



One Council Overview and Scrutiny Committee

Wednesday, 6 July 2011 at 7.30 pm

Committee Room 4, Brent Town Hall, Forty Lane,
Wembley, HA9 9HD

Membership:

Members

Councillors:

Ashraf (Chair)
Colwill (Vice-Chair)
Beckman
Chohan
Lorber
McLennan
Mitchell Murray
Sheth

first alternates

Councillors:

Brown
BM Patel
Van Kalwala
Hirani
Matthews
Harrison
Denselow
Kabir

Second alternates

Councillors:

Beck
Kansagra
Mashari
Hossain
Brown
Hector
Gladbaum
Kataria

For further information contact: Toby Howes, Senior Democratic Services Officer
020 8937 1307, toby.howes@brent.gov.uk

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
1 Declarations of personal and prejudicial interests	
Members are invited to declare at this stage of the meeting any relevant financial or other interest in the items on the agenda.	
2 Deputations (if any)	
3 Minutes of the last meeting held on 22 March 2011	1 - 6
The minutes are attached.	
4 Matters arising	
5 Housing needs transformation project	7 - 12
This report provides an overview of the Housing Needs Transformation Project and updates Members on current progress. The project is part of the One Council programme and focuses on the work of the Housing Resource Centre and Housing Solutions in the Regeneration and Major Projects Department. The report also provides some information about how the impact of the project will be monitored and evaluated.	
6 One Council programme update	
The report is attached separately.	
7 Car repair and spray painting garages task group report	13 - 32
The Car Repair and Spay Painting task group was set up following a motion to council. The attached report sets out the work and key findings of the task group.	

This report sets out sets some options for the One Council Overview and Scrutiny Committee work programme. These include issues raised by members at the Joint One Council, Children and Young People and Partnership and Place Overview and Scrutiny Committees meeting on 2 June 2011 and issues requested by the committee during 2010/11.

9 **Date of next meeting**

The next meeting of the One Council Overview and Scrutiny Committee is scheduled for Wednesday, 14 September 2011 at 7.30 pm.

10 **Any other urgent business**

Notice of items raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.



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- The meeting room is accessible by lift and seats will be provided for members of the public.
- Toilets are available on the second floor.
- Catering facilities can be found on the first floor near the Paul Daisley Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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MINUTES OF THE ONE COUNCIL OVERVIEW AND SCRUTINY COMMITTEE Tuesday, 22 March 2011 at 7.30 pm

PRESENT: Councillor Colwill (Vice Chair in the Chair) and Councillors Beckman, Chohan, Hector (alternate for McLennan), Kabir (alternate for Sheth) and Van Kawala

Apologies were received from: Councillors Castle and Lorber

1. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 8 February 2011 be approved as an accurate record of the meeting.

2. **Matters arising (if any)**

One Council Project Update

In response to a member's request for an update on the projects relating to transition into adult life and special educational needs, Cathy Tyson (Assistant Director, Policy) stated that progress was on-going and undertook to report to the Committee once the discussions were concluded.

3. **Deputations (if any)**

None.

4. **Strategic Procurement Project**

Members received a report that set out the main elements within the strategic procurement project. Robin Edwards (Chief Negotiator, Corporate Procurement) gave a presentation to the Committee on progress of the review which was aimed at improving the way the council procured goods and services.

He started by saying that the council was spending in the region of £270m each year on supplies and services provided by other organisations and that improving the effectiveness of procurement of these supplies and services could make significant impact on the savings the council was required to achieve. He continued that the Strategic Procurement Project was therefore aimed at undertaking a root and branch change to procurement practices within Brent, with a view to contributing £10.7m to the Council's savings targets in 2011/12, with additional savings in subsequent years.

In setting out the key aims for the procurement project, Robin Edwards emphasised the need for adopting a “One Council” approach to procurement and to seek influence all areas of spend so as to build on a corporate procurement centre with the capability to implement strategy. He added that by ensuring appropriate governance arrangements to evidence probity and accountability, the Council would be able to develop best practice procurement including E-business approaches to improve compliance and automated financial processing and thereby maximise value for money.

Robin Edwards continued that the council had developed a new approach through the West London Alliance, a group of 6 neighbouring Local Authorities. This would involve exchange of information on all contracts particularly high value and significant contracts.

In the discussion that followed, Councillor Hector asked for a confirmation that some consultants were being engaged for up to 2 years at a cost of £100,000 per appointment. Councillor Van Kawala also asked for a detail clarification on the approaches that corporate procurement would take to ensure the success of its strategic project. In response, Robin Edwards stated that an on-going analysis and review was being conducted to ensure that a thorough business case was established before any temporary staff including consultants were appointed and that all such appointments would be time limited. In clarifying the approaches, he continued that an improved solution including full knowledge of procurement and category management would be offered to all directorates. He also stated that embedding category managers within services would ensure better understanding of the council’s needs in terms of goods and services and allow the council to manage suppliers in a way that would maximise value for money.

Councillor Kabir enquired about the level of help and encouragement that the council could offer to local traders to ensure that they were given preference as suppliers to the Council. Robin Edwards stated that whilst local businesses were being actively encouraged and given opportunity to bid for contracts, the council could not give them preferential treatment in the tender process. In response to Councillor Colwill’s request for measures to balance budgetary allocations, Robin Edwards informed the Committee that the use of the Oracle system and appropriate governance arrangements currently in place would ensure that budgetary allocations were being contained.

RESOLVED:-

That the report on strategic procurement project be noted.

5. **Staff Survey**

Members received a presentation from Margaret Newman, Strategic Human Resources (HR) Manager on the overview of the results of the recently completed staff survey and the Council’s priorities for action. She started by outlining the questionnaire and the methodology on which the survey was based included the following;

Your job; training and career development; performance and line management; senior management and leadership; communication; equal opportunities; work/life balance; pay and benefits; customer focus; perception of Brent Council.

The questionnaire (66 questions) was available in hard and electronic (on-line) copies and was made available to all staff to complete over a period of 5 weeks. In absolute terms there were 1,462 responses representing 55% response rate and although slightly lower than the previous year's rate, it was above average compared to other local authorities. The consultant's overall assessment was that the views expressed in the results were quite positive and were remarkably similar to the findings obtained in 2009. The principles of One Council appeared to be embedded as there was an increase in perceptions of cross team/departments working relationships however the spending review, cuts and change issues appeared to have had a slight impact on career opportunities and overall satisfaction.

Margaret Newman continued that the key areas for further investigation and improvement had been identified as training and career development, harassment and bullying and strengthening of relationships with other departments. With that in view, a draft action plan including road shows had been drawn up with training facilitators expected to be in place early May 2011. The following areas would be covered within the draft action plan;

- Staff engagement
- Training and career opportunities
- Senior management/leadership
- Improving perception of good working relationships across departments
- Pay and benefits as a corporate project
- Review of harassment, bullying and discrimination policy to ensure zero tolerance.

RESOLVED:-

that the results of the staff survey be noted.

6. Performance and Finance Review, Quarter 3, 2010/11

The Committee received a report that summarised Brent Council's budget position, expenditure, activity data and performance trends for the quarter and recommends action where appropriate. The purpose of the report was to provide a corporate overview of financial and performance information in order to aid the decision-making process and effectively manage risk.

In introducing the report, Cathy Tyson (Assistant Director, Strategy Partnership and Improvement) stated that in the current economic outlook and the radical changes proposed by central government, difficult decisions were required to be taken over the coming years with corporate priorities being continually re-evaluated. She added that given the challenge to balance reduced funding despite the anticipated sustained increase in demand for services (particularly by the most vulnerable) there was a need for prudent financial planning and continuous improved performance in order to preserve service quality and provision for the medium term.

Cathy Tyson informed the Committee that the Council had adopted a transitional set of Vital Signs indicators to accurately reflect its current priorities and keep in line with the changing needs of residents which would be further revised in line with the new Corporate Strategy. Members noted that of the Vital Signs, 59% were currently on target (green star) or just below target (blue circle), a three percent increase from last quarter; 24% were well below target (red triangle) compared to 23% last quarter.

In responding to members' questions, Cathy Tyson stated that as a further step in reducing Co2 emissions, an energy adviser would be appointed to all schools to advise them on energy conservation. In respect of street lighting she stated although PFI contracts had been rolled out already, steps were being taken to put in place dynamic systems for tracking hourly usage and that the use of dimmer switches were being explored. In response for an update on the Youth Inclusion Programme (YIP) Jacqueline Casson informed members that a task group had been established which was looking into the prevention of offending and would be reporting to the Children and Young People Overview & Scrutiny Committee.

RESOLVED:-

that the report be noted.

7. The future of performance management in Brent

Cathy Tyson (Assistant Director, Strategy Partnership and Improvement) gave a presentation to the Committee on the future of performance management in Brent. In outlining the reasons for change in performance management in Brent, Cathy Tyson stated that Brent was already within a new working environment and with performance management variable across the organisation and in some areas showing signs of decline, there was every need to be open and transparent about performance and collaborative to drive through improvement. In order to achieve the change, Brent as an organisation would need to strengthen its governance arrangements with much simpler reporting mechanisms such as performance scorecards to improve internal monitoring arrangements and to refine service planning process by streamlining performance planning for each department. These processes would link in with the HR Talent Management System with on-line automated appraisal system.

Cathy Tyson outlined the key principles as individual responsibility to ensure that the Council achieved high performance the need to get the data to enable us to achieve high performance right first time and in a robust way. She continued that a new culture would need to be embedded with strong interventionist leadership, more structured accountability mechanism and high level monitoring for scrutiny, challenge, support and review. The new model was designed to help the organisation by providing a more coherent strategy for managing performance, increasing accountability, embedding a strong performance management culture across the entire organisation and strengthening evidence-based decision making. The model would help managers by encouraging them to build performance management routines into their daily activities, giving them the right tools to

become more performance oriented and cost-aware and putting them in firm control to enable them to maximise their chances of success.

In responding to members' questions, Cathy Tyson confirmed that the Council had sufficient resources to train its staff to ensure that the achievement of performance management. She added that the Department of Communities and Local Government (DCLG) had made available the list of national and local indicators which would need to be built into the process to ensure delivery and success.

RESOLVED:-

that the report on the future of performance management in Brent be noted.

8. Any Other Urgent Business

None.


9. Date of Next Meeting

The date of next meeting will be confirmed after the Council meeting on 16 May 2011.

The meeting closed at 9.20 pm

R COLWILL
Vice-Chair (in the Chair)

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	<p style="text-align: center;">One Council Overview and Scrutiny Committee 6th July 2011</p> <p style="text-align: center;">Report from the Director of Regeneration and Major Projects</p>
For Action	Wards Affected: ALL
<p style="text-align: center;">Report Title: HOUSING NEEDS TRANSFORMATION PROJECT</p>	

1.0 Summary

1.1 This report provides an overview of the Housing Needs Transformation Project and updates Members on current progress. The project is part of the One Council programme and focuses on the work of the Housing Resource Centre and Housing Solutions in the Regeneration and Major Projects Department. The report also provides some information about how the impact of the project will be monitored and evaluated.

2.0 Background and context

2.1 The Housing Needs Transformation Project focuses on the work of the Council's Housing Resource Centre and Housing Solutions. The two sections are responsible for providing advice and assistance to people in housing need, including assessment of statutory homelessness, management of temporary accommodation and choice-based lettings. The two sections employ around 145 staff, with operational budgets of £5.783m in 2011/12.

2.2 The project builds on successful improvement work already done by the housing needs service to reduce levels of homelessness applications and use of temporary accommodation and has been driven by a number of different issues and agendas. These include a need:

- To meet operational budget reductions, with the services forecast to see a 30 per cent reduction in resources between 2010/11 and 2012/13;
- To ensure that the management of customer contact within the service meets the requirements of the corporate Future Customer Services project and delivers related savings; and
- To respond to, and manage the impact of, welfare reform and the new housing policy agenda. Changes to the housing benefit regime and temporary accommodation subsidy system will put upward pressure on temporary accommodation costs and are likely to increase service demands due to increased levels of homelessness. The wider housing reform agenda set out in the

Localism Bill will give the council more local discretion to determine its own housing policies but pose new challenges in terms of delivering affordable housing and addressing under-supply.

- 2.3 Initial service review work has identified scope to improve customers' experience of housing needs services and achieve efficiencies through closer alignment of workload and staffing resources, simplified procedures and better use of IT. Visits to other councils, with a range of different housing needs service models, have also helped to identify areas for development and focus proposals for future work.
- 2.4 The project will contribute to the Council's wider efficiency programmes, with forecast full year savings of £750,000.

3.0 Project approach and work streams

- 3.1 The broad aim of the project is to ensure that the Council provides a customer-focussed and effective housing needs services and makes best use of available resources (staffing, IT and accommodation for people in housing need). Three work streams have been set up to manage the work and are summarised briefly below:
- **Service transformation** – this work stream includes an end-to-end review and rationalisation of front-line housing needs services, including housing advice, homelessness prevention, assessment and the re-housing functions. The approach is very similar to work undertaken by the adult social care customer journey project and the lean review in revenues and benefits, with a strong emphasis on developing a more integrated, customer-focussed approach to service delivery and improving performance monitoring.
 - **Accommodation management** – a new Brent Accommodation Team will bring together the accommodation services that are currently managed across the two services into a single team. This will promote a more integrated, efficient approach to managing the accommodation portfolio and offer a single point of contact to private sector landlords and other housing providers. In the longer-term, all of the council's procurement and management of emergency accommodation could be consolidated in this team.
 - **Demand management** – this work stream covers a review of the housing allocations policy and development of a strategic tenancy policy, taking into account the new flexibilities introduced by the Localism Act. Full consultation with partners and Members will be undertaken during this work.
- 3.2 In terms of timelines, the aim is to fully implement any changes arising from the first two work streams by the end of March 2012. The third work stream on housing policy will operate to a longer-time frame, dependent on the progress of legislation. Work on this strand is not expected to commence until autumn 2011.
- 3.3 Project design and implementation is taking place at a time of increasing pressure on the service, with requests for housing support and numbers in temporary accommodation already starting to rise. An integral part of the project is therefore to make sure that the new structure is as efficient and sustainable as possible, with improved performance monitoring helping to ensure a timely and flexible response to new demands.

4 Progress with housing needs transformation project

4.1 The first two work streams began in mid-April 2011 and a Project Board, chaired by the Director of Regeneration and Major Projects, has been set up to steer the project and keep progress on track. The Assistant Director (Community Care) also sits on the Project Board, ensuring that learning from the customer journey project informs future work. Below is a short summary of progress to date:

4.2 Service transformation work stream

4.3 Lean consultants (Ad Esse) have been appointed to support this work stream, with work starting at the end of May 2011. The consultants are working closely with staff and service managers to map the service delivery process, identify waste and inefficiencies in key processes, and assess scope for improvements. Over the next month, improvement centres will be rolled out across the service to capture real time performance information and engage all front-line staff in developing new, leaner ways of working. This approach aims to create ownership of new ways of working across the service and will help to make the transition to new arrangements easier to manage. Proposals for a new service structure and remodelled customer contact arrangements will be developed over the next three months.

4.4 Accommodation management work stream

4.5 Activity and process mapping work across the accommodation-related services is now almost complete. Views on current services have also been sought from some external accommodation providers and internal customers. The Project Board recently considered a report setting out key findings from this work and agreed some broad principles to inform future service design. Further consultation with key stakeholders and more comparative work will take place over the next two months.

4.6 Communications and change management

4.7 A communications strategy has been agreed setting out plans for communication with staff, stakeholders, trade unions and service users. These include:

- Weekly staff e-mail updates from the Assistant Director of Housing highlighting key project developments.
- A project intranet page with key project documents and a list of FAQs.
- A series of briefing sessions for staff, with all staff attending initial project briefings on 18th May to learn about the project and give feedback.
- A magazine article about the project for an internal audience in Insight Magazine, with plans to cover the project in the Brent Magazine at a later stage.
- A survey of housing needs customers covering their views of the current service and areas for improvement.
- The production of information about the project for external stakeholders, with more formal engagement planned around the policy work stream.

4.8 In the longer-term, the project team will develop a more detailed change management plan to support the transition to the new structure. This will include a training and development programme to help staff understand the new ways of working and to take on new roles and responsibilities.

4.9 ICT

- 4.10 An ICT sub-group has been set up to ensure that any new processes and service developments are supported by effective ITC. Early work has found that there is scope to create more on-line forms and tools and streamline some of the current ICT processes to make them simpler and more user-friendly. The sub-group will also ensure that staff use ITC effectively, with support and training provided as necessary. No additional investment in ITC is currently planned; the focus is on improving the functionality of current systems.

5.0 Measuring the impact of the housing needs transformation project

- 5.1 The housing needs transformation project aims to deliver a number of benefits aligned to the Council's strategic objectives, including improving the quality and accessibility of services. These are summarised in the table below:

Area of impact	Anticipated Project Outcomes
Service transformation – better staffing and structure	A new integrated housing needs service model will reflect a clearer understanding of the customer journey and inter-relationship between different aspects of the business. There will be better alignment of workload and staffing resources. Staff will benefit from greater role clarity, with more clearly defined responsibilities and simplified procedures. There will be enhanced support for people in temporary accommodation, with improved move-on arrangements. Customers will be more satisfied with the service they receive.
Technology and information management	The service transformation work stream will ensure better use of the COUNT (collect once, use numerous times) principle across the service and ensure that IT resources support business objectives more effectively.
Better procurement and commissioning	The consolidation of accommodation functions in one section will promote a more integrated approach to the procurement and management of temporary accommodation and securing private rented homes. There will be a clearer range of well-publicised options for private sector landlords who want to work with the council. Void loss and penalty charges on temporary accommodation will be reduced.
Improved demand management	A new allocations and strategic tenancy policy will ensure that the Council is maximising opportunities to manage housing demand effectively, based on intelligent use of new policy flexibilities and a good understanding of the local housing market. A revised customer information strategy will give customers better information about their housing options (in writing and on-line), promoting more self-help and less direct customer contact.
Delivery of One Council proposals –	The service transformation work stream will ensure that the approach to customer contact supports corporate policy

reshaping contact	customer	objectives and enhances customer focus across the service. It will also ensure delivery of savings identified within the Future Customer Service project.
Reduced costs	financial	It is estimated that the delivery of the key projects will generate full year savings of £750,000, primarily through reductions in staffing levels. This represents a 12.7 per cent saving against the 2010/11 staffing budget and includes £600k identified for future savings within the Future Customer Service project.

5.2 As part of the transformation project, performance monitoring arrangements will be reviewed to ensure that the success of the new service model can be assessed and any under-performance can be successfully challenged and improved. This will also help to ensure that both managers and staff are clear about performance expectations and have the right information to identify and solve service problems at an early stage.

5.3 Some broad non-financial performance measures have also been identified to measure the impact of the transformation project and ensure that benefits are realised:

• Reduction in repeat visits to housing reception
• Increase in satisfaction with reception services
• Reduction in homelessness acceptances
• Reduction in average number of days to deliver a homelessness decision
• Reduction in number of households occupying temporary accommodation for by length of stay
• Reduction in number of days to process housing applications
• Reduction in number of housing applications received
• Increase in level of homelessness preventions
• Reductions in average number of documents scanned
• Increase in % of customer reporting satisfaction with resolution of their housing problems

6.0 Next steps

6.1 The first two work streams will conclude on 1st April 2012, with formal staff consultation on a new structure due to commence on 1st November 2011. The third work stream is not due to conclude until the end of December 2012, with a three month consultation period on new policies included in the project plan. The timetable for this strand could still be influenced by the progress of legislation.

6.2 Progress across all the work streams will be reported to the Corporate One Council Programme Office (PMO) on a monthly basis.

Contact officer:

Perry Singh
Assistant Director, Housing
Regeneration and Major Projects
Mahatma Gandhi House
Telephone: 020 8937 2341
Email: perry.singh@brent.gov.uk

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	<p style="text-align: center;">One Council Overview & Scrutiny Committee 6th July 2011</p> <p style="text-align: center;">Report from the Director of Strategy, Partnership and Improvement</p>
<p>For Action Wards Affected: ALL</p>	
<p style="text-align: center;">Car Repair and Spray Painting Garages Task Group</p>	

1.0 Summary

- 1.1 The Car Repair and Spay Painting task group was set up following a motion to council. The attached report sets out the work and key findings of the task group.

2.0 Recommendations

- 2.1 That the One Council Overview & Scrutiny Committee agrees the recommendations of the Car Repair & Spray Painting task group.
- 2.2 That the report is forwarded to the Executive.

3.0 Detail

- 3.1 This task group was set up by the One Council Overview & Scrutiny Committee at the request of Full Council following a motion to council which set out a number of concerns relating to car repair and spray painting garages.
- 3.2 The task group members were:

Councillor Moloney (chair)
Councillor Allie
Councillor Colwill

3.3 In order to complete its work the task group took evidence from a number of sources including council enforcement and prosecution officers, made site visits and undertook a survey of all members.

3.4 The task group's key findings cover:

- The scale and nature of the problem
- Enforcement activity
- Site visits and resulting action

3.5 The chair of the task group will attend the meeting to present the task group's findings

4.0 Financial Implications

4.1 None

5.0 Legal Implications

5.1 None

6.0 Diversity Implications

6.1 None

Background Papers

Full Council Agenda and Minutes September 2010

Contact Officers

Phil Newby, Director of Strategy, Partnership & Improvement
Phil.Newby@brent.gov.uk

Jacqueline Casson
Jacqueline.casson@brent.gov.uk



Car Repair & Spray Painting Garages

A One Council Overview & Scrutiny Committee Task Group Report

June 2011

Councillor Moloney (Chair)
Councillor Allie
Councillor Colwill

Index

Chair’s Foreword.....3

Recommendations.....3

Executive Summary.....4

Introduction.....5

Task Group Membership.....5

Methodology.....6

Legislative Context.....7

Key Findings

 Scale and Nature.....9

 Enforcement Activity.....11

 Site Visits and Resulting Action.....15

 Conclusion.....17

DRAFT

Chair's Foreword

First of all I would like to take this opportunity to thank my fellow task group members, Councillor Allie and Councillor Colwill, for their time, effort and input into completing this investigation and producing this report.

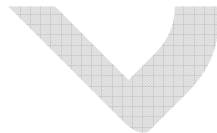


While we have not been able to find a significant problem across Brent in relation to this type of premise we have identified instances where problems arising from an individual premise are significant to those living and working nearby. We want to inform operators that Brent Council will not tolerate noise and nuisance and will take action when necessary. We hope that the recommendations in this report will be fully implemented by all of enforcement services in the council.

Finally I would like to thank all of the officers who produced information and evidence for the task group and Jacqueline Casson from the Strategy, Partnership and Improvement Department for her support.

Recommendations

- 1. That the complaint and referral form and log developed by officers at the task group's request is implemented. Each department will nominate an officer responsible for maintaining and monitoring this**
- 2. That complaints made in relation to this type of premises should be monitored and reported back to members via the annual complaints report.**



Executive Summary

This task group was set up following a motion to Full Council in September 2010 which raised concerns about the disruption residents face for the activities of car repair and spray painting garages.

Scale and Nature

The task group's first key task was to establish the scale and nature of the problem in the borough. To do this a survey was sent to all members of the councils and complaints information was provided by Environmental Health, Streetcare Enforcement and Planning Enforcement. The task group concluded that while the problems caused by these kind of premises can be significant for those living nearby, with the exception of Hassop Road we have not been able to identify a significant number of problems caused by this type of business in the borough.

Enforcement Activity

The task group investigated the council's ability to deal with issues as they arise. This included looking at the existing legislative powers, whether or not there was a need for extra powers and how issues were dealt with across the different departments that deal with enforcement activities. The task group concluded that the powers available to the council were sufficient but that as enforcement activity tends to be reactive it was important the residents and councillors complain as soon as an issue arises. Cross departmental working does rely heavily on good individual working relationships and the task group would like to ensure that the process through which this type of complaint is dealt with is strengthened so that the issues we identify around time, cost and the collection of good quality evidence are addressed.

Enforcement Action Taken as a Result of the Task Group's Work

As a result of site visits made by members of the task group enforcement action was taken in two areas. This is detailed in the main body of the report.

Introduction

This task group was set up following a meeting of Full Council in September 2010 when members of the council agreed the following motion.

This Council :

shares the concerns of residents who face disruption from the activities arising from and out of car repair and spray painting garages across Brent, particularly where these are unregulated;

- *notes that many areas of the Borough, including in particular the Alperton area, are adversely affected by the sometimes inconsiderate activities of these businesses;*
- *recognises that problems caused to local residents have included not being able to park their cars in their streets, being unable to reverse out of driveways, smells from paint fumes, noise at all hours of the day, and abuse from workmen for challenging activity that clogs up local streets;*
- *regrets the impact on safety, where emergency vehicles find it difficult to pass through, and on the overall character of our local communities*
- *recommends to overview and scrutiny that a Panel be established to look into better regulation of car repair/spray painting garages in mainly residential areas, including the possibility of restricting their operation times to 9am to 6pm weekdays, and 10am-5pm on Saturdays, and to investigate how the impact on surrounding streets can best be mitigated and enforced against*
- *supports efforts to seek the relevant Secretary of State's approval for any appropriate bye-laws which may be thought necessary or desirable to assist towards the objectives of this motion.*

At Full Council's request the One Council Overview & Scrutiny Committee agreed in October 2010 to set up a task group to look at the issue and produce a short report setting out the results of its investigation.

Task Group Membership

Councillor Moloney (Chair)
Councillor Allie
Councillor Colwill

Methodology

This task group is unusual in that it was set up following a motion to council rather than on the basis of a fully developed scope. Therefore the task group's first job was to discuss and agree a scope for its work. Members of the task group agreed that it would need to undertake the following work.

- Establish the scale and nature of the problem in Brent. The task group wanted to map out where this problem existed. To help with this an email was sent to all members of the council asking them to provide local information about their wards. This information was looked at in conjunction with information provided by Environmental Health, Streetcare Enforcement and Planning Enforcement.
- Review the actions that are currently taken, the existing legislation, how effective it is at tackling problems as they arise.
- Identify any gaps in either the powers available or the process.
- Investigate other possible solutions / actions

In order to undertake this work the task group took evidence from a number of sources.

- Keith Balmer, Director of Street Care provided a report on issues relating to Hassop Road an area known for problems relating to this issues.
- John Mc Swann, Enforcement Manager Environment & Neighbourhoods, provided information on the scale and nature of the problem and current enforcement activities from a street care perspective.
- Jennifer Barret, Team Manager, Environmental Health, provided information on the scale and nature of the problem from an environmental health point of view and current enforcement activities.
- Tim Rolt, Planning Enforcement Manager, provided information on the scale and nature of the problem from a planning enforcement point of view and enforcement action that can be taken.
- Lindsay Weinstein Senior Prosecutions Lawyer provided information about legislation that can currently be used to tackle this issue

In addition members of the task group undertook two site visits to Beresford Avenue, and High Road Willesden on the corner of Colin Road.

Legislative Context

The following legislation can be used to address issues and problems that can result from this type of business whether or not the business is legal or illegal.

NOISE NUISANCE

1. Statutory Nuisance, *“noise emitted from premises so as to be prejudicial to health or a nuisance;”* **[Section 79(1)(g)EPA 1990]**.
2. Serve Abatement Notice prohibiting further specified acts from occurring **[Section 80(1) Environmental Protection Act 1990]**.
3. If Abatement Notice breached – power to prosecute for breach of Abatement Notice **[Section 81 EPA 1990]** *“If a person on whom an abatement notice is served, without reasonable excuse contravenes or fails to comply with any requirement or prohibition imposed by the notice, he shall be guilty of an offence.”*
4. Prosecution – Magistrates Court [6 months to issue proceedings] → Sentencing powers Fine Maximum £5000 [Level 5 Fine].

SMELL/FUMES

1. Statutory Nuisance, *“Fumes or gases emitted from premises so as to be prejudicial to health or a nuisance,”* **[Section 79(1)(c)EPA 1990]**.
2. Serve Abatement Notice [as above]
3. Breach → prosecute [as above]

ABUSIVE BEHAVIOUR

1. **Section 5 Public Order Act 1986** – Harassment, alarm or distress
2. Matter for police not LBB to prosecute
3. Prosecution – Magistrates Court [6 months to issue proceedings] → Sentencing powers Fine Maximum £1000 [Level 3 Fine].

PLANNING LAW

Enforcement Notice

1. Time limits [**Section 171B(3) Town & Country Planning Act 1990**]
“In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.”

2. Serve owner and occupier of land Enforcement Notice [**Section 172 T&CPA 1990**] where it appears to LA,
 - a) *That there has been a breach of planning control and*
 - b) *That it is expedient to issue the notice, having regard to the provision of the development plan to any other material considerations*

3. Offence where Enforcement Notice is not complied with [**Section 179(1) T&C PA 1990**]
“Where, at any time after the end of the period for compliance with an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner of the land is in breach of the notice.”

4. **S179(2)** Breach → guilty of offence

5. **S179(3)** defence – did everything he could be expected to do to secure compliance with the notice

6. **Sentence**

Magistrates Court	Fine not exceeding £20,000
Crown Court	to a fine

Key Findings

1. Scale & Nature

The motion agreed at Full Council suggested that problems caused by car repair and spray painting garages were numerous and affect many areas of the borough. The task group was keen to ascertain whether or not this perception was a reality and where problems occurred. As the motion did not differentiate between legal and illegal businesses the task group has not made this distinction.

In order to gather evidence on the scale and nature of the problem the task group sent a survey to all members of the council asking them for specific information about any businesses in their ward that cause them or their local community concern in relation to the problem highlighted in the motion to council.

There were 11 responses 7 of which have highlighted one or more addresses. Four members responded to say that there are no related issues in their ward.

- Responses were received from one or more councillors in the following wards: Alperton, Dollis Hill, Dudden Hill, Harlesden, Kensal Green, Kilburn, Northwick Park, Mapesbury, Queensbury, Tokyngton, Willesden Green,
- No response has been received from any councillors in the following wards: Barnhill, Brondesbury Park, Fryent, Kenton, Preston, Queens Park, Stonebridge, Sudbury, Welsh Harp
- The responses provided 14 addresses though one of these was Hassop Road which will include several incidents and is a well known problem area. In some cases only the address was provided without any details of a specific issue/ problems that related to that address.

The task group was then provided with a breakdown of the number of complaints received by Environmental Health regarding the operation at vehicle re-spraying / MOT garages and similar over the last four years. By far the greatest number of complaints received relating to garages concerned fly-tipping and this issue accounts for more complaints than those relating to nuisance odour and noise combined. This is highlighted in the table below:

Complaint type	No. of complaints from 2006-2010
Refuse/ Flytipping	56
Nuisance odour/ fumes	31
Noise	2
Pest Control	4
Public Health and Drains	4
Graffiti	1

The map below indicates an approximate distribution of the complaints received by Environmental Health over a four year period. This provides a snapshot of the most affected wards based on data held by Environmental Health.



Streetcare informed us that there have been no complaints in the last two years from residents about businesses working on vehicles in the street. If a complaint was received they would work closely with Environmental Health to resolve it.

We heard that in terms of planning enforcement the number of complaints the council received about car repairs represents a small proportion of the total number of enforcement complaints that the council receives per year. For example in 2010 of 961 complaints only 15 or 1.56% were related to this type of premises as is demonstrated in the table below:

Year	No of complaints	No of car repair complaints	No notice's issued per calendar year	No notices issued for car repairs per calendar year
2010	961	15 (1.56%)	120	3 (2.5%)
2009	853	17 (2%)	143	5 (3.5%)
2008	872	13 (1.49%)	137	5 (3.65%)
2007	954	17 (1.78%)	151	6 (3.97%)
2006	904	14 (1.55%)	132	5 (3.79%)

The task group received a separate report on Hassop Road as it is a known hot spot for issues relating to car repair and spray painting garages. We heard that Hassop Road has a significant number of private garages that have been converted into small businesses. There are a number of issues including car repairs taking place on the pavement, contaminated water runs directly on to the road side pavements and gullies, oil from vehicles is poured down gullies and the area is littered with car parts. In addition the area is problematic for buggy and wheel chair users. This area is a unique situation that has been ongoing for a number of years, though there have been drives on issues such as parking enforcement that have resulted in improvements in the last few years. At the same time we noted that there is a desire not to adversely impact on the local economy by driving genuine businesses out of business.

Given the evidence provided the task group has concluded that although problems caused by this kind of premises can be significant for those living nearby, with the exception of Hassop Road, we have not been able to identify in terms of number of complaints received by the relevant services, or information provided by members a significant number of problems caused by this kind of business across the borough.

2. Enforcement Activity

We were keen to look at the council's ability to deal with issues when they arise and actions that can be taken.

Environmental Health is responsible for regulating larger vehicle re-sprayers using powers under the Environmental Permitting Regulations 2010 which limits the solvents the operators use to reduce pollution emissions to air. Few complaints are received in relation to this activity and we were told that they would be dealt with effectively under this regime.

It is more difficult to deal with smaller businesses for many reasons, for example; they may be below the threshold for solvent use to warrant regulation so on issues such as on street spraying, noise, odour and dust Environmental Health work closely with Street Care. In most cases an informal approach is used in the first instance, explaining the problem(s) and actions required for resolution. If this does not work, then a more formal approach will be taken using the Environmental Protection Act 1990 to serve a nuisance abatement notice. This action tends to be complaints driven, so does rely on a complaint being made to the department by a member of the public or a councillor. A pattern of nuisance would then need to be established and witnesses identified. In most cases this process takes time and it is sometimes difficult to accrue the evidence required to take action. One of the difficulties highlighted was ensuring that details of the complaint and potential witnesses are not lost along the way, particularly when reported to one department when the issue relates to the work of another department.

We heard that Streetcare check around 1500 premises a year for waste licences. Town centre premises are examined more regularly than back street premises. Bona fide businesses tend to comply with informal approaches but rogue businesses sometimes disappear when pursued then reopen quickly elsewhere.

The task group was keen to look at the role that planning enforcement could play in relation to this issue. Brent takes more enforcement action than most other local authorities in the country and in the last ten years has been in the top five in terms of the number of enforcement actions taken.

Planning permission is required for making a material change of the use of land. However that change of use must be 'material'. For instance you do not need planning permission to change the use from an electronics shop to a grocers shop because it is not material i.e. it is still in use as a shop. Likewise planning permission would not be needed to change a use from a factory making kitchen appliances to a car repair work shop as both of these are considered to be general industrial use B2.

Planning enforcement action can only be taken where no planning permission has been granted for material change of use or there is a breach of a planning condition attached to a planning permission. Action cannot be taken if the material change of use took place more than 10 years ago.

Enforcement action is slow with a right of appeal so the whole process can take up to 2 years. Enforcement notices usually will require the use to stop and the removal of all items associated with that use to be removed from the premises. Generally they can only be effective on private land (e.g. not on council highways/pavements). The issue of a notice normally results in the occupants having to find alternative accommodation. If they can't, they may be put out of business. There is a risk with this action as the council could be liable for loss of business if a mistake has been made.

In deciding to take enforcement action, the council needs to decide whether or not it is expedient. The law states that enforcement action must not be taken purely to remedy the absence of planning permission. The council has to consider the planning merits of the case and in particular the relevant planning policy for the area.

If the council considers it expedient to take enforcement action, it can:

- issue an enforcement notice (s172 Town and Country Planning Act)
- take the steps required by an enforcement notice at the owner's expense (s178 Town and Country Planning Act)
- prosecute owner/person in control for breaching the enforcement notice (s179 Town and Country Planning Act)

There is a right of appeal against enforcement notices. These appeals can be made on the following grounds:

- Planning Permission ought to be granted
- Allegation has not occurred
- Not a breach of planning control
- Immune from enforcement action
- Notice not properly served
- Remedial Steps Excessive
- Compliance Period too Short

Appeals usually take between 6 months to a year to determine.

The task group explored the possibility of informal enforcement, for example visits by an officer to discuss and try to resolve the issue informally. We were told that while this can help in some cases, resources meant that it is not cost effective to keep a watching brief across the borough. The Planning Enforcement Team currently consists of 4 officers, of which 3 carry out investigations and appeals. The team is already stretched on investigation across the range of planning enforcement issues.

We were told that Hassop Road is an ongoing problem though this is getting better. Planning enforcement is not necessarily the best service to deal with an issue. We were informed that Hassop Road has special policy status within the unitary development plan.

The report we received on Hassop road outlined the enforcement actions taken over time by Planning, Trading Standards, Health and Safety, Licensing, Environmental Health, Streetcare and Parking. While all of the people we talked to believed that some improvements to the area have been achieved through continued daily enforcement by the Police and the parking attendants supported by daily cleaning of the road to a high standard, a longer term solution was required.

We heard that the longer term solution that would be acceptable to the residents would be the closure of the garages. The area has some potential for a housing development with shops and would be ideal under the circumstances. However this has to be balanced against the council's planning policies for Hassop Road. These are set out below:

UDP Policy on Hassop Road

This area of Local Employment Sites, with its main road frontage on to Cricklewood Broadway, is a long-established busy employment area. Many of the small businesses which front both sides of Hassop Road cause problems to the access and servicing arrangements in the road itself and partly in the adjoining residential area.

Although these businesses do cause problems, many have lawful use rights and the Council has very little control over them. In the special environmental circumstances of this area, it is important, however, to ensure that future piecemeal development or redevelopment of the area will result in a reduction of adverse impacts and improved operational conditions within and around the area.

Policy [EMP23](#) sets out the special considerations which are relevant to this area. In addition, the Council will have regard to its guidelines for development in the area, set out in Supplementary Planning Guidance (SPG16). Consideration will be given to the introduction of 'Permitted Parking' in adjoining residential streets.

EMP23 HASSOP ROAD SPECIAL POLICY AREA

In considering development or redevelopment proposals for employment uses in the Hassop road area as identified on the proposals map, special attention will be paid to the following factors:-

- (a) The impact of the proposed development on neighbouring occupiers (including the height of buildings); and
- (b) The extent to which noise and fumes can be controlled and premises can be screened.

In order to minimise the impact on neighbouring residential uses, conditions controlling hours of operation may, depending on the nature of the development proposed, be necessary.”

The task group would like to ensure that this is pursued in relation to Hassop Road while regular enforcement actions and engagement continues.

We asked officers to investigate best practice from other London local authorities. The Enforcement Manager in Environment and Neighbourhoods currently sits on the Keep Britain Tidy Enforcement Working Group with representatives from all 33 London Boroughs. The officer tabled a question at the December meeting on behalf of the task group. The response we received showed that council's have differing procedures when dealing with this issue, but that no one stood out as best practice. Most, like Brent appeared to deal with arising issues by virtue of Sec 80 Environment Protection Act (Statutory Nuisance). This requires the serving of a statutory notice which includes a 21 day appeal period and a level 5 fine at the Magistrates Court if convicted. Others rely upon Part 2 Section 6 & 9 CNEA which allows for the issue fixed penalties for offences committed under sections 3 and 4 of the Act. Sections 3 and 4 provide for exposing vehicles for sale on a road and repairing vehicles on a road. We were informed that the Brent Council does not rely on this legislation because it is difficult to prove that the works are for the purpose of a business and or gain or reward i.e. that money has changes hands. Some council's have problems with pollution arising from spraying vehicles which is dealt with by Environmental Health departments.

The task group explored the possibility of developing extra powers via bye-laws. The Senior Prosecution Lawyer told us that bye-laws do not have the same force as the statutory framework for enforcement and prosecution deterrent. She believed that the powers to deal with problems emanating from car repair premises were

sufficient but there were issues around time, cost and the need to collect good quality evidence to ensure successful action is taken.

3. Site Visits and Resulting Action

Members of the task group visited two of the sites identified by members in the survey. All of the other information provided by members was passed on to the relevant service. The first site visited, Beresford Avenue was largely an issue related to parking by customers in a residential area. Some parking enforcement activity has now taken place but members of the task group believe that the problems on this road warranted more consistent parking action.

The second site on High Road, London, NW10 2EA (corner of Willesden High Rd and Colin Rd) involved a change of use of the premises from a shop selling car parts to a mixed use car parts and car repair business. As a result of the visit by the task group planning enforcement action was started. The investigation has now been completed and an enforcement notice has been issued. The enforcement notice requires the occupiers to stop the use of the premises for car repairs by 17th August, 2011 unless an appeal is made against the notice in the meantime. If an appeal is made, the notice is suspended pending the outcome of the appeal. Appeals are currently taking between 6 to 9 months to determine.





Conclusion

The task group believes that the legislative framework available to the council to tackle issues that relate to car repair and spray painting businesses is in general sufficient. However we do feel that there are areas of process that can be improved.

Firstly as general enforcement activity across the departments tends to be reactive residents and councillors need to be encouraged to complain as soon as an issue arises so that the issue can be dealt with quickly before it escalates.

Secondly dealing with a complaint frequently requires good cross departmental working. While we understand that in most cases departments work well together, this does rely heavily on good individual relationships. We did hear of occasions when the need to collect the evidence required to take action was compromised by incomplete information being passed on. This is partially because the complaint has been raised with the wrong service in the first place, but why should a member of the public be expected to know which services to contact – the council is the council. The work being undertaken on the Future Customer Services One Council Project will help to address with this issue. However, to aid the current situation the task group asked the Senior Prosecuting Lawyer to develop a complaints referral form/log that would enable any service dealing with enforcement to complete and forward to the correct service without losing any information that would be important to the enforcement activity. The relevant enforcement teams have been involved in this process and have agreed to nominate someone in their team to be responsible for maintaining and monitoring this. This approach has been discussed with the Corporate Complaints Manager who agrees that this would also be helpful from a corporate complaints perspective.

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One Council Overview & Scrutiny Committee

6th July 2011

Report from the Director of Strategy, Partnership & Improvement

For Action

Wards Affected:
ALL

One Council Overview and Scrutiny Committee Work Programme

1.0 Summary

- 1.1 This report sets out some options for the One Council Overview & Scrutiny Committee work programme. These include issues raised by members at the Joint Overview & Scrutiny Committee on 2nd June 2011 and issues requested by the committee during 2010/11.

2.0 Recommendations

- 2.1 That Members discuss and agree a work programme for the One Council Overview & Scrutiny 2011/12

3.0 Detail

- 3.1 A well planned work programme is a critical component of a successful overview & scrutiny function. A programme of carefully selected topics can help engage the public, connect with the council's priorities, community concerns, and has the potential to add value to the work of the council. It is therefore important that this committee's work programme is developed and agreed by its members.
- 3.2 The committee can scrutinise different subject areas in different ways depending on the subject size and the depth of investigation required. This can be done by in depth task groups, issue specific meetings, or short discrete agenda items. In all cases the One Council Overview and Scrutiny Committee has the power to require the attendance of the council's Executive

and officers to answer questions at their meetings. The Local Government and Public Involvement in Health Act 2007 also gave overview and scrutiny committees power to require information from 'relevant partner organisations'.

3.3 It is possible that the committee will have more subject areas that it would like to consider than time and resources available. To help prioritise the committee should consider the following criteria:

- Whether overview and scrutiny investigation will lead to an effective outcome / impact
- The degree of fit with corporate or community strategy priorities
- Public concern
- Stakeholder or partner concern
- Scope for efficiency gains
- Whether it duplicates other work?
- Time and resources

3.4 To help the committee put together its work programme for 2011/12 a Joint Overview & Scrutiny Committee was held on 2nd June. The joint committee was formed by members of the One Council, the Partnership and Place and the Children and Young People Overview & Scrutiny Committees. The meeting provided the opportunity for members to use the latest information from the council's evidence base to inform a work programming exercise which enable cross committee input into each of the committee's work programmes.

3.5 Committee work programming is an on-going process and the committee Chair's have requested further public events, like the One Community Many Voices event, to be held later in the year. In addition members are strongly encouraged to suggest items for review as and when they arise. Suggestions can come from;

- Ward issues that are also relevant across the borough,
- The local impact of a major national issue, for example the concerns about the impact on services of the economic climate
- Members of the public.

3.6 ***Suggested topics***

- One Council Programme Update – three per year
- Quarterly Performance and Finance information
- The impact of Housing changes both socially and financially
- Future Customer Service Project
- Procurement Project
- Sharing services with other public bodies
- Complaints Annual Report
- Annual Staff Survey
- Localism Bill – How will it be implemented, what will be the impact on each Directorate

5.0 Financial Implications

5.1 None

6.0 Legal Implications

6.1 None

7.0 Diversity Implications

7.1 None

8.0 Staffing/Accommodation Implications (if appropriate)

8.1 None

Contact Officers

Phil Newby
Director of Policy and Regeneration
Tel – 020 8937 1032
Email – phil.newby@brent.gov.uk

Jacqueline Casson
Senior Policy Officer
Tel – 020 8937 1134
Email – Jacqueline.casson@brent.gov.uk

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Joint Overview & Scrutiny Meeting 2nd June 2011

Work Programme Suggestions

- Impact of difference of life expectancy in particular wards
- Impact of Housing changes – financially and socially. Exportation of families to other boroughs. Influx of families from other boroughs.
- What will be the impact of Free Schools in the borough? Is there a role for local authorities in assessing their viability?
- Education changes – Impact of schools potentially leaving local authority control.
- Impact of loss of BSF and waiting lists for schools
- Discounts on Wembley tickets for Brent residents
- Supporting young people to deal with crime and fear of crime
- Developing the Library Service for the 21st century
- Crime in Brent
- Environmental service – controlling rats and mice
- Awareness programme for TB
- How to keep all members informed about changes to government policy and new legislation?
- Impact of growing ageing population
- Bullying in and out of school amongst young people
- Swimming pool in the borough
- Localism Bill – How will it be implemented in Brent? What will be the impact on each Directorate?
- Employment and work experience for young people
- Volunteering
- Impact on care provision due to changes to the independent living fund
- Threat to open green space due to planning
- Sports opportunities in schools
- DWP work programme providers – scrutinise their plans for the borough in the context of Brent specific needs
- Public Health and GP commissioning – How can we ensure they meet population needs?
- Explore shared services
- How do we encourage the voluntary sector in Brent to join forces to be able to grasp the opportunities localism might offer in terms of commissioning and service delivery?

- Need to keep a focus on procurement.
- Localism Bill and the role of elected councillor – democratic involvement
- Managing expectations in relation to consultation and referendum
- How do we manage the drive towards economies of scale in relation to commissioning and procurement with the drive towards involving voluntary groups, community groups and social enterprises?
- How do we work with the new CVS?