democracy & Consultation) stated that he agreed with the main thrust of the

petition in that the Council's approach to consultation should not be based on receiving just one opinion per household and the issue was how best to ensure this was not the case.

The general view of Members was that in most cases all members of a household should be invited to submit their views in response to any consultation carried out by the Council. It was pointed out that this might have implications for the consultation carried out on traffic and transport issues that was reported back to the Highways Committee. It was also suggested that the forms used for consultation might need redesigning.

RESOLVED:

- (i) that the report be noted, but that officers be instructed not to adopt the petitioners' suggestion that the electoral register be used for all future consultations for the following reasons:
 - there are two versions of the electoral register – the Full Register which contains the names of all registered electors and the Edited Register which only contains the names of those electors who have agreed to have their details publicly available.
 - access to the full register is strictly controlled under the Representation of People legislation (2002). It may only be used for a very limited number of reasons and consultation by the local authority is NOT a permitted use of the full version of the electoral register.
 - the edited version of the electoral register can be used for consultation purposes but such usage would exclude significant numbers of electors who have opted not have their contact details publicly available.
 - there is no evidence that the use of the edited version of the electoral register for consultation purposes would provide value for money;
- (ii) that service areas be recommended to ensure that consultation documents make it clear that consultations are open to all residents within a single household.

7. Carbon Management Strategy - Second Review

The Council's Carbon Management Strategy and Implementation Plan (CMS&IP) was approved in June 2007. The report sought approval to set a new baseline using National Indicator 185, in line with recommendations made by the Carbon Trust; agreement to revised targets; and to approve a new programme of projects and budgets to achieve the targets. It also included a number of measures that are the council's initial actions to implement the borough's Climate Change Strategy and in particular set out what the council will do to mitigate climate change. In addition the report outlined progress to date in achieving the target of cutting the Council's carbon dioxide (CO₂) emissions by 20% by 2011, using 2005/06 as the baseline year.

Councillor Van Colle (Lead Member for Environment, Planning and Culture) introduced the report by stating that this took the Council into the current era of thinking on carbon management.

RESOLVED:

- (i) that a new carbon baseline using 2008/09 data be set (which will be in accordance with the improved measuring system under National Indicator 185) as explained in paragraph 4.1 of the report;
- (ii) that new targets for the Council's carbon reductions as set out in paragraph 5.1 of the report be set;
- (iii) that the setting of departmental carbon targets as explained in paragraph 4.3 of the report be agreed to;
- (iv) that a programme be supported, containing a number of projects as set out in the report that are intended to achieve technical and behavioural change within both schools and the Council, with full delivery of projects subject to the necessary finance being available; and
- (v) that the Council sign up to the 10:10 climate change commitment described in paragraph 5.3 of the report.

8. Council's Environmental Policy - review and revision

The Council adopted an Environmental Policy in November 2005 and the report before the Executive reviewed the existing policy and recommended a revised version.

RESOLVED:

that the revised Corporate Environmental Policy Statement attached as Appendix A to the report be approved.

9. Third Pool in Brent - progress report

The report summarised the key findings and recommendations of the report by consultants engaged to undertake a site options appraisal to progress the provision of a third pool that serves the North of the Borough. Councillor Van Colle (Lead Member for Environment, Planning and Culture) added that the report marked the end of a long piece of work in identifying a site for a new swimming pool. The report identified two potential sites and recommended the site in Roe Green Park shown as site B.

RESOLVED:

- (i) that the findings of the 'New Swimming Pool Site Options Appraisal Report' summarised in the report before the Executive be noted;
- (ii) that the preferred site for the third pool be the Roe Green Park 'B' site as shown on the map in paragraph 3.9 of the report; and

- (iii) that the Director of Environment and Culture be asked to undertake a detailed feasibility study including the financial implications of providing such a facility.

10. Authority to tender contract for private sector leased accommodation (Brent Direct Lease Scheme and South Kilburn Temporary Accommodation Scheme)

The report sought authority under Contract Standing Orders 88 and 89 to invite tenders for a new contract for the housing management services for the Brent Direct Lease Scheme (BDL) and South Kilburn Temporary Accommodation Scheme (SKTA) to commence from 30 June 2010 for two years with an option to extend for up to one year.

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 3.1 of the report;
- (ii) that officers invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in (i) above; and
- (iii) that the extension of the South Kilburn Temporary Accommodation Contract to 30 June 2010 be approved.

11. Authority to participate in a West London Collaborative Procurement for the provision of home care, including housing related support and "integrated" home care for adults

The report requested approval to participate in a collaborative procurement to set up a series of Framework Agreements for the provision of home care for adults as required by Contract Standing Order 85. Councillor Lorber (Leader) stated that both this report and the one following dealt with major pieces of work that spanned six councils and were landmark projects.

RESOLVED:

- (i) that the Council participate in a collaborative procurement exercise run through the West London Joint Procurement Unit as part of the Shared Solutions Project (SSP), leading to the establishment of a series of framework agreements by the London Borough of Hammersmith and Fulham for the supply of home care across older people, mental health, learning disabilities and physical disabilities; and
- (ii) that the collaborative procurement exercise described in paragraph 2.1 of the report be exempted from the normal requirements of Brent's Contract Standing Orders in accordance with Contract Standing Orders 84(a) and 85(c) on the basis that there are good financial and operational reasons as set out in paragraphs 4.1 to 4.9 of the report.

12. Authority to participate in a West London collaborative procurement for residential and nursing care for adults

The report requested approval to participate in a collaborative procurement to set up a series of Framework Agreements for the provision of home care for adults as required by Contract Standing Order 85.

RESOLVED:

- (i) that the Council participate in a collaborative procurement exercise run through the West London Joint Procurement Unit as part of the Shared Solutions Project (SSP), leading to the establishment of series of framework agreements by the London Borough of Hammersmith and Fulham for the supply of home care across older people, mental health, learning disabilities and physical disabilities; and
- (ii) that the collaborative procurement exercise described in paragraph 2.1 of the report be exempted from the normal requirements of Brent's Contract Standing Orders in accordance with Contract Standing Orders 84(a) and 85(c) on the basis that there are good financial and operational reasons as set out in paragraphs 4.1 to 4.9 of the report.

13. Theme for main programme funding 2010/13

The report before Members outlined the new funding process for the Main Programme Grant (MPG) and the options for the next funding theme for the next financial year. The report followed on from a previous report to the Executive in November 2008 when it was agreed to develop a new funding process for the MPG, adopting a themed approach to funding and where a proportion of the MPG is allocated to specific service priorities each year. The decision to establish a new funding process was taken following a review of voluntary sector funding carried out by a scrutiny task group in May 2007.

Councillor Lorber (Leader) added that crime continued to be of concern to local residents and it was right that the Council responded to this.

RESOLVED:

- (i) that crime/community safety with regeneration be merged to form a single theme;
- (ii) that crime/community safety and regeneration be selected as the funding themes for 3 years commencing April 2010, and that 'sustainability be considered as the funding theme for 2011;
- (iii) that the grant to 17 currently funded organisations that fall within the proposed theme for 2010 as listed in Appendix A to the report be discontinued;
- (iv) that £347,187 be allocated from the MPG budget to the proposed theme in 2010;
- (v) that funding to 12 organisations listed in Appendix B to the report that fall within the theme of 'sustainability' be renewed, with these groups needing to

complete an application form for their annual funding at the same level as 2009/10; and

- (vi) that 3 months' exit funding be approved to organisations whose services fall within the proposed theme for 2010 but who may choose not to apply or may be unsuccessful in their bid for the new fund.

14. **Safeguarding Vulnerable Adults - Update on CSCI Action Plan and Mental Capacity Act, Deprivation of Liberty requirements**

The report updated the Executive, further to reporting in July 2008, on the outcomes and action plan from the Commission for Social Care Inspection (CSCI) inspection of safeguarding vulnerable adults, which had now been completed. Ongoing monitoring would be carried out by the Safeguarding Adults Board reporting to the Adult Strategic Partnership. The report also provided a summary and update on national and London developments concerning safeguarding adults legislation and procedures.

RESOLVED:

- (i) that the progress made in implementing the CSCI action plan be noted;
- (ii) that the national and local developments concerning safeguarding adults and joint arrangement with NHS Brent on the Mental Capacity Act Deprivation of Liberty Safeguards be noted; and
- (iii) that the decision which has been made to secure an Independent Chair for the Safeguarding Adults Board be affirmed.

15. **Key issues in implementation of personalisation of adult social care - Direct Payments**

The Adult Social Care service has been in the process of implementing the Putting People First policy since December 2007, a key part of which is Direct Payments. The report before the Executive outlined the next steps required to resolve the difficulties arising from a procurement exercise for Direct Payment support such that the service is secured pending a wider strategic review.

RESOLVED:

- (i) that the discontinuation of the tender process in 2009/10 for a new Direct Payments support service be noted;
- (ii) that a short extension of up to 3 months to a contract with the Penderels Trust for a Direct Payments support service from the current expiry date of 31 October 2009 be approved;
- (iii) that the Assistant Director of Community Care be delegated authority to negotiate with Penderels Trust about the terms for the extension referred to in (ii) above;
- (iv) that the transfer of this Direct Payment support service and associated

resources from Penderels Trust to the Council on expiry of the contract extension referred to in (ii) above be approved;

- (v) that the fact that bringing the service in-house as described in paragraph 2.4 of the report will result in a TUPE transfer of the current Penderels staff to the Council be noted; and
- (vi) that the Director of Housing and Community Care undertake a strategic review of all relevant support services and resources required to implement the Putting People First policy and report back in February 2010.

16. **Annual Complaints Report 2008/09**

The report provided information about complaints against Brent Council considered by the Local Government Ombudsman; comments on the Council's performance under its own performance standards; and on developments in the Council's complaint handling. The annual reports on the operation of the statutory social care complaints process were also presented in the report to give a comprehensive picture of complaints made against the Council.

Councillor Lorber (Leader) introduced the report by saying that the continuing downward trend in the number of complaints made to the Ombudsman was to be welcomed but there remained more that could be done to deal with complaints at the first stage of the Council's complaints procedure

RESOLVED:

that the report be noted.

17. **Authority to tender contracts for banking services, card acquiring and bill payment services**

The report concerned the future provision of the Council's banking services, Card Acquiring, and Bill Payment Service contracts.

Councillor Blackman (Lead Member for Corporate Resources) introduced the report by explaining the need to seek tenders for the Council's banking, card acquiring and bill payment services and the rationale for putting the three services out to tender together which it was hoped would result in a reduction in costs.

RESOLVED:

- (i) that the pre-tender considerations and the criteria to be used to evaluate tenders for the Council's banking services, card acquiring, and bill payment services be as set out in paragraph 3.13 of the report submitted; and
- (ii) that tenders be invited in respect of the Council's banking services, card acquiring, and bill payment service contracts and their evaluation be carried out in accordance with the approved evaluation criteria referred to in paragraph (i) above.

18. **Proposed disposal of 38 Craven Park Road, Harlesden, NW10**

The report before the Executive sought approval to the disposal of a building currently used for adult education purposes but would become surplus to requirements following the relocation of the service to Harlesden Library.

RESOLVED:

that the Head of Property and Asset Management be authorised to dispose of the property with vacant possession by way of auction, on such terms as he considers appropriate provided that such reserve price as he considers appropriate is achieved.

19. **NDC Succession Strategy and South Kilburn Neighbourhood Trust Business Plan**

The report and appendices before the Executive comprised the comprehensive NDC Succession Strategy for approval by the Council, as required by Communities and Local Government Guidance Notes 44 and 44a, including a business plan for South Kilburn Neighbourhood Trust (SKNT). The report also sought further approvals in relation to the sale of the 'Texaco' site and the potential site for the Healthy Living Centre in support of the SKNT Business Plan.

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)

Councillor Detre (Lead Member for Regeneration and Economic Development) explained that following the approval of the succession strategy and resolution of the 'overage' issue the transfer of the land for the proposed Healthy Living Centre could proceed. He proposed an amendment to the recommendations adding reference to financial support from the Brent health sector.

RESOLVED:

- (i) that the key elements of the comprehensive NDC Succession Strategy as outlined in the report and appendices be approved;
- (ii) that an amendment to the terms of the "overage" agreement with South Kilburn Neighbourhood Trust be approved in relation to the sites at 58 Peel Precinct as referred to in paragraph 3.8 and Appendix 1 of the report;
- (iii) that the transfer of the proposed Healthy Living Centre site in Peel Precinct to the South Kilburn Neighbourhood Trust at nil consideration be agreed in principle, subject to the necessary financial support being committed by the Brent health sector with the final details of the financial arrangements being the subject of a further report to the Executive from the Directors of Finance & Corporate Resources and Policy & Regeneration; and

- (iv) that the South Kilburn Neighbourhood Trust Business Plan as attached at Appendix 3 to the report be approved.

20. **Brent Civic Centre - concept design proposals and authority to tender contract for a design and build contractor**

The report before the Executive followed the report to the Executive in March 2008 when the procurement and delivery of a new Civic Centre in the Wembley regeneration area was agreed. In May 2008 the choice of the site of the former Palace of Industry site, Engineers Way was approved. Subsequently the appointment of project team members has been approved and the use of a Design and Build contractor for the construction phase agreed. Approval was now sought for the concept design and approval for the tendering strategy for the Design and Build contractor.

The Executive also had before them appendices 4 and 5 to the report which were not for publication as they 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).

Councillor Lorber (Leader) introduced the report by stating that the proposal to build a new civic centre was part of the Council's vision to provide better more efficient services and thereby gain greater value for money. The project had reached the stage of tendering for the design and build of the civic centre. He added that he had additional recommendations to propose regarding the car parking element of the scheme.

Members commented on the good work so far carried out by the Council and its Architects in getting the project to the current stage and in the design of the building.

Councillor Blackman (Lead Member for Corporate Resources) explained that he felt it was important that in designing a 24 hour a day building the use of it by the public was maximised and thereby income generation also maximised. He submitted that the future transport arrangements in the area could not be accurately foreseen so it was important for the building to be as self sustaining as possible. Advice on the permitted number of car parking spaces varied but Councillor Blackman stated that the proposal in the report to provide 125 spaces was inadequate. The reference to the potential for other parking facilities to exist in the area had the danger of the Council being forced to pay high rates for additional parking rights. In these circumstances, Councillor Blackman proposed amended recommendations asking that a planning application be submitted with the maximum permitted car parking spaces under the LDF, supported by the appropriate independent assessments required to substantiate the need for this level of car parking.

The Executive debated the two proposals put forward, with some Members saying that they supported maximising the provision of parking because of the demand the new civic centre would create and the danger of being in the hands of private

operators providing some of the parking needed by the Council. By the Council providing additional parking it would open up the possibility of income generation and so prove value for money. Other members emphasised the need for the Council to comply with its own planning guidelines and take a lead in limiting the amount of parking provided to encourage use of public transport. The view was expressed that it was not possible to make the new building self sufficient in parking terms when future demand could not be predicted and in the circumstances it would be necessary at times to utilise other parking provision in the area.

Councillor Lorber pointed out that the advice received that it would be possible to provide 158 spaces on one level rather than the original 125 was a positive outcome. However, he referred to the wider environmental issues associated with car usage. He stated that very often the issue was not so much about parking but about traffic congestion. He felt the Council needed to take a lead in changing people's approach to car usage. He stated that the ambition was to build a sustainable building and that providing more parking would conflict with this. The solution was for the Council to work jointly with Wembley City and Quintain in providing parking in the area.

The proposals submitted by Councillor Blackman were put to the vote and declared lost. The proposals put to the meeting by Councillor Lorber were put to the vote and declared carried.

RESOLVED:

- (i) that the concept design as described in section 5 of the report be approved;
- (ii) that the conclusions of the updated Strategic Business Case appended at Appendix 4 of the report be noted;
- (iii) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for the Design and Build Contractor for the Civic Centre as set out in paragraph 8.3 of the report;
- (iv) that officers invite tenders for the Design and Build Contractor in accordance with European procurement regulations using the Restricted Procedure and to evaluate them on the basis and in accordance with the approved evaluation criteria referred to in (iii) above;
- (v) that an exemption from standing orders be granted to allow the appointment of Consarc as external Architectural Advisor without following a quotation process, for the good operational and/ or financial reasons set out in paragraph 8.5 of the report;
- (vi) that a revised car parking proposal be agreed for the provision of up to 158 spaces (146 regular bays, 12 disabled / parent and child bays) in the new Civic Centre, subject to eventual approval by the Council's Planning Committee, following a detailed traffic impact assessment – all spaces to be chargeable according to a tariff to be agreed by the Council; and
- (vii) that officers be instructed to negotiate with nearby commercial providers to gain access to a total of up to 200 additional car parking spaces within the

immediate vicinity of the Civic Centre to accommodate additional parking requirements, both during and outside normal office hours – all spaces to be chargeable to users in such a way that there is no additional net cost to the Council.

21. **Reference of item considered by Forward Plan Select Committee (if any)**

None.

22. **Any Other Urgent Business**

None.

The meeting ended at 8.35 pm

P LORBER
Chair