



Brent

SUMMONS TO ATTEND COUNCIL MEETING

Monday 2 March 2015 at 7.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

To the Mayor and Councillors of the London Borough of Brent and to each and every one of them.

I hereby summon you to attend the MEETING OF THE COUNCIL of this Borough.

CHRISTINE GILBERT
Chief Executive

Dated: Friday 20 February 2015

For further information contact: Peter Goss, Democratic Services Manager
020 8937 1353, peter.goss@brent.gov.uk

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democracy.brent.gov.uk

**The press and public are welcome to attend this meeting
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Agenda

Apologies for absence

Item **Page**

1 Minutes of the previous meeting 1 - 12

2 Declarations of personal and prejudicial interests

Members are invited to declare at this stage of the meeting, any relevant personal and prejudicial interests and discloseable pecuniary interest in any matter to be considered at this meeting.

3 Mayor's announcements (including any petitions received)

4 Appointments to committees and outside bodies and appointment of chairs/vice chairs (if any)

5 Budget 2015/16 and Council Tax Circulated separately

On 23 February Cabinet considers the Budget and Council Tax 2015/16 report. Cabinet will ask Full Council to approve the recommendations included in the report submitted or as amended at the meeting. The report submitted presents a summary of the further work that has been undertaken in order to reach the budget proposed, and the reasons for the proposals.

Ward Affected: All Wards **Contact Officer:** Conrad Hall, Chief Finance Officer
Tel: 020 8937 6528
conrad.hall@brent.gov.uk

6 Brent's Borough Plan 2015-2019 13 - 36

The report submitted sets out – through its attached appendix – the final draft of the proposed Brent Borough Plan for 2015 - 2019. The Borough Plan constitutes a community strategy for Brent and sets out how the Council, its partner services, local residents, local business and the voluntary and community sector will, working together, improve the quality of life for local people. The priorities and the promised outcomes identified are firmly rooted in what local people have told us they believe to be the most important things to be achieved.

Ward Affected: All Wards **Contact Officer:** Christine Gilbert, Chief Executive

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christine.gilbert@brent.gov.uk

7 Old Oak and Park Royal Development Corporation Scheme of Delegation 37 - 62

The report submitted seeks agreement for the Old Oak and Park Royal Development Corporation (OPDC) Scheme of Delegation. The Scheme is an arrangement between the OPDC and the London Borough of Brent, which formalises the delegation of certain planning functions from the OPDC to London Borough of Brent in those parts of the OPDC area that fall within the borough boundary.

Ward Affected: Alperton;
Harlesden;
Kensal
Green;
Stonebridge;
Tokyngton

Contact Officer: Claire Jones, Principal
Planner in Policy and Projects

Tel: 020 8937 5301

claire.jones@brent.gov.uk

8 Pay Policy Statement 63 - 76

The purpose of the report submitted is to inform Members of the arrangements that have been put in place in Brent Council to meet the requirements of the Localism Act to produce a pay policy statement on an annual basis.

Ward Affected: All Wards

Contact Officer: Cara Davani, Director,
HR

Tel: 020 8937 1909

cara.davani@brent.gov.uk

9 Updates to the Constitution 77 - 128

The report submitted proposes amending the Constitution to reflect the senior manager restructuring agreed by the Cabinet, and to address changes in the law in relation to procurement. There is also a minor change in relation to meetings of Teachers' Joint Consultative Committee.

Ward Affected: All Wards

Contact Officer: Fiona Alderman, Chief
Legal Officer

fiona.alderman@brent.gov.uk

10 Urgent business

At the discretion of the Mayor to consider any urgent business.



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.



LONDON BOROUGH OF BRENT

Minutes of the ORDINARY MEETING OF THE COUNCIL
held on Monday 19 January 2015 at 7.00 pm

PRESENT:

The Worshipful the Mayor
Councillor Kana Naheerathan

The Deputy Mayor
Councillor Lesley Jones B.Ed MA

COUNCILLORS:

Agha	Ahmed
Allie	Bradley
Butt	Carr
Chohan	S Choudhary
A Choudry	Colacicco
Collier	Colwill
Conneely	Crane
Daly	Davidson
Dixon	Duffy
Eniola	Ezeajughi
Farah	Filson
Harrison	Hirani
Hoda-Benn	Hossain
Hylton	Kabir
Kansagra	Kelcher
Khan	Long
Mahmood	Marquis
Mashari	McLeish
McLennan	Miller
Moher	J Mitchell Murray
Nerva	M Patel
RS Patel	Pavey
Perrin	Shahzad
Ms Shaw	Ketan Sheth
Krupa Sheth	Southwood
Stopp	Tatler
Thomas	Warren

Apologies for absence

Apologies were received from: Councillors Aden, Denselow, Hector, Oladapo and Van Kalwala

1. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 8 December 2014 be approved as an accurate record of the meeting subject to the following amendments:

- Minute 1: Minutes of the previous meeting – that it be recorded that Councillor Warren moved an amendment to minute 6: Deputations, which was put to the vote and declared LOST.
- Minute 6: Report from the Leader or members of the Cabinet – 2nd paragraph, 8th line Wembley High Technology College corrected to read 'Wembley Primary School'.

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

None declared.

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

The Mayor began by wishing everyone a Happy New Year and good health for 2015. He welcomed the family of the late Bhiku Patel who were in attendance at the meeting.

He announced the sad news that Members were already aware of, that Councillor Bhiku Patel had recently passed away while in India. He expressed the shock felt by those that knew him of his sudden death. His thoughts were with the family at such a difficult time. The Mayor stated that Bhiku Patel was a committed family man with strong moral values and principles. He was very hard working with a caring ethos, and as a compassionate councillor the people of Kenton would certainly miss him. He referred to those in the Hall that had lost a very good friend.

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Members and all those present at the meeting stood in silence for one minute in memory of Bhiku Patel.

The Mayor invited members to speak on behalf of their groups. Councillors Kansagra, Colwill, Butt, Shaw and R Patel paid tribute to their former colleague.

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The Mayor also announced that former councillor, David Unwin, had recently passed away. David Unwin was first elected to the Council in 1971 and represented Church End ward and was also an active board member of BHP.

The Mayor reminded councillors that the Brent Holocaust and Genocide Memorial was being held on 27 January at 7.00pm at the Civic Centre. This was an opportunity to remember those who lost their lives during the Holocaust and those affected by genocide all over the world. It was a non-faith event which was open to all to attend.

The Mayor referred to the numerous recent tragic events that had occurred worldwide, the effects of which had been felt by everyone at the meeting and

beyond. He asked that everyone stand in silence for one minute to remember all those whose lives had been touched by terror, most recently the people of France.

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Members and all those present at the meeting stood in silence for one minute.

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The Mayor announced that new web casting arrangements were in place for meetings of Full Council.

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

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

RESOLVED:

that Councillor Davidson be appointed to the Alcohol and Entertainment Licensing Committee in place of Councillor Warren.

5. **Report from the Leader or members of the Cabinet**

Councillor Butt reported on the proposed Mayoral Development Corporation (MDC) for Old Oak Common. He stated that the Council been working hard with Hammersmith & Fulham and Ealing Councils to make sure the views of each borough were heard. For Brent this meant ensuring representations around Crossrail and the link to Wembley Central were kept high on the agenda. Two Housing Zone bids for Alperton and Wembley had been submitted which linked to making Wembley Central a critical transport hub. With the proposed provision of around 24,000 homes within the MDC the Council needed to make sure that different types of tenure were made available to maximise the provision of affordable housing. Councillor Butt added that efforts were also being made to ensure residents of Brent benefited from the potential jobs available.

Councillor Pavey updated Members on the budget consultation carried out in light of the Council having to make an additional £54M savings over the next two years. He reported that he was part of a delegation from Brent that had met with Minister for Local Government, Chris Hopkins, MP to explain the destructive impact this was having on Brent but there could be no change expected from the Government. The Council was working with the local community to decide which services to protect. This amounted to a genuine consultation exercise with £60M savings identified from which £54M was required.

Councillor Hirani reported from the first meeting of the Health Commission, chaired by Michael Mansfield, QC, jointly established with Ealing, Hammersmith & Fulham and Hounslow Councils. Changes in the North West London health economy continued to impact local residents and so he submitted it was very important to look at what had gone wrong and what interventions needed to take place so that local people had a service that met their needs. Councillor Hirani updated Members on the implementation of the Care Act which would fundamentally change the way the Council delivered social care over next two years. Some aspects of the Act were positive but the financial elements were already starting to unravel to the

detriment of vulnerable people and councils were expected to make up shortfalls at the same time as being asked to make massive cuts.

Councillor McLennan reported that landlord licensing had become an enforcement issue from 1 January 2015. To date the Council had received 3,100 applications for licences and would be seeking to enforce the licensing provisions. There was a good dialogue being established with landlords and estate agents. She made reference to the crisis in the provision of temporary accommodation in the private rented sector and the shortage of council homes. The Council was out to tender for partners to provide temporary accommodation – two areas were being considered, a housing association lease scheme and provision of generic private rented housing. Councillor McLennan stated that joint work between the Children and Young People service and Property and Projects service was being carried out to provide the additional school places needed by expanding a number of schools within Brent. Finally she reported on the eco green deal for which the Council had been selected with Havering, Hounslow and Newham to participate in the London Mayor's energy grant scheme which had been launched that day.

Councillor Moher reported on a reduction in the number of children out of school with 98 children currently without a school place but only 26 of those having not been offered a place and this figure was expected to reduce. Further to Councillor McLennan's report, she stated that several school expansion projects were out for consultation with the schools under consideration being Byron Court Primary, Elsley Primary, Islamia Primary, Leopold Primary and Oakington Manor Primary. Councillor Moher reported that improvements had been made in the recruitment of social workers in an effort to reduce caseloads. She stated that the Council expected to be notified of an OFSTED inspection in the near future. Finally, she reported that through the innovations fund project the Children and Young People service would be improving the way children were kept safe and develop new ways of working with families.

6. Deputations (if any)

None.

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

Councillor Davidson stated that all Brent Conservatives - both within and outside the Council - welcomed the 37% fall in job seekers allowance claims (JSA) from 9,640 in 2010 to the latest figure of 6,060; also welcome was the consequent record level of employment in Brent. He asked if Councillor Butt welcomed this and if he would join in congratulating those Brent residents who had now found jobs for themselves and their families as a result of the Government's long-term economic plan? Councillor Butt replied that he was glad to acknowledge the achievements of the Council in working and delivering for local residents. The regeneration, employment and enterprise teams were working with the borough's major employers through skills and employment courses, trainee programmes, apprenticeship schemes and Wembley Works all helping to make sure that local residents were getting into employment.

Councillor Colwill asked how much the Council had paid out to top up the housing support scheme for those not able to pay their full rent? Councillor Pavey

responded that the question asked was not the one given notice of and so he undertook to arrange for a written reply to be sent to Councillor Colwill. In response to the question he had given notice of, which asked how much the Council expected to receive in 2015/16 in extra council tax payments from the new homes built across the Borough and from the projection of the future builds, or those in the process of being built, Councillor Pavey replied that it was anticipated that the Council would get an additional £0.5M Council Tax in 2015/16 from the construction of new housing and the same again in 2016/17. Over two years this would lead to an increase in revenue of more than a 1% increase in Council Tax which showed that building new homes was not just socially good but financially sound as well.

Councillor Shahzad stated that Northwick Park hospital had seen the longest waiting times in London for patients with the most severe conditions and asked if this was categorical evidence that the NHS was facing a crisis. Councillor Hirani replied that he agreed that the NHS was at crisis point and referred to waiting times at Northwick Park Hospital A&E continuing to be the worst in the country. He stated that more puzzling was that with the changes to urgent care and the triage system there were actually fewer individuals going through the A&E casualty unit as more people went to urgent care centres. His thoughts were with the dedicated NHS workforce who had gone through a tough top down re-organisation that was not wanted or needed. He added that what was needed was the whole person care alternative proposed by the Labour Party.

Councillor Southwood referred to the Government announcement that it was to cease all support to the most vulnerable members of the community by abolishing Local Welfare Assistance from April this year. She asked which Brent residents would suffer the most from this decision and what steps the Council was taking to protect them? Councillor Mashari replied that the scrapping of local welfare assistance formed part of the Government's assault on the provision of help and assistance to the most vulnerable members of the community. Many authorities would feel the impact and instead of scrapping in-work benefits the Government could help incentivise employers to pay the living wage. The Council had budgeted to continue to deliver the present scheme for the current year so as to avoid any sudden withdrawal of assistance and would be carrying out a fundamental review of the scheme alongside the Council Tax Support Scheme to maintain a safety net as far as the Council could. She added that the suggestion by Government that the impact could be covered by the Council's general budget given the scale of cuts the Council faced was simply ludicrous.

Councillor McLeish submitted that the regeneration of Harlesden town centre was really improving the appearance of the local area and asked for confirmation of when the scheme would be complete and when the Jubilee Clock would be returned to its rightful place at the heart of the community. Councillor Crane replied that work on the Harlesden Town Centre regeneration scheme started in May 2013. It was a £4M programme designed to make Harlesden a more pedestrian friendly environment and followed extensive consultation. The Jubilee Clock was to be relocated a few metres from its original location on 7 February 2015. The clock dated back to 1887 and had been completely renovated. Councillor Crane was impressed with the scheme but acknowledged one or two teething problems especially on introducing the new parking restrictions. The official unveiling of the clock would take place on 14 February between 10am and 4pm. He extended a

welcome to all members of the council at the actual unveiling at 3pm to celebrate the job done in Harlesden.

Councillor Dixon stated that 20 million people currently had to wait over a week for a GP appointment and asked if it was agreed that Labour's pledge to guarantee a GP appointment within 48hrs would make a real difference to the health and well being of Brent residents. Councillor Hirani agreed absolutely and referred to his answer earlier in the meeting to Councillor Shahzad. He stated that people could not get an appointment with their GP and this resulted in more people presenting themselves at urgent care centres and A&E units. He stated that this situation was made worse by the top down re-organisation and complicated funding arrangements put in place. The Labour alternative would be to move these arrangements to a local footing.

Councillor Choudry asked if, despite the Government's assertion that its economic policy had improved the situation in the country, Brent would be facing such a harsh budget settlement if the Government's economic strategy had not been such a failure. Councillor Pavey replied that if the Government had met its targets to balance the books this year then no further cuts would have been necessary. Instead the Government was borrowing £90B extra this year and making the people of Brent pay the price for this by cutting the Council's budget by £54M. He stated that the country was subject to the slowest of economic recoveries with real wages falling and whilst there might be a statistical economic recovery, the people of Brent were not feeling it.

Councillor Kelcher stated that the Government had outlined its plans that would take local government spending back to 1930s levels. He asked for an outline of the services provided to Brent residents today which councils did not provide in the 1930s and whether Brent residents would like to return to this level of service provision. Councillor Butt replied that that none of the borough's residents would want to go back to the 1930's but public spending was predicted to fall to its lowest level as a proportion of GDP since the 1930's. He stated that the Government had taken the country backwards by 100 years to the point where the NHS did not exist. There had been a drastic rise in the use of food banks. He expressed a fear of what the Government was doing with the cutbacks on council spending affecting the most needy. Services under threat included children services, health, adults social services, housing and the environmental services. However, as a Labour Administration, the Council was seeking to protect these services for the most needy.

8. Report from the Chair Scrutiny Committee

No written report had been submitted but Councillor Choudry reported on the work undertaken by Councillor Nerva and his colleagues on the Individual Electoral Registration task group and looked forward to comments and feedback once the report had been published. He also referred to the work undertaken by Councillor Southwood and her colleagues on the Pupil Premium task group which would soon be publishing its interim report. Councillor Choudry referred to the ongoing work by Councillors Daly, Colwill and others looking into aspects of the NHS. Members had been to see the new A&E unit at Northwick Park hospital and had discussed issues with the London Ambulance service. It was clear that there was still a lot of work to

do, especially during the winter pressure period. Councillor Choudry concluded by stating that the scrutiny function was covering a lot of issues and working well.

9. Wembley Area Action Plan

The report before Members explained that the Council had received an Inspector's report into the Examination of the Wembley Area Action Plan Development Plan Document and that the Inspector had found the document sound, subject to recommended changes being made.

RESOLVED:

that the Wembley Area Action Plan Development Plan Document be adopted with the recommended changes set out in Appendix 1 of the report.

10. Sudbury Neighbourhood Plan

The report submitted provided an overview of the process which Sudbury Town Residents' Association had followed to date in producing the draft Sudbury Town Neighbourhood Plan. On 13 October 2014 the Cabinet agreed the draft Sudbury Town Neighbourhood Plan for public consultation and then, subject to Full Council approval, to submit the draft Plan for examination. The consultation period had now closed and details of comments received were summarised at Appendix B to the report.

Members congratulated the Sudbury Town Residents Association, some of whom were present at the meeting, for their hard work in getting the plan to the stage it was now at and commented that it was one of the first of its kind in the country

RESOLVED:

that an independent examiner be appointed and that the draft Sudbury Town Neighbourhood Plan be submitted for examination.

11. Shared Internal Audit Services

The Mayor submitted that the report before Members should be withdrawn to allow officers to conduct further research and carry out a fuller review of all the options available.

RESOLVED:

that the report be withdrawn.

12. Proposed Local Council Tax Support Scheme for 2015/16

The report before Members set out a recommended Local Council Tax Support Scheme for 2015/16 based on the experience from the first two years of the local scheme and continuing to achieve a financially neutral position.

RESOLVED:

- (i) that the Local Council Tax Support Scheme remains unchanged in year 3 of the scheme (2015/16) except for the provisions in paragraph 2.1.4 of the report;
- (ii) that in approving the recommended scheme for 2015/16, the applicable amounts, allowances and non-dependant deductions (not relating to pensioners) be not uprated in the local scheme;
- (iii) that any upratings to the government-prescribed scheme (i.e. for pension-age claimants) be actioned;
- (iv) that the changes introduced in 2014 for Housing Benefit in respect of EEA nationals be mirrored in the CTS scheme from April 2015;
- (v) that a fundamental review of the scheme be undertaken during 2015 with the revised scheme having an implementation date of April 2016.

13. **Updates to the Constitution**

The Protocol for Member/Office Relations and the Local Code of Corporate Governance had been reviewed and some amendments were proposed. The report also proposed some minor amendments in relation to Contract Standing Orders concerning the procurement of Low Value Contracts.

Councillor Warren moved amendments to the recommendations seeking to amend the proposed Protocol for Members/Officer Relations and stated that he believed his proposal would give staff more confidence in moving forward. This was put to the vote and declared LOST.

RESOLVED:

- (i) that the changes made to the Protocol for Member/Officer relations attached as Appendix 1 to the report be agreed;
- (ii) that the changes made to the Local Code of Corporate Governance attached as Appendix 2 to the report be agreed;
- (iii) that the changes to the Contract Standing Orders attached as Appendix 3 to the report be agreed.

14. **Motions**

14.1 **Housing**

Councillor Miller moved the motion circulated under Councillor Conneely's name by wishing councillors a happy rent freedom day which was to be held on 4 February. He referred to his ward of Willesden where 48% of residents rented privately and drew attention to the high cost of property in the borough and the lack of affordability for local people. He stated that there was a crisis of housing supply and a price bubble and that the Labour Party's proposals would help alleviate the situation. Councillor Warren compared the number of housing completions in the last year of the last Labour Government with the higher figure for those completed

in 2014. He accepted more houses needed to be built but submitted that this had to be within a strong economy which the current government had now created. Councillor Kansagra also compared the record of the last Labour Government which he submitted failed to meet its targets against the present government's achievements. He stated that the Government had put in place a range of measures to get the housing market building again.

The motion was put to the vote and declared CARRIED.

RESOLVED:

(i) Council notes:

- that there is a housing crisis in Britain, London and Brent, with housing completions falling to their lowest annual figures in this Parliament since the Second World War;
- that the price of the Government's failure is being paid for by the people of Brent, where almost 10,000 households are on social housing waiting lists;
- that the result is that working families are forced into an overheating private rental sector, whose rising rents cannot be covered by Housing Benefit; that when they cannot make ends meet, they are forced to leave the borough and relocate to as far as Luton, Coventry and Birmingham; that families are torn from communities, working parents are forced to abandon jobs and children's schooling is disrupted with all the potentially damaging consequences that entails;
- that as the Conservatives' and Liberal Democrats' economic plan has failed to rebalance the economy and close the deficit, their policy of encouraging private borrowing – through quantitative easing and the help to buy scheme – has further inflated house and rental prices, making the situation for Brent families even worse;

(ii) that Council welcomes the Labour Party's recognition that the only way out of this crisis is to build more homes, and to ensure that by 2020 at least 200,000 homes are being built per year in this country; that under such a plan, tens of thousands of new homes would be built in London, including Brent, each year and only action such as this will help to lead to more affordable housing, and the stability Brent's working families need to thrive.

14.2 **No confidence vote in Councillor Butt**

Councillor Warren moved the motion circulated in his and Councillors Davidson and Shaw's names by referring to the four Labour leaders he had faced during his spells on the Council. The motion sought to criticise Councillor Butt as Leader of the Council and to encourage other councillors to remove him. It also sought to remove Standing Order 13. Councillor Stopp responded by contrasting the motion from three councillors who had split from their own party and asked who they had confidence in. He referred to the difficult times the Council was going through and the challenges this presented to the Leadership. He sought to unite as Brent

Council to protect local hard working people. Councillor Davidson supported the proposed motion by emphasising what he saw as a concentration of power and a resistance to any opposition. Councillor Kansagra submitted that it was a democratic society and that the Labour Group had agreed to appoint the Leader for four years and, if it decided to change this, it would. The position was up to Labour and the Council did not need to interfere.

The motion was put to the vote and declared LOST.

In accordance with Standing Order 47(c) Councillor Warren called for a recorded vote which was recorded as follows:

In accordance with standing order 47(c), Councillor Warren called for a recorded vote on his proposal and voting was recorded as follows:

For	Against	Abstain
Councillors Davidson, Shaw and Warren (3)	Councillors Agha, Ahmed, Allie, Bradley, Butt, Carr, Chohan, Chouhary, Choudry, Colacicco, Collier, Colwill, Conneely, Crane, Daly, Dixon, Duffy, Eniola, Ezeajughi, Farah, Filson, Harrison, Hirani, Hoda Benn, Hossain, Hylton, Jones, Kabir, Kansagra, Kelcher, Khan, Long, Mahmood, Marquis, Mashari, McLeish, McLennan, Miller, J Mitchell Murray, Moher, Nerva, M Patel, R Patel, Pavey, Perrin, Shahzad, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Tatler and Thomas (52)	The Mayor and Deputy Mayor (2)

14.3 Friends of Preston Library

Councillor Kansagra moved the motion circulated in his and Councillor Colwill's names saying that it was submitted in light of discussion taking place between the Council and the Friends of Preston Library. The motion sought to begin the process of handing the Preston Road library over to the group. Councillor Warren expressed his support for the motion and criticised the library closure programme carried out by the previous Council administration. Councillor Mashari responded that the process of handing over the building had already started. Discussions had been held with the Friends of Preston Library, the building had been refurbished to provide additional temporary classrooms for Preston Park Primary school but the

permanent expansion of that school was now complete so an assessment was now being carried out on whether the building was still needed for additional school places. If it was decided that the building was surplus to educational requirements then there was the option to use the building as a community asset.

The motion was put to the vote and declared LOST.

15. **Urgent business**

None.

The meeting closed at 8.45 pm

COUNCILLOR KANA NAHEERATHAN
Mayor

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Full Council
2 March 2015

Report from the Chief Executive

For Action

Wards affected:
ALL

Brent Borough Plan, 2015 - 2019

1. Summary

1.1 This report sets out – through its attached appendix – the proposed Brent Borough Plan for 2015 - 2019. The priorities and targets set out with the plan have been informed by an extensive programme of engagement and consultation with residents, partners, the voluntary and community sector, local businesses and Members over the past three months. The priorities within the Plan build upon the Council's commitment to fairness, driving local economic growth and creating strong communities. The Brent Borough Plan provides:

- a shared vision for the borough and the priorities for making sure that vision is achieved
- the promises and specific outcomes on which we will be concentrating over the period from April 2015 – to January 2019.

1.2 The Cabinet considered the Draft Borough Plan at their meeting on 15th December 2014. Since that date, the draft document has been the subject of detailed discussion with partners in the statutory and voluntary sectors. Their comments have been incorporated to the final Borough Plan 2015 – 2019. The meeting of the Local Strategic Partnership on 11th February 2015 endorsed the final version of the Brent Borough Plan 2015 – 2019. Partners are now focusing on developing joint approaches to addressing the agreed priorities set out within the Borough Plan.

1.3 The Borough Plan constitutes a community strategy for Brent and sets out how the Council, its partner services, local residents, local business and the voluntary and community sector – will, working together, improve the quality of life locally. The priorities and the promised outcomes identified are firmly rooted in what local people have told us they believe to be the most important things to be achieved.

2. Recommendations

Members of Full Council are asked to:

- agree the Borough Plan for 2015-2019

- give authority to the chief executive to make any minor changes before publication.

3. Detailed considerations

- 3.1 The Council has a key role in overseeing the borough Plan for Brent, which sets out the community strategy for the borough. The Borough's Local Strategic Partnership, Partners for Brent, has a key role in this.
- 3.2 The Borough Plan 2015 - 2019 details the priorities and specific targets on which the Council and its partners intend to concentrate for the period to January 2019.

Challenges and context for the Borough Plan 2015 – 2019

- 3.3 The next four years will be the most critical period of change that local government has experienced in recent decades and a key moment to redefine the role and relationship it has with both residents and partners. As we experience continued reductions in central government funding, the Council will need to build a strong consensus on those services which are local priorities, innovate and work across service and organisational boundaries to maximise efficiencies and develop capacity within local communities to build on their strengths to become more resilient.
- 3.4 The Council will need to redefine its role as a direct provider of services and focus its resources on building relationships and influence across the public, community and business sectors to ensure the best for Brent. Within this context, the Borough Plan 2015 – 2019, provides the basis on which to shape the strategic partnership agenda for Brent and gives the vision and narrative to create ownership and commitment to the plan's priorities across all sectors.

Public Consultation on Developing the Plan.

- 3.5 Since September 2014, the Council and its partners have undertaken an extensive public consultation exercise to better understand the priorities and aspirations of local people for them and their families, also for Brent as a place.
- 3.6 There have been a variety of ways that local people could contribute their views and priorities to the Borough Plan. These covered:-
 - A call for evidence on the Council and key partners' websites, which as people to respond to four key questions on their service priorities, where the council could reduce expenditure and ways that they could contribute to making Brent a better place to live. 210 people responded with their views and comments.
 - A self-fill questionnaire asking the same four questions distributed at libraries and community venues.
 - A series of discussions conducted at all five Brent Connects forums, seeking people's feedback on local priorities and actions to engage people in the local neighbourhoods. These were attended by 185 residents.
 - 11 independently facilitated focus groups, including two with young people aged 11 – 19 years. Participants in the focus groups were recruited based on a demographic profile to ensure that they were representative of the wider population. In total, 350 people took part in these focus groups, including 64 young people.
 - The Residents' Attitude Survey covering 2,100 interviews with local people, again structured to reflect the demographic profile of the population.
 - The CVS has run five workshops with local community groups.
 - Strategic Directors held discussions with local partnership networks and stakeholders.

- Local businesses were invited to a number of business breakfast discussions.
- 3.7 Residents were very receptive to the various consultation events and welcomed the opportunity to shape the future of Brent. While peoples' priorities may vary, there was a consistent message that they enjoy living in Brent and have a strong sense of community and neighbourhood identity. They described Brent as a friendly, inclusive place and value the cultural, ethnic and religious diversity of the area. These are strengths that should be developed and sustained in our future plans.
- 3.8 Analysis of residents, businesses and partners responses have shaped the three priorities of the Brent Borough Plan and the individual actions which sit underneath the priorities:
- Better lives
 - Better place
 - Better local
- 3.9 Details of the priorities identified during the consultation are set out within each section of the Brent Borough Plan. The draft Borough Plan 2015 – 2019 was considered by Cabinet on 15th December 2014. A further period of consultation with partners on the draft document has been undertaken since December and their comments have been reflected in the final document. Partners endorsed the priorities at their meeting on 11th February 2015.

Making the Vision Happen - The Borough Plan and the planning framework

- 3.10 Planning is a major thread running through all organisations. It enables them to set objectives and priorities, turn policy decisions into action, decide how best to allocate resources, and review results so that learning feeds back into the decision-making process. It is through an effective planning framework, with clear processes for monitoring and evaluating progress that all stakeholders can understand exactly what goals are being worked towards and assess progress towards them. Partners will need to integrate the relevant aspects of the Borough Plan into their own planning frameworks. For the Council, the Borough Plan will become the foundation of our strategic and operational planning.
- 3.11 There are many providers of public services in Brent, including the Council, schools, health services, the police, the voluntary and community sector, businesses. The need for better co-ordination and integration between services has become all the more important because so many of the key issues affecting local communities cut cross organisational boundaries.
- 3.12 The Borough Plan is therefore an overarching plan, which sets out the vision and priorities for the borough as a whole, and how this can be achieved by all of us – the Council, partner services, local residents, local business and the voluntary and community sector – working together. A comprehensive review of the Borough Plan will be undertaken each year and a fresh set of promised activities and outcomes identified for the following year. An Annual Report will be produced each July and a revised Borough Plan will be published each September.

4. Financial Implications

- 4.1 The Borough Plan provides the strategy framework for the Council's Medium Term Financial Strategy reflecting the Administration's priorities for the borough and response to the needs of Brent residents. Over the coming period the council will face a considerable reduction in its available resources and it is critical that budget decisions are taken within the context of a clear strategic intent, while still settling ambitious targets to improve service standards and deliver value for money.

5. Legal Implications

- 5.1 Under section 4 of the Local Government Act 2000, every local authority in England must prepare a sustainable communities strategy for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom. A local authority may modify its sustainable communities strategy from time to time. When preparing or modifying its strategy, a local authority should consult with and seek the participation of “each partner authority” it considers appropriate, and any other person the local authority considers appropriate.
- 5.2 A local authority also needs to have regard to guidance from the Secretary of State under section 4 of the 2000 Act, of any arrangements for co-operation to reduce child poverty in the local area (as set out section 21 of the Child Poverty Act 2010), any local child poverty needs assessment (as set out in section 22 of the Child Poverty Act 2010) and any joint child poverty strategy for the area (as set out section 23 of the Child Poverty Act 2010). This list of what constitutes a “Partner authority” is set out in Chapter 1 of Part 5 of the Local Government and Public Involvement In Health Act 2007 and includes, inter alia, the metropolitan police district, a joint waste authority, Transport for London, a Primary Care Trust, youth offending team, local probation board, NHS trust/foundation trust and the London Fire and Emergency Planning Authority. As stated above, it is for the local authority to decide which partner authority it considers is appropriate to consult with.
- 5.3 In table 3 of Part 4 of the Council’s Constitution, it states that the Cabinet is responsible for formulating and preparing the sustainable communities strategy and then submitting the same to Full Council for consideration and adoption or approval. The sustainable communities’ strategy constitutes part of the Policy Framework.

6. Equalities Implications

Reducing inequality of opportunity and improving the quality of life experienced by all local people is the central objective of the Brent Borough Plan 2015 – 2019. All aspects of the plan or changes to services deriving from the plan will be supported by equality assessments.

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BRENT BOROUGH PLAN 2015 - 2019**BRENT: JUST BETTER*****Building a better Brent together*****LEADER'S FOREWORD**

I am a Brent boy. I was born in Wembley, went to school in the borough and studied at Kilburn Polytechnic. I live with my wife and children in the ward I represent, Tokyngton. My children go to school in the borough. I have owned businesses in the borough, and worked my way up from an engineer to a Project Manager at BT. I care about the residents of Brent because I am one, and I'm proud to live and work here.

Most people I meet around the borough tell me they enjoy living and working here too. They choose Brent as their home because it is a lively, vibrant place, richly diverse and full of opportunities. That is as true for people whose families have been here for many generations as it is for the residents we welcome from across London, the UK and the world every day.

The talent and energy of our people, our facilities, our dynamic local enterprise, our connectivity and our location all make Brent a place of enormous potential within the powerhouse city that is London. We need to make the very best use of these assets if we are to fulfil that potential in ways that make sure *everyone* who lives and work here – including the most vulnerable – can improve the quality of their lives. This is a particular challenge when public services are facing dramatic cuts in funding from central government.

I work in politics because I want to make Brent a better place and absolutely believe it is possible, even in the face of these financial challenges. I have a passionate desire to see three things for Brent: fairness; wealth and prosperity; and a strong sense of community. The inequality and injustice I see as I travel across our borough makes me angry. I want all residents to have the opportunities and the tools they need to access work that pays a fair wage. I want to attract more jobs to Brent, guarantee our children leave school with the skills they need to access work and ensure people who are unemployed have the support they need to find work again. I believe in a fair day's pay for a fair day's work – work must pay enough for a sustainable and comfortable life. I believe that the bonds that tie us together as a community are our greatest asset, and I want to nurture and strengthen them and foster citizenship and goodwill.

I believe we all – the Council, its partner services, residents, businesses and local charities – have a responsibility to make this happen, and I believe that this document, the Brent Borough Plan provides a path for doing so. Working together, we can make Brent an even better place to live and work.

ABOUT THIS DOCUMENT

This document – the **Brent Borough Plan** – sets out how we will go about building a better Brent together. Led by the Council working with our partners in **Partners for Brent**, it is an ambitious plan for the future of the borough.

The plan is based on *your* priorities for *your* services: the things that you said matter most to you when asked in our recent wide-ranging consultation. It is a plan for working together, in genuine partnership, to build a better Brent; a plan for making Brent a better place to live in, a safe and attractive place, environmentally friendly and with good quality housing and engaging arts and leisure facilities; a plan for inclusion, for making sure that all who live and work here – including our children and young people and the most vulnerable of our residents – have better opportunities to improve their lives, to achieve, to work and to prosper, to live healthily and to be supported and cared for when they need it most. The **Borough Plan** is not only about our shared aspirations for the borough. It also sets out exactly what we intend to achieve and how we will go about achieving it.

OUR VISION

A great place to live and work

Our vision is to make Brent a great place to live and work, where people feel that they have real opportunities to change their lives for the better, where they feel that they and their children are safe and cared for and achieve well, and where they receive excellent services when they need them. A place where business and enterprise can prosper and where local people can find employment; a place with plentiful access to arts, leisure and cultural activities; a place where people from different backgrounds feel at ease with one another; a place where the principles of fairness, equality, good citizenship and respect for people and place are valued.

We intend to achieve this vision, even in the context of some of the most pressing financial challenges experienced in public services for decades.

It is an aspirational and ambitious vision: but it is one that can be achieved if everyone with a stake in the borough works together with a clear focus on our common goals and we make the best possible use of our resources. We shall have to find new ways of doing things if we are to maintain high standards of service in the face of rising demand and falling funding. We will have to stop doing things more quickly when they that are no longer having an impact. We will have to develop more targeted, tailored and localised services; and we will have to work much more in partnership.

Services and citizens working together

This will mean everyone – the council, its public service partners in the NHS, the police and fire service, housing associations, local businesses, voluntary organisations – working together collaboratively towards our common goals. It will also mean *you*, the people who live and work here – doing your bit to help make Brent an even better place to live. Mostly that will mean doing the kinds of things that the majority of you are already doing: helping to keep the streets clean and litter free, recycling, using your cars a bit less, being considerate neighbours, helping out when people are in need, parking sensibly, reporting antisocial behaviour. There are other ways of getting involved too: participating in neighbourhood watch, for instance, or volunteering. In any event, maintaining and improving the quality of life in the borough will, as always, be very much dependent on your continued good citizenship.

The **Brent Borough Plan** is a starting point for achieving our vision. It is built around the three key priorities set out below, agreed after extensive consultation with local people and organisations.

OUR PRIORITIES

1. Better lives

This means:

- making sure that local people have the best possible life chances, regardless of their starting position
- supporting local enterprise, generating jobs for local people, helping people into work and promoting fair pay
- making sure that our schools are amongst the best and that our children and young people achieve to their potential
- enabling people to live healthier lives and reducing health inequalities
- supporting vulnerable people and families when they need it.

2. Better place

This means:

- making sure that Brent is an attractive place to live, with a pleasant environment, clean streets, well-cared for parks and green spaces
- continuing to reduce crime, especially violent crime, and making people feel safer
- increasing the supply of affordable, good quality housing
- supporting good quality, accessible arts and leisure facilities.

3. Better locally

This means:

- building resilience and promoting citizenship, fairness and responsibility amongst local people and strengthening the sense of community amongst the people who live and work here
- promoting cohesion and integration amongst our communities
- making sure that everyone has a fair say in the way that services are delivered, that they are listened to and taken seriously
- making sure that inequalities in the quality of life in different parts of the borough are tackled by a stronger focus on local needs
- building partnership – between local service providers and between local services and residents – to find new ways of providing services that are more finely tailored to individual, community and local needs.

What these priorities will mean in practice – exactly what we are aiming to achieve and how we intend to go about it – is set out later in this document.

Achieving the goals of the Borough Plan will require the best possible local services. Brent's services are already good quality by most measurable standards, but we aim to make them even better: by working together to find new ways of doing things that will make services seamless, reduce duplication and provide a genuine focus on the needs of local people; and by commissioning services in a way that tailors them more effectively to individual, family and neighbourhood needs and improves value for money.

BRENT TODAY: the context and the challenges

Well-connected by public transport within one of the great world cities and home to one of the world's most iconic sporting stadiums, Brent is attracting new investment, new business, new visitors and new residents every year. This makes the borough an exciting, dynamic and vibrant place to live and work, and it brings both opportunities and challenges.

Our population

Our population has increased by 18% over the past ten years, to 312,000, and we are now the fifth largest of the London boroughs and the fourteenth most densely populated area in the country. The number of under five-year olds has increased by 37 per cent and those aged 5-19 years by eight per cent in this time, giving Brent a young population, often living in extended families.

Our communities

Brent is also one of the most culturally diverse boroughs in the UK. People from black, Asian and minority ethnic backgrounds make up 64 per cent of the total population, and we continue to welcome new communities today, such as the growing Eastern European, Filipino and Somali populations. We are proud of our historic ability to welcome different cultures, support their integration and create a context in which people from different backgrounds and cultures feel they get on well together. The cultural diversity of the borough and the cohesion between its different communities are major factors in Brent's characteristic vibrancy and dynamism.

Achieving and maintaining cohesion and promoting integration has to be worked at, however. Citizenship and good relations need to be fostered, nurtured and supported. Different communities need to work to understand each other's perspectives, and service providers must work to engage with our different communities – longer-established groups as well as new arrivals and those who are vulnerable and at risk of being marginalised – and to understand their needs.

Our economy

Most of the employment in the borough is in small and medium sized enterprises, underlining the entrepreneurial spirit of residents. Supporting these businesses to grow, identifying opportunities and developing local supply chains is vital to the new Employment and Enterprise service. New start-up spaces will be needed to support local entrepreneurs, and the burden of bureaucracy for local businesses needs to be reduced. The borough has benefited from a significant investment in regeneration in recent years, with the development of Wembley and the designer outlet and the new Civic Centre providing an outstanding community and cultural facility, while the Willesden Green Cultural Centre will provide a great cultural venue and better access to services in the south of the borough. We know that more still is needed, however, and five growth areas have therefore been identified across the borough, with capacity for new housing, jobs and better local shops and services. Local people need to benefit from the job opportunities these create.

The median household income in Brent is currently the third lowest in London. One in every three children in the borough is living in poverty, and this increases to 50 per cent in our most deprived wards. Poverty, unemployment and adult skills levels are key challenges for the borough, underpinning the pressing need to promote growth in job opportunities, to encourage and support residents to access them and to tackle inequalities.

Our housing

Brent has the fifth highest private rent levels in London, making even two bedroom properties unaffordable for many on average earnings. There is a greater reliance in Brent than many other places on benefits and social housing. For families affected by the benefit

cap, larger homes are not affordable and even two bedroom accommodation is becoming increasingly difficult to find. As a result, the government's changes to the welfare system will have a more widespread and more severe impact in Brent than in most other parts of the country. We need to tackle this by getting more people into work and by promoting and encouraging progress towards a living wage.

We also need more homes to be built and to be affordable so that we can house our growing population, and we need to make sure that all housing is of a decent standard. This will require close and constructive working partnerships between the council, housing associations, private landlords and developers.

Our health and well-being

Living in poverty generally contributes to poorer health, well-being and social isolation. Statistics show that people on low incomes are more likely to have a life-limiting health condition, take less exercise and have a shorter life. Obesity is an increasing concern, and more people are experiencing mental health problems. This happens to too many Brent residents, and more needs to be done to encourage and support healthier lifestyles, to promote and support more community participation in sports, physical and recreational activities, and to ensure prompt access to appropriate treatment. We have excellent health services in Brent, and some first class leisure and arts facilities, and we need to find new ways of making the best use of them.

Our schools

The majority of Brent's schools have been judged as good or better by Ofsted, but we need to make sure that *all* our schools are good. The attainment levels of many of our children have improved significantly in recent years: we need to make sure that this continues, and that all our children from all our communities in all parts of the borough are achieving well. And we need to make sure that our young people have the very best opportunities to improve their lives in and out of school, and are in the best possible position to move into further and higher education and employment. A rapidly rising population has also put pressure on school places, and Brent needs more primary, secondary and special places to make sure that all children get places in our schools as and when they need them.

Our safety

The level of crime in the borough has fallen significantly over the past few years. Burglary, street crime and robbery are all down. However, violent crime has increased, particularly in two or three of our wards. Domestic violence and gang activity have also increased which, as well as having a devastating effect on individuals and families, is increasing demands on services. The *fear* of crime and antisocial behaviour, moreover, remains a concern for many Brent residents. Preventing and reducing crime are key priorities, along with making sure that people feel safer and better protected on the streets and in their homes.

Our environment: our streets, green spaces, parks and transport

Brent's performance in keeping the borough's streets clean, on recycling, on maintaining our parks and open spaces in good condition, and on keeping our roads in good repair compares well with other areas. Even so, we know that we need to do better to make sure that we achieve the highest possible standards for our public realm, which people living, working and visiting want and deserve. The borough is generally well-served by local transport, but our residents want there to be more safe walking and cycling routes, and they want the buses to be less crowded. In addition, the need to improve and protect our environment for future generations has never been more pressing. We must make sure that the policies and practices of public service providers are environmentally friendly and that environmentally responsible behaviour is promoted and encouraged.

Our finances and our services

Public service finances in the borough have been well-managed. Huge savings have been made over the past four years in response to the economic climate, but the quality of most services has remained high as efficiency and value for money has improved. However, further serious financial challenges lie ahead, with public services facing dramatic cuts in funding from central government. By 2018, Brent Council's budget alone will have been cut in half. These challenges will mean more fundamental changes to the way local services are commissioned and delivered. This will almost certainly include an enhanced role for our voluntary and community sector partners, with their knowledge of our vulnerable residents and communities, and the ability of many of them to provide quality services at a good price.

The Brent Borough Plan describes how we will build on our strengths and work together to address the challenges ahead and build a better Brent for all who live and work here.

ACHIEVING OUR PRIORITIES

This section sets what we intend to achieve for each of our priorities and how we will go about it. The objectives will remain common for the life of the plan, right through to 2019, but the activities to achieve them and their associated outcomes will be refreshed every year.

Doing things differently

To achieve our objectives and maintain high standards of service in the face of rising demand and falling funding, we shall have to find new ways of doing things. The plan reflects this. We will have to stop doing things more quickly when they are no longer having an impact. We will have to develop more targeted, tailored and localised services; and we will have to work much more in partnership.

Working together

This will mean everyone – the council, its public service partners in the NHS, the police and fire service, housing associations, local businesses, voluntary & community organisations – working together collaboratively towards our common goals. It will also mean *you*, the people who live and work here – doing your bit to help make Brent an even better place to live. Mostly that will mean doing the kinds of things that the majority of you are already doing: helping to keep the streets clean and litter free, recycling, using your cars a bit less, being considerate neighbours, helping out when people are in need, parking sensibly, reporting antisocial behaviour. There are other ways of getting involved too: participating in neighbourhood watch, for instance, or volunteering. In any event, maintaining and improving the quality of life in the borough will, as always, be very much dependent on good citizenship.

Equality and fairness

In meeting these challenges and pursuing our priorities, the focus must be on equality and fairness. We need to protect the most vulnerable in our communities and improve their quality of life. This means reducing poverty levels, the inequality in wages levels, promoting the London Living Wage, and supporting independence and choice. And we need to develop practical responses to issues such as fuel debt, expensive childcare, loan sharks and poor health outcomes related to poverty. An enhanced role for our voluntary and community sector partners, with their knowledge of our vulnerable residents and communities, and the ability of many to provide quality services at a good price, will be key in ensuring that these aims are met.

THE PLAN FOR THE COMING YEAR

1. BETTER LIVES

What you told us you want:

- Local jobs which pay a living wage, with fair conditions of employment.
- Access to adult education courses that help people to progress in their employment.
- Practical help for local entrepreneurs with premises, business advice and peer mentoring.
- Help with returning to employment when you have been out of work for a while.
- A high quality education for every child, wherever they live in the borough.
- Good quality local nurseries and flexible childcare.
- Support for families in difficult times.
- Youth activities that help young people to gain life skills and successfully go on to further education or work.
- More local apprenticeships.
- Being able to get an appointment with your GP easily and quickly.
- Easy and affordable ways to keep fit and look after your health.
- More early help for people with mental health problems.
- Vulnerable people should receive care that is compassionate and lets them live with independence, choice and dignity.

What we are doing

Supporting local enterprise, generating jobs for local people, helping people into work and promoting fair pay

Outcomes to be achieved by 2019:

- Significantly increased investment and economic activity in the borough
- Employment rates at least as good as the London average
- Employment rates for young people at least as high as the London average
- Average incomes at least as high as the London average
- The proportion of local people earning at least the London Living Wage as high as the London average

What we promise to do in 2015-16

We will

- Pursue investment in Brent from the private, public and community sectors, in line with our regeneration priorities.

What we aim to achieve by April 2016

- All planning applications will have been determined within benchmark timescales, and Community Infrastructure Levy and section 106 planning gain from major developments will have been secured.
- Additional investment will have been secured through successful bids for New Homes Bonus, ESF, ERDF, Mayor's High Street Fund, Housing Zones and other external funding streams.
- New investment into the Park Royal industrial

<ul style="list-style-type: none"> • Support local Town Teams to deliver town centre improvements. • Put into effect our employment, skills and enterprise strategy and our new 'Start' service, providing vocational training linked to the skills needs of local employers. • Target employment increases in priority neighbourhoods and support the most excluded households into work. • Promote and encourage payment of the London Living wage amongst local businesses – particularly those who do work on behalf of public services. • Provide advice, information and support – including help to access employment and training – to people affected by changes to the welfare benefits system. • Make it easier for local businesses to access advice and support services. • Deliver increased local employment through our physical regeneration schemes 	<p>estate will have been secured.</p> <ul style="list-style-type: none"> • A new Property & Assets Strategy will set out how the council's property portfolio can be maximised and community asset transfer best managed. • New investment and infrastructure possibilities will have been lobbied, such as a Crossrail stop at Wembley Central. • More empty premises will have been brought back into use through the promotion of 'meanwhile uses'. • Substantive town centre improvements will have been delivered by local Town Teams. • £1 million in additional external employment and skills funding and fewer residents with 'no qualifications', with progress towards the London average. • A reduction in the overall rate of unemployment in the borough, with progress towards the London average, and a closing of the gap in employment levels between priority neighbourhoods and the rest of the borough. • A reduction in the proportion of residents earning less than the London Living Wage, and progress of average incomes towards the London average. • We will continue to target support and advice to those most affected by welfare benefit changes to help mitigate the impact of the changes on those who are most vulnerable. • There will be fewer than 150 households in temporary accommodation because of the impact of benefit capping. • A new Local Welfare Assistance scheme will be developed with voluntary sector partners • A single point of contact for advice on local business support provided by the Employment and Enterprise Team and accessible on the council website. • More new local jobs will be created each year through local regeneration schemes, totalling 5,000 by 2019.
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<ul style="list-style-type: none"> • Promote and support apprenticeships for local young people, through schemes like through Brent Council's Apprenticeship Programme" • Use our purchasing power to secure the best value for money, and to benefit the social and economic well-being of the borough 	<ul style="list-style-type: none"> • Create 100 intermediate, advanced and Higher-level apprenticeship job opportunities with the council. • Provide 20 apprenticeship job opportunities for looked after children. • Additional local apprenticeships, training opportunities and employment will have been created through our procurement principles and supply chains.
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<p>Making sure that our children and young people have access to the best education and training, achieve to their potential and have the best start in life</p> <p>Outcomes to be achieved by 2019:</p> <ul style="list-style-type: none"> • All local children will have appropriate school places • All Brent schools will be rated as good or outstanding • Attainment levels will be amongst the best in London for all age groups • The proportion of young people not in employment, education or training will be amongst the lowest in London 	
<p>What we promise to do in 2015-16</p>	<p>What we aim to achieve by April 2016</p>
<p>We will:</p> <ul style="list-style-type: none"> • Provide sufficient school places in all sectors. • Work with the Brent Schools Partnership and other education partners to support and challenge local schools to ensure that all of them provide a high quality education. • Work with partners to ensure that our 18 year olds get the qualifications and skills they need to succeed in life 	<ul style="list-style-type: none"> • 1785 additional primary school places will be available for local children for September 2015, and 2940 primary school places available for September 2016, with enough reception places available for all who need them by July 2016. • Fewer pupils with special educational needs will require out of borough placements. • All primary, secondary and special schools in the borough to be rated 'good' or 'outstanding' by Ofsted by 2017. • At least 95% of all schools in the borough will have attendance rates above the national average. • The Level 3 Average Point Score per student will be at least 20 points above the national average • 100% of looked after children have up to date

<ul style="list-style-type: none"> • Provide the best quality support to ensure that all Looked After Children achieve their potential • Provide a high quality education for children with special educational needs and disabilities • Provide young people with the support they need to improve their lives. 	<p>education plans in place</p> <ul style="list-style-type: none"> • For the year 2016, our looked after children will have achieved 5 or more A* to C grades (excluding English and Maths) at GCSE at a rate above the London average. • For the year 2016, our looked after children will have stayed on in education, training or have obtained employment at age 17 • All special schools will be 'good' or 'outstanding' • All children with statements of special educational needs transition to Education, Health and Care Plans by September 2015. • No more than 4.6% of young people are not in education, employment and training (NEET).
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<p>Enabling people to live healthier lives and reducing health inequalities</p>	
<p>Outcomes to be achieved by 2019:</p> <ul style="list-style-type: none"> • Local health services – including mental health services – will be amongst the best in London • Childhood obesity rates will be amongst the lowest in London • Health inequalities, including those related to smoking, diabetes, heart disease and substance abuse will be reduced to at least the London average 	
<p>What we promise to do in 2015-16</p>	<p>What we aim to achieve by April 2016</p>
<p>We will:</p> <ul style="list-style-type: none"> • Pursue our programme of Primary Care Transformation. • Make improvements to children's public health services. • Take action to tackle preventable ill-health and early death, especially in our most deprived communities 	<ul style="list-style-type: none"> • Seeing GPs will be easier, and more treatments will be available in a community setting. • An improved contract for the Schools Nursing service • The upward trend in childhood obesity will be halted, and the number of overweight 4 to 5 year olds reduced by 225. • A 5% increase in fluoride varnish applications to improve child dental health. • Improved targeting of smoking and tobacco services with a 5% increase in the number of people helped to stop smoking.

<ul style="list-style-type: none"> Strengthen partnership working to tackle substance misuse and sexual health Develop and implement our programme for mental health transformation. 	<ul style="list-style-type: none"> 14,000 health checks will have been offered with a take-up of at least 50%. 15 Diabetes Champions will be working amongst our communities to tackle the risk of diabetes. New joint contracts will be in place for substance misuse services; sexual health services; young people's substance misuse and sexual health services; local HIV prevention services. Successful completion of alcohol treatment will be 2% above London average rates. There will be 50 recovery champions working with patients, and the Amy Winehouse Foundation will be working with 5 Brent Schools. A whole system mental health and wellbeing strategic plan will be in place, covering children and young people as well as adults.
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<p>Supporting vulnerable people and families when they need it</p>	
<p>Outcomes to be achieved by 2019:</p> <ul style="list-style-type: none"> Safeguarding procedures and outcomes for vulnerable adults are judged as amongst the best in London Safeguarding procedures and outcomes for children and young people are judged as amongst the best in London Fostering and adoption outcome measures amongst the best in London Outcome measures for those identified as vulnerable to domestic violence amongst the best in London 	
<p>What we promise to do in 2015-16</p>	<p>What we aim to achieve by April 2016</p>
<p>We will:</p> <ul style="list-style-type: none"> Have zero tolerance of abuse of adults at risk. Provide effective systems to ensure access to the right advice and support for vulnerable adults, to prevent the need for long term support. To improve the early intervention services offered across health and 	<ul style="list-style-type: none"> 100% of Safeguarding alert screenings completed within 24 hours, and no more than 10% of all safeguarding investigations are judged as inconclusive. Outcomes measures – through local experience research, annual service user and carer surveys, and multi-agency outcome audits of 10% of all referrals. Outcomes measures – annual service and carer survey on information and advice. More people still at home after 91 days following hospital discharge and an increase in

<p>social care to promote independence.</p> <ul style="list-style-type: none"> • Enable and support choice and control for those with ongoing social care needs, to ensure improved health and well-being. • Implement the 2014 Care Act funding reforms to ensure that everyone with a social care need is appropriately supported, and provide a new service to carers in line with the Act. • Integrate health and social care services, building them around the individual and their needs. • Provide high quality safeguarding to keep children and young people safe. • Take effective action against domestic violence. • Bring together services to provide direct and co-ordinated support around our families with the most complex needs 	<p>the percentage of people still living in the community after integrated re-ablement.</p> <ul style="list-style-type: none"> • More people supported to live independently through telecare and telehealth solutions. • An increase in the number of people whose care needs reduce after intervention. • Positive feedback in annual service and carer survey on independence. • All service users offered self-directed support, and increased take up of Direct Payments across all user groups. • Individuals' goals met, as confirmed by annual assessment. • A significant increase in the number of deferred payments, all financial assessments completed on time and income maximised and debt minimised • Positive responses from carers in the Carer survey on their inclusion in the process and their perceptions of support, choice and control • All individual care plan aims achieved. • Fewer unnecessary admissions to hospital, a reduction in delayed discharges from hospital and increased speed of discharge. • Fewer people requiring residential and nursing care. • The multi-agency Local Safeguarding Children Board is rated as at least 'good' by Ofsted. • All women and children referred to the <i>Brent Family Front Door</i> for domestic abuse will be given information on available support services. • A 10% reduction in the number of children requiring a child protection plan for a second time as a result of domestic abuse. • An increase in the number of joint investigations completed by Brent police and Brent Social Care. • Phase 3 of the Troubled Families programme delivered following confirmation of detailed targets and funding
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<ul style="list-style-type: none"> • Recruit more foster carers in Brent and provide high quality support and training, to make sure that looked after children get the support they need in a local family environment • Ensure high quality, affordable childcare is available, especially to disadvantaged families. 	<ul style="list-style-type: none"> • 53% of looked after children will be placed with Brent foster carers by March 2016. • 95% of families with 3 and 4 year olds take up the free child care places. • Families of 5755 disadvantaged 2 year olds take up childcare places. • 80% of private, voluntary and independent childcare settings are judged 'good' or 'outstanding' by Ofsted.
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2. BETTER PLACE

What you told us you want:

- Our streets cleaned regularly to a consistently good standard.
- Enforcement action against the people who dump rubbish on the streets and public spaces of the borough.
- Regular collection of household waste with help to recycle more of your waste.
- You really enjoy our parks: they should be well maintained and safe to use.
- A neighbourhood police presence that you know and also understands your area.
- Visible policing that makes you feel safe and tackles anti-social behaviour and drug dealing.
- Better regulation of parking and residents parking zones.
- Public transport is good but needs to be expanded to cope with the local demand particularly new bus routes.
- Private rented accommodation needs to be better regulated and tenants rights protected.
- More housing built in the borough across all tenures, which more shared ownership schemes to help people into home ownership.
- Our libraries are great: please make sure that they are well stocked and used.
- Community events are valued and important in building cohesion and local networks: how can we find more private sponsorship to make them continue.

What we are doing

<p>Making sure that Brent is an attractive place to live, with a pleasant, sustainable environment, clean streets and well-cared for parks and green spaces</p> <p>Outcomes to be achieved by 2019:</p> <ul style="list-style-type: none"> • Outcome measures for street cleanliness and waste management and recycling amongst the best in London • Residents' satisfaction with the cleanliness and appearance of the borough's streets, parks and green spaces amongst the highest in London 	
<p>What we promise to do in 2015-16</p>	<p>What we aim to achieve by April 2016</p>
<p>We will:</p> <ul style="list-style-type: none"> • Implement our Public Realm contract, ensuring that streets and neighbourhoods are cleaned and maintained to a high standard 	<ul style="list-style-type: none"> • Fewer than 10% of streets below standard for litter, fewer graffiti incidents and a 10% reduction in landfilled waste. Reduced fly-tipping and dumped waste, with a range of successful prosecutions against those committing litter and waste nuisance • A reduction in air pollutants and respiratory diseases, and a 15% reduction in carbon emissions • Improved waste arrangements at houses in Multiple Occupation • More examples of communities taking action for themselves to care for their neighbourhoods • Improved public satisfaction with cleanliness of streets as measured by the Residents Attitude Survey

<ul style="list-style-type: none"> • Protect and maintain the quality of parks and open spaces • Take action to improve compliance with business regulations and prosecute rogue traders • Promote and support the development of sustainable transport opportunities and manage the use of the road network 	<ul style="list-style-type: none"> • More examples of communities taking action for themselves to care for their local parks and green spaces • Improved public satisfaction with parks and open spaces as measured by the Residents Attitude Survey. • 85% of food businesses will be compliant and communities will be effectively safeguarded against the risk of food poisoning • More licensed premises, safeguarding communities against the risk of infectious diseases • Fewer accidents in commercial premises • All events at Wembley Stadium will have been safe and free from major incidents • Reduced congestion through improved traffic flow, and increased footfall and improved pedestrian, cycling and public transport facilities in town centres • 39 cycle training courses will have been provided for over 600 school children in the borough, and over 300 lessons for adults • 75 new street trees will have been planted as part of highway improvement projects • Investment to improve cycle routes and parking in the borough • Work Place and School Travel plans will have contributed to more people travelling by walking, by bicycle, and public transport
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<p>Continuing to reduce crime, especially violent crime, and making people feel safer</p>	
<p>Outcomes to be achieved by 2019:</p> <ul style="list-style-type: none"> • Levels of crime and the fear of crime amongst the lowest in London • Significant reductions in violent crime, including domestic violence • No wards feature amongst the 10% of localities experiencing the highest crime levels nationally. 	
<p>What we promise to do in 2015-16</p>	<p>What we aim to achieve by April 2016</p>
<p>We will:</p> <ul style="list-style-type: none"> • Implement our crime reduction strategy to reduce the levels of crime and fear of crime in the borough and the risk of offending and re-offending 	<ul style="list-style-type: none"> • Reduce levels of violent crime in five hotspot areas in Brent. • Reported cessation of domestic abuse including physical abuse, emotional abuse, harassment and controlling behaviours for at least 68% of all supported victims. • Fewer than 210 first-time offenders, and a 20%

<ul style="list-style-type: none"> • Target gangs and serious youth violence • Target areas identified as experiencing the highest levels of crime 	<p>reduction in the number of crimes by repeat offenders</p> <ul style="list-style-type: none"> • A fall of at least 2% in the rate of re-offending amongst young people • Increase the number of known gang members successfully exiting gang involvement • Reduced crime levels in targeted areas.
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Increasing the supply of affordable, good quality housing	
Outcomes to be achieved by 2019: <ul style="list-style-type: none"> • Development of 5,000 additional homes by 2019 • All social housing in the borough will reach the decent homes standard 	
What we promise to do in 2015-16	What we aim to achieve by April 2016
<p>We will:</p> <ul style="list-style-type: none"> • Deliver transformational change and support and promote neighbourhood planning across the Borough, targeting identified priority and growth areas. • Pursue our commitment to the development of 5,000 affordable homes in the borough. • Take action to improve the condition and performance of the Council's housing stock. • Raise private rented housing standards through Additional and Selective Licensing schemes. 	<ul style="list-style-type: none"> • Investment Plans in place for each of the Borough's growth areas and continued delivery of the South Kilburn Regeneration objectives. • Two new Housing Zones secured in Wembley and Alperton, and new developments brought forward on sites at Church End, Bridge Park, Copland school and Stonebridge. • The regeneration of Old Oak Common will be advanced through work with the new Mayoral Development Corporation. • By end of 2016: 450 homes at Bridge Park 70 homes at Stonebridge 235 home at Kilburn 67 homes for temporary accommodation. • One-seventh of the Council's stock will have undergone Investment standard works. • 90% of eligible properties will be covered by licences, and non-compliant properties will have been identified with enforcement actions to raise standards.

Providing good quality, accessible arts and leisure facilities	
Outcomes to be achieved by 2019:	
<ul style="list-style-type: none"> Participation rates in sport, physical recreation and cultural activities amongst the highest in London 	
What we promise to do in 2015-16	What we aim to achieve by April 2016
We will: <ul style="list-style-type: none"> Work through the Culture Sport and Learning Forum to develop, support and promote programmes for sport and physical activity and for cultural and arts activities 	<ul style="list-style-type: none"> An increase in participation levels in sport and physical recreation and a reduction in zero activity levels amongst residents A high profile cultural programme will have been supported at the Civic Centre and the Willesden Green Cultural Centre

3. BETTER LOCALLY

What you told us you want.

- Better information about council services and local events.
- More information provided on-line and by direct email.
- Opportunities to talk to the council in less formal meetings and places.
- Communicate in plain English in our letters.
- Simple ways to help you volunteer in your neighbourhoods.
- Befriending schemes for vulnerable people.
- Some initial help to look after services such as local parks, libraries and youth projects.
- The council to facilitate sharing of skills and resources between businesses and communities to build strength and resilience collectively.

What we are doing?

Building community resilience and promoting citizenship	
Outcomes to be achieved by 2019:	
<ul style="list-style-type: none"> The proportion of people who say that 'Brent is a place where people from different backgrounds get on well together' will be amongst the highest in London At least 4,000 additional volunteers registered across the borough Equality outcome measures amongst the best in London Significantly more examples of communities taking action for themselves to improve the quality of life in their neighbourhoods 	
What we promise to do in 2015-16	What we aim to achieve by April 2016

<p>We will:</p> <ul style="list-style-type: none"> • Support the development of a thriving culture of volunteering by commissioning a 'Volunteering Centre' to encourage more local volunteering. • Funding independent advice and training for voluntary sector organisations through Brent CVS and securing funding for local projects through the <i>Voluntary Sector Initiative Fund</i> • Offer one route for voluntary sector organisations to engage with the council on a range of issues • Support and foster good relations between communities and address inequalities wherever they are identified 	<ul style="list-style-type: none"> • 1000 new volunteers recruited each year with a focus on currently under-represented groups. • 25 unemployed volunteers placed into employment. • 100 volunteers placed into training. • 5 large corporations engaged in staff volunteering initiatives. • A 50% increase the number of voluntary sector organisations that are members of the CVS network • A 4% increase in external funding secured for local groups and investment of £2 million in support of local projects • Provide all information on the voluntary sector webpage • The proportion of people who say that 'Brent is a place where people from different backgrounds get on well together' will be amongst the highest in London as measured by the Residents' Attitude Survey. • The council will have achieved an 'Excellent' standard on the Equality Framework for local government for its equality policy and practice.
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<p>Making sure that everyone in the borough is able to participate in local democracy, has a fair say in the way that services are delivered, and is listened to and taken seriously</p> <p>Outcomes to be achieved by 2019:</p> <ul style="list-style-type: none"> • 95 % of residents will be registered to vote under the individual voter registration scheme • Election turnouts amongst the highest in London • Thriving community forums, with higher participation rates year-on-year • Significantly more young people participating in local democracy events and processes like the Youth Parliament • A significant number of examples of local services being materially influenced by user views 	
What we promise to do in 2015-16	What we aim to achieve by April 2016
<p>We will:</p> <ul style="list-style-type: none"> • Promote and support greater 	<ul style="list-style-type: none"> • 95% of residents will be registered to vote

<p>participation of residents in decision-making, such as voting and council affairs</p> <ul style="list-style-type: none"> • Provide rigorous and effective scrutiny and challenge to local public services, partners and council decisions • Consult local people and service users in a meaningful way, with transparency about the reasons for difficult decisions, about the services and issues that are most important to them 	<p>under the new individual voter registration scheme.</p> <ul style="list-style-type: none"> • 72 young people will be elected to the Brent Youth Parliament and regularly consulted on local issues. • Live streaming of Council meetings, and events such as Brent Question Time. • The concerns of local people will be fully reflected in the council's Scrutiny programme and local people will have been successfully engaged in Scrutiny task group projects • A significant improvement in attendance at the <i>Brent Connects Forums</i>, with residents having more influence on agendas. • Issues raised by the <i>Brent Residents' Attitude Survey</i> will be addressed in the planning and design of services. • Local people in each ward will be engaged in helping to improve the quality of life in their area.
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<p>Working with partners to find new ways of providing services that are more finely tailored to individual, community and local needs</p>	
<p>Outcomes to be achieved by 2019:</p> <ul style="list-style-type: none"> • A range of examples of new service models developed and run in partnership with local people and organisations • Access to all key services 24/7 via digital channels • Levels of public satisfaction with local services amongst the highest in London 	
<p>What we promise to do in 2015-16</p>	<p>What we aim to achieve by April 2016</p>
<p>We will:</p> <ul style="list-style-type: none"> • Develop partnership shared services and collaborative commissioning to Improve the efficiency of service delivery • Develop and promote locality-based data and information that enables residents to have a better understanding of what's happening in their area and what services are available to them 	<ul style="list-style-type: none"> • New service models will have been developed in partnership with local people and voluntary sector providers, with more opportunities for voluntary and community organisations to provide local services • A multi-agency week of action will have been undertaken in each ward, with demonstrable improvements in residents' satisfaction • Regular free and easily accessible e-newsletters tailored to the needs and interests of different areas of the borough

<ul style="list-style-type: none"> • Continue to build a culture for resident focused services, in which needs and transparency drive service design and workforce behaviours • Redesign face-to-face arrangements to provide those residents with complex needs with a more personalised approach 	<ul style="list-style-type: none"> • Redesign will have resulted in all key services being available 24/7 via digital channels, with this being the access channel of choice for most residents • It will be easier to access services on line through one personalised Brent Account • Residents will no longer have to provide information multiple times to different services, with <i>Tell Us Once</i> systems automatically updating the key services they are known to • Residents' experience when telephoning Brent Council will be significantly improve • We will have responded to 100% of complaints within our publicised targets, and the Council will remain within the top quartile across London for its performance in handling Ombudsman complaints • We will have responded to 100% of valid freedom of information requests within 20 working days. • Enquiry handling will have been integrated to cover a range of services (e.g. housing, benefits and Council Tax), improving residents' experience and enabling enquiries to be handled more efficiently
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WHAT'S NEXT?

The promised activities will be monitored closely through the coming year to make sure that they are happening and achieving their intended outcomes. Each of the public services has its own strategy and action plan for the year ahead, which shows how it intends to contribute to the goals set out in the Borough Plan. Those plans are much more detailed, with a wider range of activities designed to support the achievement of their goals.

A comprehensive review of the Borough Plan will be undertaken every year, with a fresh set of promised activities and outcomes identified for the following year. An Annual Report will be produced each July summarising progress so far and a revised Borough Plan incorporating changes, will be published each September.



Full Council
2 March 2015

Report from the Strategic Director of Regeneration & Growth

Wards affected:
Alperton, Harlesden, Kensal Green,
Stonebridge, Tokyngton

Old Oak and Park Royal Development Corporation Scheme Of Delegation

1.0 Summary

- 1.1 Agreement is sought for the Old Oak and Park Royal Development Corporation (OPDC) Scheme of Delegation. This Scheme of Delegation is an arrangement between the OPDC and the London Borough of Brent, which formalises the delegation of certain planning functions from the OPDC to London Borough of Brent in those parts of the OPDC area that fall within the borough boundary.

2.0 Recommendations

- 2.1 That Members:
- 2.2 Agree the OPDC Scheme of Delegation for Planning Functions in the London Borough of Brent, as set out in Appendix A.
- 2.3 Agree the Protocol for handling planning applications and other planning – related functions attached as Appendix B.
- 2.4 Agree that the functions to be discharged by the Council on behalf of the OPDC be delegated to the Planning Committee and officers in accordance with the current arrangements for carrying out planning functions and that the Planning Committee Terms of Reference and Part 4 of the Constitution be amended accordingly as shown underlined in Appendix C.
- 2.5 Agree that any minor ancillary matters arising from time to time in respect of the Scheme of Delegation or the Protocol are delegated to the Strategic Director, Regeneration & Growth.

2.6 Agree that the matters set out in 2.1 – 2.4 above take effect from 1st April 2015 or such other time as the OPDC planning functions become effective.

3.0 Background

- 3.1 Under the Localism Act 2011 the Mayor of London has powers to establish a Mayoral Development Corporation ('MDC'). The Old Oak and Park Royal Development Corporation Establishment Order was made on 23rd January 2015 and comes into effect on 1st April 2015. The OPDC has been established to drive forward the regeneration of Old Oak and Park Royal in light of the proposed HS2 interchange. The corporation boundary includes land within Brent, Ealing and Hammersmith & Fulham (see Appendix A for map of boundary). The OPDC can acquire planning functions for the area covered by the MDC and it is understood that the Planning Order will be made and will come into effect on 1st April 2015. Accordingly from 1st April 2015, the OPDC will become the Local Planning Authority for the land within its boundary.
- 3.2 The OPDC will have a Planning Committee that includes one elected member from each of the three boroughs affected. The Council supported this approach, as although the majority of development will be located within Hammersmith & Fulham, some will be within Brent and all will have considerable impacts on the wider infrastructure and populations in Brent and Ealing.
- 3.3 The OPDC will also have a Board comprising an elected member from each of the three boroughs affected, a representative from the Greater London Authority, Transport for London, Department for Transport, High Speed 2, Network Rail, a local business representative, a representative from the residential community, the Chair of the OPDC Planning Committee, an independent business representative, an expert in regeneration and an expert in education. The OPDC Board will be seeking a nominated representative of Brent Council to serve on the Board. The Council will also need to nominate an elected member to represent the Council on the OPDC Planning Committee at Full Council on 20th May 2015. In both cases it will be for the Mayor of London to make the appointment, and the Council's schedule of appointments to outside bodies will be amended accordingly. Details around the need for an alternate for both the Board and Committee are yet to be finalised.
- 3.4 Under the Localism Act 2011, the OPDC can delegate some of its planning functions back to the Council. The OPDC therefore is seeking agreement to a Scheme of Delegation between OPDC and Brent. The Scheme is attached as Appendix A. In summary it is proposed the OPDC will delegate back the following functions:-
- Planning Applications – the OPDC will delegate planning applications for certain types of development to Brent for determination on OPDC's behalf. Generally, the OPDC would delegate minor applications to Brent, however, there are some exceptions as set out in full in the appendix.
 - Appeals - Where an appeal is made under Section 78 of the Town and Country Planning Act 1990 in respect of an application delegated to Brent, responsibility for defending that appeal will also be delegated to Brent.
 - Section 106 Agreements - Where a Section 106 agreement is required to make a delegated application acceptable in planning terms, responsibility for negotiating the agreement and signing on behalf of OPDC will be delegated to Brent.

- 3.5 The OPDC will not be able to delegate any of its functions until the Scheme of Delegation is agreed. Should Full Council not agree the Scheme, on becoming the Local Planning Authority on 1st April 2015 the OPDC will determine all applications in those parts of the OPDC area that fall within the Brent's boundary.
- 3.6 In addition to the Scheme of Delegation OPDC and Brent officers have developed a protocol setting out a commitment to working together to ensure a coordinated approach to development, the identification of strategic planning priorities and the resolution of joint planning issues and concerns. The protocol is included in full in Appendix B, in summary it sets out the following:-
- Pre-application advice, submission, validation and determination of planning applications - All requests for pre-application advice will be submitted in the first instance to OPDC as local planning authority. OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation will be forwarded to Brent as soon as is reasonably practicable and within 5 working days of receipt.
 - Enforcement - Unless otherwise agreed, OPDC will undertake planning enforcement functions in the Mayoral development area and will authorise enforcement action where it is expedient to do so. OPDC and Brent will cooperate with one another to ensure a coordinated approach to enforcement against breaches of planning control in the Mayoral development area.
 - Locally Listed Buildings - OPDC will maintain a local list of heritage assets in the Mayoral development area. At present there is only one locally listed building within the area – Canal Cottage, Twyford. Where it is considered appropriate to add a building or structure to the local list, OPDC and Brent will cooperate in that process.
 - Designation of Conservation Areas - Where it is considered appropriate to designate a conservation area, OPDC and Brent will cooperate in that process both in defining the extent of the conservation area and the content of the appraisal document, making relevant resources available as appropriate.
 - Local Land Charges - OPDC will not be designated as the registering authority for the area and responsibility for registering local land charges under the Local Land Charges Act 1975 will remain with Brent.
 - London Development Database - OPDC will provide Brent with sufficient information to report relevant planning permission and development completion information in relation to developments for which it grants planning permission.
 - Local Land and Property Gazetteer - Responsibility for updating the Local Land and Property Gazetteer (LLPG), create new addresses and Unique Property Reference Numbers (UPRN) will remain with Brent. OPDC will provide London Borough of Brent with sufficient information to maintain the LLPG and to allocate new UPRNs for properties without an existing address and/or UPRN.

- Annual Monitoring Report - OPDC will provide Brent with information relating to developments in the Brent part of the Mayoral development area, in order to inform its Annual Monitoring report.

4.0 Financial Implications

- 4.1 There are no immediate or major financial implications relating to this report as it is not envisaged that the proposals would result in any significant reduction in the number of Planning applications determined by Brent. Any additional call on staffing and other financial resources will need to be contained within the current budget available to the service supplemented by any additional income generated.
- 4.2 Within the Scheme of Delegation proposals the OPDC will transfer the planning application fee for all delegated applications to Brent. Where Brent are to determine the application, Brent will provide pre-application advice in accordance with its established pre-application charging service. Where appropriate, OPDC will strongly encourage applicants to contribute to Brent's costs of resourcing its involvement in the application. If the Scheme of Delegation is not agreed no planning applications and therefore no fees will be transferred to Brent.
- 4.3 Where OPDC determines a planning application subject to a section 106 agreement, it will be responsible for monitoring the section 106 agreement and will receive the monitoring fee from the developer. Where Brent determines a delegated planning application and signs a section 106 agreement on OPDC's behalf, Brent will be responsible for monitoring that section 106 agreement and will receive the monitoring fee either directly from the developer or via OPDC.

5.0 Legal Implications

- 5.1 Part 8 Chapter 2 of the Localism Act 2011 provides the legislative basis for the Mayor of London to designate a Mayoral Development Area and for the planning functions for that area to be undertaken by the resulting Mayoral Development Corporation. Section 203 of the Localism Act 2011 enables the Mayoral Development Corporation (in this case the Old Oak and Park Royal Development Corporation) to make arrangements for the discharge of planning functions under Part 3 of the Town and Country Planning Act 1990 to be undertaken by the Council responsible for that area. Where such arrangements are in place the Council may make arrangements for those functions to be discharged by a committee, sub committee, or officer of the Council.
- 5.2 The Old Oak and Park Royal Development Corporation proposed Scheme of Delegation seeks to transfer certain planning functions back to the Council and it is recommended to members that such functions be undertaken by the Council through its Planning Committee and by officers on the same basis that planning functions are currently carried out.
- 5.3 The Localism Act also provides that the Mayoral Development Corporation may seek that the Council give assistance with the Mayoral Development Corporation's discharge of its functions under Part 2 or Part 3 of the Planning and Compulsory Purchase Act 2004. Some of those functions arise under the proposed Protocol between Old Oak and Park Royal Development Corporation and the Council.

- 5.4 Section 110 of the Localism Act 2011 (and as the National Planning Policy Framework paragraphs 178-181 refers), provides that Old Oak and Park Royal Development Corporation and Brent have a duty to cooperate, engage constructively and actively on an ongoing basis in relation to planning of sustainable development.

6.0 Diversity Implications

- 6.1 The proposal to establish the OPDC has been subject to an assessment on equality and inclusion. The Mayor has a duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between different minority groups. The assessment states the Mayor will take these duties into account when making any decisions relating to the OPDC, and would expect to work with the OPDC to involve women, BAME and disabled groups in its work. The Council has a duty under S149 Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. There are no apparent equalities issues arising from the matters to be decided by members in this report.

7.0 Staffing/Accommodation Implications

- 7.1 The OPDC will determine some applications which otherwise would have been determined by Brent. However, based on an assessment of previous levels of applications within the OPDC area it is not envisaged this would result in a significant reduction in the number of planning applications determined by Brent. Furthermore, there will be resource implications in terms of providing comments and guidance to the OPDC and sharing data.

8.0 Environmental Implications

- 8.1 As the local planning authority the OPDC will need to ensure planning applications accord with the requirements of the Town and Country Planning (EIA) Regulations 2011. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

Contact Officers

Any person wishing to inspect the above papers should contact Claire Jones, Planning & Development 020 8937 5301.

Andy Donald
Strategic Director, Regeneration & Growth

Appendix A

Old Oak and Park Royal Development Corporation – Scheme of Delegation for Planning Functions in the London Borough of Brent

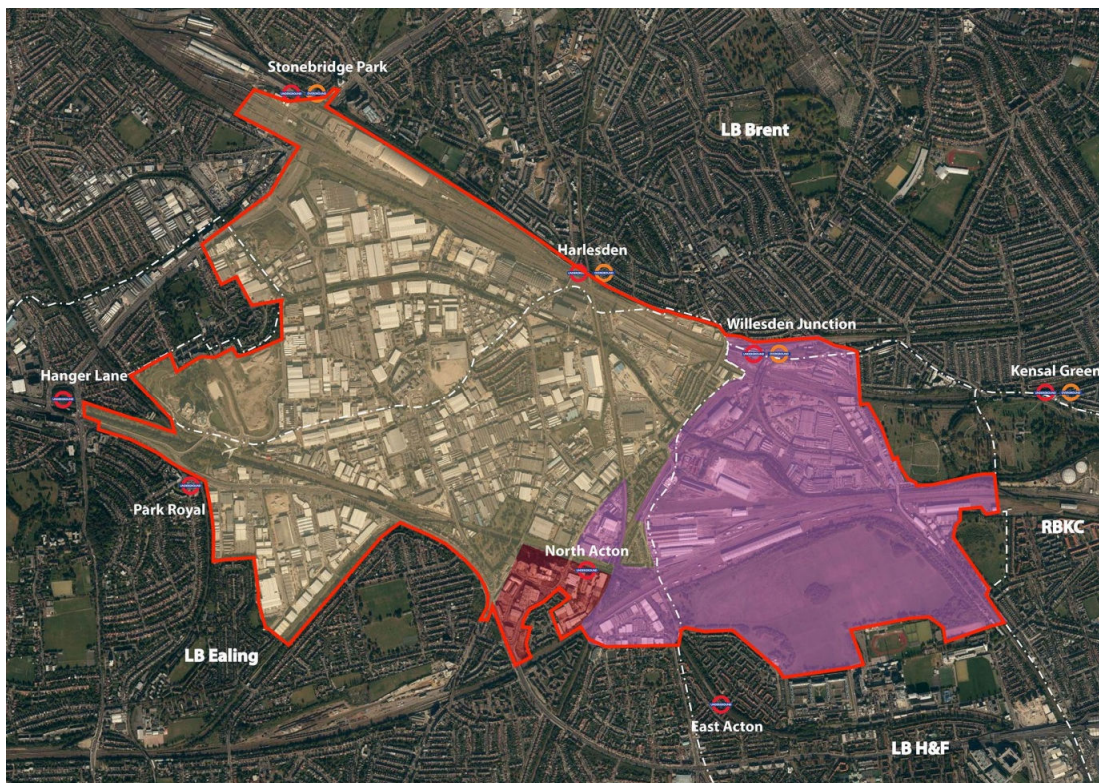
1. Introduction and purpose

This Scheme of Delegation is an arrangement between the Old Oak and Park Royal Development Corporation (“OPDC”) and the London Borough of Brent (“LBB”), which formalises the delegation of certain planning functions from the OPDC to LBB in those parts of the OPDC area that fall within the LBB boundary.

What follows is a guide to the types of planning applications and other planning functions that will be delegated to and dealt with by LBB. It should be read in conjunction with the attached protocol for delegated applications (Appendix I).

2. Geographical coverage

The OPDC area is divided into three sub-areas: Old Oak; Park Royal; and North Acton. Two of these sub-areas, Old Oak and Park Royal, fall within the LBB boundary (see pink and yellow areas on map below). Different arrangements for the delegation of planning functions are in place in the North Acton sub-area, which falls within the London Borough of Ealing and is subject to a separate Scheme of Delegation. This Scheme of Delegation applies only to those parts of the Old Oak and Park Royal sub-areas that fall within the LBB boundary.



3. Functions to be delegated to LBB

a) OPDC will delegate planning applications for the following types of development to LBB for determination on OPDC's behalf:

i) in Old Oak:

- material change of use of existing buildings, including listed buildings, from C1, C2, C2A, C3 or C4, to any other use;
- alterations, conversions and extensions to existing buildings, including listed buildings, in use classes C1, C2, C2A, C3 or C4;
- the construction of less than 10 new units in use class C3 or less than 1,000 sqm of floorspace for a use falling in class C1, C2 or C4 of the General Use Classes Order 1987 (as amended);
- material change of use of existing buildings, including listed buildings, below 1,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis;
- alteration, extension and construction of buildings, structures or land (including listed buildings or listed structures) below 1,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis;
- transport applications related to new and/or altered road crossovers;
- transport measures related to an individual unit as per C1, C2, C2A, and C3 of the Use Class Order 1987;
- transport measures related to individual units below 1,000 sqm as per A1 to A5, B1 to B8, D1 to D2 and sui generis of the Use Class Order 1987.

ii) in Park Royal:

- material change of use of existing buildings, including listed buildings, from C1, C2, C2A, C3 or C4, to any other use;
- alterations, conversions and extensions to existing buildings, including listed buildings, in use classes C1, C2, C2A, C3 or C4;
- the construction of less than 50 new units in use class C3 or less than 5,000 sqm of floorspace for a use falling in class C1, C2 or C4 of the General Use Classes Order 1987 (as amended);
- alteration, extension and construction of buildings, structures or land (including listed buildings or listed structures) of less than 10,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis (excluding waste development);
- waste facilities with a waste capacity throughput of less than 50,000 tonnes;
- development for a use, other than residential use, that includes provision of less than 200 car parking spaces in connection with that use;
- development that comprises or includes mining operations (meaning the winning and working of minerals in, on or under land, whether by surface or underground working) .

b) Other types of applications delegated to LBB for determination:

- Reserved matters applications submitted in connection with planning permission for a type of development falling under the thresholds set out in part a) above
- Discharge or variation of conditions on a planning permission for a type of development falling under the thresholds set out in part a) above
- Non-material (S96a) and minor material (S73) amendments to a planning permission for a type of development falling under the thresholds set out in part a) above

c) Appeals:

Where an appeal is made under Section 78 of the Town and Country Planning Act 1990 in respect of an application delegated to LBB, responsibility for defending that appeal will also be delegated to LBB.

d) Section 106 agreements:

Where a Section 106 agreement is required to make a delegated application acceptable in planning terms, responsibility for negotiating the agreement and signing on behalf of OPDC will be delegated to LBB.

e) Exceptions:

- In Park Royal, applications for the relocation of existing uses from one location to another within the Mayoral Development Area will be determined by OPDC and not delegated to the borough.
- In Park Royal, applications for new and altered vehicle, rail, pedestrian and cycle infrastructure including but not limited to applications for new roads, tunnels and bridges, will be determined by OPDC and not delegated to the borough.
- In exceptional cases, applications for types of development that exceed the thresholds set out in part a) above, may be delegated to LBB by mutual agreement between OPDC and LBB.
- In exceptional cases, applications for types of development under the thresholds set out in part a) above, may be determined by OPDC if they raise issues of strategic importance or have implications for the coordinated planning and regeneration of the area.

Appendix B

Protocol for handling planning applications and other planning-related functions

Background

On 1st April 2015, OPDC will assume all the powers of a local planning authority in respect of the entirety of the designated Old Oak and Park Royal Mayoral Development Area that are listed in sections 202 (2) to (5) inclusive of the Localism Act 2011.

Under section 110 of the Localism Act 2011 and as set out in the National Planning Policy Framework (paragraphs 178-181), OPDC and LBB have a duty to cooperate on planning issues. The purpose of this protocol is to facilitate general cooperation between the parties with respect to the range of planning functions and to define roles and responsibilities in relation to those functions.

As a general principle, OPDC and LBB commit to work together to ensure a coordinated approach to development, the identification of strategic planning priorities and the resolution of joint planning issues and concerns.

Where information and documentation is exchanged between OPDC and LBB, this will be done electronically insofar as practicably possible.

Pre-application advice

- All requests for pre-application advice will be submitted in the first instance to OPDC as local planning authority.
- OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation will be forwarded to LBB as soon as is reasonably practicable and within 5 working days of receipt.
- LBB will provide pre-application advice in accordance with its pre-application charging service.
- For proposals that will be determined by OPDC, LBB will be notified of the pre-application request and invited to attend relevant meetings.

Submission, validation and determination of planning applications

- All applications for planning permission and other types of planning consent will be submitted to OPDC in this first instance, as the local planning authority.
- Any applications submitted to LBB in error shall be returned to the applicant, with advice to resubmit to OPDC.

- OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation to LBB will be transferred as soon as is reasonably practicable and within 5 working days of receipt.
- OPDC will transfer the planning application fee for all delegated applications, to LBB in a single monthly payment no later than the 10th day of the month following receipt of the applications.
- LBB will be responsible for registering, validating, publicising and undertaking all necessary consultations and ensuring procedural requirements are followed on delegated applications .
- LBB will validate delegated applications in accordance with its Local Validation Checklist.
- LBB will be responsible for publishing delegated applications on its Part 1 (applications pending) and Part 2 (applications determined) registers in accordance with its normal practice.
- LBB will use all reasonable endeavours to determine delegated applications within the relevant statutory determination period as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- OPDC will carry out statutory consultation on planning applications that it will determine. OPDC will consult LBB on such applications within or proximate to its area, allowing a minimum of 21 days to respond, such period to be extended by mutual agreement on a case-by-case basis.
- OPDC acknowledge that for large scale developments, LBB may wish to report the application to its own planning committee for comment. In such cases, LBB will do so expediently and in accordance with any timescale agreed with OPDC, so as not to unduly delay determination of the application by OPDC.

Enforcement

- Unless otherwise agreed, OPDC will undertake planning enforcement functions in the Mayoral development area and will authorise enforcement action where it is expedient to do so. OPDC and LBB will cooperate with one another to ensure a coordinated approach to enforcement against breaches of planning control in the Mayoral development area.
- OPDC will work proactively with LBB to cooperate on enforcement action where there is a failure to comply with legal obligations pursuant to section 106 of the Town and Country Planning Act 1990, particularly where those obligations relate to payments or infrastructure to be passed to or otherwise to the benefit of the borough.

Listed buildings

- OPDC will maintain a local list of heritage assets in the Mayoral development area. Where it is considered appropriate to add a building or structure to the local list, OPDC and LBB will cooperate in that process.
- OPDC will consult LBB on applications for listed building consent within its area. In determining applications for listed building consent, OPDC and LBB shall cooperate in making appropriate resources available to advise on matters in relation to the proposal.

Section 106 monitoring

- Where OPDC determines a planning application subject to a section 106 agreement, it will be responsible for monitoring the section 106 agreement and will receive the monitoring fee from the developer.
- Where LBB determines a delegated planning application and signs a section 106 agreement on OPDC's behalf, LBB will be responsible for monitoring that section 106 agreement and will receive the monitoring fee either directly from the developer or via OPDC.

Appeals

- Where an appeal is made under s78(a) of the TCPA 1990 or s20 of the Listed Buildings and Conservation Areas Act 1990 in respect of an application determined by OPDC, OPDC will be responsible for defending that decision and resourcing the appeal appropriately.
- Where an appeal is made under s78(a) of the TCPA 1990 or s20 of the Listed Buildings and Conservation Areas Act 1990 in respect of a delegated application determined by LBB on OPDC's behalf, LBB will be responsible for defending that decision and resourcing the appeal appropriately.
- Where an award of costs is made by an appeal inspector, the lead authority defending or resourcing the appeal in question will bear the liability for, or receive the benefit of, those costs as appropriate.

Planning history

- Where OPDC receives a planning application, it shall endeavour to obtain the planning history from the LBB website.
- Where OPDC is unable to obtain the complete planning history from the LBB website, OPDC will request the planning history direct from LBB. Where such a request is made, LBB will provide the planning history to OPDC within 5 working days.

Planning Performance Agreements

- OPDC will enter into Planning Performance Agreements with applicants on a case-by-case basis. It will consult LBB on any draft PPA affecting land within its area and will include an appropriate timescale for consultation with the borough. As LBB will bear resource costs associated with reviewing planning applications, OPDC will strongly encourage applicants to contribute to LBB's costs of resourcing its involvement in the application.
- LBB will be free to enter into Planning Performance Agreements with applicants on delegated applications.

Designation of Conservation Areas

- Where it is considered appropriate to designate a conservation area, OPDC and LBB will cooperate in that process both in defining the extent of the conservation area and the content of the appraisal document, making relevant resources available as appropriate.

Local Land Charges

- OPDC will not be designated as the registering authority for the area and responsibility for registering local land charges under the Local Land Charges Act 1975 will remain with LBB.
- OPDC will provide LBB with sufficient information to register a local land charge, in relation to:
 - Planning applications, listed building, advertisement and other planning consents submitted to OPDC, and copies of resolutions and decision notices issued by OPDC in relation to such applications;
 - Copies of enforcement, breach of condition and stop notices served by OPDC; and copies of resolutions and decisions to instigate enforcement proceedings;
 - Environmental impact assessment screening and scoping opinions made by OPDC;
 - Provisional and confirmed tree preservation orders and conservation area designations made by OPDC;
 - Agreements made by OPDC under section 106 of the Town and Country Planning Act 1990 and sections 38 and/or 278 of the Highways Act 1980;
 - Local Development Orders made by OPDC;
 - Compulsory Purchase Orders made by OPDC;
 - traffic schemes;
 - details of assets of community value made pursuant to section 87 of the Localism Act 2011;
 - liability for community infrastructure levy;
 - any appeal against OPDC.

- OPDC will provide this information within five working days of the relevant document being received or completed, as appropriate.

London Development Database

- Responsibility for completing information returns to the London Development Database will continue to be the responsibility of LBB, in accordance with the Information Scheme agreement in place with the LDD.
- OPDC will provide LBB with sufficient information to report relevant planning permission and development completion information in relation to developments for which it grants planning permission. Such information will be provided in a monthly report of planning permissions and prior approvals granted and appeals allowed in whole or in part that involve:
 - New build residential units or any loss or gain of residential units through change of use or conversion of existing buildings
 - Seven or more new bedrooms for hotels, hostels, student housing or residential homes
 - 1,000 sq.m. or more of floorspace changing from one use class to another or created through new build or extension in all other non-residential categories
 - The loss or gain or change of use of open space
- LDD will enter on the LDD all planning permissions granted to the above definition within three months of the decision date.
- OPDC will provide LBB with monitoring data for planning permissions especially starts and completions including date of action/date of survey/evidence (e.g. site visit, letter from developer).
- LBB will update the LDD with start and completion dates on an annual basis.
- OPDC will cooperate with LBB to respond to any queries raised by LDD

Local Land and Property Gazetteer

- Responsibility for updating the Local Land and Property Gazetteer (LLPG), create new addresses and Unique Property Reference Numbers (UPRN) will remain with LBB.
- OPDC will provide LBB with sufficient information to maintain the LLPG and to allocate new UPRNs for properties without an existing address and/or UPRN. Such information will comprise:
 - Site plan
 - Address comprising Building Name (if applicable), Building Number (if applicable), Street Name, Postcode

- Easting and Northing
 - Details of the use
 - What was previously on the site including the LLPG UPRN. If a building is sub-divided and each sub-division has its own address, the floor number of each unit should be provided
 - Information will be sent to pdb@brent.gov.uk within three working days of receipt by OPDC
- LBB will process the above information according to its standard procedures and shall provide the information on new properties to OPDC by email (or another format as may be agreed) within five working days.

Freedom of Information Requests

- Requests made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 will be dealt with by the authority the request is made to.

Annual Monitoring Report

- OPDC will provide LBB with information relating to developments in the Brent part of the Mayoral development area, in order to inform its Annual Monitoring report. The relevant monitoring points, derived from the Core Strategy and Site Specific Allocations document, are set out in tables 1 and 2 below.

Table 1: Core strategy monitoring targets

Performance Measure	Target	Monitoring Point	Specific policies to be monitored
Amount of land developed or redeveloped in Park Royal for employment purposes (Core)	Development or redevelopment of 50 hectares of land for employment purposes	1200m ² annual net increase in gross internal floorspace (m ²) for BI & other suitable employment uses in Park Royal area to 2017. When: Annually	CP3 and CPI2
No net loss of floorspace in other SIL and LSIS (Core)	No Net loss of floorspace in SIL & LSIS outside of site specific allocations (Park Royal has separate target).	No net loss of gross internal floorspace (m ²) for use classes BI and related uses 2007-2017 in SIL and LSIS When: Annually	CP1, CP3 and CP20
Secure job placements from new development	Secure 800 job placements p.a from 2007-17.	Number of placements made by Brentin2Work each year. When: Annually	CP1
Provision of new or extended community facilities.	Provide new community facilities at a rate of 370 m ² per 1000 new population created by	New or extended floorspace that meets rate of population growth. When: Annually	CP7, CP8, CP9, CPI0, CPI1 and CP23

	new housing development.		
Provide new school places for increased population.	Approval for and construction of new and extended schools in Growth Areas and Park Royal as set out in policies CP7 to CP12 inclusive	Number of new schools and extensions to schools with permission for development and completed or underconstruction by 2017. When: Annually	CP7, CP8, CP9, CP10, CP11 and CP12
Health Facilities-facilities to meet GP service needs as set out in IIF.	To meet target for GP facilities related to population growth needs.	Secure floorspace for 1 GP per 1500 new population. When: Annually	CP7, CP8, CP9, CP10, CP11 and CP12
Total additional Homes (Core)	Minimum of 11,200 homes (9150 self contained) supplied 2007/8 -2016/17	No. of homes completed in borough. When: Annually	CP2
No. of affordable Units (Core)	Minimum of 4,575 or 50% completions; 2007/8 - 2016/17.	No. of completed units. When: Annually	CP2
Ensure reasonable proportion of family homes (Core)	That 25% of all self-contained homes are 3 bed or larger.	No. of new family homes completed per annum. When: Annually	CP21
Wheelchair adaptable	10% (of 10 units + schemes)	No. of completed new homes that are wheelchair adaptable. When: Annually	London Plan Policy 3.8Bd*
Lifetime homes.	100%	No. of completed new homes built to lifetime home standards. When: Annually	London Plan Policy 3.8Bc*
Secure interchange improvements	Secure major improvements at First Central by 2017	Record Planning Obligations and direct works that secure improvements. When: Annually	CP14 and CP15
Protection of all open space of value (Core)	No net loss of open space to alternative uses	Amount of open space lost to alternative uses. When: Annually	CP18
Protection of areas designated for intrinsic environmental value including sites of national	No net loss of areas of wildlife and nature conservation importance	No net loss of land of nature conservation value on designated sites (SSSI, local nature reserves, Sites of more than local Importance for	CP18

or regional/sub-regional significance (Core)		Nature Conservation) When: Annually	
Improvement of existing and provision for new areas of nature conservation.	Enhance and increase nature conservation areas. Reduce area of wildlife deficiency.	Monies negotiated through S106 agreements for application sites in areas of deficiency, where monies have been spent and extent of areas of wildlife deficiency. When: Annually	CP18
New Tree Planting for new neighbourhoods.	To meet tree planting targets in growth area Park royal 4,000	Count of new trees planted in growth areas. When: Annually	CP7, CP8, CP9, CP10, CP11 and CP12
Provision for new or improved Children's Play Areas.	Meet standards on children's play as set out in Infrastructure & Investment Framework.	Measure number of compliant schemes. When: Annually	CP5, CP7, CP8, CP9, CP10, CP11 and CP18
Installation of Sustainable Urban Drainage systems (SUDS) in new development.	Appropriate major proposals should secure SUDS or apply water retention or harvesting measures	Applications which include SUD measures. When: Annually	London Plan Policy5.13A*
Safeguard existing waste facilities and secure land for new waste operations.	Net increase of waste facilities. No net loss of existing waste facilities.	Planning approvals p.a. When: Annually	London Plan policy 5.17G* and 5.17H*
Protection of existing community facilities	No net loss of community facilities unless compensation provided	Number of applications approved resulting in the net loss of a community facility for which no compensation made through planning obligation or other agreement. When: Annually	CP23

Table 2: Site Specific Allocations monitoring

	Completed
	On target
	Later years

	Behind target
	No progress & behind target

Site Specific Allocation	Landowner	First phase housing complete	Other land uses proposed	Target date for planning application	Achievement 2011-12
PR1 Former Guinness Brewery	Private	N/A	Industry and warehousing	Planning permission 2008	Hybrid planning permission granted for plot 1 and 2 development (12/2862)
PR2 First Central	Private	2014	BI offices / hotel	Planning permission for offices/hotel 1999 part implemented. Planning application for residential 2010	Planning Permission granted for 545 housing units in March 2012(10/3221)
PR3 Former CentralMiddlesex Hospital	Private	N/A	Hospital expansion and industrial / employment development	Planning application 2012	Revised planning application June 2012.

Appendix C

PLANNING COMMITTEE

Membership

- The committee comprises 8 councillors.

Terms of Reference

1. To determine applications for planning permission, consent or approval (including listed building and conservation area consent) in respect of the following types of development:-
 - (i) construction of 20 or more dwellings;
 - (ii) outline residential development with a site larger than 0.1 hectare (approximately ¼ acre);
 - (iii) construction of non-residential building exceeding 500 sq. metres in floorspace outside a designated employment area; and
 - (iv) outline non-residential development with a site larger than 0.1 hectare (approximately ¼ acre), outside a designated primary employment area.
2. To determine applications for planning permission, consent or approval (including listed building and conservation area consent) which the Planning Committee has specifically indicated it wishes to consider itself.
3. To determine any application for planning permission, consent or approval (including listed building and conservation area consent) which at least three members of the Council have requested, in accordance with the Planning Code of Practice, be considered by the Planning Committee
4. To determine any other application for planning permission, consent or approval (including listed building and conservation area consent) in respect of which written objections have been received from 3 or more households or businesses except where those objections relate to:-
 - (v) Alterations to residential buildings including extensions, outbuildings (including garages), walls, vehicular accesses and hardstandings, and porches
 - (vi) satellite television dishes or aerials
 - (vii) other domestic aerials
 - (viii) certificates of lawful use or development (except applications which relate to the lawfulness of the use of a dwelling house by more than one family unit)

AND except where the officers are in any event minded to refuse the permission, consent or approval.

5. To determine any application for planning permission, consent or approval (including listed building and conservation area consent) which would, in the reasonable opinion of the Strategic Director Regeneration and Growth or the Head of Area Planning, significantly conflict with Council policies.
6. To determine any application for, or revocation of, planning permission or consent or approval (including listed building and conservation area consent) in case where the approval or revocation would, in the reasonable opinion of the Strategic Director Regeneration and Growth or the Head of Area Planning, give rise to the payment of compensation.
7. To authorise the service of an enforcement or stop notice in respect of breaches of planning, listed building, advertisement and hazardous substances control where such action would involve the payment of compensation.
8. To agree to enter into agreements pursuant to section 106 of the Town and Country Planning Act 1990, section 38 of the Highways Act 1980 or any other agreements required in connection with any permission, consent or approval granted by the committee and to authorise officers to make such agreements subject to such restrictions as it considers appropriate.
9. To determine any matter relating to planning or hazardous substances which are delegated to officers, other than Executive functions, but which the Strategic Director Regeneration and Growth or Head of Area Planning considers appropriate for the committee to consider.
10. To authorise the making of Tree Preservation Orders in cases where the relevant officer has declined to make an order.
11. In relation to other planning and/or development control matters:
 - (a) where requested by officers or the Cabinet to do so, to provide comments back to them on any applications for development in neighbouring boroughs and any changes to planning policy in other boroughs.
 - (b) to consider and recommend to the Cabinet or officers amendments to adopted or draft development plan documents, supplementary planning documents, planning briefs or other similar documents.
 - (c) to comment on development proposals following presentations by applicants and their agents of more significant proposals at a pre-application stage

12. To determine, agree, or authorise matters delegated to the Council under the Old Oak and Park Royal Development Corporation (OPDC) Scheme of Delegation and the Protocol agreed by Full Council on 2nd March 2015, so far as they fall within those functions delegated to this Committee as set out in paragraphs 1 – 11 above and subject to the limitations below.

Limitations

- (a) None of the above will apply to any application for permission or consent which the Council is required to refuse in accordance with a direction to do so from the Mayor of London or any Minister of the Crown issued pursuant to any legislative provision in which case the refusal shall be issued by the Strategic Director Regeneration and Growth or the Head of Area Planning but reported to the Planning Committee for information.
- (b) Nothing in paragraphs 1-12 above shall apply to applications for permission for telecommunication masts submitted by telecom operators under Part 24 of Town and Country Planning (General Permitted Development) Order if the meeting at which the matter would be considered would take place after the deadline specified in that order for responding to the application in which case the application may, for the avoidance of doubt, be determined by officers under delegated powers.

TABLE 1

FUNCTIONS WHICH CANNOT BE EXERCISED BY THE CABINET

(1)	(2)	(3)
<i>Function</i>	<i>Provision of Act or Statutory Instrument</i>	<i>Decision maker</i>
A. Functions relating to town and country planning and development control		All of the functions listed under this section A will be exercised by the Strategic Director Regeneration and Growth and/or the Head of Area Planning or by a person nominated or authorised by the Strategic Director Regeneration and Growth , except those functions which are the responsibility of the Planning Committee or which are required to be determined by Full Council
1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.	
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	

<p>5. Duties relating to the making of determinations of planning applications.</p>	<p>Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.</p>	
<p>6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.</p>	<p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).</p>	
<p>7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p>	<p>Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).</p>	
<p>8. Power to enter into agreement regulating development or use of land.</p>	<p>Section 106 of the Town and Country Planning Act 1990.</p>	
<p>9. Power to issue a certificate of existing or proposed lawful use or development.</p>	<p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</p>	
<p>10. Power to serve a completion notice.</p>	<p>Section 94(2) of the Town and Country Planning Act 1990.</p>	
<p>11. Power to grant consent for the display of advertisements.</p>	<p>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.</p>	

12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.	N/A
18A. Power to issue a temporary stop notice	Section 171 E of the Town and Country Planning Act 1990	
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	

<p>20. Power to determine application for listed building consent, and related powers.</p>	<p>Sections 16(1) and (2), 17, and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	
<p>21. Power to determine applications for conservation area consent.</p>	<p>Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.</p>	
<p>22. Duties relating to applications for listed building consent and conservation area consent.</p>	<p>Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519) and paragraphs 8, 15 and 22 of Department of the Environment, Transport and the Regions Circular 01/01.</p>	
<p>23. Power to serve a building preservation notice, and related powers.</p>	<p>Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	
<p>24. Power to issue enforcement notice in relation to demolition of listed building in conservation area.</p>	<p>Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	
<p>25. Powers to acquire a listed building in need of repair and to serve a repairs notice.</p>	<p>Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	

<p>26. Power to apply for an injunction in relation to a listed building.</p>	<p>Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	
<p>27. Power to execute urgent works.</p>	<p>Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	
<p>28. Any other planning related functions which are or become a function which cannot be exercised by the Executive.</p>		
<p>29. <u>Such of the functions listed in 1 – 28 above as shall arise under the Old Oak and Park Royal Development Corporation (OPDC) Scheme of Delegation agreed by the Council on 2nd March 2015</u></p>	<p><u>Section 203 Localism Act 2011</u></p>	

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Full Council
02 March 2015

Report from the HR Director

For Action

Wards affected:
ALL

Pay Policy Statement

1.0 Summary

- 1.1. Section 38 (1) of the Localism Act 2011 requires England and Welsh local authorities to produce a pay policy statement on an annual basis. The Act does not apply to local authority schools.
- 1.2. The purpose of this report is to inform Members of the arrangements that have been put in place in Brent Council to meet the requirements of the Act. The Act requires the pay policy statement to be approved by a meeting of Full Council on an annual basis.
- 1.3. The pay policy statement for the council is attached. The statement is consistent with the specific requirements of the Act detailed in the body of this report and sets out all the factual pay information in relation to those requirements. The Act requires the statement to be produced and published on an annual basis by the 31st March each year.
- 1.4. This statement in draft was approved by the General Purposes Committee on 29 January 2015.

2.0 Recommendation

- 2.1 It is recommended that the draft pay policy statement attached to this report be approved as an accurate and factual representation of the council's pay arrangements for 2015/16. Any amendments required during the year will be brought back to a future meeting of Full Council for approval.

3.0 Detail

Requirements of the Localism Act 2011

Meeting
Date

Version no.
Date

- 3.1 The Localism Act 2011 sections 38-43 requires local authorities in England and Wales to publish a pay policy statement for each financial year as of 2012-13. This provision of the Act does not apply to staff in local authority schools.
- 3.2 The Act sets out the matters which must be included in an authority's pay policy statement as follows:
- the remuneration of its "chief officers";
 - the remuneration of its "lowest-paid employees" (together with the definition of "lowest paid employees" adopted by that authority for the purposes of the statement, and the reasons for adopting that definition); and
 - the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.
- 3.3 For the purposes of the statement the Act defines who is included under the term "chief officer". It includes the Head of Paid Services (Chief Executive, the Monitoring Officer, the statutory chief officers (directors) as well as non-statutory chief officers and deputy chief officers (managers who report directly to a chief officer).
- 3.4 Remuneration is also defined widely and includes not just basic pay/salary but also any bonuses, charges, fees e.g. election fees or allowances, benefits in kind, increases enhancements of pension entitlements and termination/severance payments. Remuneration in relation to employees who are not chief officers is also similarly widely defined.
- 3.5 The statement must set out the authority's policy on a number of specific aspects of chief officer remuneration:
- the level and elements of remuneration for each chief officer;
 - the remuneration of chief officers on recruitment;
 - increases and additions to remuneration for each chief officer;
 - the use of performance related pay for chief officers;
 - the use of bonuses for chief officers;
 - the approach to final payments to chief officers when they leave the authority; and
 - the publication of and access to information relating to remuneration of chief officers.
- 3.6 The policy statement must be published on the authority's website and in any other manner the authority considers appropriate. There is no requirement to include specific numerical data on pay and reward within the statement. However, it is necessary to consider how the information in the statement fits in relation to the information authorities are already required to publish; for example, The Local Government Transparency Code 2014.
- Brent's Pay Policy Statement**
- 3.7 The policy statement for Brent has been prepared incorporating all of the above requirements. The statement is attached to this report. There are no new proposals or policy changes attached to the statement as the information reflects current practice and is strictly factual in nature.
- 3.8 The introduction to the statement refers to the HR Strategy 2014 -17 which sets out the overarching objective of having the right people, with the right skills, attitudes and experience, in the right place at the right time to enable the organisation to

deliver on its corporate objectives and priorities.

- 3.9 Brent's senior managers covered are those in the top three tiers in the management structure - the Chief Executive (Tier 1), Strategic Directors (Tier 2), Operational Directors (Tier 3) and the Chief Legal Officer (which is the Council's monitoring officer but is a Head of Service level post). This includes all statutory and non-statutory chief officer posts.
- 3.10 All references to terms and conditions in the statement are factual. Where appropriate a link to the relevant pay policy e.g. the council's pension arrangements has been included.
- 3.11 In keeping with the requirements of the Act the statement will be published on the Internet with links to pay policy and information where appropriate.
- 3.12 As set out in the summary to this report the pay policy statement must be approved by a meeting of the Full Council and published by 31 March each year. The information the authority is required to publish is factual, based on the current pay arrangements. There are no proposals to make any changes to these arrangements. The draft pay policy statement was presented to General Purposes Committee on 29 January 2015. This meeting of the Full Council is now asked to approve the pay policy statement for publication.

4.0 Financial Implications

- 4.1 There are no financial implications arising from this report.

5.0 Legal Implications

- 5.1 The contents of the statement comply with regulation 38 of the Localism Act 2011. The approval of the pay policy will satisfy the technical requirements of Regulation 39 of the Localism Act 2011.

6.0 Diversity Implications

- 6.1 There should be no diversity implications arising from this report.

Background Papers

None

Contact Officers

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PAY POLICY STATEMENT

Financial Year 2015/16

April 2015



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BRENT COUNCIL PAY POLICY STATEMENT

Financial Year 2015/16

Purpose

The council's pay policy outlines Brent's policy on pay and benefits for all employees (excluding Schools) and has been developed to meet the relevant statutory provisions of the Localism Act 2011.

The pay policy will be reviewed on an annual basis and any changes will be approved in advance of each new financial year.

The pay policy statement can be amended during the course of any financial year, but only by a resolution of the Full Council. If it is amended during the year to which it relates, the revised version of the statement will be published as soon as reasonably practicable.

Strategic Context

The current and future pay and benefit arrangements are embodied in the council's HR Strategy for 2015/19 which reflects the Borough Plan priorities. The council's Borough Plan provides the strategic framework for the council's workforce and people priorities.

The overarching objective for the HR Strategy is to have the right people, with the right skills, attitudes and experience, in the right place at the right time to enable the organisation to deliver on its corporate objectives and priorities.

Key strategic aims of the HR Strategy for 2015/19 are:

- Achieving organisational effectiveness and strong performance management
- Recruiting, retaining and rewarding a diverse, highly skilled and motivated workforce
- Valuing diversity and reducing inequalities
- Developing high performing managers and talented staff
- Building the professionalism and skills of the workforce to support One Council projects and deliver high quality services

The council is committed to being a good employer, has an excellent track record in employing a workforce which reflects the community and in order to recruit and

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retain a high quality workforce will pay its staff at salary levels which will attract top performers. The move to the Civic Centre was achieved in 2013 and significant inroads have been made into introducing new ways of working to support the relocation to new offices.

Review of Employee Benefits

The council's pay arrangements and terms and conditions play a key role enabling the council to fully realise its objectives and in ensuring the workforce is 'fit for purpose'. The impact of the review of the council's terms and conditions in 2013 are now being realised. The council is committed to fair and equitable pay and benefits arrangements to maintain a flexible, talented and performance focused workforce. The council has successfully recruited to a number of key roles this year following significant restructuring exercises to improve service delivery to the local community set against a backdrop of ever decreasing financial resources.

As part of the review of HR policies and procedures the opportunity was taken to consolidate all the council's pay arrangements into a single policy document.

Council Pay Rates and Scales

Pay scales are reviewed annually in line with the National Joint Council agreements and are effective from 1st April.

The following pay scales have been adopted by the council:

- GLPC Pay Scales (job evaluated) (main pay scales)
- Senior Manager Pay Scales (job evaluated) (senior managers)
- Soulbury Pay Scales (Education Psychologists, Advisors and Inspectors)
- Youth and Community Service Pay Scales (Young People's and Community Service Managers)
- Teaching Pay Scales (for centrally employed local authority teachers)

Remuneration of Senior Management (Chief Officers)

The council defines its senior management as the top 3 tiers in the management structure. This includes all statutory and non-statutory Chief Officer and Deputy Chief Officer roles. It comprises the Chief Executive, strategic directors and operational directors.

Currently the pay, expenses and declaration of interest are published for the Corporate Management Team which comprises the Chief Executive and the strategic directors.

The council may, in exceptional circumstances, employ senior managers under contracts for services. The council generally will aim to pay such individuals at a rate consistent with the pay of directly employed staff performing a comparable role although there may be circumstances where a higher rate is warranted over the short term.

Remuneration of Lowest Paid Employees

The council defines its lowest paid employees as those staff paid on the lowest established grade and scale point which in Brent is Scale 2 spinal point 11 of the GLPC Pay Scales currently £17,013 per annum.

London Living Wage

The council has implemented the London living wage. This rate has been applied to all staff who receive less than £9.15 per hour. This does not apply to apprenticeships.

Pay Multiple

The 'pay multiple' is the ratio between the highest paid salary and the lowest/median average salary of the council's workforce. The council's highest paid employee is the Chief Executive. The current median salary is SCP 34 £31,368.

The current multiples are
Lowest salary multiple is 1:11
Median salary multiple is: 1:6

The council has not set a target for a maximum multiple. The pay multiple has remained relatively unchanged from 2014/2015. The council continues to pay the London living wage which has increased marginally. This also reflects capping of the Chief Executive's salary at £191,159 per annum.

Pay Grading

Single Status was introduced in 2009 for staff on the main pay scales. Single Status introduced common job evaluation schemes and pay scales for the council's former manual workers, administrative, professional, technical and clerical employees with

the exception of education psychologists, nursery nurses, youth and community workers, chief officers and the chief executive.

Senior managers including chief officers have locally determined rates of pay which are linked to national negotiations for the determination of pay awards. A revised pay and grading structure for senior managers was introduced on 1st April 2013. The aim of the review was to reduce costs whilst ensuring the council's pay arrangements remained competitive.

In 2013 the council rationalised the terms and conditions for senior managers. Those senior management posts which fall within the JNC for Chief Officer definition are employed on JNC terms and conditions and all other senior managers are employed on NJC for Local Government Services terms and conditions with some local variations. The senior management posts which fall within the JNC definition are predominately the strategic directors, other directors with statutory responsibilities and the HR Director. This means that the majority of senior managers have terms and conditions which are largely consistent with those for other staff. A number of changes were also made to the JNC for Chief Officer terms and conditions to bring them more into line with the terms and conditions for all other staff.

Local Conventions for the GLPC Job Evaluation Scheme

Virtually all local authorities and organisations that use the GLPC Scheme have local conventions in place. Without local conventions, evaluators may interpret these terms differently – and hence gradings can be affected and consistency lost.

The council in March 2013 introduced local conventions to ensure that the scheme is applied consistently and fairly to all employees.

Public Health Transfer

Following major changes to the public health system, responsibility for public health transferred to local authorities on 1 April 2013. Fifteen staff transferred into the council under NHS terms and conditions including pay. A Director of Public Health has been recruited on Brent terms and conditions.

Pay on Appointment

All employees are normally appointed on the lowest pay spinal column point for their job evaluated grade. Employees may be appointed at a higher point, where they are currently earning more than the lowest pay spine for the role and where it is considered that they already possess the skills and experience needed to justify such a higher salary.

The council delegates authority to the Senior Staff Appointments Sub-Committee to make recommendations to the council on the appointment of all officers at operational director level and above and the council's Monitoring Officer.

Annual Pay Progression

Brent's pay policy is primarily based on evaluated pay grades, which each have a salary range comprising a number of incremental points. Other pay grades are nationally prescribed and also have incremental progression arrangements. Most employees incrementally progress through the pay grade for their job. Progression will normally be one increment (pay spine column point) on the 1st of April each year until the top of the grade is reached for those on the main pay scales (separate arrangements apply during the first year of service where the start date is between 1st October and 31st March) and on the anniversary of joining for those on senior manager pay scales.

Pay progression is subject to satisfactory performance assessed during the annual appraisal process and can be withheld as a disciplinary sanction or where poor performance is being addressed.

Performance Related Pay and Bonuses

Council employees including the Chief Executive and directors do not receive performance related payments or bonuses.

National / Regional Pay Agreements

The council operates the national (JNC/NJC) and regional (GLPC) collective bargaining arrangements for pay and conditions of service for all employees, including senior managers. Pay is increased in line with national and regional pay agreements.

Details of the 2014/16 pay award agreement include:

- an increase of 2.2% for 2014/16 applicable from 1 January 2015
- higher percentage increases on SCPs 5 to 10 to provide a new minimum hourly rate at SCP5 of £7 per hour. This would increase further to £7.06 per hour on 1 October 2015 by the deletion of SCP5 (Brent Council does not pay any staff on SCP 5)
- non-consolidated lump sum payments of between £100 and £325 on SCP5 - 25
- 0.45% of new salaries to employees on SCPs 26-49 inclusive
- a commitment to joint working for the future that would ensure the NJC was focused on issues of importance to both employers and employees.

The non consolidated payment was paid to eligible staff in December's salary. Only employees in post on 1 December 2014 were eligible for the payment, which was pro-rata for part-time employees.

Market Supplements

The council has phased out market supplement payments and has put in place employee benefits as part of the new benefits package to ensure the council remains competitive in the recruitment market. Currently there are only a small number of supplements in existence and these have planned end dates.

Fees for Election Duties

Election fees paid to employees (including chief officers) who assist in elections are in line with the rates agreed by the Government whenever general, regional or European elections occur. Where local elections occur fees will be determined using the cross-London agreed rates.

Pension

All non teaching employees are able to join the Local Government Pension Scheme. Teachers are able to join the Teachers Pension Scheme. Benefits for both schemes are paid in accordance with government regulations. NHS employees who transferred to the council under TUPE have access to the NHS Pension Scheme.

Payments on Termination of Employment

In the event that the council terminates the employment of an employee on the grounds of redundancy the terms of the council's redundancy and early retirement arrangements will apply.

Re-employment of Employees

Section 7 of the Local Government and Housing Act 1989 requires that every appointment to paid office or employment in a local authority shall be made on merit.

The re-engagement of employees including chief officers who are made redundant is subject to the council's re-engagement arrangements (contained within the council's Managing Change Policy). The policy sets out the minimum period a former employee must wait before being eligible to work for the council again, as well as outlining other restrictions.

Employees who are made redundant may not be re-engaged within twelve months of their termination of employment for reasons of redundancy. After twelve months the employee may be re-engaged via the normal recruitment procedures either to carry out the same work or a different job. Re-engagement is subject to the approval of the Operational Director and HR Director.

Tax avoidance


All permanent Brent staff including senior managers are paid through payroll which means that all taxes are deducted at source. A review of temporary staff has recently been concluded and it is Brent's policy to cover vacancies through the use of approved agency workers or by appointing staff on fixed term contracts. Temporary workers providing services through their own companies will be carrying out projects and generally not covering permanent roles other than in exceptional circumstances e.g. where interim cover is essential whilst a permanent appointment is recruited. Where these situations do occur they will be limited in duration, usually to less than 6 months.

Publication and access to information

Brent's annual Pay Policy Statement will be published on the website where it can be easily accessed. Information about chief officers remuneration is published on the council's website www.brent.gov.uk in the section Senior Staff Salaries.

For further information on the Council's Pay Policy, please email askhr@brent.gov.uk.

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 Brent	Full Council 2 March 2015 Report from Chief Legal Officer
For Action Wards Affected: ALL	
Updates to the Constitution	

1.0 Summary

- 1.1 It is proposed that the Constitution be amended so as to reflect the senior manager restructuring agreed by the Cabinet, and to address changes in the law in relation to procurement. There is also a minor change in relation to meetings of Teachers' Joint Consultative Committee.

2.0 Recommendations

That Members:

- 2.1 agree the changes made to the Constitution as shown in **Appendix 1** in relation to the senior management restructure with effect from 1st April 2015.
- 2.2 delegate authority to the Chief Legal Officer to make such other incidental changes to the Constitution as are necessary in relation to the senior management restructure.
- 2.3 confirm that any previous delegations made by the Council, its committees, or the Cabinet, and its committees to post titles now deleted shall be regarded as delegations to those Chief Officers to whom that function is now transferred.
- 2.4 agree the changes to Contract Standing Orders as shown in **Appendix 2**.

- 2.5 agree that the frequency of meetings of the Teachers' Joint Consultative Committee be varied from at least once per every school term to ad hoc.

3.0 Detail

Changes to the senior management restructure

- 3.1 At the Cabinet meeting on 15th December 2014 members agreed changes to the senior management structure of the Council and as a consequence amendments to the Constitution are required to reflect the new post titles and delegation of functions. Attached as **Appendix 1** are extracts from the Constitution which show the new senior management arrangements and the transfer of various functions between posts. The main changes which affect the constitutional arrangements are the deletion of the posts of Strategic Director Environment and Neighbourhoods, Assistant Chief Executive and Director of Legal and Procurement, and the transfer of the functions to the Strategic Director Regeneration and Growth, the Chief Operating Officer and the Chief Legal Officer. There are other incidental references to these posts throughout the Constitution and it is proposed that the Chief Legal Officer be given delegated authority to make such changes as are necessary.

Changes to the Procurement Rules

- 3.2 The Public Contracts Regulations 2015 (the 2015 Regulations) came into force on 26th February 2015. The 2015 Regulations largely replace the Public Contracts Regulations 2006 and introduce a new regime for procurement in England. This has required a number of changes to the council's Contract Standing Orders as shown in Appendix 2. Major changes resulting from the 2015 Regulations include the disappearance of the distinction between Part A/Part B Services and its replacement of a new "light touch" regime for social and other specific services set out in Schedule 3 to the 2015 Regulations; the introduction of new procurement procedures including the "Competitive Procedure with Negotiation" and the "Innovative Partnership" procedure; the requirement for evaluation of bids to be on the basis of the most economically advantageous tender only; and the introduction of requirements to advertise contracts on "Contracts Finder".
- 3.3 Whilst the majority of the proposed changes to Contract Standing Orders are required to reflect the 2015 Regulations, a change to the definition of Very Low Value Contract and Low Value Contract is proposed for expediency. The 2015 Regulations have introduced new requirements for procurements below the relevant EU threshold figures but above £25,000. Where such contracts are advertised, there is a requirement for them additionally to be advertised on Contracts Finder. There is also a ban on using a separate Pre Qualification stage for such contracts. Given such requirements only apply to contracts valued at more than

£25,000, it is proposed to increase from £20,000 to £25,000 the division between Very Low Value Contracts and Low Value Contracts in order to mirror this new figure and ensure that the requirements of the 2015 Regulations apply consistently to Low Value Contracts.

Teachers Joint Consultative Committee

- 3.4 Part 2 Article 10 of the Constitution sets out the arrangements for Staff Fora. The Council has established an Employee Joint Consultative Committee and a Teachers Joint Consultative Committee. There is no provision in the Constitution for frequency of meetings in relation to the former, and this meets on an ad hoc basis as and when required. It is proposed that meetings for the Teachers Joint Consultative Committee be arranged on the same basis. The proposed changes are shown in **Appendix 3**.

4.0 Financial Implications

- 4.1 This report contains no specific financial implications.

5.0 Legal Implications

- 5.1 Any legal implications arising are addressed in the body of this report.

6.0 Diversity Implications

- 6.1 This report contains no specific diversity implications.

Background papers

Brent Council Constitution

Senior Manager Restructuring Proposals report to Cabinet 15th December 2014.

Should any person require any further information about the issues addressed in this report, please contact Kathy Robinson, Senior Corporate Solicitor, on telephone number 020 8937 1368.

Fiona Alderman
Chief Legal Officer

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Appendix 1

Article 13 - Officers

Management structure

13.1 General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

13.2 Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	<p><u>Head of Paid Service. Managerial leadership of the Council including responsibility for overall corporate management and operational responsibility for all staff. Providing and securing of advice to the Council, and councillors, on strategy and policy. Acting in an executive capacity by making decisions or ensuring a system is in place for other officers to make decisions, as authorised by the Council. Delivering probity, value for money and continuous improvement.</u></p> <p>Overall corporate management and operational responsibility (including overall management responsibility for all officers) and provision of professional advice to all parties in the decision making process. Management of policy, performance, scrutiny, partnership, community engagement, communications, complaints, human resources, equalities, business support, legal services, procurement, electoral committee, member and Mayoral services, Freedom of Information, finance, audit and investigation, IT, public health.</p>
<u>Chief Operating Officer</u>	<p><u>Management of policy, performance, scrutiny, partnership, community engagement, communications, complaints, human resources, equalities, business support, legal services, procurement, electoral committee, member and Mayoral services, Freedom of Information, finance, audit and investigation, IT, public health, highways, transport strategy, Brent Transport Services, transportation, refuse and street cleansing, parking, parks and open spaces, cemeteries, accident prevention, emergency planning and business continuity, waste management and recycling, street lighting, environment, CCTV monitoring, sport and leisure, leisure centres, arts, libraries, museums, and archives, community safety, nationality service, Registrar of Births,</u></p>

	<u>Deaths and Marriages, customer services, revenue and benefits.</u>
Strategic Director Children & Young People	Statutory Director of Children's Services, school improvement service, outdoor education, pupil referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities and all functions of the Local Education Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people.
Strategic Director Adults	Statutory Director of Adult Social Services, health, adult physical disability, learning disability, mental health services, services to older people, <u>safeguarding adults</u> , emergency duty team, asylum in so far as it is not a housing matter, adult social care complaints, and any other function listed in Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Strategic Director Children and Young People.
Strategic Director Regeneration and Growth	Regeneration, urban renewal, economic development, building new education facilities, statutory land use, planning, development and building control, land charges, street naming and numbering, housing regeneration , affordable housing development, corporate property, facilities and premises management. All permanent and temporary housing, including temporary accommodation for asylum seekers, right to buy management, private sector housing services (including related environmental health functions) , liaison and transactions with Housing Associations, and homelessness and housing strategy, housing management, customer services , adult and community education , revenue and benefits , <u>environmental health, licensing, street trading, trading standards, mortuary, health & safety, contaminated land, pollution control, food safety and pest control.</u>
Strategic Director Environment Neighbourhoods	Arts, Libraries, museums, archives, environment, environmental health (other than in relation to private sector housing), highways and emergency operations, transport strategy, Brent transport services, transportation, streetcare, refuse and street cleansing, parks, parking and open spaces, cemeteries and mortuary, licensing, street trading, trading standards, health and safety, contaminated land, accident prevention and emergency planning, waste

	management and recycling, street lighting, CCTV monitoring, pollution control, food safety, pest control, sport and leisure, leisure centres, community safety, nationality service, Registrar of Births, Deaths and Marriages.
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Head of Paid Service, Monitoring Officer and Chief Finance Officer and other Statutory Chief Officer posts

13.3 The Council has made the following designations:

Post	Designation
Chief Executive	Head of Paid Service
Director of Legal and Procurement Chief Legal Officer	Monitoring Officer
Chief Finance Officer	Chief Finance Officer
Strategic Director Children and Young People	Director of Children's Services
Strategic Director Adults	Director of Adult Social Services
Director of Public Health	Director of Public Health

Structure

13.4 The Chief Executive determines and publicises a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

Functions of the Monitoring Officer

13.5 (a) Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by councillors, officers and the public.

(b) Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission has, may or would give rise to unlawfulness or to any maladministration which has been investigated by the Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Standards Committee

is specified, the Chief Executive or a person nominated by him or her for the purpose will be identified. Any other function not otherwise specified in the Tables or elsewhere in this Constitution is the responsibility of the Cabinet, unless specifically precluded by law from so being, in which case it shall be the responsibility of the General Purposes Committee (unless specifically reserved to Full Council in which case it shall be exercised by Full Council).

- 1.12 All functions shall be exercised in accordance with this Constitution including, for the avoidance of doubt, the Standing Orders and Financial Regulations and this Part 4 and Part 5.
- 1.13 In exercising any function or making any decision, the decision making body or person shall take into account all relevant considerations and ignore all irrelevant considerations and shall comply with the Access to Information Rules.
- 1.14 A number of joint committees have been established with other London Boroughs under the umbrella of the London Councils. The London Councils' Committee and the Transport and Environment Committee exercise executive and non-executive functions. The terms of reference and make up of these committees and the sub-committee are described in Part 5.

2. Powers Delegated to Officers

- 2.1 Those officers named in the Tables or elsewhere in the Constitution have delegated to them the powers specified therein but subject to the limitations specified therein. For the avoidance of doubt, this includes an officer appointed to a named post on an acting interim or temporary basis.
- 2.2 References in this Part 4 to a 'director' or 'relevant director' are references to one or more of the officers specified in paragraph 2.4 below.
- 2.3 The Chief Executive may exercise any functions delegated to other officers and may delegate decisions or functions to one or more officers in any of the Council's departments unless expressly prohibited by law from doing so. The Chief Executive shall also have authority to carry out all executive functions in the interim in the event of there being no Leader, or Deputy Leader appointed and insufficient members of the Cabinet appointed to achieve a quorum.
- 2.4 The Chief Executive, Chief Operating Officer and Strategic Directors listed below shall have responsibility for the following general and related areas:-

(a) Chief Executive:

Head of Paid Service. Managerial leadership of the Council including responsibility for overall corporate management and operational responsibility for all staff. Providing and securing of advice to the Council, and councillors, on strategy and policy. Acting in an executive capacity by making decisions or ensuring a system is in place for other officers to make decisions, as authorised by the Council. Delivering probity, value for money and continuous improvement.

~~Head of Paid Service, overall corporate management and operational responsibility including overall management responsibility for officers, and provision of professional advice to all parties in the decision making process. Management of policy, performance, scrutiny, partnership, community engagement, communications, complaints, human resources, equalities, business support, legal services, procurement, electoral, committee,~~

~~member and Mayoral services, Freedom of Information, finance, audit and investigation, IT, public health.~~

(b) ~~Chief Operating Officer Strategic Director Children and Young People:~~

~~Management of policy, performance, scrutiny, partnership, community engagement, communications, complaints, human resources, equalities, business support, legal services, procurement, electoral, committee, member and Mayoral services, Freedom of Information, finance, audit and investigation, IT, public health, highways, transport strategy, Brent Transportation Services, transportation, refuse and street cleansing, parking, parks and open spaces, cemeteries, accident prevention, emergency planning and business continuity, waste management and recycling, street lighting, environment, CCTV monitoring, sport and leisure, leisure centres, arts, libraries, museums, and archives, community safety, nationality service, Registrar of Births, Deaths and Marriages, customer services, revenue and benefits. Statutory Director of Children's Services, school improvement service, outdoor education, pupil referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities and all functions of the Local Education Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people,~~

(c) **Strategic Director Adults :**

Statutory Director of Adult Social Services, health, adult physical disability, learning disability, mental health services, services to older people, safeguarding adults, emergency duty team, asylum in so far as it is not a housing matter, , adult social care complaints, and any other function listed in Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Strategic Director Children and Young People.

(d) ~~Strategic Director Strategic Director Children and Young People:~~
Environment and Neighbourhoods:

~~Statutory Director of Children's Services, school improvement service, outdoor education, pupil referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities and all functions of the Local Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people.~~

~~Environment, environmental health (other than in relation to private sector housing), highways, transport strategy, Brent Transportation Services, transportation, streetcare, refuse and street cleansing, parks, parking and open spaces, cemeteries and mortuary, licensing, street trading, trading standards, health & safety, contaminated land, accident prevention and emergency planning, waste management and recycling, street lighting, CCTV monitoring, pollution control, food safety, pest control, , sport and~~

~~leisure, leisure centres, arts, libraries, museums, and archives, community safety, nationality service, Registrar of Births, Deaths and Marriages.~~

(e) **Strategic Director Regeneration and Growth:**

Regeneration, urban renewal, economic development, building new education facilities, statutory land use, planning, development and building control, land charges, street naming and numbering, housing regeneration, affordable housing development, corporate property, facilities and premises management,. All permanent and temporary housing, including temporary accommodation for asylum seekers, right to buy management, private sector housing services ~~(including related environmental health functions)~~, liaison and transactions with Housing Associations, homelessness and housing strategy, housing management, ~~customer services~~, adult and community education, ~~revenue and benefits~~, environmental health, licensing, street trading, trading standards, mortuary, health & safety, contaminated land, pollution control, food safety and pest control.

2.5 In addition to those powers specified in the Tables and elsewhere in this Constitution, the officers specified above have delegated to them by the Council or the Leader, or Cabinet (as the case may be) all and any of the powers of the Council and the executive as may be necessary or desirable to enable them to effectively manage and operate their service area or unit or to carry out the roles and responsibilities required of them from time to time (not necessarily restricted to those roles and responsibilities specified above). These powers are subject to the exemptions, restrictions and limitations specified in paragraph 3 below or elsewhere in this Constitution. These powers include (but are not limited to) the powers set out in the following table which are also, subject to any exemption, restriction or limitation specified in respect of them in that table:-

Power	Exception, restriction or limitation
1. to exercise all functions that may from time to time fall within the scope of their professional and operational responsibility.	
2. to manage, within the approved cash limits, the budget allocated to the functions for which the officer has responsibility and to make virements or transfers as necessary.	<p>(a) no action may be taken which would result in growth, which cannot be contained in future years budgets or which would affect a budget which is not under the officer's direct control.</p> <p>(b) no virements or transfers may be made other than in accordance with the Scheme of Transfers and Virements agreed by Full Council.</p> <p>(c) no internal trading arrangements shall be established without the approval of the Chief Finance Officer.</p>

<p>Planning Committee have resolved to grant or minor amendments to terms and conditions of employment previously agreed by the General Purposes Committee.</p>	
<p>21. to respond to consultation papers from other bodies or local authorities.</p>	

2.6 The following officers have delegated to them the following powers in relation to all of the Council's services and areas of responsibility:-

(a) Chief Finance Officer

To undertake the S151 statutory role, To be responsible for providing financial advice to Members and officers in their respective roles in order to further effective decision making by the Council, and to be the professional lead for the finance function of the Authority. To operate and advise on an effective system of internal control for the Authority, including the provision of an effective internal audit service and an overall framework for insurance and risk management. To be responsible for advising on the investment strategy for the Council's treasury and pensions assets and to manage these accordingly. Power to incur or prevent any expenditure and to authorise borrowing within any limits approved by Full Council, write off debts, issue instructions on any matter relating to budget preparation, budget monitoring or budget control, power to set and monitor accounting standards, power to specify the format of returns, to require any officer to furnish him or her with any information and to answer any question relevant to the financial management of the authority

(b) ~~Director of Legal and Procurement:~~ Chief Legal Officer:

To undertake the statutory role of and exercise the powers of the Monitoring Officer, including standards and probity. Power to institute, defend or settle any actual or contemplated legal or formal proceedings on behalf of the Council and to appear by counsel or in person or to authorise an officer to so appear in any proceedings and to verify a document by signing a Statement of Truth under the Civil Procedure Rules on behalf of the Council; power to sign contracts, deeds, orders, notices and all other documents, the qualified person for Section 36 Freedom of Information Act 2000 determinations.

(c) Director of Public Health

To undertake the statutory role of Director of Public Health. Principal adviser to officers and members on all public health matters. To write the annual report on the health of the local population, take steps to improve public health, plan for and respond to emergencies which present a risk to public health, to carry out such public health functions or health protection functions as the Secretary of State may delegate or specify in regulations, to co-operate with the police, probation service and prison service in accordance with the local authority's duties under Section 325 of the Criminal Justice Act 2003, to be responsible for the Council's public health response under the Licensing Act 2003, to authorise Patient Group Directions on behalf of the Local Authority.

RESPONSIBILITY FOR FUNCTIONS

<p>28. Any other planning related functions which are or become a function which cannot be exercised by the Executive.</p>		
<p>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</p>		<p>Except where specified all of the functions listed under this section B will be exercised by the Strategic Director Regeneration and Growth Environment and Neighbourhoods or a person nominated or authorised by him or her, except those functions which are the responsibility of the Alcohol and Entertainment Licensing Committee, the Alcohol and Entertainment Licensing Sub-Committees or the General Purposes Committee or are required to be determined by the Full Council</p>
<p>1. Power to issue licences authorising the use of land as a caravan site ("site licences").</p>	<p>Section 3(3) of the Caravan Sites and Control of Development Act 1960.</p>	
<p>2. Power to license the use of moveable dwellings and camping sites.</p>	<p>Section 269(1) of the Public Health Act 1936.</p>	

<p>35. Power to license the employment of children.</p>	<p>Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963.</p>	<p>Strategic Director Children and Young People</p>
<p>36. Power to approve premises for the solemnisation of marriages.</p>	<p>Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510).</p>	<p>Strategic Director Environment and Neighbourhoods Chief Operating Officer</p>
<p>37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to –</p> <p>(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or</p> <p>(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).</p>	<p>Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).</p>	
<p>38. Power to register variation of rights of common.</p>	<p>Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).</p>	
<p>39. Power to license persons to collect for charitable and other causes.</p>	<p>Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.</p>	
<p>40. Power to grant consent for the operation of a loudspeaker.</p>	<p>Schedule 2 to the Noise and Statutory Nuisance Act 1993.</p>	

RESPONSIBILITY FOR FUNCTIONS

49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.	Chief Operating Officer
50. Power to license works in relation to buildings etc., which obstruct the highway.	Section 169 of the Highways Act 1980.	Chief Operating Officer
51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.	Chief Operating Officer
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.	Chief Operating Officer
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.	Chief Operating Officer
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.	Chief Operating Officer
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.	Chief Operating Officer
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematography Film Act 1922.	
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).	
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).	
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).	

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<p>69. Power to issue near beer licences.</p>	<p>Section 16 to 19 and 21 of the London Local Authorities Act 1995 and to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.</p>	
<p>70. Power to register premises or stalls for the sale of goods by way of competitive bidding.</p>	<p>Section 28 of the Greater London Council (General Powers) Act 1984.</p>	
<p>71. Power to register motor salvage operators</p>	<p>Part 1 of the Vehicles (Crime) Act 2001</p>	
<p>72. Functions relating to the registration of common land or village greens</p>	<p>Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008.</p>	
<p>73. Any other licensing related functions which are or becomes a function which cannot be exercised by the Executive.</p>		
<p>C. Functions relating to health and safety at work</p>		<p>All of the functions listed under this section C will be exercised by the Strategic Director <u>Regeneration and Growth Environment and Neighbourhoods</u> or by a person nominated or authorised by him or her</p>

<p>3. Any other pension related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.</p>		
<p>1. Miscellaneous functions</p>		
<p>Part 1: Functions relating to public rights of way</p>		<p>All of the functions listed under Part 1 of this section will be exercised by the <u>Chief Operating Officer Strategic Director Environment and Neighbourhoods</u> or by a person nominated or authorised by him or her unless within the terms of reference of a Council committee or sub-committee or unless otherwise specified</p>
<p>1. Power to create footpath, bridleway or restricted byway by agreement.</p>	<p>Section 25 of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>2. Power to create footpaths, bridleways and restricted byways.</p>	<p>Section 26 of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>3. Duty to keep register of information with respect to maps, statements and declarations.</p>	<p>Section 31A of the Highways Act 1980.</p>	
<p>4. Power to stop up footpaths, bridleways and restricted byways.</p>	<p>Section 118 of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>5. Power to determine application for public path extinguishment order.</p>	<p>Sections 118ZA and 118C(2) of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>6. Power to make a rail crossing extinguishment order.</p>	<p>Section 118A of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>7. Power to make a special extinguishment order.</p>	<p>Section 118B of the Highways Act 1980.</p>	<p>General Purposes Committee</p>

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6. Any function relating to contaminated land.	Cabinet	Strategic Director <u>Environment and Neighbourhoods</u> <u>Regeneration and Growth</u>
7. The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	Strategic Director <u>Regeneration and Growth</u> <u>Environment and Neighbourhoods</u>
8. The service of abatement notice in respect of a statutory nuisance.	Cabinet	Strategic Director <u>Regeneration and Growth</u> <u>Environment and Neighbourhoods</u>
9. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Full Council	Strategic Director <u>Environment and Neighbourhoods</u> <u>Regeneration and Growth</u>
10. The inspection of the authority's area to detect any statutory nuisance.	Cabinet	Strategic Director <u>Regeneration and Growth</u> <u>Environment and Neighbourhoods</u>
11. The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet	Strategic Director <u>Regeneration and Growth</u> <u>Environment and Neighbourhoods</u>
12. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Council if the information is required for the purposes of a Council function and the Cabinet if for the purposes of a Cabinet function.	The relevant director who has responsibility for the function in question.
13. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Council if the particulars are required for the purposes of a Council function and the Cabinet if for the purposes of a Cabinet function.	The relevant director who has responsibility for the function in question.
14. The making of agreements for the execution of highways works.	Cabinet, unless the need for the highways agreement has arisen from a planning decision in which case the responsibility shall be with the Council.	<u>Chief Operating Officer</u> <u>Strategic Director</u> <u>Environment and Neighbourhoods</u> or Planning Committee if it falls within the committee's terms of

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		reference.
<p>15. The appointment of any individual –</p> <p>(a) to any office other than an office in which he or she is employed by the authority;</p> <p>(b) to any body other than -</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body and the revocation of any such appointment.</p>	The Council	<p>In the case of a member of staff, the relevant director in whose department or service area the member of staff is employed. In the case of the Councillor appointments they shall be made by Full Council as soon as possible after the Annual Meeting of the Council and then again by the Full Council or the General Purposes Committee if a vacancy arises during that municipal year.</p>
<p>16. The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p>If the arrangement is in connection with a function of the Cabinet then the Cabinet shall make the arrangement. If the arrangement is in connection with a function which is the responsibility of the Council then the Council shall make the arrangement.</p>	<p>In either case the relevant director within whose area of responsibility the function lies.</p>
<p>17. Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to Local Area Agreements</p>	Cabinet	

TABLE 4A

THE MEMBERSHIP AND TERMS OF REFERENCE OF THE HIGHWAYS COMMITTEE OF THE CABINET**Membership**

The committee comprises 5 members of the Cabinet appointed by the Leader..

Chair and Vice Chair

To be appointed by the Leader.

Quorum

3 Cabinet members.

Terms of Reference

The Leader has agreed to delegate the following executive functions to the committee: -

1. Scheme approval for traffic management and related matters associated with the public highway, and off-street car parks. Traffic management includes traffic calming, signals, pedestrian crossings, bus lanes, cycle routes, stopping up orders, controlled parking zones, waiting restrictions and charges for parking and penalty charges.
2. Reviewing performance of the implementation of schemes and of parking enforcement.
3. Any other matter relating to traffic management which the Operational Director, Community Services Strategic Director Environment and Neighbourhoods considers should be referred to the Committee for a decision.

The Leader has not delegated to the Highways Committee the strategic and high level highways and transportation matters which includes decisions relating to more than four wards, matters involving expenditure over £500k, or matters which have a significant effect on income, strategies or policies in respect of highways and transportation. These will be considered by the Cabinet.

TABLE 5

PROPER AND STATUTORY OFFICER PROVISIONS

The following definitions are used in this Table:-

LGA 1972	=	Local Government Act 1972
LG(MP)A 1976	=	Local Government (Miscellaneous Provisions) Act 1976
RPA 1983	=	Representation of the People Act 1983
LGFA 1988	=	Local Government Finance Act 1988
LGHA 1989	=	Local Government and Housing Act 1989
LGA 2000	=	Local Government Act 2000
FOIA 2000	=	Freedom of Information Act 2000
LASSNHSCR 2009	=	Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

*Chief Officers also have power delegated to them in the table found at paragraph 2.5 of this Part 4 to designate proper officers falling within their area of responsibility.

The following officers and their deputies or person nominated by them for the purpose shall be the proper officer for the purpose specified:-

(1) statutory provision	(2) Function	(3) Proper Officer
Section 83 LGA 1972	Witness and receipt of declarations of acceptance of office of Mayor, Deputy Mayor and Councillors.	Head of Executive and Members Services Chief Executive
Section 84 LGA 1972	Receipt of notice of resignation of office of Mayor, Deputy Mayor and Councillors.	Head of Executive and Members Services Chief Executive
Section 88 LGA 1972	Convening of meeting for the election of Mayor in the event of a casual vacancy.	Head of Executive and Members Services
Section 89 LGA 1972	Receipt of notice of casual vacancies in the council membership.	Head of Executive and Members Services
Section 100 LGA 1972	All references to proper officer in connection with the access to information	Head of Executive and Members Services

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	provisions of the Local Government Act.	
Section 115 LGA 1972	Receipt of monies from accountable officers.	Chief Finance Officer
Section 146 LGA 1972	Certificates as to securities on alteration to local authority area or name.	Chief Legal Officer Director of Legal and Procurement
Section 151 LGA 1972	Officer with responsibility for the council's financial affairs.	Chief Finance Officer
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders.	Head of Executive and Members Services
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of any such document.	Chief Legal Officer Director of Legal and Procurement
Section 233 LGA 1972	Receive documents required to be served on the Council.	The Chief Executive or the Chief Legal Officer Director of Legal and Procurement
Section 234(1) LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue.	All officers specified in paragraph 2.4 of this Part 4.
Section 238 LGA 1972	Certification of printed copies of by-laws.	Chief Legal Officer Director of Legal and Procurement
Section 41 LG(MP)A 1976	Certification of Minutes, Resolutions, Orders and Reports of the council.	Head of Executive and Members Services
Section 35 RPA 1983	The Returning Officer at an election of Councillors of the borough.	Chief Executive
Section 8 RPA 1983	The Electoral Registration Officer of any constituency (or part thereof) in the borough.	Chief Executive

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Section 72 Weights and Measures Act 1985	Functions of Chief Inspector of Weights and Measures.	Head of <u>Regulatory Services Trading Standards</u>
Section 114 LGFA 1988	Report to Council concerning unlawful expenditure.	Chief Finance Officer
Section 2 LGHA 1989	Deposit of list of "politically restricted posts" under LGHA 1989.	Operational Director Human Resources <u>and Administration</u>
Section 4 LGHA 1989	Head of paid service.	Chief Executive
Section 5 LGHA 1989	Monitoring officer.	<u>Chief Legal Officer Director of Legal and Procurement</u>
Regulation 23 Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List.	Chief Finance Officer
Accounts and Audit Regulations 2003	The responsible financial officer.	Chief Finance Officer
Births deaths and marriages	Any reference to the proper officer in any enactment relating to registration of births, death or marriages.	<u>Chief Operating Officer Strategic Director Environment and Neighbourhoods</u>
LGA 1972, Schedule 12, Part 1, Paragraph 4(2)(b)	Signature of summonses to Council meetings and receipt of notices of addresses to which summonses to meetings to be sent.	Chief Executive
Local Government (Committees and Political groups) Regulations 1990	Receipt of notification from members.	Head of Executive and Members Services
Localism Act 2011 Section 29	Establishment and maintenance of the register of interests of members including voting co-opted members.	<u>Chief Legal Officer Director of Legal and Procurement acting as Monitoring Officer</u>
Local Authorities (Standing Orders) Regulations 2000	Notices under regulations 5 and 6 regarding proposed appointments of staff.	Operational Director Human Resources <u>and Administration</u>
Local Authorities (Referendums) (Petitions	Functions relating to verification and publicity of	Chief Executive

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and Directions) Regulations	petitions.	
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	All references to the proper officer.	Head of Executive and Members Services unless otherwise specified in the Regulations or the Constitution.
Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer.	Chief Executive
Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988	All references to the proper officer	Strategic Director Environment and Neighbourhoods <u>Regeneration and Growth</u>
Section 36 FOIA 2000	Qualified person for decision on exempt information not to be disclosed	Chief Legal Officer <u>Director of Legal and Procurement</u>
Regulation 4 LASSNHSCR 2009	All references to the responsible person	Strategic Director Adults
Local Government Act 2000 Section 9FB	To provide and support to overview and scrutiny committees	Chief Operating Officer <u>Assistant Chief Executive</u>
National Health Service Act 2006 S73A	Director of Public Health	Director of Public Health
Generally *	Any other proper officer function not otherwise designated.	Chief Executive

Appendix 2

CONTRACT STANDING ORDERS**82. Definitions**

The following definitions shall apply throughout these Contract Standing Orders (in alphabetical order):

Approved List	A list of contractors that meet the Council's minimum financial and technical criteria for specified types of services, supplies or works contracts.
Chief Officer	The Chief Executive, Chief Operating Officer and Strategic Directors .
Collaborative Procurement	Any arrangement between the Council and any other body under which the other body undertakes a procurement process with or on behalf of the Council.
<u>Contracts Finder</u>	<u>A web based facility operated by or on behalf of the Cabinet Office for advertising tenders.</u>
<u>Contracts Register</u>	The <u>electronic register of contracts awarded by the Council and overseen by the Corporate Procurement Centre.</u> officer appointed to maintain the contract register.
Contract Value or Estimated Value	The contract's value or estimated value for the contract term excluding VAT.
E-Auction Facility	A web-based facility approved by the Chief Legal Officer Director of Legal and Procurement which enables the electronic submission of prices for a Tender.
Electronic Tender Facility	A web-based facility approved by the Chief Legal Officer Director of Legal and Procurement which enables the electronic despatch and receipt of Tender documents.
Electronic Tender Time Box	The feature within an Electronic Tender Facility which stores received Tenders and prevents viewing of them until after the appointed closing date and time.
European Procurement Legislation	The relevant EU Directives and corresponding UK Regulations <u>as amended or replaced from time to time</u> including the <u>Public Contracts Regulations 2015 and the Public Contracts Regulations 2006</u> as amended or replaced from time to time.

<u>EU Thresholds</u>	<p>The current EU thresholds under European Procurement Legislation for the following types of contracts are:</p> <ul style="list-style-type: none"> • <u>in the case of contracts for public works, £4,322,012</u> • <u>in the case of contracts for services or supplies, £172,514</u> • <u>in the case of contracts for Schedule 3 Services, £625,050</u> • <u>in the case of contracts for public works concession contracts, £4,322,012</u>
Framework Agreement	An agreement for a specified term under which contracts for the provision of particular services, supplies or works can be entered into ("called off") on agreed terms.
High Value Contract	Any contract that exceeds the values stated for Medium Value Contracts (under which different thresholds apply for services / supplies and construction / works).
Low Value Contract	<p>In the case of contracts for services (<u>including Schedule 3 Services</u>) or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of <u>between £20,001-5,000</u> and up to the amount which is the current <u>EU Threshold for services and supplies contracts under the European Procurement Rules</u> (which is currently £172,514).</p> <p>In the case of a contract for construction or works: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of <u>between £20,001-5,000 and</u> up to £250,000, provided that the contract is classified as a contract for works and not services by the European Procurement <u>Rules Legislation</u>.</p>
Local Brent Provider	A party that provides services, supplies or works and that is based or has a local office situate in a postcode area falling within the London Borough of Brent.
Medium Value Contract	<p>In the case of contracts for services (<u>including Schedule 3 Services</u>) or supplies: <u>a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between the amount which is the relevant EU Threshold for services or supplies contracts under the European Procurement Legislation</u> (which is currently £172,514) and £250,000.</p> <p>In the case of a contract for construction or works, a</p>

	contract with an estimated value of between £250,000 and £500,000, provided that the contract is classified as a contract for works and not services by the European Procurement Rules Legislation .
Member	An elected member of Brent Council.
Monitoring Officer	Chief Legal Officer The Director of Legal and Procurement.
Official Order	An order for services, supplies or works to the Council issued by an authorised officer using the Council's official order form.
OJEU	The Official Journal of the European Union.
Online Market Place	A web-based facility approved by the Chief Legal Officer Director of Legal and Procurement which enables the procurement of specified types of services, supplies or works contracts.
Schedule 3 Services	Those social and other specific services listed in Schedule 3 of the Public Contracts Regulations 2015.
Tender	An offer or bid or tender from a party to provide services, supplies or works to the Council including any offer, bid or tender which is subject to negotiation.
Tender Acceptance	An acceptance in writing of a Tender.
Very Low Value Contract	A contract or commitment with a value from £0 to £250,000 .

83. Contracts exempt from Contract Standing Orders

The following contracts are exempt from Contract Standing Orders:-

- (a) individual agency contracts for the provision of temporary staff (although it is mandatory to place such contracts through the Council's corporate agency staff arrangements, currently with Reed Specialist Recruitment Limited);
- (b) employment contracts;
- (c) contracts relating to an interest in land.

84. General Requirements

- (a) Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions AND shall be procured in accordance with all relevant domestic and European legislation and unless for good operational and/or financial reasons the Executive Cabinet (or, if appropriate, the General purposes Committee) agrees otherwise, with these Contract Standing Orders and the Council's Financial Regulations.
- (b) In addition to the powers of the Cabinet in paragraph 84(a) to grant an exemption from the requirement to procure in accordance with these Contract Standing Orders, the Chief Finance Officer is also able to grant such exemptions:
- (i) on grounds of extreme urgency
 - (ii) where the exemption sought is in relation to the requirement to obtain 3 written quotes under Standing Order 86(b).

The Chief Finance Officer shall only exercise his / her authority under this paragraph (i) following legal advice that there is no breach of domestic or EU law or the Council's own procedures in the exercise of the authority (ii) where there are good operational and / or financial reasons for doing so.

- (c) Chief Officers shall ensure in undertaking any contract procurement that:-
- (i) fair, transparent and auditable processes are followed at all stages;
 - (ii) tender exercises are conducted appropriate to the nature of the contract being procured;
 - (iii) all tenderers are treated equally and fairly;
 - (iv) these Contract Standing Orders are complied with; ~~and~~
 - (v) ~~(v)~~ —the Contracts Database Register is kept updated at all times as set out in Standing Order 110; ~~and~~
 - ~~(vi)~~ (vii) Appropriate steps are taken to prevent, identify and remedy any conflicts of interest
- (d) Contract tendering procedures are contained in the Council's Contract Procurement and Management Guidelines which shall be updated and amended from time to time to comply with these Contract Standing Orders. Advice on any of the requirements of these Contract Standing Orders shall be sought from the Chief Legal Officer Director of Legal and Procurement or Chief Finance Officer as appropriate.
- (e) For the avoidance of doubt these Contract Standing Orders apply to:-
- (i) the appointment of consultants; and
 - (ii) the establishment of Framework Agreements.
- (f) Subject to paragraph (a) and (b) above, Standing Order 97 (mandatory Approved List and Online Market Place), all medium and high value contracts shall be entered into and procured in accordance with the formal tendering procedures set out in these Standing Orders.

85. Partnership Arrangements and Collaborative Procurement

- (a) No Partnership Arrangements may be entered into unless they are approved by the Chief Finance Officer and a formal agreement covering the arrangements is signed by the parties.
- (b) Any Partnership Arrangement or Collaborative Procurement which includes delegation of powers shall be approved by the Cabinet (or where relevant, Full Council).
- (c) Any Collaborative Procurement shall comply with these Standing Orders and Financial Regulations unless;
- (i) agreed otherwise in writing by the Chief Finance Officer and the ~~Director of Legal and Procurement~~ Chief Legal Officer; or
- (ii) in the case of a High Value Contract, the agreement of the Cabinet is obtained under Standing Order 84(a).

For the purposes of this Standing Order the contract value shall be calculated on the estimated value of the Council's part of the contract only.

- (d) Any agreement between the Council and one or more other body which includes any payment by the Council in respect of the costs of carrying out a Collaborative Procurement shall comply with these Standing Orders unless agreed otherwise in writing by the Chief Finance Officer and the ~~Director of Legal and Procurement~~ Chief Legal Officer.

86. Contracts not subject to full tendering requirements

- (a) Certain contracts as set out in this Standing Order listed below, are not subject to the full tendering requirements of these Contract Standing Orders but are subject to any other relevant parts thereof.

~~(aab)~~ No formal procurement procedures apply to Very Low Value Contracts apart from a requirement to secure best value. For Very Low Value Contracts, the best way to demonstrate best value is by seeking three quotes or using an Approved List (where one exists) or the Online Market Place, however this is not mandatory and it is open to a duly authorised officer to approve another procurement route. As with all Council procurement, there is a mandatory requirement to keep an auditable record to demonstrate compliance and value for money.

~~(cb)~~ Save where required by European Procurement Legislation, n ~~No formal tendering procedures apply to Low Value Contracts (as defined in Standing Order 82 above with different thresholds applying for works contracts as opposed to supplies and services contracts)~~ except that at least three written quotes must be sought and the quotes sought and/or obtained shall be recorded or alternatively the contract is procured through the Online Market Place. Where quotes are sought, advice must be sought from the Council's procurement officers about how to select the three organisations to be invited to quote and how to structure the quotation process. Unless the Council's procurement officers advise that it is not necessary or appropriate, all quotes shall be sought using the Electronic Tender Facility and at least one of the quotes shall be sought from a Local Brent Provider. In the case of Low Value Works Contracts valued at above the relevant EU T threshold for supplies or services contracts ~~under the European Procurement Rules (currently £172,514)~~, approval of the ~~Director of Legal and Procurement~~ Chief Legal Officer

is required to use a quotation process; if approval is not given then ~~such a contract requires the following of~~ a tender process under Standing Order 96 below ~~is required for such contract~~. Low Value Contracts do however require formal approval for award according to Standing Order 88(a) from a duly authorised officer within the relevant Council department.

- (de) Contracts which are procured using an Approved List or the Online Market Place in accordance with the rules prescribed pursuant to Standing Order 97, are not subject to full tendering requirements.
- (ee) Subject to the proviso below, no formal tendering procedures apply where contracts are called off under:
 - (i) a Framework Agreement established pursuant to these Standing Orders; or
 - (ii) a Framework Agreement established by another contracting authority, where call off under the Framework Agreement is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract PROVIDED that the ~~Director of Legal and Procurement~~ Chief Legal Officer has advised that participation in the Framework Agreement is legally permissible. Advice from the ~~Director of Legal and Procurement~~ Chief Legal Officer must be obtained each and every time a call off under another contracting authority's Framework Agreement is recommended by the relevant Chief Officer.
 - (iii) the Online Market Place (as detailed in Standing Order 97), where the call off is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract.

SAVE THAT any high value contract may only be awarded on the approval of the Cabinet as required by paragraph 2.5 of Part 4 of the Constitution.

- (fe) Subject to complying with any relevant parts of the European Procurement Legislation, Tenders need not be invited nor quotes sought:
 - (i) where for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the services, supplies or works may only be provided by a particular provider or where there is only one provider who would be able to provide the services, supplies or works required PROVIDED that advice is sought from the ~~Director of Legal and Procurement~~ Chief Legal Officer and in the case of High Value Contracts, approval is sought from the Cabinet (or, if appropriate, the General Purposes Committee); or
 - (ii) in cases of extreme urgency where there is an immediate danger to life or limb or property and only to the extent necessary to procure services, supplies or works necessary to deal with the immediate urgent situation PROVIDED that advice is sought from the ~~Director of Legal and Procurement~~ Chief Legal Officer; or
 - (iii) for contracts providing individual personal services such as individual care arrangements or individual special educational needs provision and for the avoidance of doubt this exemption does not apply to any framework agreements or call off contracts that will facilitate the award of individual contracts providing such personal services.

87. Provision of goods, services and works by the Council

- (a) The Local Authorities (Goods and Services) Act 1970 ("the 1970 Act") provides that local authorities may enter into contracts to provide goods and services to public bodies defined as such by the 1970 Act. Section 96 of the Local Government Act 2003 provides that local authorities may do for a commercial purpose anything which they are authorised to do for the purpose of carrying on any of their ordinary functions provided this power is exercised through a company within the meaning of Part 5 of the Local Government Act 1989. The general power of competence in the Localism Act 2011 may also authorise the provision of goods, works and services by the Council.
- (b) Before entering into arrangements under any of these provisions, officers must comply with the relevant requirements of Financial Regulation in Part 6 of the Constitution.
- (c) Authority to enter into arrangements under any of these provisions must be agreed by the Cabinet (or if appropriate the General Purposes Committee) where:
- (i) the contract value would exceed £150,000 per annum; or
 - (ii) the gross cost to the Council of providing the relevant goods, services or works under the contract is estimated to exceed £150,000 per annum calculating the full costs over the term of the contract (including any period of extension(s) anticipated by the contract);
 - (iii) where a company is to be set up for the purposes of the arrangements.
- (d) In all cases advice shall be sought from the [Director of Legal and Procurement Chief Legal Officer](#) and the Chief Finance Officer prior to entering into any such arrangement and/or prior to seeking approval by the Cabinet.

88. Authority to go out to tender and enter into contracts

- (a) Chief Officers have delegated to them power to invite expressions of interest, agree shortlists, invite Tenders, negotiate, award, and terminate contracts in accordance with paragraph 2.5, of Part 4 of this Constitution. No individual Member may enter into a contract on the Council's behalf.
- (b) Where approval to invite expressions of interest is required from the Cabinet (or if appropriate the General Purposes Committee or Pension Fund Sub-Committee) the Cabinet, the General Purposes Committee, or the Pension Fund Sub-Committee as the case may be, shall receive and consider a report setting out the pre-tender considerations specified in Standing Order 89 and shall give such approval or approvals as it considers necessary.
- (c) Where approval to award, or terminate a contract is required to be obtained or is in any event sought from the [Cabinet](#) (or the General Purposes Committee or Pension Fund Sub-Committee), the Cabinet, the General Purposes Committee or the Pension Fund Sub-Committee as the case may be, shall receive and consider a report setting out all relevant information necessary to enable it to give such approval or approvals as it considers necessary.
- (d) Chief Officers are responsible for ensuring that the relevant category manager in the Corporate Procurement Centre is notified of all proposed procurements [of or exceeding £205,000](#) in value. The role of the category manager under this

Standing Order 88 is to advise on appropriate procurement routes, ensuring that the service department takes legal advice as necessary.

89. Pre-Tender Considerations

In procuring any contract, Chief Officers (or the Cabinet for High Value contracts) shall, where appropriate, consider the following matters prior to inviting Tenders:

- (i) the nature of the services, supplies or works contract to be tendered;
- (ii) the estimated value;
- (iii) the contract term and any period of extension(s) anticipated by the contract;
- (iv) the tender procedure to be adopted including whether any part the procedure will be conducted otherwise than by electronic means and whether there will be an e-auction;
- (v) the procurement timetable;
- (vi) the evaluation criteria and process;
- (vii) any business risks associated with entering the contract;
- (viii) the Council's Best Value duties;
- (ix) The Council's duty under the Public Services (Social Value) Act 2012 (duty applies only to Medium and High Value Contracts for services but should be considered for all contracts);
- (x) any staffing implications including TUPE and pensions; and
- (xi) the relevant financial, legal and other considerations.

90. Estimated contract value

Chief Officers shall ensure that an estimated contract value is prepared and recorded prior to commencement of a tender exercise. Such estimate shall be calculated on the basis of the value of the contract over the life of the contract including any period of extension(s) anticipated by the contract whether or not a one off service, supply or work. Where a contract has no fixed term the value of the contract shall be calculated as if the term of that contract was 48 months.

91. Small Lots

Chief Officers shall consider whether a contract should be subdivided into lots and if a decision is decided not to subdivide into lots, shall record the reason for such decision in writing. Contracts must not however be subdivided into lots to avoid competitive tendering. The estimated value of contracts split into lots shall be calculated using the total value of all lots. ~~Contracts must not be split into lots to avoid competitive tendering.~~

92. Procurement by consultants

Where consultants are appointed to undertake tendering on the Council's behalf they shall be instructed to comply with Contract Standing Orders and to refer to the Contract Procurement and Management Guidelines as appropriate. No consultant shall make a decision as to whom to award a contract nor enter into contracts on the Council's behalf. Appropriate arrangements shall be implemented to monitor any procurement managed by consultants.

93. Appointment to the Evaluation Panel

For High Value Contracts the ~~Director of Legal and Procurement~~ Chief Legal Officer and the Chief Finance Officer shall, if he/she considers it appropriate, be part of or appoint a representative to the evaluation panel or shall advise the panel as he/she sees fit.

94. Prior Information Notice

Chief Officers should ensure that a Prior Information Notice is published in OJEU as soon as possible after the commencement of each financial year detailing the intended total procurement for the year for services, supplies and works contracts to be tendered which are subject to European Procurement Legislation.

95. Inviting Tenders for Contracts at or over Subject to Full EU Rules Thresholds

(a) Where a services ~~(Part A services)~~, supplies or works contract has an estimated value is above in excess of the EU Threshold, then Tenders shall be invited in accordance with European Procurement Legislation using the open, restricted, ~~negotiated competitive procedure with negotiation, or~~ competitive dialogue, innovative partnership or negotiated (applicable to concession contracts only) procedure by placing a notice in OJEU no later than any other advertisement placed in any other publication. An advertisement for such Tender will also be placed on Contracts Finder following the placing of the notice on OJEU.

(b) Where a contract for Schedule 3 Services has an estimated value in excess of the EU Threshold, then Tenders may be invited using procedures outlined in paragraph (a) above or such additional procedures as are consistent with European Procurement Legislation.

96. Inviting Tenders for Contracts for Part B Services and Contracts not Subject to below EU Rules Thresholds

(a) Where a contract is ~~for a Part B service or is~~ below the EU ~~Threshold~~, then Tenders shall be invited in accordance with:-

(i) any requirements in the European Procurement Legislation relating to Part B Services below EU Threshold contracts, if appropriate;

(ii) these Contract Standing Orders; and

(iii) the requirements of either (b) or (c) below;

(b) Single Stage Tender

(i) Tenders shall be invited by way of public notice published on the London Tenders Portal and by such other additional means as is considered appropriate, stating the nature of the contract being tendered and stating the last date when Tenders will be accepted, which shall not normally be less than 21 days after the date that the notice was first published. The estimated value of the contract may also be included. Information about the tender shall also be placed on Contracts Finder.

(ii) Where relevant to the subject matter of the procurement and proportionate, suitability assessment questions may be asked in order to ensure that the person or body meets the Council's requirements or minimum standards of suitability, capability, legal status or financial standing.

(c) Two-Stage Tender

For Medium Value Contracts and High Value Contracts for works or Schedule 3 Services that are below EU Thresholds, in addition to a Single Stage Tender process, tenders may also be invited as follows:

- (i) Expressions of interest shall be invited by public notice published on the London Tenders Portal and by such other additional means as is considered appropriate, stating the nature of the contract being tendered stating the last date when expressions of interest will be accepted which shall not normally be less than 21 days after the date that the notice was first published. Information about the tender shall also be placed on Contracts Finder.
- (ii) Persons or bodies wishing to express an interest shall be sent a pre-qualification questionnaire to be completed and returned to the Council by the date specified in the notice.
- (iii) The response to the pre-qualification questionnaire shall be used to evaluate whether the person or body meets the Council's minimum technical capacity and financial standing requirements and has relevant experience, and whether they should be included in a shortlist.
- (iv) Tenders shall be invited from those persons or bodies who have been included in the shortlist.

97. Approved Lists and Online Market Place

- (a) The Council has agreed the use of a corporate Approved List. The ~~Director of Legal and Procurement~~ Chief Legal Officer in consultation with the Chief Finance Officer may prescribe the rules on how the Corporate Approved List shall be compiled, used, monitored and reviewed and may amend such rules periodically.
- (b) The use of the corporate Approved List shall be mandatory for all Low Value Contracts for services and supplies and for all Low and Medium Value contracts for works where a relevant corporate Approved List category exists, unless an exemption is granted pursuant to the rules prescribed under (a) above.
- (c) The Council has agreed the use of a Small Works and Services Approved List. The ~~Director of Legal and Procurement~~ Chief Legal Officer in consultation with the Chief Finance Officer may prescribe the rules on how the Small Works and Services Approved List shall be compiled, used, monitored and reviewed and may amend such rules periodically.
- (d) The use of the Small Works and Services Approved List shall be mandatory for all Low Value Contracts for services supplies and works where a relevant Small Works and Services Approved List category exists, unless an exemption is granted pursuant to the rules prescribed under (c) above.
- (e) The Council has agreed the use of an Online Market Place. The ~~Director of Legal and Procurement~~ Chief Legal Officer in consultation with the Chief Finance Officer may prescribe the internal rules on how the Online Market Place shall be used, monitored and reviewed and may amend such rules periodically.
- (f) The Online Market Place shall consist of:
 - (i) a contract or Framework Agreement established pursuant to these Standing Orders; or

- (ii) a Framework Agreement established by another contracting authority, PROVIDED that the ~~Director of Legal and Procurement~~ Chief Legal Officer has advised that participation in the Framework Agreement and inclusion on the Online Market Place is legally permissible.

98. The Invitation to Tender

- (a) The invitation to tender shall include the following details:-
 - (i) a description of the services, supplies or works being procured;
 - (ii) whether the Council is of the view that TUPE will apply;
 - (iii) the tender timetable including the tender return date and time, which must allow a reasonable period for applicants to prepare their Tenders;
 - (iv) a specification and instructions on whether any variants are permissible;
 - (v) the Council's terms and conditions of contract;
 - (vi) the evaluation criteria including either weightings or the order of importance;
 - (vii) pricing schedules, if appropriate, and instructions for completion;
 - (viii) whether the tenderer is required to price separately if the tenderer were required to offer a ~~comparable~~ appropriate pension provision and/or parent company guarantee and/or a performance bond;
 - (ix) form and contents of method statements, if any, to be provided;
 - (x) ~~whether or not confirmation~~ Tenders are to be submitted electronically unless not possible or appropriate;
 - (xi) the rules and method for submitting Tenders;
 - (xii) where Tenders are to be received electronically via the Electronic Tender Facility, a requirement that tenderers submit a signed hard copy of the form of tender, undertakings and any other original documentation upon request;
 - (xiii) whether or not an e-auction will be conducted; and
 - (xiv) any further information which will inform or assist applicants in preparing their Tenders.
- (b) Except in the case of electronic tendering the invitation to tender shall state that no Tender will be considered unless contained in a plain sealed envelope and endorsed "Tender" followed by the subject to which it relates. In all cases the invitation to tender shall specify whether and, if so, to what extent, the terms of the contract or any part specified will be subject to negotiation between the parties.

99. Form of Tender

- (a) All Tenders shall be required to be submitted on the Council's form of tender which shall include the following details:

- (i) a statement that the Council will not be bound to accept any Tender;
 - (ii) a section where the tenderer shall state whether their Tender is priced on the basis of TUPE applying or not;
 - (iii) except where permitted by European Procurement Legislation~~in the case of the negotiated contracts~~, a statement that formal acceptance of the Tender by the Council will, until such time as a written contract can be executed, bind the parties into a contractual relationship; and
 - (iv) except in the case of an e-auction, the price and whether this would be different if the tenderer were to offer a comparable pension and/or a parent company guarantee and/or a performance bond.
- (b) Except in the case of electronic tendering, no Tender shall be considered unless it is contained in a plain sealed envelope and endorsed "Tender" followed by the subject to which it relates. In the case of electronic tendering, Tenders must be submitted and opened in accordance with the requirements of Standing Order 101.

100. Receipt and Opening of Tenders

Except in the case of electronic tendering via an Electronic Tendering Facility for which the rules in Standing Order 101 shall apply, the receipt and openings of Tenders shall be conducted as follows:

- (a) All High Value Contract Tenders shall be addressed to the Council's Democratic Services Manager and the Tender shall remain in the custody of the Democratic Services Manager until the time appointed for its opening.
- (b) High Value Contract Tenders shall be opened and Tender details recorded by an authorised representative of the Democratic Services Manager and at least one other officer.
- (c) Medium Value Contract Tenders shall be addressed to the relevant Chief Officer and the Tender shall remain in the custody of the Chief Officer until the time appointed for its opening.
- (d) Chief Officers and the Head of Executive and Member Services shall make appropriate arrangements for the receipt, storage and opening of Tenders by an officer of appropriate seniority which ensures that each tenderer is treated fairly and equally and ensures probity.

101. E-Tendering and E-Auctions

The following rules apply to the use of an Electronic Tender Facility and/or an E-Auction Facility regardless of the value of the contract being procured:

- (a) Invitations to tender may be despatched and Tenders received by electronic means via an Electronic Tender Facility. Except in the case of e-auctions no other form of electronic tendering shall be permissible. All e-tendering must comply with European Procurement Legislation where applicable.
- (b) Tenders received electronically via the Electronic Tender Facility must be held in an Electronic Tender Time-Box until after the appointed closing

date and time.

- (c) Tenders held in an Electronic Tender Time Box must all be opened at the same time by an authorised officer in the Corporate Procurement Unit after the appointed closing date and time for the Electronic Tender Time Box has passed and the Tender details recorded.
- (d) Where any original Tender documentation is to be submitted in hard copy instead of electronically as part of the tender process using an Electronic Tender Facility, such documentation shall be addressed to the Head of the Corporate Procurement Unit and the Tender documentation shall remain in the custody of the Head of the Corporate Procurement Unit until the time appointed for its opening. At the time appointed for the opening of Tenders held in the Electronic Tender Time Box, the hard copy Tender documentation shall be opened and the details recorded by an authorised representative of the Head of the Corporate Procurement Unit and at least one other officer.
- (e) In appropriate cases the submission of prices or values of quantifiable elements for a Tender may be conducted by e-auction using an E-Auction Facility. An E-Auction Facility may be used in conjunction with an Electronic Tender Facility.
- (f) Tenders conducted by e-auction must comply with any specific European Procurement Legislation where applicable and unless used in conjunction with an Electronic Tender Facility, must follow the usual process for the invitation, submission and evaluation of Tenders (including Standing Order 100) except that the submission of prices and/or values may occur via an online auction.
- (g) Except with the prior written approval of the Chief Finance Officer, electronic tendering may only be undertaken using the Council's Electronic Tender Facility or E-Auction Facility operated by the Corporate Procurement Unit.
- (h) Where tendering has been conducted by electronic means, Chief Officers shall ensure that signed hard copies of the form of tender, and where appropriate, the parent company guarantee undertakings and performance bond undertakings are obtained from the successful tenderer prior to award of contract.

102. Late Tenders

- (a) Late Tenders shall not be considered except in special circumstances and only then if no other Tenders have been opened and only with the prior written approval of the Chief Executive or the Monitoring Officer on receipt of a written request specifying the special circumstances and why acceptance of a late Tender is justified. A record of any such approval shall be kept with the record of Tenders received.
- (b) Where a late Tender is received in paper form, or partly in paper form, it will be opened for the sole purpose of identifying the applicant and will be returned to them immediately save where the late tender is accepted in accordance with Standing Order 102(a) above
- (c) If Tenders are received electronically via an Electronic Tender Facility or by an E-Auction Facility, then if the Facility will still accept the submission of tenders after

the appointed closing date and time for the submission of Tenders it will automatically flag late Tenders as "late". Late Tenders flagged as such may only be accepted in accordance with Standing Order 102(a) above. However once other tenders have been opened on the Facility then no late Tenders can be accepted.

103. Record of Tenders and Contracts

- (a) The relevant Service Area Director shall maintain a record of all Tenders invited and received by them, of all contracts entered into and Framework Agreements concluded on behalf of the Council and shall record the reasons for awarding the contract to or concluding a Framework Agreement with a tenderer and the reasons for non-acceptance of a Tender or the rejection of a contractor who has not been included in a Tender short list or Approved List.
- (b) For contract award procedures conducted by electronic means, appropriate information shall be kept to document the progress of the procedure.

104. Tender Evaluation

- (a) Tenders subject to European Procurement Legislation shall be evaluated in accordance with the relevant regulations and the instructions to tender. All other Tenders shall be evaluated in accordance with the criteria and procedures set out in the invitation to tender. In both cases Tenders shall be evaluated in accordance with these Standing Orders save where there is a conflict with any European Procurement Legislation in which case that legislation shall prevail.
- (b) Tenders for all contracts ~~(except for works, supplies or energy supply contracts where lowest price was pre-determined to be the appropriate basis)~~ shall be evaluated and awarded on the basis of the most economically advantageous offer to the Council. The most economically advantageous offer to the Council will be determined using a combination of both quality and price evaluation criteria (except for works, supplies or energy supply contracts where price alone may be the sole evaluation criterion).

105. Departure from Tender Documents

- (a) Subject to paragraph (b) below where the Council has included non-negotiable terms and conditions with its instructions to tenderers then Tenders may only be accepted on those terms unless any revisions are notified to all tenderers prior to the tender return date.
- (b) Where contract terms and conditions are non-negotiable then no variations to them may be made after Tenders are received without the prior written approval of the Director of Legal and Procurement Chief Legal Officer.
- (c) Post-tender negotiations are only permissible where the instructions to tender specified the areas to be subject to negotiation and where this is permitted by in the case of contracts which are subject to European Procurement Legislation only where the contract was advertised pursuant to the EU negotiated procedure. In all other cases only clarification points or ambiguities may be raised with tenderers.

106. Bonds and Guarantees

Chief Officers shall ensure that sufficient security for the due performance of High Value Contracts is taken and for other contracts where such security is considered be in the best interests of the Council.

107. Notification of Tender Decision, Standstill Period, Debriefing and Acceptance

- (a) Subject to the specific exceptions in the European Procurement Legislation, where the Contract is subject to the full application of the European Procurement Legislation (being a ~~Part A~~ Services contract, public works contract, public supplies contract or Framework Agreement above the relevant EU Threshold) a mandatory standstill period of at least 10 calendar days must be observed between notifying all tenderers in writing of the award decision and the actual award of contract. The standstill period shall commence on the day after the written award notification is sent to all tenderers and the written notification must comply with the requirements of the European Procurement Legislation. If an unsuccessful tenderer requests further information, such information must be provided in accordance with the European Procurement Legislation.
- (b) If a legal challenge to the procurement process or award decision is brought during a mandatory standstill period, the contract must not be awarded and tender acceptance must not be communicated to the successful tenderer without the prior written approval of the ~~Director of Legal and Procurement~~ Chief Legal Officer.
- (c) Tender acceptance must not be communicated to the successful tenderer until after the expiry of any mandatory standstill period. Where Standing Order 107(a) does not apply, tender acceptance shall be communicated to the successful tenderer as soon as possible ~~and where possible within 5 working days of the decision being made but subject to any relevant call-in provisions.~~ Tender acceptance must be in writing and as a minimum must detail the date of the decision and the decision-maker.

108. Contract Award Notice

Chief Officers shall ensure that a contract award notice is published in OJEU within ~~48~~ 30 days of the award of any contract where required by European Procurement Legislation or alternatively in the case of dynamic purchasing systems, ensure that grouped notices are sent within 30 days of the end of each quarter.

109. Letters of Intent

Letters of intent shall only be used as follows:

- (a) where the Council's form of tender has not included a statement that until such time as a formal contract is executed the Council's written acceptance of a Tender shall bind the parties into a contractual relationship; or
- (b) exceptionally where a contractor is required to provide services, supplies or works prior to written acceptance by the Council and only then with the prior written approval of the Monitoring Officer.

110. Contracts Register

- (a) Chief Officers shall ensure that A register of all contracts placed awarded by the Council to the value of £205,000 or more over the term of the contract shall be entered on the Contracts Register maintained by the

~~Contract Database Officer within the Corporate Procurement Centre. Such~~The Contracts Register shall for each contract specify the name of the relevant Council's Service Unit, the contractor, the services, supplies or works to be provided, the contract value and contract term and where relevant any provisions for extension. Details of all such contracts awarded must be entered on the Contracts Register ~~reported to the Contract Database Officer~~ within two weeks of award and in the required format.

- (b) Chief Officers shall also ensure that for all contracts on the ~~database~~ Contracts Register, all contract extensions and variations, early terminations, assignments and novations are entered on the Contracts Register and ~~notified to the Contract Database Officer and~~ to the relevant category manager in the Corporate Procurement Centre.

111. Contract Terms and Conditions

Chief Officers shall ensure that contracts are drafted as appropriate to the nature of the services, supplies or works to be provided and contain provisions to protect the Council's overall interest. Advice shall be sought from the Chief Legal Officer ~~Director of Legal and Procurement~~ as appropriate.

112. Extension and Variation of Contract

- (a) Contracts subject to European Procurement Legislation may be extended in compliance with relevant legislative provisions. Contracts may be extended in accordance with the provisions for extension contained in the contract if the parties agree and if the relevant Chief Officer is satisfied that the extension will achieve best value and is reasonable in all the circumstances. Any such extension that will last for more than one year shall be notified to the Chief Legal Officer ~~Director of Legal and Procurement~~ and the Chief Finance Officer. All extensions (of any duration) shall be notified to the Contracts Register Officer.
- (b) Retendering of contracts shall be timetabled to ensure handovers can be effected at the end of the contract term. Where any retendering is delayed or is unsuccessful then temporary arrangements may be agreed by the relevant Chief Officer.
- (c) Any temporary contractual arrangements necessary to cover periods between a contract expiring and a new contract commencing shall be kept to a minimum term possible and retendering shall be commenced or re-commenced as soon as is reasonably possible.
- (d) Chief Officers have delegated to them power to extend, vary or renegotiate contracts in accordance with paragraph 2.5 of Part 4 of this Constitution. Where approval to extend, vary or renegotiate a contract is required to be obtained or is in any event sought from the Cabinet (or the General Purposes Committee or Pension Fund Sub-Committee) the ~~Executive Cabinet~~, the General Purposes Committee or the Pension Fund Sub-Committee as the case may be shall receive and consider a report setting out all relevant information necessary to give such approval or approvals as it considers necessary.

113. Early Termination of Contract

High Value Contracts may only be terminated by the ~~Cabinet~~, the General Purposes Committee or the Pension Fund Sub-Committee as appropriate. Medium Value Contracts may only be terminated:

- (a) by agreement between the Council and the Contractor; or
- (b) in accordance with the termination conditions of the contract

and provided that in either case the financial and legal implications or other relevant circumstances have been taken into account.

114 Assignment and Novation of Contract

- (a) Contracts may be novated or assigned provided that the novation or assignment would not breach European Procurement Legislation. Chief Officers have delegated to them the power to novate or assign contracts pursuant paragraph 2.5, of Part 4 of this Constitution provided that the novation or assignment does not substantially alter the terms and conditions of the contract and provided that the relevant Chief Officer is satisfied that the new contractor meets certain standards
- (b) Where approval to novate or assign a contract is required to be obtained or is in any event sought from the Cabinet (or the General Purposes Committee or Pension Fund Sub-Committee) the Cabinet, the General Purposes Committee or Pension Fund Sub-Committee as the case may be shall receive and consider a report setting out all relevant information necessary to give such approval or approvals as it considers necessary.

Appendix 3

10.41 (a) The Teachers' JCC shall comprise members of the Council appointed by the Full Council and the 13 Members of the Teacher's Panel

(b) The Teachers' Panel of the Teachers' Joint Consultative Committee shall be constituted as follows:

NUT	7
ATL	1
ASCL	1
NASUWT	2
NAHT	1
UCU	1

and election to the Panel shall be held internally by each organisation by March 31st each year. Vacancies occurring during the period of office shall be filled by the organisation which nominated the retiring member. All members of the panel must be employed as teachers in maintained schools or in the adult education service in the Borough of Brent.

(c) The Consultative Committee shall meet as and when required at least once in every school term and shall, at its first meeting of each new council year, elect a Chair and Vice Chair. If the Chair appointed is a member of the Council, then the Vice Chair shall be appointed from the teachers' representatives and vice versa.

(d) Terms of Reference: To consult with teachers' organisation representatives in nursery, primary, secondary and special schools and in the adult education service on pay, terms and conditions.

LINKING THE CONSULTATIVE FORUMS TO THE COUNCIL AND TRACKING RECOMMENDATIONS AND REPRESENTATIONS

10.42 (a) If the Cabinet, Full Council, the Scrutiny Committee or a responsible officer wishes to consult a consultative forum in respect of any matter for which they are responsible they shall notify the relevant Lead Manager of their wish for this item to be placed on the agenda of the relevant forum. Any representations or recommendations of the relevant forum in response to the consultation shall be reported to the person or body raising the matter.

(b) If a consultative forum wishes to make representations or recommendations in respect of an item in the Forward Plan which it has not been, and is not planned to be, specifically consulted by the decision maker identified in the plan ("the decision maker"), any representations or recommendations agreed at a meeting of the relevant forum shall be submitted to the decision maker in writing.

(c) If a consultative forum wishes to make representations or recommendations in respect of an item not in the Forward Plan and which it has not been, and is not planned to be, specifically consulted by any part of the Council, any representations or recommendations agreed at a meeting of the relevant forum shall be submitted to Scrutiny Committee.

(d) If, at a meeting of a service user consultative forum or an area consultative forum a question or issue is raised which, in the view of the Chair or Lead

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