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## MINUTES OF THE RESOURCES AND PUBLIC REALM SCRUTINY COMMITTEE Tuesday 12 July 2016 at 7.00 pm

PRESENT: Councillor Kelcher (Chair) and Councillors Aden, S Choudhary, Davidson, Ezeajughi, Miller, M Patel and Tatler

Also present: Councillors Daly, Farah and Mashari

### 1. **Declarations of interests**

None.

### 2. **Introductions**

At the start of the meeting, as this was the first meeting of the Resources and Public Realm Scrutiny Committee, the Chair invited members to introduce themselves and give a reason for their interest in the work of the committee.

### 3. **Deputations**

None.

### 4. **Annual work programme 2016-17**

The Chair drew attention to the work programme and reminded the committee of the process that had been introduced for deciding on the items for inclusion. The committee noted that the Borough Commander would be invited to the meeting scheduled for 6 September 2016 and that Councillor Tatler would be chairing the task group on child sexual exploitation group.

### 5. **Development Management Policies**

Paul Lewin (Planning Policy and Projects Manager) introduced the report which reminded the committee that on 16 January 2016 Full Council approved submission of the draft Development Management Policies Development Plan Document to the Planning Inspectorate for examination. Subsequently, hearing sessions on the Plan were held on 3 May and 4 May 2016. Having taken account of all the representations, both in writing and at the Hearing, the Inspector advised the council to consult on proposed Main Modifications to the Plan for a six week period ending 8 August. The report from the Strategic Director, Regeneration and Environmental Services requested the committee to consider the proposed Main Modifications.

Paul Lewin reminded the committee that this was the Development Management Plan for the borough, replacing the Unitary Development Plan and that at an advanced stage amendments had been requested and he outlined the areas concerned.

Members questioned ways of including in DMP 14 requirements for infrastructure provision at an early stage of housing development or at pre-planning stage, the definition of affordability in terms of housing and whether the levels were realistic, particularly for existing residents, and what were the mechanisms in place to reach the maximum target of 50% of housing in a major development to be affordable.

Paul Lewin clarified that DMP 14 was specifically concerned with potential uses of employment sites, many of which were small. The requirements for housing development were covered by wider policies plans and strategies, both borough and London wide however CIL funding could be spent on infrastructure. Regarding affordability, Paul Lewin referred to national planning guidance regarding social rent and the market. He acknowledged that the definition of affordable rented dwellings, as up to 80% market rent, was debateable as to providing an affordable product that met local needs however efforts were made to ensure that the rents were below Benefits Cap levels. The committee agreed that that affordability in Brent needed to be considered and Councillor Mashari (Lead Member, Regeneration and Growth, Employment and Skills) confirmed that it was under debate, including the need for housing development. Paul Lewin advised that the Strategic Housing Market Assessment testing revealed that 50% of the population could not afford to meet their housing needs on the open market in Brent. Efforts were made to cap rents to affordable levels but instead the definition of rents had extended and was increasing. Paul Lewin clarified that the 50% affordable policy was London wide and a viability assessment could be carried out to establish if the percentage of affordable housing in a development was a maximum level. Most sites would not be able to achieve more than 50% and he felt that to increase the percentage would not be feasible. Councillor Mashari added that discussions were taking place with the interim Head of Planning over the possibility of members having more involvement and influence at an earlier stage in the planning process.

Members raised the question of public houses under DMP 21 and Paul Lewin clarified that it was not uncommon for former public house premises to be treated as having community value. This policy allowed developers wishing to build housing on former public house sites on the basis of non-viability, to be challenged. Members welcomed the policy which helped protect public assets for communities and heard that the council had a joint position with CAMRA (Campaign for Real Ale) which was consistent with London wide approach and would also add weight to premises in conservation areas. The Chair indicated that he would ensure more detail on the council's pub protection policy would be included in a report to a future meeting.

The question was raised on DMP 3 regarding non-retail use and limiting the number of betting shops adult gaming centre and pawn brokers to 3% and 4% and Councillor Mashari advised that this was also referred to in the financial inclusion strategy. Regarding restricting the number of takeaways within 400m of a secondary school entrance/exit, members heard that to draw the line wider than 400m had been assessed but was not considered appropriate as it led to almost

total borough coverage and would be regarded as unduly restrictive. However it was still felt that the matter should be looked at.

Members noted that the Old Oak and Park Royal Development Corporation (OPDC) Local Plan would have a huge impact on the development policies in Brent but expressed a desire to learn more about the project. The Leader of the Council, Councillor Butt, the council's representative on the OPDC assured that Brent's interests were put at the forefront of every meeting in particular housing and nomination rights, employment and transportation. He was working closely with other council leaders to achieve the best outcomes. The possibility of CIL funding being obtained in advance was raised and Paul Lewin clarified that the OPDC CIL would come forward at the same time as the local plan. The committee noted that the Planning Strategy would be considered in September and agreed that OPDC should be added to the agenda.

Mr Faraz Baber (Sudbury resident) advised that the new Mayor of London had issued a two monthly review for representations on the project. The Leader of the Council, Councillor Butt, added that he was due to meet the Mayor of London and would take the opportunity to raise front loading funding and hoped to be able to report back. The Chair contributed that he would have discussions with the Head of Strategy and Partnerships on means of ensuring that members were well briefed given the importance of the issue.

RESOLVED:

- (i) that the report be noted;
- (ii) that information on the Old Oak and Park Royal Development Corporation (OPDC) Local Plan be added to the agenda into the on the council's planning strategy due for discussion at the September meeting;
- (iii) that a report be presented to the September meeting on the council's pub protection policy.

## 6. **Task Group on Community Infrastructure Levy (CIL) and Section 106**

The report from the Director of Performance, Policy and Partnerships advised that the Scrutiny Committee had established a task group on Community Infrastructure Levy and Section 106 to ensure the council was achieving the best financial outcomes for the borough with its current agreements, to analyse and the current processes with a view to ensuring that communities and councillors were engaged in the making of funding decisions.

The task group chair, Councillor Farah, in introducing the task group report, advised that the review was concerned with the CIL and S106 policies, engagement both with communities and members, funding collection and allocation. The review focused on the future of planning in Brent and looked at the South Kilburn development and the aim was to get the best outcomes. Meetings had taken place with officers, the voluntary sector and with developers at South Kilburn and he hoped the recommendations would be taken forward.

Mr Faraz Baber (Sudbury resident and task group member) outlined the challenges faced by the task group in understanding how CIL receipts were collected and the

process for distribution. There was difficulty in establishing accountability and assuring residents that they would gain. He felt there was a need for a clear plan and understanding how developers could help Brent develop positively particularly in coming years with decreased government grants. Mr Baber drew a connection between CIL and development management policies discussed earlier in the evening and felt there was a need for early discussions between developers and members over development proposals. Members noted that staff changes had caused some delay in getting information.

The committee heard that the task group members had discussed the difference between CIL and S106 funding and the view was put that S106 had a wide remit and clear and transparent information should be available to Planning Committees when they were making decisions. Regarding affordable housing, the 50% target was not being met and it was suggested that the council could decide to place greater emphasis on S106 to help achieve the target. Councillor Mashari (Lead Member, Regeneration and Growth, Employment and Skills) advised that efforts were being made to recruit staff to lead on CIL.

The committee commended the work and commitment of the Sudbury local residents, asked how lessons learned could be communicated to other areas through Brent CONNECTS and workshops and it was suggested that a route map be prepared and circulated. Members heard that a presentation and check list were already available and on the council's website and it was suggested that information be circulated to support ward discussions. The committee discussed the former ward working funding as an alternative vehicle and were reminded that CIL had the advantage of being for the entire ward instead of for successful community group bidders.

The committee discussed recommendation 26 in the task group report which suggested that consideration be given to creating independent review experts to advise the Planning Committee on some of the more complicated and difficult planning applications in particular, existing planning department expertise and the proposals for funding and the committee agreed that information be obtained on best practice on independent advisers for Planning Committees, replacing the need for this recommendation.

Regarding recommendation 23, it was proposed that council planning negotiators ensure that agreements are aligned with council priorities in order to take full advantage of future development/ regeneration opportunities, the committee suggested that Lead Members should have oversight. The committee also suggested an addition to Recommendation 8 concerning voluntary sector involvement, that all members be offered advice and training.

#### RESOLVED:

- (i) that the consider the contents of the Community Infrastructure Levy (CIL) and Section 106 task group's report be noted;
- (ii) that the recommendations made by the task group be approved and the development of an action plan across the council and partner organisations to take these forward be supported, subject to:

The addition to recommendation 8 that training and guidance to be up to standard; the addition to recommendation 23 that portfolio holders have oversight; and deletion of recommendation 26;

- (iii) that a progress report against the recommendations be submitted in six months' time.

## 7. **Brent Council's financial position**

Councillor McLennan (Deputy Leader of the Council) introduced Archa Campbell (Head of Finance), Althea Loderick (Strategic Director, Resources) and Minesh Patel (Head of Finance) and who gave a presentation on the current context of the council's financial position. The committee heard about local government sources of income, the likelihood of future reductions, Brent's financial position as at February 2016, budget savings previously agreed, further savings required, and the impact of Council Tax changes and also new legislation. Councillor McLennan drew attention to the budget timetable and reminded the committee that the budget had been set for two years to allow more flexibility and time for an overall strategy to be in place. The committee requested that the budget timetable be amended to include scrutiny by this committee in January 2017.

Members in discussion raised questions on the increasing Council Tax base and the impact on collection rates, the effect of business rate devolution on new services, the protection of existing services and how schools could protect special educational needs provision from forthcoming Dedicated Schools Grant restrictions proposed under the review of the national funding formula. Minesh Patel responded that council tax collection rates were currently at 98%, the council had new responsibilities and there would be gains and losses. Consultation was still taking place on the national funding formula and some aspects of SEN support would be protectable should schools not be able to provide. Councillor McLennan stressed that strategies needed to be in place to ensure that funding was spent appropriately. Minesh Patel confirmed that national minimum wage increases had been taken into account and agreed to confirm the minimum recommended level of reserves for a local authority. The committee supported the continuation of the two year budget cycle. Discussion took place on the possibility of a Council Tax rise and Councillor McLennan advised that work would take place on options.

The recent EU Referendum was raised and the potential impact of the decision for the UK to leave the European Union. Minesh Patel assured that that planning was taking place and that the council would have a greater understanding of the impact within a few weeks' time. The committee also questioned whether, in the light of NHS England's £22bn efficiency savings by 2020/2021 target, what was the likelihood of the NHS being able to fund the social care gap across NWL (approximately £145m). The committee heard that the request had been made to NWL and the council was committed to funding PREVENT and social care. Councillor McLennan added that Sustainability and Transformation Plan (STP) was a priority and that the Health and Wellbeing Board would be most involved. Following the decision to leave the EU, Councillor McLennan assured that communication with stakeholders would be maintained and members kept informed of the impact on the council's finances.

The committee discussed the possibility of increasing the council tax and questioned the reasoning behind the council's suggestion that if required to take on more responsibilities, transport would be the preference. Councillor McLennan put the view that Brent was often better placed to take decisions on transport matters and work with neighbouring boroughs. She reminded the committee that the council was already sharing services with other boroughs for IT and procurement and this work would continue.

RESOLVED:

that the presentation be noted.

**8. Annual Scrutiny report**

The committee received the Annual Scrutiny report which summarised the work conducted by the Scrutiny function throughout the year, including task group work, questions and decisions made by the committee. The 2015-16 report also provided an outline of the programme of work and task groups planned for the upcoming scrutiny year 2016-17.

RESOLVED:

that the Annual Scrutiny report be noted.

**9. Any other urgent business**

None.

**10. Date of next meeting**

The next meeting was scheduled for 6 September 2016.

The meeting closed at 9.50 pm

M KELCHER  
Chair

## Neighbourhood Planning Guidance

Neighbourhood planning is a community-led process which enables people to help shape development in their local area. There are three tools communities can use to help shape local development:

- neighbourhood plans that set out local planning policies that form part of the planning framework for their area.
- neighbourhood development orders that grant planning permission for a specified development.
- community right to build orders that identify land for new development.

There has been considerable interest in neighbourhood planning in Brent. There are currently four designated neighbourhood forums (Sudbury, Church End, Harlesden & Kilburn), and there is interest in establishing neighbourhood forums in other parts of the borough. To help guide groups wishing to take forward neighbourhood plans the Council has produced a [neighbourhood planning protocol](#) (or route map). This provides an overview of the process and the roles and responsibilities of the community and the Council.

The protocol and further information on neighbourhood planning is available at: [www.brent.gov.uk/neighbourhoodplanning](http://www.brent.gov.uk/neighbourhoodplanning).

Many Thanks

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Dear Scrutiny Committee Members,

Please note response to queries raised below. Apologies for the delay.

1. Scrutiny Budget Task group added to the budget process timetable
2. Under section 25 of the Local Government Act 2003 it is the responsibility of the Chief Finance Officer (S151) to report on the adequacy of reserves. In relatively recent history, auditing the 2010-11 accounts, External Audit did raise concerns about the level of general reserves. In response, the section 151 officer at the time committed to raising the level of general reserves from £7.5m to £12m, at which level they remain.

Kind Regards  
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