



Brent

SUMMONS TO ATTEND COUNCIL MEETING

Monday 7 September 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: Thursday 27 August 2015

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

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting
Please note this meeting will be filmed for live broadcast on the Council's website. By entering the meeting room you will be deemed to have consented to the possibility of being filmed and to the possible use of those images and sound recordings for webcasting.

Agenda

- 1 Minutes of the previous meeting** 1 - 16

To approve the minutes of the previous meeting held on 22 June 2015.
- 2 Declarations of interests**

Members are invited to declare at this stage of the meeting, any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda.
- 3 Mayor's announcements (including any petitions received)**

The Mayor will make any announcements she has to make to the meeting and will refer to the schedule of petitions circulated.
- 4 Appointments to committees and outside bodies and appointment of chairs/vice chairs**

To make appointments submitted by each of the political groups.
- 5 Report from the Leader or members of the Cabinet** 17 - 18

To receive reports from the Leader or members of the Cabinet in accordance with Standing Order 38.
- 6 Deputations (if any)**

To hear any deputations received from members of the public in accordance with standing order 39.
- 7 Questions from the Opposition and other Non- Executive Members**

Questions to be put to members of the Cabinet in accordance with standing order 40.
- 8 Report from the Chair Scrutiny Committee** 19 - 32

To receive a report from the Chair of the Scrutiny Committees in accordance with Standing Order 41.
- 9 Changes to the constitution** 33 - 60

This report sets out proposed changes to the Constitution and sets out minor and other technical changes to the Constitution made by the Chief Legal Officer.

Appendix 2 referred to in the report is available on-line and a paper copy is available on request.

10 Outstanding committee appointments 61 - 64

This report gives Full Council the opportunity to make appointments to the seats allocated to the Brent Conservative Group.

11 Member's absence from Council meetings 65 - 66

12 Motions

To debate the motions submitted in accordance with Standing Order 45.

13 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.

This page is intentionally left blank



LONDON BOROUGH OF BRENT

Minutes of the ORDINARY MEETING OF THE COUNCIL
held on Monday 22 June 2015 at 7.00 pm

PRESENT:

The Worshipful the Mayor
Councillor Lesley Jones B.Ed MA MBE

The Deputy Mayor
Councillor Parvez Ahmed

COUNCILLORS:

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

Apologies for absence

Apologies were received from: Councillors Marquis, Oladapo, Pavey, Perrin and Tatler

1. **Procedural motion**

Councillor Warren moved a procedural motion which proposed a change to the circulated seating plan to allow his Group to sit in front row seats in place of Labour councillors and requested that the vote be recorded. Following a vote the motion was declared LOST.

Voting was recorded as follows:

FOR: Councillors Davidson, Shaw and Warren

AGAINST: Councillors Aden, Agha, Allie, Bradley, Butt, Chohan, Choudhary, Choudry, Colacicco, Collier, Colwill, Conneely, Crane, Daly, Denselow, Dixon, Eniola, Ezeajughi, Farah, Filson, Harrison, Hector, Hirani, Hoda-Benn, Hossain, Hylton, Kabir, Kansagra, Kelcher, Khan, Long, Mahmood, Mashari, Maurice, McLeish, McLennan, Miller, Moher, J Mitchell Murray, W Mitchell Murray, Naheerathan, Nerva, M Patel, R Patel, Shahzad, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Thomas and Van Kalwala

ABSTAIN: The Mayor and Deputy Mayor and Councillors Carr and Duffy

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the Annual meeting held on 20 May 2015 be approved as an accurate record of the meeting, subject to the following amendments to minute 13:

- Insert after 4th paragraph – A view was expressed that the way Council meetings operated needed to be reviewed to enable more backbench councillors to participate,

- The recorded vote to be reversed to read-

FOR: Councillors Aden, Agha, Ahmed, Bradley, Butt, Chohan, Choudry, Choudhary, Colacicco, Collier, Colwill, Conneely, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Farah, Filson, Harrison, Hector, Hirani, Hoda-Benn, Hossain, Hylton, Kabir, Kansagra, Kelcher, Khan, Long, Mahmood, Marquis, Mashari, Maurice, McLeish, McLennan, Miller, Moher, J Mitchell Murray, Naheerathan, Nerva, M Patel, R Patel, Pavey, Perrin, Shahzad, Krupa Sheth, Southwood, Stopp, Tatler, Thomas and Van Kalwala (53)

AGAINST: Councillors Carr, Davidson, Shaw and Warren (4)

ABSTENTIONS: The Mayor, Councillor Jones (1)

(amendments incorporated)

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

Councillor Duffy declared a pecuniary interest in item 13 – West London Waste Plan having worked as an advisor on the plan.

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

The Mayor referred to the tragic death of six students in California, five of whom were Irish, when an apartment balcony collapsed. At least one person was from

South Dublin with which the Council was twinned. The thoughts of the Council were with the families, students and all those affected by the tragedy.

The Mayor invited all members to her civic welcome reception on 25 June at St Andrews Parish Church.

The Mayor congratulated James De Gale who had become the first British Olympic gold medallist to achieve a world title by being crowned IBF Super Middleweight world champion the previous month. The Mayor pointed out that James De Gale had strong local connections having as a boy attended the Trojan Boxing Club in Stonebridge.

The Mayor congratulated Joseph McGeown from Neasden who had won in his age group at the 45th Annual World Irish Dancing Championships in Montreal, Canada.

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

The Leader added his congratulations to the Mayor on being awarded the MBE in the Queens Birthday Honours list and members of the Council gave a round of applause. Councillor Kansagra also congratulated the Mayor on behalf of his group. Councillor Warren congratulated the Mayor and also a past Brent councillor, Peter Golds on being awarded the CBE.

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

RESOLVED:

that the following appointments be made:

Body	appointment
Voluntary Sector User Forum Chair	Cllr Hylton to replace Cllr Kabir
Planning Committee	Councillor Colacicco to replace Councillor Hylton Councillor Hylton to replace Councillor Perrin as a substitute
Pensioners User Forum	Councillor Nerva to replace Cllr Harrison as chair
Private Rental Sector User Forum	Councillor Allie to replace Cllr Thomas as chair
Trading Standards	Councillor Stopp to replace Councillor Khan
Brent Pension Fund Sub Committee	Councillor Miller to replace Councillor Thomas
Corporate Parenting Committee	Cllr Conneely to replace Cllr Colacicco

6. Report from the Leader or members of the Cabinet

The Leader reported that he had attended a meeting of the Mayoral Development Corporation at which presentations were received from QPR Football Club and Cargiant. Public consultation on proposals by Cargiant had begun and the Council would be ensuring it pursued the necessary benefits to the area from the development. The Leader stated that the report of the Health Commission was being finalised for submission by end of July. The Leader reported that the volunteering hub had been awarded to Groundworks and it was hoped to have 1000 volunteers working across Brent. The Leader stated that, as part of the West London Alliance, the Council was looking at the devolution agenda which would be the subject of further discussion within Brent. As part of this the Economic Prosperity Board was being established which would look at how influence could be brought to bear on employment and jobs in the area.

Councillor Mashari reported that the number of Living Wage employers in the borough had doubled since April. She congratulated Granger Herzog who had become the first Living Wage employer in Park Royal. Councillor Mashari reported on a summer business networking event on 25 June and a business start up event in September. With the Deputy Mayor, she would be visiting local businesses across the borough during the summer months to hear their concerns and to encourage the establishment of local trader associations. Referring to the Government's £12B welfare cuts she stated that this was likely to disproportionately affect boroughs like Brent. She reported that the Council was working more collaboratively than ever with the voluntary and private sectors in an attempt to mitigate the worse impacts of the Benefit Cap. Councillor Mashari reported that the Working Places Working People employment support scheme would be launched on 27 June providing a single place for support services to be co-located to help people get into work and out of poverty.

Councillor Moher updated Council on school places. The Authority had received 4,350 reception applications for September 2015 and all had been allocated a place with 80% getting their first preference. She was confident there would be places available for new applications received. The pressure for places meant that the Preston Road Library building would need to be used for a further year. Of the 11+ transfers, all applicants had been made an offer with 64% getting their first preference. The number of school places continued to expand with the expansion of Stonebridge Primary school being agreed at the last Cabinet meeting. Since March there had been five OFSTED inspections where the schools concerned had been judged either good or outstanding. Councillor Moher reported that Cabinet had agreed to consult on providing youth services in a different way. Young people would be given a central role in the consultation and the outcome was due at Cabinet on 3 October 2015. Councillor Moher referred to the recent sentencing of a paedophile from Brent. The offender had not previously been known to the Council and support services were being provided to those affected.

Councillor Hirani referred to the Government announcement that it intended to cut £200m from public health provision across the country while increasing spend on the NHS meaning money going towards prevention was being cut whilst money spent on curing was going up. He was awaiting details of how this would affect Brent but assured Council that efforts would continue to be made to improve the health of local residents.

Councillor Denselow thanked the Council's Community Safety Team, the Emergency Services and the Army for dealing with the unexploded World War II bomb uncovered close to the Civic Centre. He referred to the challenge posed by radicalisation and the coming into force of the Counter Terrorism and Security Act which gave new statutory responsibilities to the Council to prevent people being drawn into terrorism and extremism. As a Prevent designated borough and flagged as part of a wider counter terrorism concern under the Protect Prepare and Pursue remit, the Council was taking this challenge very seriously. All councillors would be kept up to date with developments.

Councillor Southwood updated Council on the introduction of the Green Waste charge. 17,000 households were now signed up to the scheme and the amount of residual waste was down by 6% and the amount of green garden waste down by 44%. There was no evidence that this waste was being transferred to other bins or fly tipped. Councillor Southwood stated that she was looking at taking a strategic approach with residents to fly tipping and had met in Wembley to consider how to target enforcement action in that area which could then be used as a blueprint for tackling other areas of the borough. She referred to the concern expressed to her about the encampments in parks and reported that efforts were being made to use the Council's existing powers and public space protection orders to tackle the problem.

Councillor McLennan reported that the property and asset strategy was published on 1 June which sought to determine how the Council could best utilise properties it held. Linked to this work was the Community Asset transfer where the Council was working with the community with a view to transferring suitable buildings and properties to the community. Councillor McLennan reported that the Council was embarking on a programme of building homes in the borough providing 1,000 Council homes and 5,000 social homes. Referring to the bids made for housing zones in Alperton and Wembley – Wembley had been successful and it was hoped to hear soon that Alperton was also successful. Along with Councillor Collier, she had been undertaking work in trying to source buildings for the social rental market.

The decisions taken by Cabinet under the Council's urgency provisions were noted.

7. Deputation

Charlie Glazebrook, a representative of the Ranelagh and Honeywood Roads Neighbourhood Watch, accompanied by Charlie de Courcy, presented a petition concerning the blight on the area caused by the activities that took place in a road called The Avenue running from Honeywood Road into Harlesden Town. He asked for the neighbourhood to be supported by installing CCTV or for members and officers to visit the area to see what could be done.

Councillor Denselow responded by saying that the local ward councillors had drawn attention to the situation but the number of police reports would not warrant the deployment of static CCTV but mobile CCTV might be an option. Other anti social behaviour powers available to the Council could also be brought into use. The first action would be to visit the area with officers to draw up a plan of action. He thanked the deputation for attending the meeting.

8. Questions from the Opposition and other Non- Cabinet Members

Councillor Kelcher referred to the Kensal Rise Library building and asked if the community could be congratulated for their work and Council could be updated on progress on when there would be Brent's first community library on the site and if there was any information about the plaque commemorating Mark Twain's visit which was previously removed by the Council. Councillor Denslow replied that it was a mark of local communities fighting for their services and that the Council would look at how it could assist community libraries to get established as well as running first class libraries itself.

Councillor Davidson noted the historic achievement of Harlesden's James DeGale in becoming the first British boxer to win an Olympic gold medal and a world championship title. He asked why his proposal to award James DeGale the freedom of the borough had so far been ignored. Councillor Butt congratulated James DeGale for his achievement and replied that only the Council could bestow such an honour to any individual and that it would have been more fitting if the matter had been proposed for discussion rather than airing it in public.

Councillor Naheerathan felt it was now more important than ever for tenants to be protected from landlords who set rents unfairly and asked what was being done to protect private tenants' rights and ensure good landlords were not undermined by bad ones. Councillor McLennan replied that there was an unprecedented demand for housing particularly in the private sector with 35% of Brent's housing stock in the private rented sector. The Council had successfully introduced landlord licensing requiring minimum standards and inspectors were now enforcing these requirements. The message that Brent had a zero tolerance of poor quality property in the private rented sector was being heard.

Councillor Choudry referred to the upcoming Government Budget and the expectation that it would produce a very hard settlement for Brent. He asked what the worst case scenario might be for the borough over the next 5 years, how this would affect Brent residents and the Council's ability to provide them with assistance and what strategies the Council would need to adopt to deliver the services needed by local people. Councillor Butt replied that he felt the Government was intent on destroying local government. The financial situation was making it very difficult for Brent but he was confident that the Council could continue to deliver the services that the most vulnerable residents needed, provide sufficient school places and services for the young and elderly. The Borough Plan would provide the strategy for delivering the services needed.

Councillor Colacicco asked if the Council would support and complement the Brent CAD (Community Action on Dementia) and Ashford Place scheme to make Mapesbury a 'dementia friendly' ward with initiatives such as slow lanes in shops, a wandering scheme and the dementia cafe. Councillor Hirani replied that he had met with people to discuss how Brent could take action to become a dementia friendly borough. Signage inside the Civic Centre had been improved to set an example to others; the Council was supporting two bids to the Department of Health to fund outreach into communities in multiple languages to spread the message about being dementia friendly, and was funding research on those people living with people with dementia to see what could be incorporated into Council policies to help. Councillor Hirani fully supported Brent CAD making Mapesbury dementia

friendly but the Council was committed to making the whole borough dementia friendly.

Councillor Hossain referred to the progress being made in making the former GEC Sports Ground a facility for all the community. She asked if a meeting with Friends of Pellat Ground could be arranged to discuss the outstanding issues to ensure the best possible outcomes for everybody. Councillor Denselow replied that he would be happy to meet with residents and that it was good that ward working had levered in funding for the scheme.

Councillor Colwill stated that Kenton Ward councillors had long reported the increasingly dangerous traffic conditions in Draycott Avenue, Woodcock Hill, Northwick Circle and Dorchester Way because of commuter parking. He asked to meet with the Lead Member to examine the introduction of one hour no parking restrictions in the morning and the evening. Councillor Southwood acknowledged that the problem had existed for some time. She understood that options had been developed for parking controls in the area and would be happy to meet with the ward councillors and residents' association to discuss the most suitable option.

Councillor M Patel referred to the Prime Minister stating that cuts to the police service had had no effect to frontline services. She said that a very different story was put forward at a recent Safer Neighbourhood meeting in Alperton and asked what was being done to protect local communities from the effect of these cuts. Councillor Denselow replied that there had been significant changes to the way the Metropolitan Police was structured in order to save money. This has led to changes to the safer neighbourhood model so that whilst there were still ring fenced PCs and PCSOs per ward the sergeant post was open to be redeployed to meet more urgent needs elsewhere. The issue had been raised with the Metropolitan Police Commissioner who had admitted the new system was not working as well as it should and Councillor Denselow said he would be happy to raise the concerns of members with the London Mayor. He stated however that it needed to be borne in mind that Brent was still significantly safer than it was in 2011 with crime levels continuing to fall. Good work was being done on dealing with domestic violence and work on dealing with gangs had been praised. Nevertheless a lot still needed to be done and this would be more difficult with less money.

9. Report from the Chair of Scrutiny Committee

Councillor Filson introduced his report. He reported that in addition to the items identified on the forward plan that had largely been set by the previous committee, additional items identified for scrutiny consisted of the Council's food standards operation, the move into the Civic Centre, CCTV, a continuation of the work of the current Access to GP services task group, South Kilburn regeneration and garden waste. He referred to the education co-opted members and appointed observers serving on the Scrutiny Committee and that he wanted to be sure they were involved as part of the scrutiny process looking into areas of education provision.

10. Appointment of Chief Executive

On behalf of their respective Groups, Councillors Butt, Kansagra and Warren welcomed the appointment of Carolyn Downs as the Council's new Chief Executive.

RESOLVED:

that the appointment of Carolyn Downs, CB as Chief Executive be approved and that she be designated as the Head of Paid Service with effect from 7 September 2015.

11. **Representation of Opposition Political Groups on Committees**

The Head of Legal introduced the report which sought to discharge the Council's duty to allocate seats to the opposition groups and make appointments. She read out a proposal for appointments to committees which had been submitted by Councillor Kansagra and was subject to the decision of Council on the allocation of places.

Councillor Warren objected to the proposed appointments put forward and stated that if these were agreed he would decline making appointments to the remaining committee places. The Head of Legal advised that this would mean that he would be formally notified of the allocation of seats and have a further three week period to submit appointments and if he failed to do so Council could make such appointments as it saw fit at its next meeting.

The Head of Legal advised that a place on the Health and Wellbeing Board was allocated to the Brent Conservative Group.

Councillor Warren requested a recorded vote.

RESOLVED:

- (i) that the allocation of seats on committees to the opposition political groups be as set out below:

Ordinary Committees	Size	Labour Group	Conservative Group	Brent Conservative Group	Liberal Democrats
		56 88.88%	3 4.76%	3 4.76%	1 1.59%

General Purposes Committee	8	7	1	0	0
Planning Committee	8	7	1	0	0
Audit Committee	5	4	0	1	0
Standards Committee	5	4	0	1	0
Corporate Parenting Committee	5	4	0	1	0
Equalities Committee	5	4	1	0	0
Total seats	36	30	3	3	0

<i>Scrutiny Committee</i>	8+ co-opteds	7	1	0	0
<i>Alcohol and Entertainment Licensing Committee</i>	15	13	1	1	0
<i>Health and Wellbeing Board</i>	5 councillor positions	4	0	1	0

(ii) that the following appointments be made:

General Purposes Committee	Councillor Kansagra
Planning Committee	Councillor Maurice
Equalities Committee	Councillor Kansagra
Scrutiny Committee	Councillor Colwill (Vice-Chair)
Alcohol and Entertainment Licensing Committee	Councillors Davidson and Kansagra

In view of the allocation of seats by Full Council, Councillor Warren declined to submit nominations for the places reserved for his Group.

Voting was recorded as follows:

FOR: Councillors Aden, Agha, Allie, Bradley, Butt, Chohan, Choudhary, Choudry, Colacicco, Collier, Colwill, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Farah, Filson, Harrison, Hector, Hirani, Hoda-Benn, Hossain, Hylton, Kabir, Kansagra, Kelcher, Khan, Long, Mahmood, Mashari, Maurice, McLeish, McLennan, Miller, Moher, J Mitchell Murray, W Mitchell Murray, Naheerathan, Nerva, M Patel, R Patel, Shahzad, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Thomas and Van Kalwala

AGAINST: Councillors Davidson, Shaw and Warren

ABSTENTIONS: The Mayor and Deputy Mayor and Councillor Carr

12. **Dismissal of statutory officers**

The Head of Legal introduced the report which explained the change in law relating to the dismissal of certain statutory officers and proposed measures to conform to the new requirements.

Councillor Warren queried the proposals by pointing out that the proposed exchange between the Cabinet and General Purposes Committee set out in the report only involved a difference in membership of one councillor. He proposed an additional recommendation asking Council to request General Purposes Committee to review the procedure for dealing with the issue of 'excessive pay-offs for senior local authority staff' recognising that this was the actual reason for the new regulations and to report back Council and requested a recorded vote on his proposal.

The vote for Councillor Warren's proposal was recorded as follows:

FOR: Councillors Davidson, Shaw and Warren

AGAINST: Councillors Aden, Agha, Allie, Bradley, Butt, Carr, Chohan, Choudhary, Choudry, Colacicco, Collier, Colwill, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Farah, Filson, Harrison, Hector, Hirani, Hoda-Benn, Hossain, Hylton, Kabir, Kansagra, Kelcher, Khan, Long, Mahmood, Mashari, Maurice, McLeish, McLennan, Miller, Moher, J Mitchell Murray, W Mitchell Murray, Naheerathan, Nerva, M Patel, R Patel, Shahzad, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Thomas and Van Kalwala

ABSTENTIONS: The Mayor and Deputy Mayor

RESOLVED:

- (i) that a Dismissal Advisory Panel be established, comprising three independent persons appointed to deal with Member Code of Conduct complaints under the Localism Act 2011, to fulfil the role of 'the Panel' referred to in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015;

- (ii) that the terms of reference of the Dismissal Advisory Panel as set out at paragraph 3.15 of the report submitted be approved and the establishment of the Panel be included in the Council's Constitution;
- (iii) that the Chief Operating Officer be authorised to explore the possibility of sharing independent persons appointed by other councils, whether or not on a reciprocal basis, and report to the General Purposes Committee for its approval;
- (iv) that the proposed amendments to Standing Orders as set out at paragraph 3.17 of the report submitted be approved and the Monitoring Officer be authorised to make any further consequential changes to the Constitution to reflect the new statutory framework;
- (v) to note that the disciplinary and dismissal procedures for the roles of Chief Executive, Monitoring Officer and Chief Finance Officer will be reviewed by the General Purposes Committee to reflect the new arrangements.

13. **Shared Internal Audit Services**

Members had before them a report setting out proposals for sharing internal audit services with the London Boroughs of Ealing and Hounslow.

RESOLVED:

- (i) that the provision of the Council's internal audit service be delegated to the London Borough of Ealing with effect from 1 October 2015 or such other date as may be reasonably agreed with the London Borough of Ealing;
- (ii) that the cost of operation of such delegated internal audit service by the London Borough of Ealing be noted as initially at least £75,000 less than the current service cost;
- (iii) that an agreement be entered into confirming the terms of delegation and the Chief Finance Officer in consultation with the Chief Legal Officer be delegated the power to determine the precise terms of the legal agreements, as set out in section 6 of the report submitted;
- (iv) that the proposed staffing arrangements be agreed, including the transfer of internal audit and investigation staff to the London Borough of Ealing as set out in paragraphs 4.5 and 4.6 of the report submitted;
- (v) that it be noted that this arrangement will enable the council to reduce the number of heads of service employed by one, the saving from which will contribute towards the £1.4m to be achieved through the corporate management restructure;
- (vi) that the Chief Legal Officer be authorised to make any necessary changes to the Council's Constitution to reflect the delegation of the internal audit function to the London Borough of Ealing.

14. **West London Waste Plan**

The report before members dealt with the Inspector's report into the Examination of the West London Waste Plan.

RESOLVED:

that the West London Waste Plan, as amended by incorporating the recommended changes set out in the Inspector's report, be adopted.

[Councillor Duffy declared a pecuniary interest in the above item].

15. **Motions**

15.1 **Government cuts**

Councillor Kelcher presented the motion circulated in his name.

In response, Councillor Maurice stated that whilst Brent may have elected Labour MPs, the rest of the country voted in a Conservative Government. He suggested that if Labour could have formed a government it would have joined with the SDP and funding would have been directed to Scotland. Councillor Collier stated that whilst the Chancellor talked tough, he took the soft options by inflicting the deepest cuts in those areas that affected the most vulnerable. Whilst it was regrettable to have to introduce the green waste charge, this covered part of the costs of home care. He would rather the Council risked being unpopular than take easy political decisions. Councillor Warren felt that members needed to be honest with residents and explain the need to address the size of the welfare budget whilst protecting the most vulnerable. He requested a recorded vote on the motion.

The motion was put to the vote and declared CARRIED.

RESOLVED:

- (i) that the people of Brent overwhelmingly rejected the outgoing government, and have given no mandate to the incoming Conservative one; however, they will have to face the brunt of the cuts that Prime Minister Cameron and Chancellor Osborne are committed to making;
- (ii) that these cuts have not been determined by fairness, but electoral expediency; the Chancellor talked tough with his plans to cut £12 billion from welfare overall, and billions more from other departments, but he has run scared of tough choices, hiding where cuts will fall behind empty phrases, such as 'good housekeeping';
- (iii) that unlike the Conservative government, the Council promises to be straight with the people of Brent; many – often with the loudest voices – would reverse the Green Waste charge or wish for a council tax cut, but the effect on all residents, and not just those with the sharpest elbows will be considered;

- (iv) that when politicians offer what looks like a free lunch, the Council will ask who really pays; and what services for the vulnerable will we have to be sacrificed for these easy headlines;
- (v) that unlike this government, honesty and fairness will guide this council in the year to come; that way this borough will ensure it is run for all the people of Brent.

Voting was recorded as follows:

FOR: Councillors Aden, Agha, Allie, Bradley, Butt, Chohan, Choudhary, Choudry, Colacicco, Collier, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Farah, Filson, Harrison, Hector, Hirani, Hoda-Benn, Hossain, Hylton, Kabir, Kelcher, Khan, Long, Mahmood, Mashari, McLeish, McLennan, Miller, Moher, J Mitchell Murray, W Mitchell Murray, Naheerathan, Nerva, M Patel, R Patel, Shahzad, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Thomas and Van Kalwala

AGAINST: Councillors Carr, Colwill, Davidson, Kansagra, Maurice, Shaw and Warren

ABSTENTIONS: The Mayor and Deputy Mayor

15.2 **Garden waste service**

Councillor Kansagra moved the motion circulated in his name and that of Councillors Colwill and Maurice which sought to request the Cabinet to revoke the garden waste collection scheme. He stated that the Government had been elected in the knowledge that a further £12B cuts would be imposed and these would be implemented fairly. The Council had made substantial savings and cut a lot of wastage but he felt there was more that could be cut and therefore the income from the garden waste scheme was not needed. He submitted that it represented a tax on residents rather than a charge and the number of complaints received about it made it clear it should be revoked. Councillor Warren submitted that a motion to incur spending could only be effective if it identified where the money to fund it was coming from. He had consistently opposed the garden waste collection scheme and had included it in his budget proposals put to the March Council meeting. He therefore moved an amendment to the motion which the Head of Legal read to the meeting. This sought to identify where the funding should come from. Councillor Warren requested a recorded vote on his proposed amendment. Councillor Southwood questioned how it could be proposed that a decision now implement could be reversed without it costing the Council a large amount of money. She stated that the charge would remain and that implementation of the scheme had gone well.

The amendment moved by Councillor Warren was put to the vote and declared LOST.

Voting on the amendment was recorded as follows:

FOR: Councillors Davidson, Shaw and Warren

AGAINST: Councillors Aden, Agha, Allie, Bradley, Butt, Carr, Chohan, Choudhary, Choudry, Colacicco, Collier, Colwill, Conneely, Crane, Daly, Denselow, Dixon, Eniola, Ezeajughi, Farah, Filson, Harrison, Hector, Hirani, Hoda-Benn, Hossain, Hylton, Kabir, Kansagra, Kelcher, Khan, Long, Mahmood, Mashari, Maurice, McLeish, McLennan, Miller, Moher, J Mitchell Murray, W Mitchell Murray, Naheerathan, Nerva, M Patel, R Patel, Shahzad, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Thomas and Van Kalwala

ABSTENTIONS: The Mayor and Deputy Mayor

The motion was put to the vote and declared LOST.

15.3 **Congratulations and career break**

Councillor Warren moved the motion circulated in his name and that of Councillors Davidson and Shaw which sought the Council's congratulations to the Conservative Party on winning the General Election and to call upon Councillor Butt to resign as London Councils' lead member for Equalities. Councillor Davidson referred to the number of people in the borough that voted Conservative and the outcome of the General Election. He stated that this was because people believed in the Government's economic vision. Councillor Butt stated that the people of Brent did not vote for a Conservative Government but the Council would work with the Government on behalf of its residents. He referred to Government proposals on repatriation that showed he had no lessons to learn from Conservatives on equalities. Councillor Kansagra added that London Councils was a democratic body and was fully aware of Councillor Butt's record when it made its decision. He submitted that the decision to allow the racial discrimination case to follow the legal process was a correct one and that the Council had taken appropriate steps following the case. Councillor Warren requested a recorded vote.

The motion was put to the vote and declared LOST.

Voting was recorded as follows:

FOR: Councillors Davidson, Shaw and Warren

AGAINST: Councillors Aden, Agha, Allie, Bradley, Butt, Chohan, Choudhary, Choudry, Colacicco, Collier, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Farah, Filson, Harrison, Hector, Hirani, Hoda-Benn, Hossain, Hylton, Kabir, Kelcher, Khan, Long, Mahmood, Mashari, McLeish, McLennan, Miller, Moher, J Mitchell Murray, W Mitchell Murray, Naheerathan, Nerva, M Patel, R Patel, Shahzad, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Thomas and Van Kalwala

ABSTENTIONS: The Mayor and Deputy Mayor and Councillors Carr, Colwill, Kansagra and Maurice

16. **Urgent business**

None.

The meeting closed at 8.48 pm

COUNCILLOR LESLEY JONES B.ED MA MBE
Mayor

This page is intentionally left blank



FULL COUNCIL – 7 SEPTEMBER 2015

Report from the Cabinet

1. The Leader and Cabinet members will report on matters which are the responsibility of the Cabinet, in accordance with standing order 38.
2. **Decisions taken by the Cabinet under the Council's urgency provisions**

Under the provisions of rule 38 of the Access to Information Rules in the Constitution, the Cabinet is required to report to the Full Council for information on any key decisions taken by them which did not appear in the Forward Plan giving 28 days' notice or where due notice was not given that a report, or part thereof, was to be considered in private.


Notification that the following reports, considered by the Cabinet on the dates shown contained appendices which were considered in private:

- 27.07.15 Wembley and Alperton Housing zones
- 24.08.15 Authority to award Contract for Clinical input to the inclusion team
- 24.08.15 Authority to extend the temporary bed and breakfast schemes in Clement Close and Peel Road

Reason why it was impracticable to defer the decisions until they could be included on the forward plan giving due notice:

In order for the decisions to be taken within timescales and to ensure the Council was not financially disadvantaged.

This page is intentionally left blank

 Brent	Full Council 7 September 2015 Report from the Chair of Scrutiny
For Action	Wards Affected: ALL
Report to Full Council from the Chair of Scrutiny Councillor Dan Filson	

1.0 Summary

- 1.1 This report provides a summary of the work carried out by the Council's Scrutiny Committee in accordance with Standing Order 14. The report covers the period for July and August 2015 detailing planned training, process improvements, the Scrutiny Forward Plan and items discussed during the two Committee meetings in July and August 2015.

2.0 Detail

Scrutiny Committee

- 2.1 The Scrutiny Committee has met on two occasions since the last report to Full Council on 22 June 2015. Since the last report the committee has been focusing on agreeing the Scrutiny work programme for the coming year and establishing the first two task groups. In addition the Chair of the Scrutiny Committee attended the July round of Brent Connects forums to explain to residents the key role of the Scrutiny Committee in the governance of the Council and to gain feedback on local priorities for scrutiny activity. The Scrutiny Committee met formally on 14 July and 12 August 2015.
- 2.2 Scrutiny members have introduced a number of changes to enhance the ability of the Committee to monitor the impact of scrutiny activity. Firstly it has introduced a rolling log of decisions and recommendations made by the Scrutiny Committee, which will be published and circulated with the Scrutiny papers. The document will be reviewed at each meeting of the committee to ensure that actions are being followed up and to assess the impact of proposals made.
- 2.3 It was also suggested that a method for allowing public access to information requested by the Scrutiny Committee, but subsequently provided outside of the meeting should be made available. The method and process for enabling this to happen is currently being developed by Democratic Services and the

Scrutiny team, who are working to have to this in place by November's Scrutiny Committee.

- 2.4 An initial training session was provided for new members of the Scrutiny Committee in June 2015. As part of the Member Development programme a second development session is planned for October 2015 focusing on evaluation and evidence gathering for task group activity. In addition the Chair of the Scrutiny Committee is a member of the London Scrutiny Network and has attended two network meetings focused on sharing of best practice scrutiny methods.
- 2.5 *Visit*
Members of the committee expressed an interest to visit the Centre for Mental Health Care at Park Royal. Central and North West London NHS Trust (CNWL) will be bringing the CQC report and the action plan for mental health services to the meeting of the Scrutiny Committee on 9 September; and as such asked if Members would like to attend a site visit to the Centre for Mental Health at Park Royal. Members accepted this invitation and visited the unit on the 6 August.
- 2.6 *Programme Planning – The Scrutiny Forward Plan 2015 - 2016*
The Scrutiny Forward Plan has been developed, with the first quarter of scrutiny items agreed and confirmed. Members have identified items that they would like to come to scrutiny. The programme also includes those items which the Scrutiny Committee has a statutory requirement to consider. While the programme includes the items that members have requested, it is also necessary to provide sufficient capacity and flexibility to accommodate items that may occur during the course of the year, particularly with regard to emerging issues from health partners. Discussion will continue with Members to ensure that the Scrutiny Forward Plan remains relevant to the priorities of the council and adds value in supporting the delivery of the Brent Borough Plan and Corporate Plan.
- 2.7 The Committee has also agreed the following two task group subjects. Work on these task groups has already started and it is intended that they will report to the November 2015 meeting of the Scrutiny Committee. Councillor Stopp is chair of the task group looking at fly-tipping and Councillor Kelcher is the chair of the group considering CCTV. Membership of the task groups is being finalised.
1. Close Circuit Television (CCTV)
 2. Fly tipping

A copy of the current Scrutiny Forward plan is attached (Appendix 1)

- 2.8 *Committee meetings*
Since the last scrutiny report to Full Council the Committee has held two meetings. These meetings were under the chairmanship of Councillor Dan Filson and a summary of all the meetings is as follows:
- 2.9 In June 2015, the Committee received a joint report from Brent Clinical Commissioning Group (CCG) and London North West Healthcare NHS Trust (LNWHT), which provided insight into the paediatric services and current provision provided to Brent residents. The report highlighted the potential

impact on Northwick Park Hospital with regards to the impending changes to paediatric services at Ealing Hospital. The committee requested that they receive a further update from the CCG on the information used to reach assurance on the safe and smooth transfer of services at their meeting in February 2016. The CCG and NWLHT agreed to this request.

- 2.10 The committee received interim feedback on the work of the Scrutiny Task Group focused on Access to Extended GP Services and Primary Care in Brent. Members requested that a number of pieces of additional information are included within the final report of the task group on GP services which will be considered at the September 2015 meeting of the committee.
- 2.11 The committee also heard from the Director of Public Health who highlighted the new local authority Public Health responsibilities and how the Council is discharging its responsibility as a result of the Health and Social Care Act 2012. Members commented that the report, while outlining the expenditure and priorities for improving public health, did not provide a picture of the impact made in tackling health inequalities. Members requested further information on the actual change in prevalence of preventable health conditions.
- 2.12 There was also a focused look at the challenge of providing access to affordable and quality childcare provision within the borough.
- 2.13 In July 2015, the committee received an overview report from Brent Housing Partnership on its 2014/15 performance. The report provided information on BHP's improvement priorities and their performance standards. Members asked questions regarding the cost of BHP modernising its computer systems, income from leaseholder charges and details of where the charges had been defended against legal action. Members also questioned the lengthy delays in repairs being completed, cases of anti social behaviour, the delays in void properties being re-let and prevalence of illegal sub-letting. Members asked about and were informed of the adverse potential impact on the Housing Revenue Account of a nationally proposed 1% rent increase restriction and of enforced property disposals to fund right to buy sales by housing associations. In response to the committee's questions and comments, the chair of the BHP Board responded with formal acknowledgement and answers to queries raised (Appendix 2). The Chair also welcomed the committee's comments on the key improvement priorities for BHP.
- 2.14 Members also discussed the arrangements for the future operation of the Scrutiny Committee and the process for developing a robust work programme.
- 2.15 In August 2015, the Scrutiny Committee welcomed the opportunity to review and comment on the council's draft Long Term Transport Strategy (LTTS) before it was submitted to Cabinet. The LTTS has been developed to provide strategic direction to transport investment throughout the borough over the next 20 years (2015-2035). Members drafted a formal response to Cabinet, which is attached (Appendix 3).
- 2.16 Members received a report on the July 2014 Food Standards Authority audit of the Council's discharge of its Food Safety Act 1990 duties. The report further highlighted the audit reports findings and detailed the Council's responses including the action plan the Council is using to monitor progress.

2.17 Members of the committee questioned officers and the Lead Member on structure and staffing. Members also inquired about the numbers and the profile of Brent businesses, with emphases on the risk categories. Members were keen to know what penalties the council could face if improvements are not achieved.

2.18 The next meeting of the Scrutiny Committee is scheduled for 9 September 2015 and will consider:

- Report from the Access to GP services task group
- Central and North West London NHS Foundation Trust-CQC Report and Action Plan
- Scopes for task groups on Fly-tipping and CCTV.

Councillor Dan Filson
Chair of the Scrutiny Committee

Contact Officer

Cathy Tyson
Head of Policy and Scrutiny
cathy.tyson@brent.gov.uk
0208 937 1045

**Scrutiny Committee
Forward Plan 2015/16
September 2015**

Date of Committee	Agenda items	Responsible officers
Wednesday 9 September 2015	<ul style="list-style-type: none"> • Report from the Access to GP services task group • Central and North West London NHS Foundation Trust. CQC Report and Action Plan • Terms of reference for task groups on Fly-tipping, CCTV. 	<p>Chair of the task group</p> <p>CNWL Trust</p> <p>Cathy Tyson, Head of Policy and Scrutiny</p>
Thursday 8 October 2015	<ul style="list-style-type: none"> • Annual report on Ombudsman and corporate complaints • Parking Strategy (cabinet report) 	<p>Cathy Tyson, Head of Policy and Scrutiny</p> <p>Lorraine Langham, Chief Operating Officer</p>

Thursday 5 November 2015	<ul style="list-style-type: none"> • CCTV task group report • Fly-tipping task group report • Local Safeguarding Children's board Annual Report 	<p>Chair of task group</p> <p>Chair of task group</p> <p>Independent Chair of Children's Safeguarding Board.</p>
Wednesday 2 December 2015	<ul style="list-style-type: none"> • South Kilburn Regeneration 	Andy Donald, Strategic Director of Regeneration and Growth.
Wednesday 6 January 2016	<ul style="list-style-type: none"> • Budget Scrutiny Report • Update on the impact of the charging for Green waste collection. • Safer Brent Partnership – update on progress. 	<p>Chair of Scrutiny</p> <p>Lorraine Langham, Chief Operating Officer</p> <p>Chair of Safer Brent Partnership</p>
Tuesday 9 February 2016		
Wednesday 24 February 2016	<ul style="list-style-type: none"> • School Achievement Report 	Gail Tolley, Strategic Director Children and Young People
Tuesday 5 April 2016		
Tuesday 26 April 2016	<ul style="list-style-type: none"> • Annual Report of Scrutiny Committee 	Cathy Tyson, Head of Policy and Scrutiny
Tuesday 21 June 2016		
Wednesday 13 July 2016		

**Joanne Drew
Chair of BHP Board**

Civic Centre
Engineers Way
Wembley
HA9 0FJ

www.bhphousing.co.uk
info@bhphousing.co.uk

Telephone: (020) 8937 2580
Minicom: 18001 (020) 8937 2580
Fax number: (020) 8937 2021
Email: louise.egan@bhphousing.co.uk

17th August 2015

Dear Councillor Filson

Thank you for the feedback from the Scrutiny Committee, which we considered at our Board meeting in July.

As you know BHP is an organisation established to further the engagement of tenants and leaseholders. This extends to the running of the organisation and the delivery of our services. We have a clear brief to be high performing in all respects and this is something that the Board takes very seriously. We are pleased to be launching our own Customer Scrutiny Co-ordination Group, which residents will lead and which will work closely with our staff team to review and develop our services on an on going basis.

In addition we are to embark on a fundamental review of our operating model in the light of the Summer Budget announcements and housing policy changes. With our purpose and ethos at the centre of our thinking we will be exploring all ways that we can better deliver the needs and aspirations of Brent's current and future residents. Better, more cost effective services will be our drive.

In response to your specific areas of review:

Void times

The voids time for standard or short-term void properties (i.e. those that need less work) is too long you are right and it is a matter of concern for the BHP Board. We are reviewing this closely and have asked for a sustainable improvement plan to be submitted to the September Board meeting.

Our performance on major voids (i.e. those that require substantial work such as structural work or more extensive internal work) compares well against other organisations. It has improved in 2015/16 year to date by over 10 days from 74 days last year to 63 days in the first four months of 2015/16. However, we continue to look at how we can reduce this period when a home is not available to let to a resident. The Council's investment programme, which we are delivering, is one way to contribute to this.

Complaints

This is also an area of focus for the BHP Board and we are pleased to be able to report improvements. The latest figures for BHP's response to Members Enquiries is 95% for July, with 85% for year to date. The backlog of complaints has been cleared and the Board has tasked the Managing Director with ensuring that responses are managed more closely. We have undertaken a review with residents of our complaint handling recently which helped us consider ways to improve. We are also looking at ways to prevent complaints arising in the first place and shall be looking at introducing a new performance measure, which quantifies "days ruined". BHP has a committed staff team, but presenting performance in this way helps staff to understand the importance of getting things right, first time for residents.

Communications

We fully agree that effective communication in writing is very important. We will be investing in the training and development of our staff team and we are supported by a Reader's Panel of residents who help us review our communications especially those that go to a wide group of residents.

Repairs

Repairs is a key issue for our residents and getting these right first time is part of that as you state. We have recently moved to a new contract with Wates and here the emphasis is on a right first time and a 'price per property' model where the contractor doesn't get extra money if they have to return to the same property to do more repairs that same year. It is early days and it will take time to get this right but we are very focused as a Board on making this work. The latest data on repairs satisfaction is encouraging (although the sample numbers are small) with the June and July figures showing around 85% satisfaction with the quality of the repairs service.

Notices Seeking Possession

Notices Seeking Possession (NOSPs) are issued when rent arrears rise to over £200. Costs are only incurred when a case is referred for possession proceedings and not when the NOSPs are issued. Generally, court referrals are only made when arrears have reached a minimum of 8 weeks gross rent and after attempts to repay the arrears have failed.

The number of NOSPs issued has been fairly consistent over the past few years, and it should be borne in mind that with a significant number of our residents on benefits arrears of £200 can actually be in relation to a number of months of non-payment. NOSPs have to be renewed on an annual basis, leading to the appearance of a high number of them. This includes cases where agreements to pay have been made and are being adhered to.

Illegal sub-letting

It is a key part of a Housing Officer's role is to routinely investigate any reports or circumstances which trigger a possible illegal sublet. Some of the triggers that Housing Officers will observe are:

- reports from external agencies
- properties where the gas team force entry due to a delayed gas inspection
- a report from the income team where there is high credit on the rent account
- reports on tenant verification and audit visits
- properties where access is difficult during major works
- reports from wardens, cleaners, estate services and customer response teams.
- cases where a fraudulent application has been made for succession or assignment.

In looking at wider sampling of hotspots or cases of subletting, BHP looks at:

- properties where block letters are returned to BHP
- Publicity on subletting/tenancy fraud where surgeries or tenants meeting are held.

BHP also works with TRA's and estate champions to identify examples of illegal sub-letting.

In the previous financial year, 52 active cases of illegal occupation, tenancy fraud and subletting were investigated. Out of the 52 properties BHP recovered 16 properties where outright possession orders were issued. In addition in the last year three cases of fraudulent RTB applications were stopped. Currently we have 22 cases awaiting court dates. In addition in the last 6 months we have recovered 5 properties where keys have been handed in without the need for court action. This work follows successful publicity of subletting being illegal where the individuals in question were provided with leaflets stating that subletting/tenancy fraud was a criminal offence.

BHP has a very strong working relationship with the council's Audit and Investigation Team (A&I). The A&I team is involved in all cases where illegal occupation or tenancy fraud is suspected and BHP has a shared database with the team. As a Board we will continue to monitor progress in this area.

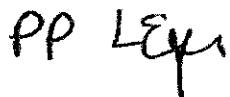
Board accountability and representation

The representation of residents on the BHP Board is consistent broadly with the overall tenant/leaseholder split. The Board has also agreed to co-opt a younger person representative (who is neither a tenant nor leaseholder but does live in a council property) as we feel this will provide a valuable voice. The key point is that all BHP Board members are there to represent the broader interests of BHP and our communities overall whether they are there as a tenant, leaseholder, independent or councillor. We work very hard as a Board to ensure this is the case.


As I mentioned in the beginning we have established a new Customer Scrutiny Co-ordination Group. This will provide for residents to look at areas of the service they (or indeed Board Members or your committee) have concerns about and consider how this can be improved. We hope that the Chair of this Group will also join us at the Board.

Thank you for providing the Board with feedback from your Scrutiny review. Please be assured we take these matters extremely seriously and value the challenge and are committed to responding.

Yours sincerely

Handwritten signature in black ink, appearing to read 'PP LEY'.

**Joanne Drew on behalf of the BHP Board
Chair of Brent Housing Partnership**

 <p>Brent</p>	<p style="text-align: center;">Cabinet 24 August 2015</p> <p style="text-align: center;">Report from Scrutiny Committee</p>
<p>For Action Wards affected: ALL</p>	
<p>Long term transport strategy</p>	

1.0 Summary

- 1.1 The Scrutiny Committee, at its meeting on 12 August 2015, considered the report now before Cabinet on the Council's future transport strategy. The Committee heard from Councillor Southwood and the Head of Transportation who explained that the strategy presented a long term framework and needed to be seen in conjunction with supporting strategies that provided more detail such as the cycling strategy. In future years a walking strategy and a freight strategy would be developed.
- 1.2 However, the Committee expressed concern that the strategy was too brief and lacked ambition. Members felt that it lacked evidence in places whilst making certain assertions and was rooted in the possibilities as they related to Transport for London (TfL) and the availability of funding rather than going beyond this into areas where the Council needed to send out strong messages and councillors needed to lobby to address some of the major transport concerns in the borough.
- 1.3 The Scrutiny Committee felt that a revised version of the strategy was needed.

2.0 Recommendations

- 2.1 Scrutiny Committee recommends that Cabinet defer taking a decision on approving the Long Term Transport Strategy for Brent so that fuller consideration can be given to the points raised on it by the Committee;

2.2 Scrutiny Committee requests that Cabinet note the comments made by the Committee and agrees to the recommendations below being more fully addressed in the finally agreed strategy:

- i. The strategy needs to be more ambitious and incorporate reference to schemes on which the Council might need to lobby in order to see them progress.
- ii. The strategy should not be restricted to only those schemes and improvements that might be supported by TfL and included in LIP submissions, especially bearing in mind the forthcoming London Mayoral Election when a new Mayor will be elected who might have different priorities. There is a need for the serious public transport issues and road usage problems to be addressed.
- iii. Reference should be included of the Dudden Hill rail line and its potential.
- iv. The possibility of a conflict of approach with neighbouring boroughs and the need to develop shared visions with other boroughs on those transport issues at the borough boundary should be articulated.
- v. Greater focus should be given on equality of access from the different geographical areas of the borough (North/South – East/West).
- vi. A review of the document should be undertaken to remove some of the assertions made or support them with more evidence based statements and give a clearer focus to the strategy, bearing in mind that many of the ‘daughter’ strategy papers have yet to be written.
- vii. The strategy should include demographic evidence and have a greater focus on access to primary locations such as hospitals, schools, leisure centres etc.
- viii. Greater prominence should be given to the work being undertaken with schools to improve safety and congestion around schools.
- ix. A stronger message should be included on the health effects of diesel and the implications of this around the movement of freight.

3.0 **Detail**

3.1 The Scrutiny Committee heard from Councillor Choudhary and two members of the public: Mr Dilwyn Chambers and Mr David Kaye. The comments put forward included the view that there were gaps in the strategy because there was a lack of reference to the potential for developing rail links. The committee heard criticism that the strategy did not mention global warming or air quality; did not pick up on the uses that could be made of the canals; did not address the transport difficulties caused by Wembley Stadium event days. There was criticism of London TravelWatch which appeared to have achieved little in the way of improvements to transport in the borough. It was pointed

out that Kilburn High Road served one of only two town centres in the borough and yet was not mentioned in the strategy. This was also an example of where the Council had to work with a neighbouring borough and the issue of inter-borough conflict at the borough's boundaries was not picked up in the strategy.

3.2 Members of the Committee in considering the strategy raised the following points:

- i. The strategy appeared to have been overly influenced by the feedback to the consultation and restricted itself to those areas listed in paragraph 6.1 of the covering report.
- ii. There was a lack of information on the budgets available for improvements to transport.
- iii. Reference to the Council's Disabled Transport Fleet and working with other Council departments to improve accessibility was missing.
- iv. The strategy did not articulate or reflect the needs of the borough in order to support future Local Implementation Plan (LIP) annual spending submissions.
- v. Evidence, including demographic data was not included to show the effect car clubs had in different areas of the borough.
- vi. The objective to reduce the number of car journeys by changing behaviour to avoid unnecessary trips was not included, along with more information on the level of car ownership and trends in the borough.
- vii. Whilst recognising that the cycle strategy provided more information, it was felt that reference should be included on the barriers to cycling and the different types of traffic calming measures employed.
- viii. The target for agreeing travel plans with schools needed to be more ambitious than the stated 10% increase.
- ix. The strategy should address the implications of the introduction of the night time tube service.
- x. There was a lack of evidence of what the most effective ways to reduce car speeds were and there was concern about the level of enforcement within 20mph zones.
- xi. Given the continued uncertainty over the expansion of Heathrow, concern was expressed that aspects of the strategy were dependent on this and it was not clear what the Council's current position on Heathrow was.

- xii. The strategy should incorporate the major health provision reconfigurations within the borough and the implications this had for transport to hospitals, other health facilities and hospital parking.
- xiii. It was felt that the strategy should address not just equality of access for those with disabilities but the disparity between different areas of the borough.
- xiv. Whilst supporting the air quality targets, mention was made of the importance of monitoring and the need to address the health issues around the use of diesel fuel.
- xv. In making many of the points referred to, the Committee felt the strategy needed to incorporate more of the cross cutting work being undertaken within the Council.

3.4 Given the extent of the comments made by members of the Committee, it was felt that the document was not ready to be submitted to Cabinet for approval.

3.3 Councillor Southwood and the Head of Transportation accepted that some of the targets contained in the strategy could be increased and that the overall level of ambition demonstrated in the document could be strengthened. However, it was pointed out that this was an overarching strategy with other sub-strategies supporting it and it was open to review every 5 years as the situation and challenges facing the borough changed.

**Councillor Filson
Chair, Scrutiny Committee**

Contact Officer:
Peter Goss
Democratic Services Manager
peter.goss@brent.gov.uk
020 8937 1353

 Brent	Full Council 7 September 2015 Report from the Chief Legal Officer
For Action Wards Affected: ALL	
Changes to the Constitution	

1.0 Summary

- 1.1 This report sets out proposed changes to the Constitution relating to the West London Economic Prosperity Board; the exercise and delegation of executive functions by the Cabinet; property acquisition and disposal delegations; the Licensing Act 2003 policy statement; the terms of reference of the Equalities Committee and the membership of the Health and Well-being Board. The report also sets out minor and other technical changes to the Constitution made by the Chief Legal Officer.

2.0 Recommendations

- 2.1 That Full Council agree the changes to the Constitution shown marked up in Appendix 1 and authorise the Chief Legal Officer to make consequential changes;
- 2.2. That Full Council note the minor and other technical changes to the Constitution made by the Chief Legal Officer shown marked up in Appendix 2.

3.0 Detail

West London Economic Prosperity Board

- 3.1 At its meeting on 27 July 2015, the Cabinet resolved to establish a Joint Committee to be known as the “West London Economic Prosperity Board” in partnership with Barnet, Ealing, Harrow and Hounslow London Borough Councils. It is anticipated, however, that membership of the Board will be extended to other West London Authorities (WLA) in due course. The Leader,

or a person nominated by him, will take up membership of the Board on behalf of Brent Council.

- 3.2 Once all the WLA participating boroughs have agreed the arrangements, certain of their functions will be discharged jointly with the intention of promoting economic prosperity within the local government areas of the participating boroughs.
- 3.3 It is proposed that the establishment of the Board be recorded in Part 5 of the Constitution (see Appendix 1).

Exercise and delegation of executive functions by the Cabinet

- 3.4 The Constitution contains various references to the discharge of executive functions by the Leader and/or the Cabinet.
- 3.5 Part 2, Article 12 of the Constitution confirms that both the Leader and the Cabinet may establish joint arrangements with other local authorities. This includes delegating executive functions to the Cabinet of another authority and receiving a delegation of an executive function from another authority. This may or may not involve the establishment of a joint committee. The full extent of Cabinet's powers are not, however, referred to consistently in other parts of the Constitution and amendments are proposed to Parts 2 (paragraphs 7.22) and 3 (Standing Order 14) of the Constitution (see Appendix 1) to avoid confusion.

Property acquisition and disposal delegations

- 3.6 A recent review of officer delegations relating to property acquisition and disposal functions has highlighted the need for a correction.
- 3.7 Part 4 of the Constitution includes the Council's scheme of officer delegations which is reviewed by Full Council from time to time. Paragraph 4.1 states that only the Operational Director, Property and Projects, may acquire or dispose of an interest in land or buildings subject to the restrictions set out in paragraphs 4.2, 4.3 and 4.6 but does not record the fact that the Strategic Director, Regeneration and Growth, can also exercise these powers.
- 3.8 Although the current wording relating to the exercise of these powers was approved by Full Council at its meeting on 24 June 2013, it was not intended to remove the powers of the Strategic Director, Regeneration and Growth. This is the Strategic Director with overall responsibility for property, regeneration and economic development and who the Operational Director, Property and Projects reports to. In any event, property functions are executive functions and the Strategic Director, Regeneration and Growth, remains entitled to exercise such powers delegated under executive decision making arrangements. For the avoidance of doubt, it is proposed that the scheme of officer delegations be amended, as marked up in Appendix 1, to confirm the delegated powers of the Strategic Director, Regeneration and Growth in respect of property matters.

Licensing Act 2003 Policy Statement

- 3.9 Section 5 of the Licensing Act 2003 requires the council to determine and publish a statement of its policy with respect to the exercise of its functions under that Act. This is a Full Council and not a so-called shared function whereby a plan or policy is formulated or prepared by the Cabinet and then approved by Full Council. That being the case, it is proposed that Table 3 in Part 4 of the Constitution be amended to remove the reference to this function (see Appendix 1).

Equalities Committee

- 3.10 At the first meeting of the Equalities Committee on 13 July 2015, the Committee considered its role and responsibilities as well as the contribution it could make in ensuring that the Council secures compliance with its obligations under equalities legislation. The Committee noted its terms of reference, as previously agreed by Full Council, and proposed a change, as marked up in Appendix 1 (see Part 5) for Full Council's approval.

Health and Well-being Board

- 3.11 Part 5 of the Constitution records the membership and terms of reference of Brent's Health and Well-being Board. The Board comprises of five elected councillors as well as senior officers and external representatives. Currently, the five elected councillors are required to comprise of four Cabinet members and an opposition group member. Instead of limiting the membership of the Board to members of opposition groups, it is proposed that all opposition members be eligible for appointment (see Appendix 1, Part 5).

Minor and technical changes

- 3.12 In addition to the proposed changes detailed above, Members are requested to note that minor and other technical changes have been made to the Constitution by the Chief Legal Officer in the exercise of her delegated powers. The changes correct typographical errors, improve the wording and presentation of the Constitution and update the Constitution in legal and technical terms. The changes, which affect all 8 Parts of the Brent Constitution, are identified using track changes and set out in Appendix 2.

4.0 Financial Implications

- 4.1 There is none arising directly from this report.

5.0 Legal Implications

- 5.1 These are addressed in the body of the report.

6.0 Diversity Implications

- 6.1 None.

Background Papers

None

Contact Officers

Fiona Alderman, Chief Legal Officer, Chief Operating Officer's Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 4101

Looqman Desai, Senior Solicitor (Governance), Chief Operating Officer's Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 1366

Appendix 1

PART 2

ARTICLES

- Article 1 The Constitution**
- Article 2 Members of the Council**
- Article 3 Citizens and the Council**
- Article 4 Full Council**
- Article 5 The Mayor**
- Article 6 Scrutiny Committee**
- Article 7 The Cabinet**
- Article 8 Regulatory and other Committees**
- Article 9 The Standards Committee**
- Article 10 Consultative Forums**
- Article 11 Other Bodies and Panels**
- Article 12 Joint Arrangements**
- Article 13 Officers**
- Article 14 Decision Making**
- Article 15 Finance, Contracts and Legal Matters**

- 7.19 In the event of there being no Leader or Deputy Leader appointed and an insufficient number of members of the Cabinet appointed to achieve a quorum, all executive functions shall in the interim be carried out by the Chief Executive.
- 7.20 The responsibilities and powers of the Deputy Leader may not be carried out by any other member of the Cabinet in his/her absence, or if the post is vacant.

Proceedings of the Cabinet

- 7.21 Proceedings of the Cabinet take place in accordance with Standing Orders, where applicable. The Cabinet's decision-making meetings are held in public except where confidential or exempt information would be discussed.

Responsibility for the discharge of executive functions

- 7.22 Executive functions may be exercised by the Leader, or the Leader may delegate those functions to the Cabinet as a whole, a committee of the Cabinet, a joint committee, another Local Authority, an individual Cabinet member, or officers. The Cabinet may arrange for executive functions delegated to it to be carried out by a committee of the Cabinet, a joint committee, another Local Authority, an individual Cabinet member or an officer.
- 7.23 The Leader has agreed to delegate all executive functions to the Cabinet except those which he/she has delegated to the Highways Committee or officers as set out in Part 4.
- 7.24 The Monitoring Officer shall maintain a list as set out in the Constitution of the committees of the Cabinet, officers or joint arrangements, which are responsible for the exercise of particular executive functions as delegated to them by the Leader. This is contained in Part 4 of the Constitution.
- 7.25 The Leader may change the arrangements for the discharge of executive functions. The Leader has agreed that such changes shall only be made on written notice to the Chief Legal Officer or Full Council and that such notified changes shall only be effective from that date.

Cabinet Committees

- 7.26 The Leader has established a Highways Committee. The Leader has agreed to delegate such functions to the Highways Committee as are set out in the Constitution in Part 4 (Terms of Reference). As the Highways Committee is exercising executive functions it is bound by the same procedural rules as the Cabinet as set out in Parts 3, 4 and 6 of this Constitution.
- 7.27 The Cabinet has established a sub-committee; the Barham Park Trust Committee, to decide matters relating to the Trust. The Cabinet has agreed to delegate such functions to the Barham Park Trust Committee as are set out in the Constitution in Part 4 (Terms of Reference).

PART 3

STANDING ORDERS

INDEX TO STANDING ORDERS

General

1. Constitution to be provided to members
2. Suspension of Standing Orders
3. Variation and Revocation of Standing Orders
4. Mayor's rulings under standing orders
5. Notice to be given
6. Form of Notice
7. Interpretation
8. Access to information
9. Motions relating to confidential and exempt information
10. Motions involving expenditure

The Executive Arrangements

11. Form of Executive Arrangements
12. Appointment of the Cabinet
13. Vote of No Confidence
14. Executive Functions
15. The Forward Plan
16. Urgent Decisions not on the Forward Plan
17. Meetings and decisions of the Cabinet
18. Decisions contrary to the Policy Framework and the Budget
19. Virement, transfers and in year changes to policy
20. Call in of Cabinet and Officer decisions
21. Referral of Called in decisions to Full Council
22. [paragraph number not used]

The Policy Framework and the Budget

23. Framework for Cabinet decisions
24. Developing proposals for the budget and capital programme
25. Developing plans, policies and strategies forming the Policy Framework
26. Cabinet decisions outside the Policy Framework and the Budget

Meetings of Full Council

27. Types of meeting
28. Time of meeting
29. Intervals
30. Chair of meeting
31. Quorum of meetings of Full Council
32. Annual meeting
33. Community Champion awards
34. Council Tax Setting
35. [Paragraph number not used]
36. Extraordinary Meetings
37. Ordinary Meetings
38. Report from Leader or members of the Cabinet
39. Deputations
40. Questions from opposition and non-Cabinet members
41. Report from the Chair of Scrutiny Committee

THE EXECUTIVE ARRANGEMENTS

11. Form of Executive Arrangements

The Council will operate a Leader and Cabinet model of Executive arrangements and they are collectively called the Cabinet.

12. Appointment of the Cabinet

- (a) The Cabinet shall be appointed in accordance with Article 7 of the Constitution

13. Vote of No Confidence

- (a) The Leader shall cease to hold office following a vote of no confidence in him/her. A motion in respect of the vote of no confidence shall be debated by Full Council if, at least 10 clear working days before the meeting at which the motion is to be considered, it has been signed in accordance with Standing Orders 5 and 6 by at least 40% of the members of the Council and the motion proposes an alternative Leader. If such a motion is passed the new Leader shall hold office for the remainder of the previous Leader's term of office.

14. Executive Functions

- (a) All functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution are the responsibility of the executive.
- (b) The Leader may exercise those functions, or may delegate those functions to the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet, or officers. Where the Leader has arranged for the discharge of executive functions by the Cabinet, the Cabinet may arrange for the discharge of those functions by a committee of the Cabinet, an individual member of the Cabinet or an officer. Both the Leader and Cabinet may also exercise executive functions jointly with other local authorities including (but not limited to) joint committee arrangements.
- (c) The Leader has agreed to delegate all executive functions to the Cabinet except those which he/she has delegated to the Highways Committee or others as set out in Part 4 of the Constitution.

15. The Forward Plan

- (a) The Head of Executive and Member Services shall in accordance with the Access to Information Rules, publish a Forward Plan of the matters in respect of which Key Decisions will be made by the Cabinet (including officers making Key Decisions) and any other matter which the Head of Executive and Member Services considers should be included in the Forward Plan.
- (b) Except as provided for in Standing Order 16 all decisions to be taken by the Cabinet must be included in the Forward Plan in accordance with the Access to Information Rules.

16. Urgent Decisions not on the Forward Plan

- (a) If the Cabinet (including officers making Key Decisions) is proposing to take a decision which is not included in the Forward Plan then the decision may only be taken if:-

PART 4

RESPONSIBILITY FOR FUNCTIONS

General

Powers Delegated to Officers

Exemptions Restrictions and Limitations on Powers Delegated to Officers

Acquiring, managing and disposing of land and buildings

Decisions by individual members

Decisions to be taken only by Full Council

Table 1 Functions which cannot be exercised by the Cabinet

Table 2 Functions where the Council has a choice of exercising them through either the Cabinet or the Council and the person or body to whom, if any, the function has been delegated

Table 3 Functions not to be the sole responsibility of the Cabinet

Table 4A The Membership and Terms of Reference of the Highways Committee of the Cabinet

Table 4B The Membership and Terms of Reference of the Barham Park Trust Committee of the Cabinet

Table 5 Proper and Statutory Officer Provisions

arrangement unless the prior written approval of the Chief Finance Officer has been obtained.

(j) **Personal interests:**

The officer concerned has a personal or private interest in the matter.

(k) **Transfer or redundancy:**

The exercise of that function or the making of that decision would or would be likely to result in transfers of staff to or from the Council of more than 20 people or redundancies of more than 20 people.

(l) **Significant or unusual risk:**

The exercise of that function or the making of that decision would or would be likely to expose the Council to a significant or unusual level of risk, financial or otherwise, as determined by the Chief Executive, the Chief Finance Officer, the District Auditor or the Chief Legal Officer.

(m) **Closure of a facility or reduction in services:**

The exercise of that function or the making of that decision would result or would be likely to result in the permanent closure of a facility used by the public or a permanent and significant reduction in the level of services or facilities provided to the public other than where such closure or reduction in service is considered necessary by the relevant director for reasons of health and safety.

(n) **Call In:**

The matter is called in for scrutiny in accordance with Standing Orders prior to being implemented.

(o) **Charges and Fees:**

The decision relates to the setting, levying or increase of any fees or charges to any member of the public in respect of a Council service (other than room lettings and copying charges).

(p) **Some other reason:**

The Chief Executive considers that the matter should not for some reason be considered by officers.

- 3.2 In cases where an officer is prevented from exercising any function delegated to him or her by virtue of any of the above or where he or she or the Chief Executive decides that they cannot or should not exercise the function then that function shall be exercised by the person or body who would otherwise have responsibility for that function, or the General Purposes Committee if none other is specified (unless it is a matter which is reserved to Full Council).

4. Acquiring, managing and disposing of land and buildings

- 4.1 Only the Strategic Director Regeneration and Growth and the Operational Director Property and Projects may acquire or dispose of an interest in land or buildings.

The restrictions placed upon such acquisitions or disposals are set out in paragraphs 4.2 and 4.3 below.

- 4.2 The Strategic Director Regeneration and Growth and the Operational Director Property and Projects may dispose of or acquire freehold land or buildings up to a value, in his or her view, of £250k. The Strategic Director Regeneration and Growth and the Operational Director Property and Projects may acquire or dispose of leases, licences, and easements in respect of land or buildings except where
- (i) the annual rental value (excluding other outgoings) exceeds 50k
 - (ii) if acquired or disposed of at a premium the value would, in his or her view, exceed 250k in value or
 - (iii) where the leasehold term exceeds 25 years
- 4.3 Where any disposal or acquisition of an interest land or buildings is, in the view of the Strategic Director Regeneration and Growth and the Operational Director Property and Projects of a value over 150k and below 250k, or where any leasehold interest has an annual value over 25k or below 50k he or she shall consult with the Lead Member.
- 4.4 The Chief Finance Officer should be advised of any disposal or acquisition undertaken by this delegated authority within three months of any transaction.
- 4.5 All Members of the Cabinet will receive a report at least yearly on all these delegated authority transactions.
- 4.6. The Strategic Director Regeneration and Growth and the Operational Director Property and Projects may not sell or grant any lease or easement, licence or otherwise dispose of any land or buildings unless the consideration received, as confirmed by the ~~in Operational Director Property and Projects~~ is the best that can reasonably be obtained, whether or not the grant, sale or disposal is covered by a general or specific consent from the relevant Secretary of State.
- 4.7 Nothing in this paragraph 4 shall prevent the Strategic Director Regeneration and Growth from granting, in accordance with the Council's policies and procedures, any secure tenancy of housing accommodation nor from selling the leasehold or freehold interest in any residential property pursuant to the right to buy scheme or the voluntary sales scheme as promoted by the Secretary of State from time to time.
- 4.8 Nothing in this paragraph 4 shall prevent the Strategic Director Regeneration and Growth and the Operational Director Property and Projects acquiring or disposing of freehold land or acquiring granting or disposing of leasehold land for any term of years or licences and easements in respect of land and buildings where:
- (a) there is an statutory entitlement to a freehold or leasehold interest arising from a claim made in respect of residential land under the statutory enfranchisement provisions of the Leasehold Reform, Housing and Urban Development Act 1993 or Leasehold Reform Act 1967 as amended or re-enacted or
 - (b) there is an statutory entitlement to a freehold or leasehold interest in accordance with the Academies Act 2010 as amended or re-enacted or other education legislation regulation order direction under education legislation or where the acquisition grant or disposal of a freehold or long leasehold term or easement is advised in accordance with a circular or guidance issued by

PART 5

TERMS OF REFERENCE FOR COUNCIL COMMITTEES AND SUB- COMMITTEES

Introduction

Health and Wellbeing Board

Standards Committee

Audit Committee

Corporate Parenting Committee

Scrutiny Committee

General Purposes Committee

- *Pension Fund Sub-Committee*
- *Senior Staff Appointments Sub-Committee*
- *Staff Appeals Sub-Committees A and B*

Planning Committee

Alcohol & Entertainment Licensing Committee

- *Alcohol & Entertainment Licensing Sub-Committees A, B & C*

Equalities Committee

Dismissal Advisory Panel

Joint Committees

Health and Wellbeing Board

Membership

- 5 elected councillors to be nominated by the Leader of the Council. Four councillors will be Cabinet members from the majority party. The fifth member will be ~~from an opposition party member~~. An elected councillor will chair the Health and Wellbeing Board
- 4 representatives of Brent CCG
- A representative of Health Watch
- Chief Executive, London Borough of Brent
- Director of Adult Social Care
- Director of Children's Services
- Director of Public Health
- ~~Strategic Director Regeneration and Growth~~~~Director of Environment and Neighbourhood Services~~

At least one of the Brent CCG members shall be a GP.

All members of the Health and Wellbeing Board have voting rights, except council officers.

The quorum for the Health and Wellbeing Board be four voting members, with at least two councillors and two other voting members present in order for a meeting to take place.

Terms of Reference

Brent's Health and Wellbeing Board will:

1. Lead the improvement of health and wellbeing in Brent, undertaking duties required by the Health and Social Care Act 2012.
2. Lead the needs assessment of the local population and subsequent preparation of the borough's Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy and ensure that both are updated at regular intervals.
3. Oversee the implementation of the priorities in the borough's health and wellbeing strategy and other work to reduce health inequalities in Brent.
4. Develop initiatives between the council and health service partners to improve health and wellbeing, focussing on tackling Brent's health inequalities.
5. Promote integration and partnership working between health, social care and public health by developing joined up commissioning plans.
6. Provide steer and oversight to CCG and social care commissioning plans to ensure they meet the borough's health needs and the wider strategic plans for health and social care.

EQUALITIES COMMITTEE

Membership

- The committee comprises 5 councillors and will be chaired by the Cabinet Member with responsibility for Equalities.

Terms of Reference

1. To ensure the Council's plans and practice reflect current and future equalities legislation and guidance.

Formatted: Font: 12 pt

~~1.2.~~ To oversee the council's achievement and maintenance of the Excellent Standard in the Equalities Framework for Local Government.

Formatted: Indent: Left: 1.27 cm, No bullets or numbering

~~2.~~ To monitor the progress of the Equalities & HR Policies Review Action Plan.

~~3. To meet quarterly.~~

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

DISMISSAL ADVISORY PANEL

Membership

- The Panel comprises 3 independent persons appointed under s26(7) of the Localism Act 2011 and in accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the 2015 Regulations).
- The Panel shall be appointed at least 20 working days before any meeting of Full Council to consider whether or not to approve a proposal to dismiss the Chief Executive, Monitoring Officer or Chief Finance Officer for any reason other than redundancy, permanent ill-health or infirmity of mind or body.

Terms of reference

1. The function and remit of the Panel are as set out in the 2015 Regulations. Accordingly, the Panel can give advice, express its views and make recommendations to Full Council before it meets to consider whether or not to approve a proposal to dismiss the Chief Executive, Monitoring Officer or Chief Finance Officer.²

TERMS OF REFERENCE OF COUNCIL COMMITTEES AND SUB-COMMITTEES

Duration

The Joint Health Overview and Scrutiny Committee will continue until March 2018, to match the planned implementation timeframe for the Shaping a Healthier Future programme. During this period, the committee will also hold an annual review in May each year, or as soon as practical thereafter, where it will consider and decide whether there is a need for the Joint Health Overview and Scrutiny Committee to continue or whether it has fulfilled its remit and should terminate earlier than 2018. This does not preclude individual local authorities from leaving the Joint Health Overview and Scrutiny Committee before this date. Should there be any proposals for a Joint Health Overview and Scrutiny Committee beyond this date, this would need to be considered by each participating authority in line with its own constitution and policies.

WEST LONDON ECONOMIC PROSPERITY BOARD

Formatted: Font: Bold

Membership

Formatted: Font: Bold

1 member from each participating borough. Brent Council will be represented by the Leader or a person nominated by him/her.

Terms of Reference

The participating boroughs have agreed arrangements for certain of their functions to be discharged jointly with the intention of promoting economic prosperity in West London as detailed in the Board's Functions and Procedure Rules and other governance documentation.

 Brent	Full Council 7 September 2015 Report from the Chief Legal Officer
For Action	Wards Affected: ALL
Outstanding Committee Appointments	

1.0 Summary

- 1.1 Further to the Council's review of the representation of different political groups on committees at its Annual Meeting and the allocation and appointment of seats to the Labour Group and Conservative Group, this report gives Full Council the opportunity to make appointments to the seats allocated to the Brent Conservative Group.

2.0 Recommendation

- 2.1 That the Council make the outstanding committee appointments reflecting political proportionality.

3.0 Detail

- 3.1 The Council is required to review and determine the representation of the political groups on committees and allocate committee seats to political groups accordingly at, or as soon as practicable after, its Annual Meeting. The allocation is determined by applying the "political balance rules" under the Local Government and Housing Act 1989 (the 1989 Act) and the Local Government (Committees and Political Groups) Regulations 1990 (the 1990 Regulations). These are designed to ensure that the political composition of the Council's decision making and deliberative committees, as far as possible, replicates the political composition of the full Council. Committees are subsequently required to carry out a similar process in relation to any sub-committees they may have.
- 3.2 This function was discharged by the Council at its Annual Meeting on 20 May 2015 and at its last meeting on 22 June 2015. At these meetings, the Council

also made appointments to all the committee seats allocated to the Labour and Conservative groups giving effect to the wishes expressed by those groups.

- 3.3 At the Council's last meeting, in accordance with section 15 of 1989 Act, the Brent Conservative Group was allocated a single seat on the following ordinary committees of the Council: Audit, Standards and Corporate Parenting.
- 3.4 The Brent Conservative Group was also allocated the single opposition group seat on the Health and Well-being Board and one of the two opposition group seats on the Alcohol and Entertainment Licensing Committee.
- 3.5 In accordance with that Group's wishes, an appointment to the Alcohol and Entertainment Licensing Committee was made. The Group, however, did not express any wishes in respect of any of the other committee seats it was allocated.
- 3.6 Following the last meeting of Full Council, the Head of Executive and Member Services notified the Leader of the Brent Conservative Group, in writing, of the opportunity to nominate a Member of the Group to the remaining seats the Group had been allocated by 15 July 2015.
- 3.7 In response, the Group leader expressed two wishes: *"1. Not to appoint from my group to our allocated committees, 2. To appoint from outside my group."* Having been advised that only members of the Brent Conservative Group can be nominated, the Group further expressed the wish that, apart from the Alcohol and Entertainment Licensing Committee, the seats on the committees remain vacant.
- 3.8 According to the 1990 Regulations, if a political group has failed to express its wishes in relation to the appointment of a committee seat within a period of three weeks, "the authority.....may make such appointment to that seat as they think fit."
- 3.9 Full Council's default power is therefore discretionary: the outstanding appointments "may" be made but there is no requirement to do so. Further, the power to appoint has to be interpreted in its statutory context and, in particular, the requirement for political balance. Members are advised that where a political group has been allocated a seat on a committee, Full Council can exercise its power of appointment to that seat only by appointing a member of the political group in question. Accordingly, only a Member of the Brent Conservative Group may be appointed to the seat allocated to it on the Audit, Standards and Corporate Parenting Committees.
- 3.10 To remind Members, the table below lists the 6 ordinary committees of the Council subject to the political balance rules and confirms the size of each committee and the number of seats allocated to each political group.

Ordinary Committees	Size	Labour Group	Conservative Group	Brent Conservative Group	Liberal Democrats
		56 88.88%	3 4.76%	3 4.76%	1 1.59%
General Purposes Committee	8	7	1	0	0
Planning Committee	8	7	1	0	0
Audit Committee	5	4	0	1	0
Standards Committee	5	4	0	1	0
Corporate Parenting Committee	5	4	0	1	0
Equalities Committee	5	4	1	0	0
Total seats	36	30	3	3	0

3.11 The political balance rules do not apply to the Health and Well-being Board. This appointment therefore is not limited to a Member of the Brent Conservative Group.

3.12 A change is being proposed to the composition of the Board (see the report on Changes to the Constitution which is also on the agenda for this meeting of Full Council), which, if approved, will mean that as well as a Member of either opposition group (namely, the Conservative Group or the Brent Conservative Group), the single Liberal Democrat councillor is also eligible for appointment. As four Cabinet Members have already been appointed to the Health and Well-being Board, Members are requested to make the final opposition Member appointment.

4.0 Financial Implications

4.1 Members of the Audit, Standards and Corporate Parenting Committees and the Health and Well-being Board do not receive a special responsibility allowance.

5.0 Legal Implications

5.1 These are addressed in the body of the report.

6.0 Diversity Implications

6.1 None.

Background Papers

None

Contact Officers

Fiona Alderman, Chief Legal Officer, Chief Operating Officer's Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 4101

Looqman Desai, Senior Solicitor (Governance), Chief Operating Officer's Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 1366



Full Council
7 September 2015

Report from the Chief Operating Officer

Wards Affected:
ALL

Member's Absence from Council Meetings

1.0 Summary

- 1.1 The Local Government Act 1972 expressly provides that where a council member fails to attend any meeting of the council for 6 consecutive months from the date of their last attendance, subject to certain exceptions, they cease to be a member of the authority unless failure was due to some reason approved by the Council before the expiry of that period.
- 1.2 Councillor Tayo Oladapo, Member for Kilburn, last attended a Council meeting (Scrutiny Committee) on 26 November 2014. His absence from meetings was reviewed and approved by Full Council at its meeting in May 2015 on the basis of his ill-health.
- 1.3 It was agreed that Full Council would review Cllr Oladapo's absence in September 2015. His ill-health is presently on-going.

2.0 Recommendations

Full council is asked to agree:

- (i) that Councillor Oladapo's absence from meetings of the Council since 27 November 2014 be approved on the basis of his ongoing ill-health and that the position be reviewed, if required, at the Full Council meeting in January 2016.
- (ii) that the Council's wishes for a speedy return to good health be passed on to Councillor Oladapo.

4. Legal implications

4.1 Section 85 Local Government Act 1972 provides

if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.

Background Papers

Local Government Act 1972
Council minutes 13 June 2001

Contact Officer

Thomas Cattermole
Head of Executive and Member Services
020 8937 5446