



LONDON BOROUGH OF BRENT

**Minutes of the ORDINARY MEETING OF THE COUNCIL
held on Monday 24 June 2013 at 7.30 pm**

PRESENT:

The Worshipful the Mayor
Councillor Bobby Thomas

The Deputy Mayor
Councillor Kana Naheerathan

COUNCILLORS:

Aden	Adeyeye
Al-Ebadi	Arnold
Ashraf	Mrs Bacchus
Beswick	Brown
Butt	Cheese
Chohan	S Choudhary
A Choudry	Colwill
Crane	Cummins
Daly	Denselow
Gladbaum	Harrison
Hashmi	Hector
Hirani	Hopkins
Hossain	Hunter
Jones	Kabir
Kansagra	Kataria
Leaman	Long
Lorber	Mashari
Matthews	McLennan
Mitchell Murray	J Moher
R Moher	Moloney
Ogunro	Oladapo
BM Patel	CJ Patel
HB Patel	RS Patel
Pavey	Powney
Ms Shaw	Ketan Sheth
Krupa Sheth	Singh
Van Kalwala	

Apologies for absence

Apologies were received from: Councillors Baker, Beck, Green, John and HM Patel

1. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 15 May 2013 be approved as an accurate record of the meeting.

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

Councillor Long declared a non-financial interest by virtue of her position on the board of Brent Housing Partnership.

Councillor Cheese declared a non-financial interest by virtue of his membership of the Kilburn Advisory Board.

3. **Mayor's announcements (including any petitions received)**

The Mayor welcomed everyone to his first meeting as First Citizen of the borough and the last meeting to be held in the Town Hall Council Chamber.

On behalf of the Council, the Mayor congratulated the Brent residents and employees who had received honours in the Queen's Birthday Honours list announced the previous week. He spoke of how extremely proud the borough should be of their hard work over the years.

The Mayor announced that he was holding his Civic Service on Sunday 21 July at 2pm at St Catherine's Church, Neasden and would be pleased to see as many members there as possible.

The Mayor referred to his support for Cricklewood Homeless Concern during his mayoral year and announced that he was hoping to host many fundraising events, including a BBQ at the Grand Junction Arms and a mini regatta at Welsh Harp.

The Mayor drew attention the list of current petitions showing progress on dealing with them which had been circulated around the chamber.

4. **Appointments to committees and outside bodies and appointment of chairs/vice chairs**

RESOLVED:

that the following appointments be made:

Alcohol and Entertainment Licensing	Councillor Beswick, chair in place of Councillor Bacchus
	Councillor Moloney as 1 st alternate to Councillor Bacchus in place of Councillor Beswick
	Councillor Kabir as 2 nd alternate to Councillor Bacchus in place of Councillor Choudhary

	Councillor Kataria as 1 st alternate to Councillor Chohan in place of Councillor John
	Councillor RS Patel as 2 nd alternate to Councillor Harrison in place of Councillor Long
	Councillor Matthews in place of Councillor Shaw
Audit Committee	Mr David Ewart, chair
Planning Committee	Councillor Sneddon as 1 st alternate to Councillor Cummins in place of Councillor Shaw
	Councillor Hopkins as 2 nd alternate to Councillor Cummins in place of Councillor Sneddon
Health Partnerships Overview and Scrutiny Committee	Councillor Brown as 2 nd alternate to Councillor Hunter in place of Councillor Shaw

5. Report from the Leader or members of the Executive

Councillor Butt thanked all members for their unequivocal support in bestowing the Freedom of the Borough on Nelson Mandela. He asked his fellow Executive members to submit their reports.

Gangs strategy

Councillor Choudry referred to the report of the Partnership and Place Overview and Scrutiny task group investigation into gangs and services for prevention, intervention and exiting, which had been submitted to the Executive on 20 May 2013. He thanked members of the task group for their work and explained that each of the recommendations was now being considered with a view to making progress towards dealing with the problem of gang culture. He stated it was a difficult issue and involved partner agencies but that it was important to work towards protecting the citizens of the borough.

Civic Centre

Councillor Crane reported that the building of the civic centre had been completed and staff were now moving in. He referred to the excellent work by staff in the IT section who would be on hand throughout the moving in process to help with any problems. He thanked Aktar Choudry for his work in managing the building project and Caroline Raihern for making the arrangements for staff to move into the new building. He bid farewell to the Town Hall and the Council Chamber and urged members to make sure they booked themselves on to the civic centre induction courses being run.

Willesden Green Cultural Centre

Councillor Crane reported that, following the approval of the final design and cost, work was soon to start on constructing the Willesden Green Cultural centre. This would provide fantastic community space serving the south of the borough. The old

library building was being retained and local children would be creating murals on the site hoardings.

South Kilburn regeneration

Councillor Crane referred back to May 2010 when plans for the South Kilburn area appeared to have failed and contrasted that with the clear vision and viable plans that were now in place to tackle the worst homes and provide a new school, health facility and park. The new South Kilburn Neighbourhood Trust had been created and phase 1 of the project was complete. He stated that two further phases to be completed by May 2014 would transform the area.

Vale Farm – award of contract

Councillor Mashari reported on the award of a contract to Sports and Leisure Services Management Ltd for the provision of facilities at Vale Farm. This was a cross borough contract with Ealing and Harrow. She stated that it would provide affordable facilities which would encourage more local people to use them. Councillor Mashari explained that the Council had negotiated for concessionary pricing and free swims for certain categories of people in an effort to increase participation. She stated that the contract represented value for money for the Council and she encouraged people to use it.

Gladstone Park School

Councillor Pavey submitted that Gladstone Park School was a good school that had suffered a temporary drop in performance. He therefore felt it was a shame that the school was being forced into becoming an Academy. He applauded local people for the support they had shown for their local school and stated that it was now time for all campaigners concerned with the future of the school to work together.

Copland School

Councillor Pavey reported on the Department for Education sending in an interim board to Copeland Community School to meet the huge challenge posed to provide a comprehensive education and address the terrible situation reported on by OFSTED. The school would ultimately become an Academy but in the meantime he urged all those involved to work together to provide a better education for local children.

Tenders for speech and language therapy contracts

Councillor Pavey reported that the Council had tendered for a new contract for the provision of speech and language therapy to continue the excellent work provided by the service.

6. Questions from the Opposition and other Non- Executive Members

Councillor Cummins stated that he had received many complaints from residents over the Council's decision to stop issuing scratch cards for parking and asked what was going to be done to rectify this. Councillor J Moher replied that it was not unusual for people to be sensitive over change. He acknowledged there had been teething problems introducing the new arrangements but it was essential to improve the efficiency of the system. He was open to hearing peoples' concerns but pointed out that a past complaint had been that people were often left with a residual amount on their scratch cards which they could not use and so this would improve that situation. He also stated that help would be given to the elderly to understand

the new arrangements. Councillor Cummins submitted that the answer from Councillor Moher was not sufficient to make up for the loss of scratch cards which some people had come to rely on. He spoke of those people who did not have access to a computer or were not familiar with how they worked who would not be able to cope with the new arrangements.

Councillor Adeyeye asked how much progress had been made towards the new civic centre being one of the greenest buildings in Europe. Councillor Crane replied that it had achieved a BREEAM (Building Research Establishment Environmental Assessment Method) outstanding rating, making it the greenest public building in the UK. He outlined the various mechanical and engineering innovations incorporated into the building and stated that the next challenge was to achieve a further BREEAM rating for the building in use. Councillor Adeyeye thanked Councillor Crane for his reply.

Councillor Shaw asked why motorcycles were still using the Willesden Sports centre causing a noise nuisance when planning permission had been refused six months ago. She stated that the sports service should by now have terminated the lease and asked why residents were expected to abide by planning laws when the sports service was not able to. Councillor Mashari replied that she was not aware of the circumstances raised by the question and asked that Councillor Shaw email her the details so that she could look into it and arrange a meeting to look at resolving the situation. Councillor Shaw responded that she thought that the lead member should have been aware of the situation.

Councillor Hopkins asked what progress had been made on re-opening any of the six libraries that had been closed during 2011/12. Councillor Mashari replied that she would be meeting with Councillor Ashraf on this matter and she was open to meeting with any community group and was already in on-going discussions with some groups. Councillor Hopkins responded by stating that she had not heard from any campaigners on any progress made and asked that the feelings of people on this issue be not underestimated. She stated that people valued libraries and desperately wanted their old libraries back.

Councillor Sheth asked what the Council was doing to ensure that children at Copeland Community School received the highest possible level of education. Councillor Pavey replied that the Council's planning was putting the children at the centre, rather than the buildings and facilities as had been the case in the past. Members of the Interim Executive Board were educationalists who were working to improve the chances of pupils at the school. He expressed disappointment that the NUT had called a strike at the school before they had heard of the proposals for the future of the school. Councillor Sheth was glad to hear of the efforts being made to turn the school around and wished to encourage those involved to work with the children and their families.

Councillor Brown asked what was being done to preserve the legacy of the previous Council administration in keeping the streets clean and suggested that the street were now dirtier than ever with an increase in dumping and litter. Councillor Mashari replied that the Council had re-introduced the free bulky waste collection service in a bid to tackle fly tipping. Areas of the borough had been targeted for action over a three week period and the initial phases had resulted in a 20% reduction in dumping. Councillor Brown stated that he disagreed that the situation

was better and that during 2010/13 dumping had increased showing that the free bulky waste collection service did not work. He also pointed out that the service did not extend to landlords. He stated that funding for street cleansing had been cut leading to a reduced waste collection service and an increase in dumping.

Councillor Kabir asked what progress had been made in addressing the shortage of school places. Councillor Crane replied that the Council faced a challenging position on school places. A four year strategy for an expansion of places, including permanent and temporary bulge places, had been approved. Barham, Fryent and Mitchell Brook Primary Schools were being expanded in the current year and a further seven schools were consulting on expansion proposals. The DfE (Department for Education) had agreed to open a Free School in the Wembley area which he regarded as a disastrous decision because it effectively diverted funding from improving existing schools. Much needed improvements to Alperton and Copeland Community Schools were not programmed until 2018. Councillor Kabir thanked Councillor Crane for his answer.

Councillor Lorber asked for a rough estimate of the amount of spend on redundancy payments for departing officers since 2011 when Councillor Butt became Leader. Councillor Butt replied that a re-structure of senior officers was designed to save the Council £3m. In all cases of officers leaving the Council, negotiations on the contractual position were undertaken and therefore in the circumstances he was not able to answer the question. Councillor Lorber stated that councillors were being kept in the dark on this issue, including what arrangements were agreed for the former Chief Executive to leave and the position of the former Director of Finance. Councillors were not being involved despite them, as elected representatives, being expected to be accountable to local people for the spending decisions taken by the Council.

Councillor Oladapo asked what the Council was doing to mitigate the effects on residents of the cuts the Council had to make. Councillor Crane replied that all those affected by the welfare reforms had been contacted and were being given assistance. An employment programme called Navigator was being funded on which all councillors had received a recent update. He was pleased to report that the Council's facilities management contractor, Europa, had taken on six additional recruits. Work being undertaken within the Regeneration and Growth Department was aimed at getting people into work. Councillor McClennan added that Brent was the borough most affected by the changes to housing benefit but the housing division was working hard to mitigate the effects on the most vulnerable members of the community. Councillor Oladapo thanked Councillors Crane and McClennan for their answers.

(Councillor Lorber raised a point of order with regard to the above by stating that it was not permissible for two Executive members to be allowed to answer a question. The Mayor ruled that it made sense in this case because the issue covered two portfolios).

Councillor Hunter referred to advice she had received that the Council could not debate the subject of the trading activities of Veolia in relation to the public realm contract and asked how this position sat with the position of the local Labour Party which had voted to exclude Veolia from the tendering process. Councillor Mashari replied that the same legal advice applied which meant she could not discuss the

matter, however she added that she was in favour of pursuing ethical procurement and officers had been asked to look into this. Councillor Hunter responded by saying that despite legal advice it should be remembered that Council Tax went towards funding the proposed contract.

7. Reports from the Chairs of Overview and Scrutiny Committees

Councillor Van Kalwala presented the overview and scrutiny report, drawing out the main issues covered by the overview and scrutiny committees since January 2013. He also referred to the Partnership and Place Overview and Scrutiny Committee's task group which had investigated gangs and the development of services for prevention, intervention and exiting. He thanked the members who had served on the task group for their work and the Executive for giving consideration to each of the recommendations.

8. Borough Plan 2013-14

Members considered a report proposing a revision of the Borough Plan for 2013/14. The Plan and its detailed targets had been the subject of consultation with Executive members and partners since March 2013.

Some members levelled criticism of the plan over lacking support for the voluntary sector to deliver services, not addressing the impact of having closed six libraries and questioning where the resources would come from to deliver on the cultural aspects. It was also pointed out that the population increase within the borough would pose significant challenges. In support of the Plan it was submitted that it would help improve the lives of residents and encourage departments to work together to deliver services. The Council spent £2m on voluntary sector grant aid and millions more on contracts with voluntary organisations. The regeneration of areas of the borough was aimed at improving the lives of local people.

RESOLVED:

that the priorities and targets set out within the Brent Borough Plan 2013-14 attached as an appendix to the report submitted be agreed.

9. Wembley Area Action Plan - Submission for examination in public

On 11 March the Executive agreed the Wembley Area Action Plan for public consultation and then, subject to Full Council approval, to submit the draft Plan to the Planning Inspectorate for Examination. In light of the consultation three relatively small amendments had been proposed to enable a sound draft Plan to be formally submitted. The draft Plan was circulated separately as Appendix 1 to the report submitted.

RESOLVED:

- (i) that the three proposed changes set out in paragraph 3.3 of the report submitted be agreed;

- (ii) that the draft Wembley Area Action Plan, together with the proposed changes, be submitted on 1 July 2013 to the Planning Inspectorate for Examination;
- (iii) that the Director of Regeneration and Growth be authorised to agree any necessary changes to the document during the Examination process to facilitate the adoption of a sound Plan.

10. **Establishment of the Brent Health and Wellbeing Board**

The Health and Social Care Act 2012 requires that the Council appoints a Health and Wellbeing Board, the membership of which is largely set out in statute. The purpose of the Board was to assess the health needs of the Brent population and produce a strategy to address those needs and to encourage the provision of integrated health and social care services. Members considered a report on the establishment of such a board.

Councillor Lorber urged Council not to accept lifting the proportionality rules because he felt the credibility of the board would be undermined if all three political groups on the Council were not represented on the board. He stated that as much business as possible put before the board should be dealt with in public by as wide a representative body as possible. He questioned where the opportunity would be for the opposition to challenge its work if there was only minimal opposition representation on the board. Councillor Kansagra broadly supported the point made and added that it was clear that decisions would be taken by the majority party. Councillor Butt responded saying that the board had a responsibility to produce a strategy and so needed clear leadership. It also had to meet the requirements of the legislation on who served on the board and it was clear from information from other boroughs that the proposals were in keeping with arrangements made elsewhere.

RESOLVED:

- (i) that the Health and Wellbeing Board be established as a committee of the Council with the terms of reference and membership set out in paragraphs 3.7.1 and 3.5.2 of the report circulated;
- (ii) that the proportionality rules be dis-applied to the Health and Wellbeing Board and Councillors R Moher (Chair), Crane, Hirani, Pavey and HB Patel be appointed for the remainder of the municipal year 2013/14;
- (iii) that the Health and Wellbeing Board be consulted on the proposed voting arrangements for the Board set out in paragraph 3.3.6 of the report submitted;
- (iv) that the consequential amendments to the Council's constitution arising as a result of the report submitted be made by the Director of Legal and Procurement upon the final decision being made regarding voting arrangements.

(Councillors Ashraf, Brown, Cheese, Cummins, Hashmi, Hopkins, Hunter, Leaman, Lorber, Matthews and CJ Patel wished it recorded that they had voted against resolution (ii) above).

11. Changes to health scrutiny

The report before Council explained that the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 which came into force on 1 April 2013 made some changes to the Council's health scrutiny role and the Council now had a choice about how it would carry out those functions.

RESOLVED:

that the recommendations in paragraphs 3.2 and 3.9 of the report submitted be agreed and that the Director of Legal and Procurement make the consequential changes to the Constitution.

12. Review of and changes to the constitution

The report before Council set out changes recommended following a detailed review of certain parts of the Constitution; most particularly delegations to officers, operation of Full Council, and call in arrangements. It also addressed recommended changes of a more administrative nature and those arising from changes in the law.

Councillor Butt proposed the recommendations in the report be agreed subject to the removal of the final sentence shown in the tracked change for Standing Order 77A on page 92 of the summons.

Councillor Lorber moved that the sub-committee proposed in Standing Order 77A (vi) be five members politically balanced as 3-1-1. This was put to the vote and declared LOST.

RESOLVED:

- (i) that the recommended changes to the Constitution shown as track changes in Appendix 1 to the report submitted be agreed, which reflect the changes recommended under the review and such changes to come into immediate effect save for those in resolution (ii) below;
- (ii) that the recommended changes in paragraphs 3.3.6 and 3.3.7 of the report submitted concerning changes to the thresholds for officer decisions in respect of contracts and property come into effect from 1 October 2013;
- (iii) that the recommended changes to the Constitution shown as track changes in Appendix 2 of the report submitted be agreed, which reflect the changes recommended to accord with administrative or legal changes.

13. Appointment of permanent Chief Executive

The report before Council concerned the proposed timescale for appointment to the Chief Executive post and consequential interim arrangements.

Councillor Lorber argued for the appointment of a permanent Chief Executive and against the continuation of an interim appointment. In response Councillor Butt referred to the circulated report which explained how the Council would be able to attract the best person for the job and in the meantime was able to retain a capable interim individual.

RESOLVED:

- (i) the proposed timescale for recruitment to the permanent Chief Executive role as outlined in the report submitted be agreed;
- (ii) that the interim Chief Executive continues in post, as set out in the body of the report submitted, until a permanent appointment is made.

14. **Motions**

14.1 **Co-operatives**

Co-operatives

Councillor Pavey moved the motion circulated under his name by thanking his colleagues for supporting the use of co-operatives. He stated that the Council needed to work more with co-operatives and reverse the past lack of support provided. He felt the motion offered a statement of intent that the Council believed that a robust model for co-operatives and mutuals would be able to deliver some Council services.

Councillor HB Patel supported the motion and believed it represented the more socially responsible form of capitalism pursued by the Government. It gave people a stake in a business which they then felt worthwhile putting the effort into.

The motion was put to the vote and declared unanimously CARRIED.

RESOLVED:

- (i) that the Council believes it is essential that the community and workforce are deeply involved in the design and delivery of the services the Council provides and that the use of cooperatives and mutuals in particular can lead to improved services that much more closely reflect the needs of the local community;
- (ii) that cooperatives and mutuals can be much more cost effective than traditional models of service delivery and also provide improved outcomes for local residents, which is more important than ever in the face of on-going radical cuts to local government budgets;
- (iii) that there be a commitment to fully investigating the use of cooperatives and mutuals in all service areas and that every effort be made to support their

development and capacity to deliver services wherever possible across the Council;

- (iv) that the pledge to promote credit unions in Brent, community based organisations offering access to affordable credit and promoting saving, be confirmed.

14.2 Blacklisting

The motion circulated in Councillor Hector's name was put to the vote and declared CARRIED.

RESOLVED:

that the practice of blacklisting by contractors be condemned and a condition be added to the Council's standard contracting terms that if a contractor is found to have used blacklists, this will be treated as a fundamental breach of contract and the Council will reserve the right to terminate the contract and sue for damages.

14.3 Enforcement against dog-fouling and fly-tipping

The original motion submitted for debate in the names of Councillors Hunter, Lorber, Hopkins and Hashmi had been ruled legally unsuitable and the Mayor therefore invited the above motion to be submitted for debate. Councillor Lorber moved the suspension of standing orders to allow councillors to challenge the officers' legal advice. This was put to the vote and declared LOST.

Councillor Hopkins moved the motion circulated under her's and Councillors Ashraf, Beck and Brown's names. She stated that fly tipping was on the increase, however her ward stayed clean because local people monitored and reported on the situation. Nevertheless greater enforcement against fly tippers was needed. She also referred to dog fouling in parks that presented a health hazard to children. She submitted that current enforcement against dog owners was poor and that higher fines were needed to act as a deterrent.

Councillor Mashari agreed both issues raised under the motion were serious. Referring to dog fouling, she stated that action was taken to clear it when it was reported. If there was a particular area of concern she asked to be informed so action could be taken. The maximum fine allowed for dog fouling was £80 and the Council's current fine was set at £75 so there was not much room for increasing the deterrent. She went on to refer to dangerous dogs, status dogs and dog fighting as other issues that needed to be dealt with. It was an important part of the work of the park wardens to educate people so that they better understood the need to control their dogs. Regarding fly tipping, Councillor Mashari referred to the free bulky waste collection service which not all Councils provided and which the Council could therefore be proud of.

The motion was put to the vote and declared LOST.

14.4 Brent Housing Partnership Board

Councillor Kansagra moved the motion submitted in his name. He asked that the membership of the board be reconsidered to allow for opposition representation.

Councillor Butt stated that within every organisation there had to be change and Brent Housing Partnership was no exception. The situation would be under constant review but he could not support the motion at the present time.

Councillor Lorber submitted that for Brent Housing Partnership to be regarded as a credible organisation it needed to have representation from all three of the political groups on the Council. He referred to the past when the Conservative Group had been happy to accept a place but only now that the place was being taken away did it submit a motion on the matter.

The motion was put to the vote and declared LOST.

15. **Urgent business**

None

The meeting closed at 9.43 pm

COUNCILLOR BOBBY THOMAS
Mayor