



Resources and Public Realm Scrutiny Committee

Tuesday 12 July 2016 at 7.00 pm
Board Room 5 - Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ

Membership:

Members

Councillors:

Kelcher (Chair)

Aden
S Choudhary
Davidson
Ezeajughi
Miller
M Patel
Tatler

Substitute Members

Councillors:

Chan, Harrison, McLeish and Naheerathan

For further information contact: Joe Kwateng, Democratic Services Officer
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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item	Page
1 Declarations of 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.	
2 Deputations (if any)	
3 Annual work programme 2016-17	1 - 8
This report sets out the scope of the Resources and Public Realm Scrutiny Committee's draft work programme for the next municipal year 2016-17. The work programme covers a broad range of items and policy areas across corporate resources, regeneration and environment, transport and community safety and was selected by members of the committee based on criteria for effective scrutiny. It also sets out the remit for the committee and its responsibilities for scrutiny.	
4 Development Management Policies	9 - 38
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 and 4 May 2016. Having taken account of all the representations, both in writing and at the Hearing, the Inspector has advised the Council to consult on proposed Main Modifications to the Plan for a 6 week period ending 26 July. The committee is requested to consider the proposed Main Modifications.	
5 Task Group on Community Infrastructure Levy (CIL) and Section 106	39 - 74
This task group has been requested by the Scrutiny Members to ensure Brent Council is achieving the best financial outcomes for the borough with its current CIL and section 106 agreements. The purpose of the task group is to analyse and the current CIL and S106 processes with a view to ensuring that communities and councillors are engaged in the making of funding decisions. The review was concerned with the CIL and S106 policies, engagement with communities and members and funding collection and allocation. The review also focused on the future of planning in Brent and looked at the South Kilburn development.	

6 Brent Council's financial position

A presentation will be delivered to the committee members at the meeting.

7 Annual Scrutiny report

75 - 90

The Annual Scrutiny report is a summary of the work conducted by the Scrutiny function throughout the year. This includes task group work, questions and decisions made by the committee. The 2015-16 report also provides an outline of the programme of work and task groups planned for the upcoming scrutiny year 2016-17.

8 Any other urgent business

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

9 Date of next meeting


The next scheduled meeting of the committee is on Tuesday 6 September 2016.

Date of the next meeting: Tuesday 6 September 2016



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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 <p>Brent</p>	<p>Resources and Public Realm Scrutiny Committee 12 July 2016</p> <p>Report from the Director of Performance, Policy and Partnerships</p>
For information	Wards affected: ALL
<p>Annual Work Programme 2016-17</p>	

1.0 Summary

- 1.1 This report sets out the scope of the Resources and Public Realm Scrutiny Committee's draft work programme for the next municipal year 2016-17. The work programme covers a broad range of items and policy areas across corporate resources, regeneration and environment, transport and community safety and was selected by members of the committee based on criteria for effective scrutiny. It also sets out the remit for the committee and its responsibilities for scrutiny.

2.0 Recommendations

- 2.1 Members are asked to discuss and agree the report and the work programme set out in Appendix 1.

3.0 Background

In March 2016 Full Council endorsed a proposal to adopt a new model for scrutiny and rather than one have two committees: Resources and Public Realm Scrutiny Committee and a Community and Wellbeing Scrutiny Committee. This is to ensure a stronger, more joined-up approach which has more impact on the quality of life of Brent residents, but retains a focus on specialised areas. Despite having two committees, there will be some areas such as scrutiny of the annual Budget in which members of the two committees will work together.

- 3.1 The purpose of the committee is to hold the Cabinet to account for its decisions, support policy development and provide scrutiny of external public bodies and services, including education, health and other partners as specified by the Localism Act 2011. It will also co-ordinate work with other local bodies which have scrutiny functions.

3.2 Scrutiny is a member-led process which looks at the performance of Brent Council and other organisations in the borough to ensure that they deliver good quality services to local residents. The role is to challenge effectively and the committee endorses the principles of effective scrutiny which have been developed by the Centre for Public Scrutiny. They are to provide a 'critical friend' challenge to Cabinet, be independent-minded, drive improvement in public services, and finally to provide a voice for concerns of the public and Brent's communities. The committee sets out to do this in a constructive way.

4.0 Remit

4.1 The Resources and Public Realm Scrutiny Committee's remit is to scrutinise a broad range of services provided by the local authority including corporate resources, (including Customer Services, Policy, Partnerships and Performance, Procurement and IT) as well as regeneration, regulatory services, environment, transport and community safety as well as scrutiny of Brent's partners such as the Police. Its remit covers the portfolio areas of the Leader, Deputy Leader, Cabinet Member for Regeneration, Growth, Employment & Skills, Cabinet Member for Environment and Cabinet Member for Stronger Communities.

4.2 Under Section 21 of the Local Government Act 2000 local authorities are required to appoint at least one committee to provide overview and scrutiny. The committee is also responsible for scrutinising the partnership work of the Safer Brent Partnership and receives their annual reports each year.

4.3 The committee has its own chair and vice-chair and is made up of six other elected members. In accordance with the council's Standing Orders, there are no co-opted members for the Resources and Public Realm.

5.0 How scrutiny works

5.1 The committee will set up three task groups a year. They are an intensive and effective tool and offer members the opportunity to collate and assess evidence and make recommendations to Cabinet or partner organisations based on a substantial amount of collected evidence. The recommendations and evidence are written up in a report, which is a substantial document. Scoping papers, membership and terms of reference for task groups will be agreed by a committee report and they will focus on particular topics or issues of local concern. Task groups are not limited to the members of the Committees. Rather, all non-executive members – that is all members who are not in the Cabinet - can participate in task groups. These scrutiny task groups will also create opportunities for a broad range of organisations, stakeholders and the public in Brent to get involved in the work of scrutiny and inform its work.

5.2 Committee will hear a number of reports in its remit from which it can make recommendations to Cabinet. At committee there are in effect two types of approach to scrutiny. Firstly, pre-decision scrutiny where scrutiny examines the Cabinet's policies, objectives and programmes in order to help inform their

development before they agreed. Pre-decision items are often identified through the forward plan. Secondly, there is post-decision scrutiny in which scrutiny examines the implementation of a Cabinet policy in terms of service delivery. This enables the Cabinet to review the effectiveness of its decision-making, helping it recognise any unforeseen consequences and assisting it in revising its policy and aims. However, committee is not limited to pre-decision and post-decision of Cabinet policy.

5.3 The Local Government Act 2000 requires every local authority to have a mechanism which allows for executive decisions made but not yet implemented to be 'called in' for consideration by scrutiny. Call-in is intended to be used in exceptional circumstances for decisions believed to be contrary to the authority's decision-making principles. Through the process of 'call-in' decisions can be considered by the Scrutiny Committees or scrutiny panel if deemed more appropriate. The remit of the committee's call-in is set out in 4.4.

5.4 A call in request can be made by the scrutiny committees; or if five non-Cabinet members of the council make a request. A call in request must be submitted within 5 days of the relevant decision being made or in the case of a decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules.

6.0 2016-17 work programme

6.1 In order to be able to scrutinise effectively and to co-ordinate its activities with the Cabinet's forward plan of decision-making the committee has agreed its own work programme for 2016-17. These include the items it will discuss at committee and its three task groups for the municipal year. The work programme in Appendix 1 is a reasonable amount of work for committee. However, some committee time has been kept back to give the committee flexibility to be able to look at issues which might arise at very short notice.

6.2 To develop its work programme the members have decided on items which best suit the criteria for effective scrutiny in Brent. It is up to the committee to select the items for inclusion in its work programme, however ideas were brought together from a number of sources to assist members in their choices.

6.3 Ideas included suggestions from service areas, external inspections, performance and budget monitoring information, the Cabinet forward plan. There are also a number of statutory items which have to be on the committee's work programme such as annual complaints report and the annual report on the Safer Brent Partnership.

6.4 Ideas and suggestions were judged against key criteria for inclusion in the scrutiny committee's work programme. These include:

- clear alignment with priorities set out in the Borough Plan and Brent 2020 Vision.
- outcomes and benefits which can be delivered by the intervention of scrutiny.
- is there a major council policy or strategy to be agreed by the Cabinet seeking contribution from scrutiny.

- subject is related to underperformance of a service where the intervention of scrutiny would enable an improvement in performance.
- the issue being scrutinised can directly be influenced by the actions of the council – i.e. is not a review of national policy over which the council is unlikely to be able to exert any influence.
- there is clear evidence that the subject is of significant public concern and merits the consideration of scrutiny.

7.0 Financial Implications

7.1 There are no immediate financial implications arising from this report.

8.0 Legal Implications

8.1 There are no immediate legal implications arising from this report.

9.0 Diversity Implications

9.1 There are no diversity implications immediately arising from this report.

Background Papers

None

Contact Officers

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Appendix 1

Resources and Public Realm Committee Draft Forward Plan 2016/17

This committee will cover corporate resources, including customer services, policy, partnerships and performance, community safety, regeneration and environmental services.

Date of Committee	Agenda items	Responsible officers
15 June 2016	Workshop to agree work programme for 2016-17	Peter Gadsdon, Director of Performance, Policy and Partnerships
12 July 2016	<p>Resources & Public Realm Scrutiny committee 2016-17 Forward Plan</p> <p>Development Management Policies</p> <p>Scrutiny Annual Report 2015/16</p> <p>Strategic overview of the Council's financial position</p> <p>S106/ Community Infrastructure Levy Scrutiny Task group report.</p>	<p>Cllr Kelcher, Chair of the Resources & Public Realm Scrutiny Committee</p> <p>Amar Dave, Strategic Director of Regeneration and Environment</p> <p>Peter Gadsdon, Director of Performance, Policy and Partnerships.</p> <p>Althea Loderick, Strategic Director of Resources</p> <p>Cllr Farah, Chair of the Scrutiny Task Group</p>
6 September 2016	<p>Brent Road Resurfacing Strategy</p> <p>The Council's Planning Strategy</p> <p>Update on implementation of recommendations from CCTV scrutiny task Group.</p>	<p>Amar Dave, Strategic Director of Regeneration and Environment</p> <p>Amar Dave, Strategic Director of Regeneration and Environment</p> <p>Amar Dave, Strategic Director of Regeneration and Environment</p>

	Update on implementation of recommendations from Illegal rubbish dumping task group.	Amar Dave, Strategic Director of Regeneration and Environment
8 November 2016	Capital programme	Althea Loderick, Strategic Director of Resources
	Brent Council Investment Strategy	Althea Loderick, Strategic Director of Resources
	Devolution of Business Rates Task Group	Cllr Davidson Chair of the Task Group
	Brent's High Streets	Amar Dave, Strategic Director of Regeneration and Environment.
10 January 2017	Budget Scrutiny Report	Chair of the Budget Scrutiny Panel
	Income Generation	Althea Loderick, Strategic Director of Resources
	Update on Community Access Strategy*/Customer Care & Access	Althea Loderick, Strategic Director of Resources
8 March 2017	Unemployment and Work Programme providers*	Amar Dave, Strategic Director of Regeneration and Environment
	Is Brent a "green" Council?/Environmental Sustainability agenda*	Amar Dave, Strategic Director of Regeneration and Environment
	Annual Report on Complaints 2015/16	Peter Gadsdon, Director of Performance, Policy and Partnerships
	Prevent	Peter Gadsdon, Director of Performance, Policy and

		Partnerships
3 May 2017	<p>Annual report of the Safer Brent Partnership</p> <p>Hate Crimes</p> <p>Domestic Violence</p> <p>Crime and fear of crime locally</p> <p>Stronger Communities - Child Sexual Exploitation and Gangs Task Group.</p>	<p>Chair of Safer Brent Partnership</p> <p>Amar Dave, Strategic Director of Regeneration and Environment</p> <p>Amar Dave, Strategic Director of Regeneration and Environment</p> <p>Amar Dave, Strategic Director of Regeneration and Environment</p> <p>The Chair of the Task group is TBC</p>

*Item carried forward from previous Scrutiny Forward Plan

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**Scrutiny Committee
12th July 2016**

**Report from the Strategic Director of
Regeneration and Environmental
Services**

For Action

**Report for Scrutiny on
Consultation on Proposed Main Modifications to the
Development Management Policies**

1.0 Summary

1.1 On 16th 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 3rd and 4th May 2016. Having taken account of all the representations, both in writing and at the Hearing, the Inspector has advised the Council to consult on proposed Main Modifications to the Plan for a 6 week period ending 26th July. Scrutiny Committee are requested to consider the proposed Main Modifications.

2.0 Recommendations

2.1 Scrutiny Committee considers the proposed Main Modifications, as set out in the schedule attached as Appendix A.

3.0 Detail

3.1 The reasons for producing the Development Management Policies Development Plan Document derive from the need to bring Unitary Development Plan (UDP) up to date. The UDP was adopted in 2004. It is a required step in drawing up the folder of documents that will make up the borough's development plan and ultimately supersede the UDP.

The Process so far

3.2 The process of adopting the Development Plan is set out in the The Town and Country Planning (Local Planning) (England) Regulations (last amended in 2012). Consistent with this and Planning Practice Guidance early engagement/consultation took place in preparing the Plan. Following Executive's approval on 24th March 2014 consultation upon a draft Plan was undertaken from 20th June until 31st July 2014. Wide publicity was given to this. It was advertised in the local press, social media and on the website. It was made available in Brent libraries as well as online. It was advertised through posters on notice boards throughout the Borough. Letters were sent to those on the consultation database, schools, community and voluntary sector groups. Public drop in sessions were held at the Civic

Centre, Willesden Sainsbury's and as part of the Sudbury week of action. Officers presented on the policies to the five Brent Connects Forums. Similar processes took place when the Plan was formally published for representations from the 24th September to 5th November 2015.

3.3 Following approval of Full Council on 18th January 2016, Brent Council submitted the Plan to the Planning Inspectorate for examination by an independent Planning Inspector. Subsequently, hearing sessions on the Plan were held on 3rd and 4th May 2016. Having taken account of all the representations, both in writing and at the hearing, the Inspector has advised the Council to consult on proposed Main Modifications to the Plan. The Main Modifications seek to address outstanding issues raised through the examination process which relate to soundness. In addition the Council will also be consulting on Minor Modifications, these are changes that do not relate to soundness, e.g. typographical or factual changes. For a Plan to be found sound it must be positively prepared, justified, effective and consistent with national policy. The proposed Main Modifications, as summarised below and included in full in Appendix A, are undergoing a 6 week consultation ending 26 July 2016. The minor modifications are not appended due to the more limited importance of their content on the outcomes of the Plan.

3.4 Summary of Modifications

Modification	Reason
Introduction	
Additional text on the relationship between the Plan, other policy documents and the Old Oak and Park Royal Development Corporation (OPDC) Local Plan.	To clarify that the OPDC is now the local planning authority for parts of the borough, and within these areas their Local Plan policies will apply. In addition, to clarify the relationship between the Plan and the Sudbury Neighbourhood Plan and Wembley Area Action Plan.
Town Centres	
Modifications to policy DMP 3 to set a cap specific to neighbourhood parades, on the proportion of takeaways, betting shops, adult gaming centres or pawnbrokers.	To address concerns about the appropriateness of applying the same cap to both town centres and neighbourhood parades, as parades are smaller in scale.
To specify the restriction on takeaways and shisha cafes within 400 metres of a secondary school or further educational establishment is to be measured from the entrance/exit point of the building.	To provide clarity as to how the 400 metres will be measured and also for consistency with the approach taken in the Wembley area Action Plan.
Shop Front Design and Forecourt Trading to be a separate policy, rather than part of policy DMP 2 on Strong Town Centres.	To clarify that this policy applies both to town centres, neighbourhood parades and isolated shop units.
Built Environment	
Additional text to be added to Policy DMP 7 on heritage assets, stating that extensions should not overly dominate buildings and where demolition is proposed within a conservation area, a befittingly-designed replacement will be required with appropriate mitigation measures in place to ensure the replacement is constructed.	Originally this text was included as supporting text, but it is proposed to include this in the policy wording to give it greater strength and importance.
Environmental protection	

Inclusion of policies on managing flood risk and on site water management and surface water attenuation.	In addition to existing policy on flood risk and drainage in the NPPF and London Plan the Environment Agency sought local policies on these issues to further emphasise their importance.
Transport	
The policy approach is to ensure development doesn't result in the loss of more than one car parking space on heavily parked streets. A modification is proposed to clarify in supporting text that in exceptional cases, where it can be justified, greater flexibility may be allowed.	This allows for a degree of flexibility where there may be merit in allowing the loss of more than one car parking space. For example where off-street parking provided as part of a proposed development together with other measures would reduce the on-street parking demand compared to the existing situation.
Employment	
Policy DMP 14 to specify that where poorly performing employment land is released for housing, the residual land value (which is applied in viability assessments which ascertain affordable housing levels) should reflect the fact that the site will be of low quality for employment uses.	To ensure viability assessments reflect the true value of the land, and prevent speculation on land values impacting on the amount of affordable housing secured on former employment sites.
Housing	
Policy DMP 15 to specify on major development sites, where the proportion of affordable housing agreed is significantly below 50%, the viability of the scheme will be re-appraised at agreed stages to identify if a higher level of affordable housing can be achieved.	To ensure mechanisms are built into planning consents to ensure affordable housing levels are maximised.
Amendments to supporting text to clarify the distinction between social and affordable rented accommodation, and how each tenure is secured.	To reflect that due to a change in national policy and the availability of subsidy social rented properties are less likely to be provided as part of most developments. Social rented accommodation is generally only delivered where the Council is the developer or landowner, or other registered providers are seeking to provide such tenures as part of an affordable housing mix. Where this is not the case affordable rented dwellings (defined as up to 80% market rent) will form the rented element of the affordable housing sought.
Community Facilities	
Amendment to policy DMP 21 to state where applications for redevelopment of a public house are received, viability assessments should consider both the potential for continued on-going use as a public house and also as an alternative community facility.	To ensure that where continued use as a public house is not viable, the potential for the premises to be used as an alternative community facility is also explored.

Next Steps

- 3.5 All comments received during the consultation will be submitted to the Inspector. The Inspector will consider all comments received, but ultimately it is they who will decide which modifications are required to make the Plan sound. The Inspector will then issue a report, which is likely to recommend the Plan is adopted with modifications. If the Council wishes to adopt the Plan it must accept the modifications recommended by the Inspector.

4.0 Financial Implications

- 4.1 The preparation and ultimate adoption of the Development Management Policies DPD will provide a more up to date statutory Plan which carries greater weight in making planning decisions, which leads to fewer appeals and reduced costs associated with this. It also provides greater certainty for developers who are more likely to bring forward sites for development in the knowledge that schemes which comply with the requirements of the Plan have a good chance of receiving planning consent.
- 4.2 Assuming that the Inspector considers the evidence in support of the Plan to be robust, costs associated with the examination and adoption process are likely to be approximately £40,000. This will be fully funded from the departmental projects budget.

5.0 Legal Implications

- 5.1 The preparation of the Local Plan, including the Development Management Policies DPD, is governed by a statutory process set out in the Planning and Compulsory Purchase Act 2004, The Town and Country Planning (Local Planning) (England) Regulations (last amended in 2012) and associated Government planning guidance. Once adopted the DPD will be part of the development plan and have substantial weight in determining planning applications and will supersede the remaining 'saved' parts of the UDP.

6.0 Diversity Implications

- 6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:
1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 3. Foster good relations between people who share a protected characteristic and those who do not.
- 6.2 Full statutory public consultation is being carried out in the process of preparing and adopting the DPD. An Equalities Impact Assessment has been undertaken. The impacts have been assessed as being positive in relation to younger people, ethnic minority groups and those with a disability, specifically related to policies around limiting takeaways and shisha premises in the vicinity of schools, limiting betting shops and pay day loans and also in seeking to provide suitable affordable housing to meet needs.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

Background Papers

Draft Development Management Policies (September 2015), Brent Council

Contact Officers

Any person wishing to inspect the above papers should contact Paul Lewin, Planning Policy & Projects 0208 937 6710

Amar Dave

Strategic Director, Regeneration and Environmental Services

Appendix A

Development Management Policies Development Plan Document Submitted For Examination January 2016.

Table of main modifications to the Publication Version of the Plan September 2015 Modifications proposed June 2016

(N.B. Modifications that were proposed on submission of the Plan for Examination are shown in red, modifications proposed as a result of the Examination Hearings are shown in blue. The existing text deleted shown as struck-through and new text inserted is underlined. Repositioned text shown in green.

Main Modifications

Page 14

Policy / paragraph / map	Amendment	Reason
1.1	<p>This Development Management Policies document it sets out the Council's policies which along with other policies within the Development National Planning Policy Framework, London Plan, Brent Local Plan and Neighbourhood Plans will be used for the determination of planning applications for development in the borough. The National Planning Policy Framework and associated National Planning Practice Guidance sets out the Government's requirements from the planning process in England. Local Planning Authorities are required to plan for their areas and make decisions on planning applications that are consistent with national policy. Within London there is strategic policy set out by the Mayor in the London Plan, this also has to be consistent with national policy. Brent's Local Plan has to be consistent with both national policy and the London Plan. There is also an opportunity but not a requirement for neighbourhoods to adopt neighbourhood plans. Neighbourhood Plans generally seek to provide a finer</p>	<p>Typographical correction and clarification sought by the Inspector during the examination hearings.</p>

	<p><u>grain of planning policy for their areas, focussing on very local issues. Again however, they have to be consistent with national policy and strategic policy set out in the London Plan and Brent's Local Plan. To date, whilst there has been interest in neighbourhood planning in Brent, only one neighbourhood plan has been adopted in Brent; the Sudbury Town Neighbourhood Plan in 2015.</u></p>	
<p><u>1.2</u></p>	<p><u>Area of Brent in which the Brent Development Management Policies Document will apply</u></p> <p><u>From 1st April 2015 a Mayoral Development Corporation; the Old Oak and Park Royal Development Corporation (OPDC) became the Local Planning Authority for the purpose of plan making and determining planning applications within the OPDC area. This includes areas within the administrative boundaries of the London Boroughs of Brent, Ealing and Hammersmith & Fulham. The OPDC is taking forward its own Local Plan for its area which it is anticipated will be adopted in 2018. As such the Brent Development Management Policies Document only applies to the remaining area of Brent outwith the OPDC boundary, where the Council continues to be the Local Plan making authority. The existing adopted Brent Local Plan documents will remain as within the OPDC boundary until they are replaced by the OPDC Local Plan.</u></p>	<p>Clarification sought by the Inspector sought by the Inspector during the examination hearings.</p>
<p><u>1.23</u></p>	<p>The Council is required to prepare the Local Plan by the Planning and Compulsory Purchase Act 2004 (as amended). The Local Plan is made up of a number of documents. This includes this Development Management Policies document, as well as the Core Strategy (<u>this sets out strategic policies such as the number of houses to be built and additional to be provided jobs in the Borough</u>), Site Specific Allocations Development Plan Document (<u>which identifies uses and development principles for major development sites in Brent</u>), the Wembley Area Action Plan (<u>focussing on Wembley town centre and the regeneration around the National Stadium</u>) and the Joint West London Waste Plan (<u>identifying sites for waste facilities and how waste will be dealt with</u>). <u>Policies within the Wembley Area Action Plan area will take precedence where there are locally specific policies covering subjects that might also be covered by this Plan.</u> The Local Plan will also be supplemented by more detailed guidance in the</p>	<p>Clarification sought by the Inspector sought by the Inspector during the examination hearings.</p>

	form of Supplementary Planning Documents. The documents that make up the Local Development Plan are illustrated in Figure 1.	
DMP 1	<p>Subject to other policies within the development plan, development will be acceptable provided it is:</p> <ul style="list-style-type: none"> a. of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality; b. satisfactory in terms of means of access for all, parking, manoeuvring, servicing and does not have an adverse impact on the movement network; c. provided with the necessary physical and social infrastructure; d. preserving <u>conserving</u> or enhancing the significance of heritage assets and their settings; e. <u>sustainable</u>, and maintaining or enhancing sites of ecological importance; f. safe, secure and reduces the potential for crime; g. not unacceptably increasing exposure to flood risk, noise, dust, contamination, smells, waste, air quality, light, other forms of pollution and general disturbance or <u>detrimentially impacting on air or water quality</u>; h. retaining existing blue and green infrastructure including water ways, open space, high amenity trees and landscape features or providing appropriate additions or enhancements; and i. resulting in no loss of community facilities or other land/buildings for which there is an identified need. 	Main modification for clarification following representations from Historic England for consistency with the NPPF and the Environment Agency to embrace both water and air quality.
2.8	Heritage assets include a wide variety of statutorily designated and non-designated features. Some are protected by law and cannot be materially altered without consent, e.g. listed buildings and scheduled monuments. This statutory protection together with national planning policy also places a legal duty on the Council to seek to preserve <u>conserve</u> or enhance the significance of such assets and their settings.	Typographical correction and change sought by the Planning Inspector at the Hearings to make it consistent with the content of Policy DMP7.
DMP 2	<p>Supporting Strong Centres</p> <p>Design</p> <p>Proposals for shop fronts and forecourts will be required to retain shop fronts of</p>	Main modification sought by Inspector at the Examination Hearings as this element of the policy

~~architectural or historic merit, demonstrate a high quality of design, complementing the building and adjoining properties.~~

~~Forecourt trading will be permitted where it does not cause an obstruction to pedestrians or nuisance to neighbouring residential occupiers.~~

Diversity of uses

Non-A1 or A2 uses will be permitted within town centres where:

- a. it would not reduce the proportion of frontage in A1 and A2 use to less than 65% of the primary frontage; or
- b. if vacancy rates exceed 10% of primary frontage it would not reduce the proportion of frontage in A1 and A2 use to less than 50%; and
- c. the proposal provides, or maintains, an active frontage.

Unviable secondary frontage on the periphery of town centres will be acceptable for residential development.

Retail Impact Assessments

Proposals involving 500 sqm gross retail floorspace or above, which are outside of town centres and do not accord with the Local Plan, should be accompanied by a Retail Impact Assessment.

Meanwhile Uses

The use of vacant sites or buildings for occupation by temporary uses that will benefit a town centre's viability and vitality will be permitted.

was identified to apply both in and outside town centres. This removed text will be included in a main modification of a new additional policy DMP4a.

DMP 3

Non-Retail Uses

Betting shops, adult gaming centres and pawnbrokers

Betting shops, adult gaming centres and pawnbrokers will be permitted where it will result in:-

- no more than 4% of the town ~~centre or neighbourhood centre~~ frontage consisting

Main Modification to address concerns about the appropriateness of the application of the percentage within neighbourhood parades

- of betting shops;
- no more than 3% of the town ~~centre or neighbourhood centre~~ frontage consisting of adult gaming centres or pawnbrokers/payday loan shops;
- no more than 1 unit or 10% of the neighbourhood parade frontage, whichever is the greater, consisting of betting shops, adult gaming centres or pawnbrokers/payday loan shops;
- a minimum of 4 units in an alternative use in-between each.

which might not have much frontage

Takeaways

Subject to other policies within the development plan, takeaways will be approved except where it would result in:-

- an A5 use within 400 metres of a secondary school or further education establishment entrance/exit point;
- more than 6% of the units within a town ~~or neighbourhood~~ centre frontage in A5 use;
- more than 1 unit or 15% of the units within a neighbourhood parade, whichever is the greater, in A5 use;
- less than two non-A5 units between takeaways; or
- on-street parking in front of the premises creating highway safety problems.

Policy WEM 26 in the Wembley Area Action Plan applies to takeaways in Wembley and Wembley Park centre.

Shisha Cafés

Shisha Cafés will only be permitted outside 400 metres of a secondary school or further education establishment entrance/exit point.

DMP 4 Neighbourhood Centres Parades and Isolated Shop Units

Loss of A1, A2, or A3 uses or launderettes in neighbourhood centres parades or isolated shop units outside designated town centres will be permitted where the centre or unit ~~is a~~.

Main Modifications following hearing sessions taking into account the main modifications to DMP3.

	<p>is within 400 metres of equivalent alternative provision; and b-a. is unviable; or e b. the proposal will provide a community facility for which there is a demonstrable need.</p> <p><u>Where there is no equivalent alternative provision within 400 metres, loss will not be permitted unless retention is unviable for these range of uses with associated evidence to show that the premises having been vacant and actively marketed for a minimum of 2 years.</u></p>	<p>Main modification to reflect the local importance of launderettes and clarity sought by the Inspector about premises outside of 400 metres and the Council's more likely pragmatic approach to loss where there is no reasonable prospect of the unit being used.</p>
Paragraph 3.14a	<p><u>Shopfront Design and Forecourt Trading</u></p> <p><u>Shop fronts play a key role in establishing the character of Brent's town centres and neighbourhood parades. Policy DMP 4a is to ensure shop fronts and forecourts contribute to an attractive environment. It is supplemented by detailed guidance in the emerging Shop Front Supplementary Planning Document.</u></p>	<p>Modification provides introductory text for Policy DMP4a main modification.</p>
DMP 4a	<p><u>Shop Front Design and Forecourt Trading</u></p> <p><u>Proposals for shop fronts and forecourts will be required to retain shop fronts of architectural or historic merit, demonstrate a high quality of design, complementing the building and adjoining properties.</u></p> <p><u>Forecourt trading will be permitted where it does not cause an obstruction to pedestrians or nuisance to neighbouring residential occupiers.</u></p>	<p>Main Modification related to DMP 2 to ensure it is clear policy applies to both town centres and neighbourhood parades as sought by the Planning Inspector at the Examination Hearings.</p>
DMP 6	<p>Proposals for hotel development must be inclusive and accessible with applications for <u>detailed planning permission</u> to be accompanied by Accessibility Management Plans.</p>	<p>Main modification issued for clarification as it is recognised at outline application stage such information may not be available.</p>

<p>DMP 7</p>	<p>Proposals for or concerning <u>affecting</u> heritage assets should:</p> <p>a. demonstrate a clear understanding of the <u>archaeological</u>, architectural or historic significance and its wider context;</p> <p>b. provide a detailed analysis and justification of the potential impact <u>(including incremental and cumulative)</u> of the development on the heritage asset and its context as well as any public benefit;</p> <p>c. retain buildings, structures, architectural features, hard landscaping and spaces <u>and archaeological remains</u>, where their loss of which would cause harm;</p> <p>d. sustain and enhance the significance of the heritage asset, its curtilage and setting, respecting and reinforcing the streetscene, <u>frontages</u>, views, vistas, street patterns, building line, siting, design, height, plot and planform <u>and ensure that extensions are not overly dominating</u>;</p> <p>e. contribute to local distinctiveness, built form, character and scale of heritage assets by good quality, contextual, subordinate design, <u>and</u> the use of appropriate materials and expertise, <u>and improving public understanding and appreciation</u>;</p> <p>f. <u>where demolition is proposed within a conservation area, provide a befitting-designed replacement with appropriate mitigation measures in place to ensure the replacement is constructed.</u></p>	<p>Main modifications for clarification that archaeological heritage assets are also addressed. Modifications also proposed regarding concerns from the Inspector at the Examination Hearings about the strength of the policy in relation to issues identified in the supporting text.</p>
<p>4.23</p>	<p>Heritage assets are valued by the public as established and tangible evidence of the past culture, providing a sense of permanence and belonging. Once lost or detrimentally altered, heritage assets cannot easily be reinstated and it is important that the most valuable are not needlessly or inadvertently destroyed. Policy DMP 7 <u>Brent's Heritage Assets</u>, therefore, specifically seeks to protect Brent's heritage <u>and seeks to</u> ensure that the case for conservation and enhancement is fully considered when assessing all proposals for new development. There must also be <u>The Policy also seeks to safeguard the</u> potential for further investigation on sites and buildings where the <u>heritage asset's</u> significance may hitherto be acknowledged and as archaeological sites become available be previously undiscovered. <u>Archaeological Priority Areas and Archaeological Sites indicate where, according to existing information, there is significant known archaeological interest or particular potential for new discoveries. However, sites of archaeological importance could be discovered elsewhere in the borough.</u></p>	<p>Clarification and greater reference to archaeological assets.</p>
<p>4.25</p>	<p>The Council supports and recognises that change is necessary, but change needs to be</p>	<p>Clarification and</p>

	<p>managed in a way which does not compromise heritage significance and exploits opportunities for enhancement. Any proposal must have special regard to the desirability of preserving a heritage asset or its setting or any features of special <u>archaeological</u>, architectural or historic interest which it possesses. When granting consent, special regard will be given to matters of detailed design, especially within main frontages, prominent elevations and roofs, and to the nature, quality and type of materials proposed to be used. This is because some forms of development, including extensions, roof extensions, dormers and outbuildings may not be subordinate (overly dominating) <u>to the a</u> property, harming its character, integrity and appearance. It is also important to be mindful that even the most minor changes or incremental alterations such as window replacement and the loss of original fittings and features can harm the significance of a property and a heritage asset.</p> <p><u>Special regard will be given to proposals near or affecting heritage assets identified as at risk on Historic England’s Heritage at Risk Register. The Council will use its development management and other planning powers to secure the future viable use of the borough’s heritage assets. For archaeological assets, the layout of the development, extent of basements and design of foundations may need to provide for physical preservation. If significant archaeological remains are not to be preserved in-situ then appropriate investigation, analysis, publication and archiving will be required.</u></p>	typographical error.
4.26	<p>When considering any planning application (including demolition) that affects a conservation area the Council will require the retention of all buildings and structures which make a positive contribution to the significance of a conservation area. Similarly new proposals must pay special attention to the desirability of <u>sustaining conserving</u> or enhancing the character or <u>and</u> appearance of that area. This can be achieved either by a positive contribution <u>to preservation</u> or by development which leaves character or <u>and</u> appearance unharmed, that is to say <u>sustained conserved</u>.</p>	Correction to be consistent with national policy.
6.5	<p>The <u>boundaries of the</u> borough’s Quiet Areas, as shown on the Policies Map, are <u>considered to be consistent with the open space designations for</u> Fryent Country Park, The Welsh Harp, Roundwood Park/Willesden New Cemetery, Paddington cemetery an Alperton Cemetery <u>as shown on the Policies map and can be provided by the Planning Policy Team on request.</u></p>	Clarification as the Quiet Areas have not been added due to it reducing the clarity of the Policies Map

6.22	Additional sentence. <u>This has to take account of the latest climate change allowance as identified by the Environment Agency, but take a precautionary approach to reducing long term risk based on the fact that such allowances are subject to periodic review.</u>	Clarification sought by the Inspector
DMP 9	Developments adjacent to the Blue Ribbon network <u>and other tributaries</u> , or waterways with potential to negatively impact on its water quality will be required to contribute towards restoration and naturalisation of waterways, and seek to enhance water quality and biodiversity in accordance with the objectives of the Water Framework Directive <u>and Thames River Basin Management Plan</u> .	Main modification as agreed with the Environment Agency
DMP 9a	<p><u>Managing Flood Risk</u></p> <p><u>A. Proposals requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. The design and layout of proposals requiring a Flood Risk Assessment must contribute to flood risk management and reduction and:</u></p> <ul style="list-style-type: none"> <u>a. minimise the risk of flooding on site and not increase the risk of flooding elsewhere;</u> <u>b. wherever possible, reduce flood risk overall;</u> <u>c. ensure a dry means of escape;</u> <u>d. achieve appropriate finished floor levels which should be at least 300mm above the modelled 1 in 100 year plus climate change flood level; and</u> <u>e. not create new basement dwellings in areas of high flood risk.</u> <p><u>B. Proposals that would fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.</u></p> <p><u>C. Sites that are mapped as falling within Developed Zone 3B will be treated as having a high probability of flood risk, for the purposes of applying the sequential and (where necessary) exception tests, provided that the development would be safe and would not increase the risk or severity of flooding elsewhere. Opportunities will be sought from the redevelopment of sites in Developed Zone 3B to restore the natural function and storage capacity of the floodplain.</u></p>	Main modification as agreed with the Environment Agency as a result of the Inspector's opinion set out at the Examination Hearings

	<u>D. Sites that are mapped within Greenfield Zone 3B will be treated as functional floodplain for the purposes of applying the sequential and (where necessary) exception tests. Proposals that involve the loss of undeveloped floodplain or otherwise would constrain its natural function, by impeding flow or reducing storage capacity, will be resisted.</u>	
6.26	<u>On Site Water Management and Surface Water Attenuation</u>	Main modification related to Policy 9a
6.27	<u>The London Plan in Policy 5.15 ‘Water Use and Supplies’ identifies the pressure on London’s water supply related to existing scarcity which will be exacerbated by climate change and population growth. Similar to most of London, Brent also has areas of combined sewer network which does not have the capacity to deal with extreme events, consequently causing pollution to water courses. As such consistent with London Plan policy it is necessary to ensure that water use is limited to protect supply, but also reduce potential for pollution. The 105 litres target is consistent with Part G2 of the optional requirement of the 2010 Building Regulations which specifies maximum consumption values for water fittings. Conditions will be applied to planning permissions to ensure the requirement to meet these building regulations.</u>	Main modification related to Policy 9a
6.278	<u>On 6 April 2015 it became a national requirement for all major development and all developments in areas of flood risk to utilise sustainable urban drainage systems (SuDS), unless demonstrated to be inappropriate. London Plan policy 5.13 requires development to aim to achieve greenfield run-off rates and ensure that surface water is managed as close to its source as possible in accordance with the drainage hierarchy. Brent Council will assess applications involving SuDS in its role as lead local flood authority.</u>	Repositioning of text related to main modification associated with Policy 9a
DMP 9b	<u>On Site Water Management and Surface Water Attenuation</u> <u>A. Proposals for new development will be required to make provision for the installation and management of measures for the efficient use of mains water and for the control and reduction of surface water run off. Substantial weight will be afforded to the target for mains water consumption of 105 litres or less per person per day and to the achievement of greenfield run off rates. Where greenfield run- off rates cannot be</u>	Main modification as agreed with the Environment Agency as a result of the Inspector’s opinion set out at the Examination Hearings

achieved this should be clearly justified by the applicant.

B. The design and layout of major development proposals will be required to:

a. use appropriate sustainable drainage measures to control the rate and volume of surface water run-off;

b. ensure where feasible separation of surface and foul water systems;

c. make reasonable provision for the safe storage and passage of flood water in excessive events; and

d. demonstrate adequate arrangements for the management and maintenance of the measures used.

C. Proposals for minor developments, householder development, and conversions should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems.

D. Proposals that would fail to make adequate provision for the control and reduction of surface water run off will be refused.

6.289	<u>Information in support of applications</u>	Repositioning of text related to main modification associated with Policy 9a
6.2930	<u>The developer is to provide Water Quality and Biodiversity statement and cost benefits for conventional and SuDS system. It must also be demonstrated SuDS have been designed in a way which contributes to the delivery of Brent's Surface Water Management Plan and other policy objectives, including enhancements to biodiversity and water quality</u>	Repositioning of text related to main modification associated with Policy 9a
6.301	<u>Evidence will be required alongside planning applications to demonstrate that the proposed standards of operation are appropriate and clear arrangements are in place for ongoing maintenance.</u>	Repositioning of text related to main modification associated with Policy 9a

7.8	Only where it is clearly demonstrated carbon reduction targets cannot be fully met on site, any shortfall may be off-set through 'Allowable Solutions' <u>local carbon offsetting</u> .	Correction following changes to national policy.
7.13	Only if the feasibility study in the Energy Assessment demonstrates that all on-site options have been considered and are not feasible, will Allowable Solutions <u>carbon offsetting</u> be considered. In accordance with emerging London Plan Policy 5.2 developers should actively seek to deliver their remaining Allowable Solutions <u>carbon savings</u> through local carbon saving projects. Brent Council will establish a price per tonne for carbon or use a nationally recognised price such as that set by the Zero Carbon Hub, and seek payment into a local fund which will be used to deliver Brent's emerging Allowable Solutions <u>carbon offsetting in the borough Strategy</u> .	Correction following changes to national policy.
DMP 11	Other than the North Circular Road , TLRN and London Distributor Roads applications for the creation of an access to a highway or where development will result in the increased use of existing access points will be acceptable where:	Main modification sought by the Inspector. As the North Circular Road is TLRN, this distinction is unnecessary in this part of the policy.
8.18	Heavily Parked Streets have been identified across the borough. This has been done for two reasons: To help manage new residential development parking without detrimental impact on highway safety; and so that any new access created would not result in an excessive loss of on-street parking spaces where there is a current shortage. <u>In relation to criterion c) of the policy, greater flexibility to the loss of more than one parking space may in exceptional cases be justified. An example might be where off-street parking provided as part of a proposed development together with other measures would reduce the on-street parking demand compared to the existing use.</u>	Clarification sought by the Inspector at the Hearings.
DMP 14	<p>Employment Sites</p> <p>To encourage appropriate mixed use environments and local employment generation the Council will support the continued provision of employment sites. It will seek to limit their loss to approximately 11.5 ha in the period to 2029.</p> <p>Employment Land within SIL and LSIS</p>	Main modification to allow greater flexibility with regards to site characteristics and more certainty on the measure of employment provision.

In recognition of the weight attached to retaining SIL and LSIS allocations in policies elsewhere in the Development Plan SIL and LSIS will only be released where:

- a. it is a low quality employment site identified as suitable for release in the Employment Land Demand Study; and
- b. it can be shown to be integral to and delivered as part of a wider comprehensive housing-led regeneration scheme with substantial benefits to Brent, providing at least 50% affordable housing, and consistent with the wider objectives of the Development Plan and/ or is of strategic significance to London; or
- c. when it delivers social and physical infrastructure of a substantial scale, for example secondary schools, for which there is a significant identified Brent need and which cannot reasonably be provided on other sites in the Borough.

For developments falling under criteria a) the development shall incorporate employment uses providing ~~high density employment~~ an efficient use of land on ~~approximately~~ 20% of the site ~~area~~.

The Council will expect the existing restrictive allocation of the site as SIL or LSIS and the fact that the site will be of low quality for employment use to be recognised in the residual land value assumed for the site.

Local Employment Sites

The Council will allow the release of Local Employment Sites to non-employment uses where:

- a. continued wholly employment use is unviable; or
- b. significant benefits consistent with the wider objectives of the Development Plan are achieved.

Main modifications sought by the Inspector at the Examination Hearings re: changing the term high density and related to the additional flexibility re: viability, which will be also be incorporated into the policy's supporting text.

Where non-employment uses are proposed the site shall incorporate the maximum amount of existing floorspace type [or Managed Affordable Workspace](#) possible ~~or if unviable employment space that meets an identified need in the borough.~~

Work-Live

Work-Live units will be acceptable where they are managed by an organisation committed to their use primarily for employment, as evidenced by a management plan.

Paragraph 9.2

To help retain an appropriate balance of supply and demand of industrial land over the planning period the Brent Employment Land Demand Study identifies low quality employment sites, where a more flexible approach to changes of use away from industrial uses could be appropriate. This will be taken into account in identifying which sites are suitable for release, alongside the need to achieve the strategic objectives in the Development Plan, to achieve at least 50% affordable housing on sites and to meet an identified need for secondary schools. [It is recognised for instance that some sites might have unusually high remediation or other abnormal costs to be met to make them acceptable as a residential environment. As such, in the evidence used within any viability testing to support the case for any affordable housing provision below 50% on an individual scheme, the Council will expect the benchmark land value of the site to be consistent with the Existing Use Value \(EUV\) of its allocation as SIL or LSIS. An appropriate site specific premium over the EUV to provide a competitive return to the landowner will be expected within the usual 0-20% range, with most industrial sites coming forward for release anticipated to attract a premium at the lower end of the range, reflecting their existing poor quality for employment occupiers. On the basis that the owner will be seeking to argue that there is no longer a realistic prospect of continued employment use on the site, the benchmark land value should specifically exclude options which include a redevelopment of industrial or other business space.](#)

Main modification sought by the Inspector as a result of the Examination Hearings to identify that consistent with national and London Plan policy, flexibility is required in relation to viability.

Paragraph 9.2a

[Sites within SIL and LSIS which scored highly in the qualitative assessment and remain suitable for employment uses will be retained. To create mixed use areas and limit the loss of employment land and jobs, where redevelopment for predominantly residential purposes is proposed where possible \(and subject to viability\) approximately 20% of the](#)

Modification in light of changes to policy DMP14 sought by the Inspector at the Examination Hearings

	<p><u>site should be used for employment purposes. The type of employment use will depend on the characteristics of the site and its compatibility with the residential development, however the Council would prefer higher employment ratios and the efficient use of sites to maximise employment generation. Where the viability of delivery of affordable housing is being affected by the re-provision of employment space, the Council will seek to prioritise affordable housing delivery whilst recognising that successful places usually comprise a mix of uses, rather than being wholly residential.</u></p>	<p>to clarify that an efficient use of re-provision of employment land will be sought.</p>
<p>DMP 15</p>	<p>Affordable Housing</p> <p>a. Brent's Core Strategy policy CP2 sets the target that 50% of new homes delivered in the borough will be affordable. The maximum reasonable amount of affordable housing will be sought on individual residential and mixed use developments on sites with the capacity to provide 10 or more homes.</p> <p>b. 70% of new affordable housing provision should be social/affordable rented housing and 30% intermediate housing at affordability levels meeting local needs.</p> <p>Where a reduction to affordable housing obligations is sought on economic viability grounds, developers should provide a development appraisal to demonstrate that schemes are maximising affordable housing output. The Council will rigorously evaluate such appraisals and:</p> <ol style="list-style-type: none"> 1. The developer will be required to underwrite the reasonable costs of a Council commissioned economic viability assessment 2. on major phased development sites or major sites where <u>housing development commences 18 months after consent is issued, the proportion of affordable housing agreed is significantly below 50%</u> appropriate provisions to re-appraise scheme viability will be sought at agreed stages in S106 agreements to secure contingent obligations 3. in most circumstances the Existing Use Value plus a premium (EUV+) approach 	<p>Main modification as agreed with the Inspector at the Examination relating to consistency with the London Housing SPG on contingent obligations.</p> <p>Main modification in relation to the Vacant Building Credit following representations received from the GLA during the Examination process.</p>

to assessing benchmark land value in development appraisals and viability assessments should form the primary basis for determining the benchmark land value.

Vacant Building Credit will only be applicable to:

1. the Gross Internal Area of buildings (buildings as defined in the Community Infrastructure Regulations)
2. buildings that have been in lawful use for a continuous period of less than six months in the three years before which planning permission first permits the chargeable development
3. [buildings where evidence of concerted marketing activity at appropriate rents levels and terms for the quality of the existing accommodation has taken place](#)
4. [buildings that have not been abandoned, made vacant for the purposes of development or subject to extant or recently expired planning permission for the same or substantially the same development](#)

10.9 The predominant Brent affordable housing need is for [social/affordable](#) rented accommodation [\(as evidenced by the latest Brent Strategic Housing Market Assessment\)](#). [This accommodation requires significant amounts of subsidy to be provided in new developments. Changes in national policy mean that for those submitting planning applications social rented properties are less likely to be provided as the preferred rented accommodation for affordable dwellings. In the majority cases affordable rented dwellings \(defined as up to 80% market rent\) are most likely to be proposed. The incorporation of affordable rented accommodation \(rather than social rent\) within developments has been assumed in the latest viability assessment used to support affordable housing policies. As a recognised affordable tenure the provision of such accommodation where social rent is not possible to otherwise meet affordable needs is accepted and supported by the Council. Nevertheless within the policy the Council has](#)

Clarification sought by the Inspector at the Hearings related to comments from the Home Builders Federation.

incorporated social rent to allow for situations where the Council (as a developer/landowner) or other registered providers are seeking to provide such tenures as part of the affordable housing mix. The need for intermediate affordable housing (such as shared ownership) is more limited. as such the tenure mix target ratio for affordable housing is set at 70:30 rent to intermediate housing. Whilst in terms of meeting needs this is the appropriate ratio for the borough, site specific viability considerations, site and area characteristics may result in a different appropriate mix, such exceptions could include:

10.14	<p>NPPG provides some guidance on Vacant Building Credit. However, further clarity is needed to define qualifying buildings, floorspace measures and vacancy <u>and whether the application of the credit is assisting a development opportunity in addition to that which might otherwise have occurred in any case.</u> The Community Infrastructure Levy (CIL) regulations clearly define what a building is. As it is likely an assessment of existing floorspace will be used to reduce CIL liability it is sensible for the same measure to be used. The same is true of building measurements, which use gross internal area. CIL regulations also set out a timescale related to minimum time of occupation to gain exemptions to CIL liability. There is a logic in using an approach to identify the qualifying periods for vacancy that is consistent with this approach. NPPG sets out where the credit will not apply. <u>It outlines scenarios which the local planning authority may take into account in its application having regard to the intention of national policy. It regards the intention of the national policy of the Credit of encouraging development of long term vacant sites where there is no realistic prospect of that site being used for its existing use, or there not being a realistic prospect of it being developed for other purposes without the financial incentive afforded by the Credit. Therefore to avoid any doubt it seeks to confirm that it will apply the scenarios set out in NPPG in policy DMP15 to remove the possibility of perverse incentives to delay development or provide rewards on sites that have or would in any case be subject to development proposals.</u> In support of applications, as well as proof of vacancy for the time period, evidence of concerted marketing activity at appropriate rents levels will be required. <u>The Council will also want to be assured in addition that no other mechanisms, such as the terms of the lease are such that they would act as a distinctive to occupation and thus promote the building's continued vacancy, e.g. a short lease period despite significant likely capital expenditure being</u></p>	<p>Main modifications to provide clarity on scope of policy following modifications made to the policy in light of representations made during the examination.</p>
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	<p><u>required by the tenant to make the building fit for purpose for their occupation.</u></p> <p><u>Planning applications where both a Vacant Building Credit claim, and a development viability assessment to support lower than a policy level of affordable housing, are submitted, will need to ensure the Credit claim is appropriately treated in the development viability assessment.</u></p>	
DMP 16	<p>Resisting Housing Loss</p> <p>In addition to circumstances identified in London Plan Policy 3.14 development resulting in the net loss of residential units will be supported where:</p> <ol style="list-style-type: none"> sub-standard units would be brought in line with space standards; de-conversion of flats would create a family size home <u>(3 bed or more)</u> resulting in the net loss of no more than one dwelling <u>of 2 bedrooms or less</u>; providing social or physical infrastructure to meet an identified local need. <u>the proposed loss of housing would radically improve the sustainability of the neighbourhood</u> 	<p>Main modification relating to concerns raised by the Inspector about the consistency of policy compared to the policy justification and the use of the term 'sustainability'.</p>
10.23	<p>As identified in the SHMA and as a priority provision in Brent Core Strategy Policy CP 2 provision of family accommodation <u>(3 bed or more dwellings)</u> to meet Brent's needs is a priority. Consequently, the de-conversion of flats into a family size dwelling will be supported where it results in the net loss of no more than one dwelling of 2 bedrooms or less.</p>	<p>Modification following comments from the Inspector on clarifying what is meant by family accommodation</p>
10.28	<p>The policy seeks to allow for <u>efficient use of existing housing stock through the conversion of existing larger dwellings to assist in meeting housing targets. However, it also seeks to ensure</u> continued provision of <u>family sized housing (3 bedroom or more)</u> houses or flats suitable for occupation by families to meet Brent's housing needs. Consequently where larger properties are suitable for conversion, schemes should include <u>at least a 3-bed or more</u> dwelling suitable for at least 4 people. <u>Ideally the family sized accommodation will</u></p>	<p>Modification sought by the Inspector to eliminate inconsistencies between the policy and supporting text</p>

	<p>This will normally be at ground floor (if there is no access to a lift) to provide for ease of entry and also have direct access to associated amenity space. maintain the quality and accessibility of existing family housing. In larger properties consideration should be given to the provision of 4-bed units for at least 5 people. Individual solutions, including modest extensions, may be appropriate to accommodate the required family size units <u>dwelling</u>s. <u>Effort should be made to provide all additional flats with amenity space.</u></p>	
DMP 17	<p>Conversion of Family Sized Dwellings</p> <p>To maintain family size housing conversion of a family sized home (<u>3 bedrooms or more</u>) to <u>two or more</u> other dwellings will only be allowed where the following criteria are met:</p> <ol style="list-style-type: none"> the existing home is 130 sq.m. or more and it results in at least a 3-bedroom dwelling, <u>preferably</u> with <u>direct</u> access to a garden/<u>amenity space</u>. <p>Exceptions to this will only be allowed where the amenity of the existing family sized home is so deficient that family occupation is unlikely and it could not reasonably be changed to overcome such deficiencies.</p>	<p>Main modification sought by the Inspector to eliminate inconsistencies between the policy and supporting text</p>
DMP 18	<p>Dwelling Size and Residential Outbuildings</p> <p>The size of dwellings should be consistent with London Plan Policy 3.5 Table 3.3 Minimum Space Standards for New <u>Development-Dwellings</u>.</p> <p>In order to prevent the potential for overcrowding planning permission will only be granted where dwellings intended for occupation by one person is internally laid out as studio accommodation a single habitable room.</p> <p>Planning permission will only be granted for outbuildings that will not be residential accommodation or do not support the increased occupation of a dwelling.</p>	<p>Main modification for consistency with MALP</p> <p>Removal of part of the policy related to the Inspector's comments at the Examination Hearings in seeking consistency with London Plan terminology. After further consideration the Council has decided to remove this element of the policy due to uncertainties over the practicalities of its implementation.</p>
10.32	<p>The policy seeks reduce the potential for overcrowding of residential properties to be</p>	<p>Main modification following</p>

	controlled through means available through the planning process. In particular it clarifies the standard for one person dwellings and seeks to reduce the potential addition or use of outbuildings to increase the capacity of a dwelling's occupation.	Inspector's requirement for greater clarity related to studio accommodation typology which the policy is related to. The Council now considers it appropriate to remove the part of the policy this text relates to and associated text within the Plan.
10.34	The policy identifies that the provision of smaller dwellings will only be acceptable where it makes good use of space when a two person dwelling cannot be accommodated. A property designed as a one person one bed home through the provision of a separate bedroom provides a greater opportunity for over-occupation. Its layout as a studio reduces this potential. It gives an indication to occupiers (including potential renters) that the property has essentially been designed for occupation by one person. Consequently dwellings smaller than 50 sq.m. will be expected to be laid out as a studio.	Main modification following Inspector's requirement for greater clarity related to studio accommodation typology which the policy is related to. The Council now considers it appropriate to remove the part of the policy this text relates to and associated text within the Plan.
10.37	For dwellings for occupation by one person, a drawing showing an internal layout as a studio	Main modification following Inspector's requirement for greater clarity related to studio accommodation typology which the policy is related to. The Council now considers it appropriate to remove the part of the policy this text relates to and associated text within the Plan.

DMP 20	Accommodation with shared facilities and additional support	Main modification. Clarification as some smaller scale student accommodation may be designed as self-contained dwellings
<p>Proposals for <u>student accommodation</u>, non-self contained or self contained residential accommodation with shared facilities or on site support/care to assist residents in their daily lives will be supported where the development is:</p> <ol style="list-style-type: none"> located in an area with good access to public transport and other amenities, including shops (normally within 400m); is of an acceptable quality meeting appropriate standards for the needs of its occupants, including external amenity space, appropriate communal facilities, levels of support/care and mobility; includes management arrangements suitable for its proposed use and size; demonstrates that there is a specific Brent, or in the case of education a London, need for the particular use which are secured by planning agreement related to use of the land or to its occupation by members of specified educational institutions. <p>The loss of accommodation will only be acceptable where:</p> <ol style="list-style-type: none"> demonstration of no Brent need for the accommodation type, or residents' needs can be better met by other existing accommodation; or unsatisfactory existing accommodation cannot be improved to achieve current standards 		
10.67	Addition of another sentence at the end of the paragraph <u>It also protects existing sites where there is currently such provision.</u>	Clarification sought by the Inspector at the examination hearings.
DMP 21	<p>Public Houses</p> <p>The Council will support the loss of public houses <u>only</u> where:</p> <p>ba) its continued use <u>as a pub or as an alternative community facility within the D1 use class</u> is not economically viable <u>as demonstrated by meeting the marketing requirements in paragraph 11.9;</u></p> <p>eb) the proposed alternative use will not detrimentally affect the <u>character and</u> vitality of the area and <u>will</u> retain as much of the building's defining external fabric and</p>	Main modification to provide clarification as agreed with CAMRA. Modification sought by the Inspector at the Examination Hearings so that criterion a) is consistent with paragraph 11.9 bullet 1.

appearance as a pub as possible; and

d) the proposal does not constitute the loss of a service of particular value to the local community; and

e) if registered as an Asset of Community Value the premises can be shown to have been offered for sale to local community groups and no credible offer has been received from such a group at a price that is reflective of the condition of the building and its future use as a public house. The Council will treat registration as an Asset of Community Value as a material planning consideration.

11.9

Where applications for a change of use or redevelopment of a public house are received, to make an assessment against criteria in policy DMP 21, the Council will require evidence that:

- the public house has been marketed for 24 months as a public house and for an alternative local community facility, at a price agreed with the Council following an independent professional valuation (paid for by the developer) and there has been no interest in either the free-or lease-hold either as a public house or as a community facility falling within 'D1' use class;
- the public house has been offered for sale locally, and in the region, in appropriate publications and through specialised licensed trade agents;
- all reasonable efforts have been made to preserve the facility, including all diversification options explored – and evidence supplied to illustrate this;
- the CAMRA Public House Viability Test, or a similar objective evaluation method, has been employed to assess the viability of the business and the outcomes demonstrate that the public house is no longer economically viable;
- there has been public consultation to ascertain the value of the public house to with the local community;
- an assessment has been made of ~~there are~~ alternative licensed premises within easy walking distance of the public house; and
- ~~any~~ whether such alternative premises offer similar facilities and a similar

Clarification as agreed with CAMRA and related to Inspector's comments at the Examination Hearings on ensuring consistency of the policy with the supporting text.

community environment to the public house which is the subject of the application.

Delivery and Monitoring Table 1

Add affordable housing and public house monitoring measures

Performance Measure

[Percentage of affordable housing within major development with an affordable housing planning obligation](#)

Target

[50%](#)

Specific Policy to be monitored

[DMP15 Affordable Housing](#)

Performance Measure

[Tenure split of affordable housing within major development with an affordable housing planning obligation](#)

Target

[70% social/affordable rent 30% intermediate](#)

Specific Policy to be monitored

[DMP15 Affordable Housing](#)

Performance Measure

Additional Measures proposed at the Examination Hearings in response to suggestions by the Inspector

[Number of public houses lost to development](#)


Target

[No loss of viable public houses](#)

Specific Policy to be monitored

[DMP21 Public Houses](#)

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 <p>Brent</p>	<p>Resources and Public Realm Scrutiny Committee 12th July 2016</p> <p>Report from the Director of Performance, Policy and Partnerships</p>
<p>For Information</p>	
<p>Covering Report for Scrutiny Task Group on Community Infrastructure Levy (CIL) and Section 106</p>	

1.0 Summary

- 1.1 This task group has been requested by the Scrutiny Members to ensure Brent council is achieving the best financial outcomes for the borough with its current CIL and section 106 agreements.
- 1.2 The purpose of the task group is to analyse and the current CIL and S106 processes with a view to ensuring that communities and councillors are engaged in the making of funding decisions.
- 1.3 The review was concerned with the CIL and S106 policies, engagement with communities and members and funding collection and allocation. The review also focused on the future of planning in Brent and looked at the South Kilburn development.
- 1.4 The review is aligned with borough priorities, such as the council's 2020 Outcome Based Reviews (OBRs) Employment Support and Welfare Reform and Regeneration (physical, social and environmental). The council's borough plan 2015-19 Better Place, emphasises increasing the supply of affordable, good quality housing; and Better Lives highlights supporting local enterprise, generating jobs for local people and helping people into work.

2.0 Recommendations

- 2.1 Members of the Resources & Public Realm Scrutiny Committee consider the contents of the Community Infrastructure Levy (CIL) and Section 106 task group's report.
- 2.2 Members of the Resources & Public Realm Scrutiny Committee approve the twenty six recommendations made by the task group and support the development of an action plan across the council and partner organisations to take these forward.
- 2.3 The Resources & Public Realm Scrutiny Committee agree to receive a progress report against the recommendations in six months' time.

3.0 Detail

- 3.1 The task group reviewed the local arrangements of the council and its partner's, national research and guidelines, and, heard the views and opinions from local residents

associations, neighbourhood forums and representatives from the voluntary sector. The task group consulted with officers, experts in this field and other London boroughs. The task group reviewed a number of concerns in the use of Community Infrastructure Levy (CIL) and Section 106 ; which formed the focus and key areas of the review, these included:

South Kilburn

- What were the key contributing factors to the success of South Kilburn?
- What can we learn?
- How can we emulate these practices across the borough?

Policy

- What are the council's current S106 and CIL policies and processes?, this includes:
 - How policies are aligned to the council's priorities?
 - What are the council's charging rates for CIL and priority S106 obligations?
- How does the council's current S106 and CIL policies, processes and performance compare with other local authorities?

Engagement

- What is the engagement model used?
- What is the involvement of elected members in the decision making processes for s106 and CIL funds?
- How can Brent residents become more actively engaged in the planning and development of local infrastructure?

Funding

- How funds have been spent and plans for spending future funds?
- How can funds be spent on more discretionary services, such as youth services, libraries and sports facilities?
- Can CIL & S106 funds be spent on mitigating negative social impacts?

Future Planning

- What are the council's priorities for future infrastructure in the borough?
- What is the status of impending S106 & CIL agreements?

3.2 The task group has made twenty six individual recommendations, spread across the five key questions outlined in its Terms of Reference. Each of these recommendations fall into one of five overarching themes which the task group believes should form the basis of Brent Council's future Community Infrastructure Levy (CIL) and Section 106 strategy.

1. Best practice

The council's planning department should actively seek examples of excellent practice regarding CIL collection and allocation; and the obligations stated in section 106 agreements from other local authorities and integrate these into its own long term strategy, whilst always ensuring that systems in Brent are designed to respond to the borough's unique needs. Performance targets should be carefully set, measured and benchmarked against other local authorities.

2. Engagement and Consultation

Public engagement in planning gain derived from development across the borough should become a council priority. The council should look for every opportunity to increase public awareness about the way local communities can help to shape their local environment through the planning system, particularly in relation to borough CIL receipts towards major community facilities and localised neighbourhood planning forum CIL receipts for smaller locally defined projects. This should also include wider consultation beyond the Cabinet

members, planning committee, local councillors and officers by seeking to reach out to both residents, local businesses and hard to reach groups, particularly the younger and older communities who can participate in decisions about future developments in their local area and across the borough.

3. Alignment with strategic priorities

Brent Council should work to ensure that every development granted is aligned with the council's priorities such as social value that it received at a local/ neighbourhood level. The 2020 Outcome Based Reviews (OBRs) Housing Vulnerable People, Employment Support and Welfare Reform and Regeneration (physical, social and environmental). The council's borough plan 2015-19 Better Place, emphasises increasing the supply of affordable, good quality housing; and Better Lives highlights supporting local enterprise, generating jobs for local people and helping people into work.

It is right the council seek to use their planning gain receipts by reinvesting in projects that can produce a return using the Regeneration Benefit Assessment Tool, however, a balance must be struck on providing for cross sector strategic priorities and using receipts that also deliver local value add where communities directly benefit from development that emerges in their locality, which may not necessarily provide a return on investment – but provides for direct community value

4. Targeted transparency

All decisions about S106 and CIL should be made in a fully transparent way with the ability for the community and business stakeholders, Members (including back bench members whose wards are directly affected) to have the opportunity to engage in the process via different forms of consultation. Overall the council should be seeking to create a more transparent process, with increased focus on providing easy and understandable information for residents, businesses and developers to access to understand both how much money has been collected (on a quarterly basis) and demonstrate how the receipts are being utilised.

5. Working in partnership

In order to ensure that the council are getting the best possible outcomes (financial and otherwise) for the residents, and local business community of Brent, Brent Council should take every opportunity to improve partnership working with developers at a strategic level, supporting good pre-existing individual and team based relationships. Further partnership working should also include council partners such as the voluntary sector, resident associations and established neighbourhood forums. Following the Scrutiny Committee's discussion with the local development community, it was clear that there is a benefit to bring together a local developer forum that can actively engage with elected members on a quarterly basis to share points of view on how things are progressing across the borough and to use it as a vehicle to understand how the local property market across Brent is performing. The local developer forum would be an ideal opportunity to provide for a channel to look at how interested and active developers can support the council in meeting its strategic priorities and objectives.

3.3 Task Group Recommendations

South Kilburn

1. The successes of the South Kilburn Project engagement strategies and consultation activities is used as a benchmark when considering how to manage developments across the borough.

Policy

2. There is no clear leadership or responsibility on who is in charge on CIL and S106 and the task group recommend that a named officer assumes direct responsibility, accountability and operates in a more transparent way.
3. A public register is created (taken from the bi annual report and statement) detailing the infrastructure projects that are being funded directly through CIL receipts.
4. The council review its affordable housing policy and the relationship between s106 and CIL, once the Mayor of London announces its housing policy. As part of the review, a forensic independent analysis should be commissioned and reported back in a joint session to the Resources & Public Realm Scrutiny Committee and Cabinet on how the council is meeting its affordable housing targets in light of the introduction of CIL and the Mayor of London targets for social housing.
5. The council ensures that there is better understanding off planning performance in dealing with planning applications – both planning and legal team. This should be done be producing easy to understand guidance via the councils website.
6. The council carry out a review of delegated powers given to officers for spending limits and prioritisation of CIL/ S106 receipts for projects. All variations to CIL and S106 agreements be published quarterly and an agenda item at planning committee policy meetings.
7. The planning department conduct an annual review of S106 agreements and that where developers have not complied with the agreement action plans are included with that report. The task group recommend that that report is considered annually at a planning committee policy meeting and is available for scrutiny.

Engagement

8. The council invite the voluntary sector to submit proposals demonstrating the value they can add to supporting the expansion of Neighbourhood Forums. The council's expectation of the voluntary sector to include setting up viable community action groups, accessing available government funds, organising training.
9. The current engagement and consultation process with residents is inadequate and it is recommended that where CIL receipts are to be spent, at least 25% of resident respond, the demographic make-up should be reflective of the population and the location concerned.
10. There is wider consultation with residents groups, faith groups, the business sector, residents associations and elected members before the Community Action Groups go live. The Community Action Groups have clear objectives linked to delivery of Community Development Plan objectives.
11. Elected ward members are involved in the decision making process for developments within their wards. Elected members should also be informed any planning applications in their wards with the view of engaging concerned residents and neighbourhood forums.
12. Provide neighbourhood forum training and support in whichever capacity is possible, in order for residents to create independent and sustainable Neighbourhood forums.

13. Support at the highest strategic level a Brent Developers Forum consisting of elected members and active developers in the borough which meets quarterly to review existing development projects and engages in forward planning. The task group recommend that a subcommittee of the developer's forum works with Community Action Groups to deliver added value to CIL projects.
14. Geographical Information System (GIS) mapping support is provided for voluntary sector organisations and neighbourhood forums, in order for these groups to access site previously and currently being developed.
15. Up-to-date information is provided about S106 /CIL that it is easily accessible and shared online and regularly email to members, neighbourhood forums and voluntary sector.

Funding

16. A bi –yearly report and financial statement is provided, outlining CIL receipts every six months showing the income and expenditure on specific projects funded through CIL receipts should be provided to the Cabinet. An annual Report summarising CIL receipt income and expenditure should be published and presented to the Full Council annually together with a draft forward plan of strategic projects to be funded over the next year.
17. Neighbourhood CIL receipts are accounted for and a reporting and expenditure mechanism is established between the Council and designated Neighbourhood Planning Forums.
18. A more flexible allocation of CIL receipts beyond schemes that are prioritised through the Regeneration Benefits Assessment Tool (RBAT). The task group recommend that the Council review the Regeneration Benefits Assessment Tool (RBAT) after it has been operating for three years.
19. Consideration is given for borough CIL receipts use in the wider local communities (in both areas with and without Neighbourhood Planning Forums).

Future planning

20. A review of its CIL viability assessment test is commissioned to see if all the CIL receipts rates are viable and that it is not deterring the council's policy objectives in achieving its affordable housing targets.
21. Maximise the expertise and resources, directly or in kind of the development community and facilitate in partnership with CVS Brent, dialogue between developers and community/residents and neighbourhoods forums to work on community issues.
22. We recommend that S106 agreements are available to the Planning Committee as part of planning committee reports. We recommend the council review the viability of travel plans and ensure that detailed travel plans are included in all reports going to the planning committee. The council's planning officers should provide an in-depth and detailed briefing of the developments with regard to viability, CPZ and travel plans to the planning committee before the application is made.
23. Council planning negotiators ensure that agreements are aligned with council priorities in order to take full advantage of future development/ regeneration opportunities; this includes priorities such as social value and employment.

24. The task group recommend that at least half of the Planning Committee members serve two years terms at any given time and all committee members and relevant committee members involved in housing and regeneration receive relevant up to date training on planning development and viability policy and practice issues.
25. The task group recommend regular strategic meetings on future regeneration issues is held between officers, the cabinet and chair of planning committee.
26. The council should consider creating independent review experts to advise the planning committee on some of the more complicated and difficulty planning applications.

4.0 Financial Implications

- 4.1 None of the recommendations in this report require significant upfront investment from Brent Council. Some recommendations require officer time to conduct further investigations into supporting the creation of new neighbourhood forums, working with partners and maximising social value and employment opportunities, but the task group are certain that this will bring overall positive benefits to the council.

5.0 Legal Implications

- 5.1 The legislation surrounding CIL and S106 is complex, and the direction from central government is primarily focused on CIL. There should be further investigation from both Brent planning officers and Brent legal services to ensure the interpretation of CIL regulations meets requirements.

6.0 Diversity Implications

- 6.1 None

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 The following Brent services and partners would be affected by the recommendations made:
 - Brent Planning Services
 - Brent Legal Service

Background Papers

Community Infrastructure Levy (CIL) and Section 106 task group Scope and Terms of Reference (February 2016).

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SCRUTINY

**COMMUNITY
INFRASTRUCTURE LEVY
(CIL) & SECTION 106
TASK GROUP
REPORT**

JULY 2016

**Cllr Harbi Farah (Chair)
Cllr Mary Daly
Cllr Wilhelmina Mitchell-Murray
Cllr Mili Patel
Cllr Chohan Bhagwanji
Mr Faraz Baber**

Contents

1. THE CHAIR'S FOREWORD.....	1
2. TASK GROUP MEMBERSHIP.....	2
3. EXECUTIVE SUMMARY	3
4. RECOMMENDATIONS	5
5. INTRODUCTION – SCOPE OF THE TASK GROUP.....	8
6. METHODOLOGY	11
7. POLICY CONTEXT	12
7.1. Brent	12
7.2. National.....	13
8. KEY FINDINGS	15
8.1 South Kilburn Project.....	15
8.2 Policy.....	16
8.3 Engagement	19
8.4 Funding	22
8.5 Future Planning	24
9. CONCLUSION.....	26
10. PARTICIPANTS, REFERENCES AND APPENDICES	27

1. THE CHAIR'S FOREWORD

I am pleased to present, on behalf of the members of the task group, the findings arising from the community infrastructure levy and section 106 task group, set up to establish whether Brent council is achieving best financial outcomes for the borough with its current section 106/CIL agreements and; how to ensure that flexibility is built into the section 106/CIL process to make sure that communities and councillors are engaged in the making of funding decisions.



The task group was established following a request to the Scrutiny Committee. Brent Community Infrastructure Levy (CIL) was formally introduced from 1 July 2013. Brent is also a collecting authority for the Mayor of London's CIL which was introduced from 1 April 2012. The reason for undertaking the task was to address concerns raised regarding the effectiveness of the S106 and CIL funding process and also to establish if sufficient policies were in place for engagement with Ward Members and local communities and that steps are being taken to enable these groups to contribute to the decision making process. As well as the effectiveness of current communication and ongoing engagement with Ward Members and local communities throughout the process.

This report highlights a number of areas for improvement, and by the time the task group started its work I observed an increasing level of communication improvements and assurance being made. This task group's primary concern was gaining a full understanding of the purpose of Section 106 and CIL contributions, and the processes used in monitoring and allocating them.

The task group was pleased to receive information from officers at Brent Council, local developers, voluntary sector and neighbourhood forums as well as the chair of planning committee in respect of their processes. The emerging picture in relation to the impending Housing and Planning Bill was also looked at. This is the subject of current consideration by officers, and the group felt it would be beneficial to receive further information on this topic at a later date.

I would like to thank my fellow Councillors for their work over the course of the review, and officers for their supporting contributions.

**Cllr Harbi Farah, Welsh Harp Ward
July 2016**

2. TASK GROUP MEMBERSHIP



Cllr Harbi Farah (Chair)



Cllr Mary Daly



Cllr Wilhelmina Mitchell-Murray



Cllr Mili Patel



Cllr Chohan Bhagwanji



Mr Faraz Baber

3. EXECUTIVE SUMMARY

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 to provide a fair and transparent means for ensuring that development contributes to the cost of the infrastructure it will rely upon, such as schools and roads. The Community Infrastructure Levy (the levy) is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area. The levy may be payable on development which creates net additional floor space, where the gross internal area of new build exceeds 100 square metres.

Brent must spend a minimum of 15% of CIL receipts in consultation with designated neighbourhood planning forums, subject to an annual cap of £100 per dwelling in the area. Areas that have an adopted Neighbourhood Development Plan (“Neighbourhood Areas”) benefit from an increase in the neighbourhood component of CIL to 25% which is uncapped.

Section 106 (S106) agreements, also known as planning obligations, are agreements between developers and local planning authorities that are negotiated as part of a condition of planning consent. The Town and Country Planning Act 1990 (the ‘1990 Act’) enables local authorities to negotiate contributions towards a range of infrastructure and services, such as community facilities, public open space, transport improvements and/or affordable housing.

Where an application is made for planning permission to undertake development on land within the area of a local planning authority, Section 106 of the 1990 Act allows the local planning authority and any person interested in the land to secure by a deed certain obligations which mitigate the harmful impact of the proposed development.

The task group has made over twenty six individual recommendations, spread across the four key questions outlined in its Terms of Reference. The recommendations have been grouped into one of five discovery themes which the task group believes should form the basis of Brent Council’s future Community Infrastructure Levy (CIL) and Section 106 (S106) policies.

1. Best practice

The council’s planning department should actively seek examples of excellent practice regarding CIL collection and allocation; and the obligations stated in section 106 agreements from other local authorities and integrate these into its own long term strategy, whilst always ensuring that systems in Brent are designed to respond to the borough’s unique needs. Performance targets should be carefully set, measured and benchmarked against other local authorities.

2. Engagement and Consultation

Public engagement in planning gain derived from development across the borough should become a council priority. The council should look for every opportunity to increase public awareness about the way local communities can help to shape their local environment through the planning system, particularly in relation to borough CIL receipts towards major community facilities and localised neighbourhood planning forum CIL receipts for smaller locally defined projects. This should also include wider consultation beyond the Cabinet members, planning committee, local councillors and officers by seeking to reach out to both residents, local businesses and hard to reach groups, particularly the younger and older communities who can participate in decisions about future developments in their local area and across the borough.

3. Alignment with strategic priorities

Brent Council should work to ensure that every development granted is aligned with the council's priorities such as social value that it received at a local/ neighbourhood level. The 2020 Outcome Based Reviews (OBRs) Housing Vulnerable People, Employment Support and Welfare Reform and Regeneration (physical, social and environmental). The council's borough plan 2015-19 Better Place, emphasises increasing the supply of affordable, good quality housing; and Better Lives highlights supporting local enterprise, generating jobs for local people and helping people into work.

It is right the council seek to use their planning gain receipts by reinvesting in projects that can produce a return using the Regeneration Benefit Assessment Tool, however, a balance must be struck on providing for cross sector strategic priorities and using receipts that also deliver local value add where communities directly benefit from development that emerges in their locality, which may not necessarily provide a return on investment – but provides for direct community value

4. Targeted transparency

All decisions about S106 and CIL should be made in a fully transparent way with the ability for the community and business stakeholders, Members (including back bench members whose wards are directly affected) to have the opportunity to engage in the process via different forms of consultation. Overall the council should be seeking to create a more transparent process, with increased focus on providing easy and understandable information for residents, businesses and developers to access to understand both how much money has been collected (on a quarterly basis) and demonstrate how the receipts are being utilised.

5. Working in partnership

In order to ensure that the council are getting the best possible outcomes (financial and otherwise) for the residents, and local business community of Brent, Brent Council should take every opportunity to improve partnership working with developers at a strategic level, supporting good pre-existing individual and team based relationships. Further partnership working should also include council partners such as the voluntary sector, resident associations and established neighbourhood forums. Following the Scrutiny Committee's discussion with the local development community, it was clear that there is a benefit to bring together a local developer forum that can actively engage with elected members on a quarterly basis to share points of view on how things are progressing across the borough and to use it as a vehicle to understand how the local property market across Brent is performing. The local developer forum would be an ideal opportunity to provide for a channel to look at how interested and active developers can support the council in meeting its strategic priorities and objectives.

4. RECOMMENDATIONS

The task group recommend:

South Kilburn

1. The successes of the South Kilburn Project engagement strategies and consultation activities is used as a benchmark when considering how to manage developments across the borough.

Policy

2. There is no clear leadership or responsibility on who is in charge on CIL and S106 and the task group recommend that a named officer assumes direct responsibility, accountability and operates in a more transparent way.
3. A public register is created (taken from the bi annual report and statement) detailing the infrastructure projects that are being funded directly through CIL receipts.
4. The council review its affordable housing policy and the relationship between s106 and CIL, once the Mayor of London announces its housing policy. As part of the review, a forensic independent analysis should be commissioned and reported back in a joint session to the Resources & Public Realm Scrutiny Committee and Cabinet on how the council is meeting its affordable housing targets in light of the introduction of CIL and the Mayor of London targets for social housing.
5. The council ensures that there is better understanding off planning performance in dealing with planning applications – both planning and legal team. This should be done be producing easy to understand guidance via the councils website.
6. The council carry out a review of delegated powers given to officers for spending limits and prioritisation of CIL/ S106 receipts for projects. All variations to CIL and S106 agreements be published quarterly and an agenda item at planning committee policy meetings.
7. The planning department conduct an annual review of S106 agreements and that where developers have not complied with the agreement action plans are included with that report. The task group recommend that that report is considered annually at a planning committee policy meeting and is available for scrutiny.

Engagement

8. The council invite the voluntary sector to submit proposals demonstrating the value they can add to supporting the expansion of Neighbourhood Forums. The council's expectation of the voluntary sector to include setting up viable community action groups, accessing available government funds, organising training.
9. The current engagement and consultation process with residents is inadequate and it is recommended that where CIL receipts are to be spent, at least 25% of resident respond, the demographic make-up should be reflective of the population and the location concerned.
10. There is wider consultation with residents groups, faith groups, the business sector, residents associations and elected members before the Community Action Groups go live.

The Community Action Groups have clear objectives linked to delivery of Community Development Plan objectives.

11. Elected ward members are involved in the decision making process for developments within their wards. Elected members should also be informed any planning applications in their wards with the view of engaging concerned residents and neighbourhood forums.
12. Provide neighbourhood forum training and support in whichever capacity is possible, in order for residents to create independent and sustainable Neighbourhood forums.
13. Support at the highest strategic level a Brent Developers Forum consisting of elected members and active developers in the borough which meets quarterly to review existing development projects and engages in forward planning. The task group recommend that a subcommittee of the developer's forum works with Community Action Groups to deliver added value to CIL projects.
14. Geographical Information System (GIS) mapping support is provided for voluntary sector organisations and neighbourhood forums, in order for these groups to access site previously and currently being developed.
15. Up-to-date information is provided about S106 /CIL that it is easily accessible and shared online and regularly email to members, neighbourhood forums and voluntary sector.

Funding

16. A bi –yearly report and financial statement is provided, outlining CIL receipts every six months showing the income and expenditure on specific projects funded through CIL receipts should be provided to the Cabinet. An annual Report summarising CIL receipt income and expenditure should be published and presented to the Full Council annually together with a draft forward plan of strategic projects to be funded over the next year.
17. Neighbourhood CIL receipts are accounted for and a reporting and expenditure mechanism is established between the Council and designated Neighbourhood Planning Forums.
18. A more flexible allocation of CIL receipts beyond schemes that are prioritised through the Regeneration Benefits Assessment Tool (RBAT). The task group recommend that the Council review the Regeneration Benefits Assessment Tool (RBAT) after it has been operating for three years.
19. Consideration is given for borough CIL receipts use in the wider local communities (in both areas with and without Neighbourhood Planning Forums).

Future planning

20. A review of its CIL viability assessment test is commissioned to see if all the CIL receipts rates are viable and that it is not deterring the council's policy objectives in achieving its affordable housing targets.
21. Maximise the expertise and resources, directly or in kind of the development community and facilitate in partnership with CVS Brent, dialogue between developers and community/residents and neighbourhoods forums to work on community issues.
22. We recommend that S106 agreements are available to the Planning Committee as part of planning committee reports. We recommend the council review the viability of travel plans

and ensure that detailed travel plans are included in all reports going to the planning committee. The council's planning officers should provide an in-depth and detailed briefing of the developments with regard to viability, CPZ and travel plans to the planning committee before the application is made.

23. Council planning negotiators ensure that agreements are aligned with council priorities in order to take full advantage of future development/ regeneration opportunities; this includes priorities such as social value and employment.
24. The task group recommend that at least half of the Planning Committee members serve two years terms at any given time and all committee members and relevant committee members involved in housing and regeneration receive relevant up to date training on planning development and viability policy and practice issues.
25. The task group recommend regular strategic meetings on future regeneration issues is held between officers, the cabinet and chair of planning committee.
26. The council should consider creating independent review experts to advise the planning committee on some of the more complicated and difficulty planning applications.

5. INTRODUCTION – SCOPE OF THE TASK GROUP

Background

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 to provide a fair and transparent means for ensuring that development contributes to the cost of the infrastructure it will rely upon, such as schools and roads. The Community Infrastructure Levy (the levy) is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area. The levy may be payable on development which creates net additional floor space, where the gross internal area of new build exceeds 100 square metres. The limit does not apply to new houses or flats, and a charge can be levied on a single house or flat of any size, unless it is built by a 'self-builder'.

The levy is charged on new development. Normally, this requires planning permission from the local planning authority, the Planning Inspectorate, or the Secretary of State on appeal. Planning permission can also be granted through local planning orders. Examples are simplified planning zones and local development orders. Development can also be granted consent by Neighbourhood Development Orders including Community Right to Build Orders. Some Acts of Parliament, such as the Cross rail Act 2008, also grant planning permission for new buildings.

The levy applies to all these types of planning consent. CIL is non-negotiable and therefore brings more certainty and transparency to the development process than the system of planning obligations which could cause delay as a result of lengthy negotiations; however, developments may still require a legal agreement to control other aspects of the development like sustainability or affordable housing. The Government decided that this tariff-based approach provides the best framework to fund new infrastructure to unlock development.

Charities and Social Housing has relief from CIL on application, as do large residential extensions or annexes and self-build dwellings. Relief can also be granted in exceptional circumstances where CIL has an unacceptable impact on the economic viability of development. Decisions on whether to grant exceptional circumstances relief will be made by the Strategic Director of Regeneration & Growth in consultation with the Lead Member. The Council can take land or infrastructure as payment towards CIL instead of money, provided that the payment is equivalent to the amount of CIL liable. It is at the council's discretion to accept such an offer and decisions on this will be made by the Operational Director of Planning & Regeneration.

Mayoral CIL

London boroughs, including Brent Council also have to collect a CIL receipt towards contributing £300m from a mayoral CIL to pay for Crossrail. The borough collects this CIL payment on behalf of the Mayor from development liable to pay the CIL charge. In Brent, the current Mayoral CIL charge is £35m² (Zone 2). Other rates are £50m² in Zone 1 and £20m² in Zone 3

Brent CIL rates

Brent Council have adopted their CIL charging schedule and apply the following rates for new eligible development:

CIL Neighbourhood Fund

Brent must spend a minimum of 15% of CIL receipts in consultation with designated neighbourhood planning forums, subject to an annual cap of £100 per dwelling in the area. This neighbourhood component ("the Neighbourhood Fund"), like the Strategic Fund, should

be spent on infrastructure to support the development of the area but can also be spent on a broader range of items that can be funded through the strategic part of CIL: on the provision, improvement, replacement, operation or maintenance of infrastructure; and anything else that addresses the demands that development places on an area. The Neighbourhood Fund can also be used to provide affordable housing if the For a have identified this as a priority they wish to see delivered.

Areas that have an adopted Neighbourhood Development Plan (“Neighbourhood Areas”) benefit from an increase in the neighbourhood component of CIL to 25% which is uncapped.

Section 106

Section 106 (S106) agreements, also known as planning obligations, are agreements between developers and local planning authorities that are negotiated as part of a condition of planning consent.

The Town and Country Planning Act 1990 (the ‘1990 Act’) enables local authorities to negotiate contributions towards a range of infrastructure and services, such as community facilities, public open space, transport improvements and/or affordable housing.

Where an application is made for planning permission to undertake development on land within the area of a local planning authority, Section 106 of the 1990 Act allows the local planning authority and any person interested in the land to secure by a deed certain obligations which mitigate the harmful impact of the proposed development.

These obligations can:

- restrict the development or use of the land in any specified way;
- require specified operations or activities to be carried out in, on, under or over the land;
- require the land to be used in any specified way; or
- require a sum or sums to be paid to the authority

The Community Infrastructure Levy Regulations 2010 set out the statutory criteria (the ‘necessity test’) for when a planning obligation may constitute a reason for granting planning permission for the development; that is when the obligation is:

- necessary to make the development acceptable in planning terms; directly related to the development; and
- fairly and reasonably related in scale and kind to the development

Section 106 contributions are also used to collect affordable housing contributions but are based on the viability assessment having taken account of the cumulative planning obligations of CIL, s278 agreements and s106 agreements to make the development acceptable in development terms.

This cumulative set of planning obligations required from an applicant can be shown in the diagram below:



Questions

The review considered the following questions in five key areas:

South Kilburn

- What were the key contributing factors to the success of South Kilburn?
- What can we learn?
- How can we emulate these practices across the borough?

Policy

- What are the council's current S106 and CIL policies and processes?, this includes:
 - How policies are aligned to the council's priorities?
 - What are the council's charging rates for CIL and priority S106 obligations?
- How does the council's current S106 and CIL policies, processes and performance compare with other local authorities?

Engagement

- What is the engagement model used?
- What is the involvement of elected members in the decision making processes for s106 and CIL funds?
- How can Brent residents become more actively engaged in the planning and development of local infrastructure?

Funding

- How funds have been spent and plans for spending future funds?
- How can funds be spent on more discretionary services, such as youth services, libraries and sports facilities?
- Can CIL & S106 funds be spent on mitigating negative social impacts?

Future Planning

- What are the council's priorities for future infrastructure in the borough?
- What is the status of impending S106 & CIL agreements?

Aims

The aims of the review set out at the start of the investigation were as follows:

- That there is further transparency and better understanding of the policies and processes regarding s106/CIL funding.
- Brent council is achieving the best outcomes for the borough with its current section 106/CIL agreements.
- That all outcomes are linked to the borough's priorities and needs via the borough plan.
- Flexibility is built into the section 106/CIL process to ensure that communities and councillors are engaged in making funding decisions.

6. METHODOLOGY

As part of this review the task group invited relevant partners to contribute through discussion groups, meetings and visits. Primarily, the task group started by collecting information about the national, regional and local picture on the use of CIL and S106. This included meetings with the Heads of Service for Planning and Regeneration and the Lead Cabinet Member.

The task group decided to hold five themed discussion meetings which reflected the key areas of the review (Policy, Engagement, Funding, Future Planning and Voluntary Sector) and met with the project manager for the South Kilburn development. Local residents' groups were invited to attend along with officers and partners. As part of these discussion groups other local councils attended and added their knowledge which enriched the quality of the discussions held. Given the focus on identifying good practice elsewhere, the group consulted with the LB Ealing, LB Camden, LB Lambeth, LB Haringey and LB Wandsworth.

Partners: Group 1

- Relevant Council Departments
- Brent partners
- Local Residents Groups
- Local Business Groups

Partners: Group 2

- Department for Communities and Local Government (DCLG)
- Planning Advisory Services (PAS)
- House Builders Federation (HBF)
- Best Practice Local Authorities

*A full list of participants of the task group's work can be found in section 10 of this report

7. POLICY CONTEXT

7.1. Brent

CIL

Brent Community Infrastructure Levy (CIL) was formally introduced from 1 July 2013. Brent is also a collecting authority for the Mayor of London's CIL which was introduced from 1 April 2012. In accordance with the CIL regulations, the council can only spend the majority¹ of CIL on infrastructure which supports the development of the area. This is, however, a broader range of spend that is typically permitted under S106 and can include:

- Provision of infrastructure
- Improvement of infrastructure
- Replacement of infrastructure
- Operation of infrastructure
- Maintenance of infrastructure
- Addressing the demands of development

CIL is not restricted to the area where the development from which it was derived took place, in fact CIL could be spent outside of the borough by a third party if it was felt that would best help development of Brent. CIL can be pooled in a number of ways and could be spent on a single item of infrastructure if that was deemed to be the best use of the funds.

The flexibility of CIL makes it a tempting source of funding for niche projects that would not otherwise secure council funds in the current financial climate, however it is important to note that there is an opportunity cost to every spending decision that is made and the flexibility of CIL makes it, in effect, the same as Council Capital Funding and therefore needs to be treated with similar levels of rigour when allocating.

CIL Neighbourhood Fund

Br The only neighbourhood forum which currently has access to CIL receipts from development derived from their area is Sudbury Town Neighbourhood Forum which has both a designated neighbourhood forum and also a neighbourhood plan which has successfully passed a referendum.

Brent Connects which is split into five neighbourhoods are not eligible to neighbourhood apportionment of CIL receipts as they are not designated neighbourhood forums as defined by the Localism Act 2011. However, Brent Council recognises Brent Connects as a vehicle to engage the community to help shape what the boroughs needs are which can help to inform how the borough CIL receipts are allocated.

Officers must engage with designated Neighbourhood Forums to determine their priorities of neighbourhood and borough CIL expenditure. Brent Council should also liaise with Brent Connects on how the borough CIL receipts should be spent. Officers will use information from

¹ Excluding CIL Neighbourhood Fund (at least 15%) and administration costs (5%)

the planning application process, the Strategic Infrastructure Plan (SIP) and input from Service Areas and other officers to support the development of suitable projects.

S106

A new process was introduced in 2015 giving greater oversight to Members and the senior management team and to ensure S106 money is spent on projects that meet the council's strategic objectives, necessitating a greater co-ordination and facilitation role for Planning & Regeneration, officers from which will have an overview of all projects by theme and area and will work to ensure the quality and value for money of projects.

The process is an annual one, following the financial year and beginning in late April after the final accounts for the previous financial year have been settled, to ensure a stable baseline is established. It follows the basic process set out below:



7.2. National

CIL

The aim is to allow local authorities to raise funds from developers to fund a wide range of infrastructure that is needed as a result of new development. Almost all development has some impact on the need for infrastructure, services and amenities, so it should contribute to the cost.

Planning Act says that authorities can only spend CIL on providing infrastructure to support the development of their areas:

“Infrastructure” legally includes (so the list in the Act is not exhaustive):

Flood defence, open space, recreation and sport, roads and transport facilities, education and health facilities.

CIL Regulations 2010 removed affordable housing, which will continue to be funded by S106. The Localism Act clarifies that CIL can be spent on the ongoing costs of providing infrastructure (Maintenance, Operational and Promotional).

The levy is expected to have a positive economic effect on development across a local plan area. When deciding the levy rates, an appropriate balance must be struck between additional investment to support development and the potential effect on the viability of developments.

S106

S106 funding is highly constrained by: the legal agreements by which the contributions are secured; the planning reasons on which the contribution was sought; national legislation and regulations; and the Courts. Some of those restrictions are discussed further below.

Spatial and thematic constraints

S106 funding is in the vast majority of cases linked geographically to the development from which they are derived: they must be spent in the vicinity or locality of the development. In every case, they must be spent such that the impact of the development is mitigated in some way. Projects should be focussed where recent or likely future development pressures are highest and whilst these tend to be within the borough's Growth Areas and Housing Zones, it is not limited to them.

Similarly, the funding is in the vast majority of cases secured for infrastructure falling into four broad themes of Education, Sustainable Transportation, Open Space and Sports. Funding for infrastructure not falling within these themes will be limited and spatially highly specific. Community Safety and Community Facilities are not core themes for S106 and only very limited funding is held in very specific circumstances.

To mitigate the impact of development

As a principle, providing funding for relevant infrastructure is an important means by which development can help to mitigate the impact an increased population can have on a local area and its amenities and social infrastructure; therefore new or expanded social or physical infrastructure in areas of greater development pressure will be prioritised over minor improvements to existing infrastructure in areas of low development pressure.

There is a distinction between projects which improve existing infrastructure to the extent that capacity is increased and projects with a narrower focus that might be better considered as maintenance works and should be funded from other sources.

To support the development of the area

A further principle is that, wherever possible, projects will be prioritised where they would help to generate further investment in the borough; as such the Regeneration Investment team will be closely involved in identifying or assessing projects and Service Unit liaison officers and project managers will be expected to work closely with that team.

Capital v Revenue

S106 funding is in the vast majority of cases Capital, not Revenue, funding. It is however recognised that some projects which are designed and managed by council officers or external consultants can incur fees; therefore reasonable professional fees can be included but an estimated percentage should be clearly identified from the beginning of the project's development. It is not acceptable to claim funds for management oversight or other overheads.

8. KEY FINDINGS

8.1 South Kilburn Project

As part of the task group's policy discussion meeting with officers and the lead cabinet member, it deliberated the South Kilburn Project (SKP), specifically focusing on s106 obligations and what the council thought were the developments successes and lessons learnt. The task group were informed that SKP has its own Programme Board, a project team that has been working on the project for some considerable time and that the project has been through a period of change with different funding strategies. The SKP started off as a New Deal with Communities (NDC) which had a particular framework of £55 million over 10 years.

It was felt that the project had various success, however, the main reason was due to the land being owned by Brent. Other factors of success included, a very clear strategy from the top on how to deploy and develop the land and working very closely with the communities. The project gave clear reassurances to the existing residents regarding rehousing, which the council has fulfilled. In terms of affordable housing, the SKP is the only development which the council is providing affordable social housing at 50%. The final factor to the success of the South Kilburn project, was that NDC not just in Brent but across the country, spent half its time engaging and capacity building.

The task group also met with the South Kilburn Project Manager, who agreed that the extensive and ongoing engagement and communication with the communities regarding the development including the s106 investment in education, was key to the project's success. More recently the SKP have embarked on ambitious engagement and consultation project for the Woodhouse Urban Park and the land north of Chippenham Gardens

Woodhouse Urban Park – A New High Quality Urban Park Coming Soon to NW6

The engagement board (WHUP Engagement) (*Appendix 1*) identifies the range of consultation sessions, workshops that were held throughout the early lifecycle of the project. The sessions extended to a visit to the Olympic Park Tumbling Bay where residents had the opportunity to gain inspiration for the design of Woodhouse Urban Park – (our appointed architect designed the Olympic Park Tumbling Bay). In addition to the scheduled sessions additional workshops with the local children were held to gain further ideas and input into the play items.

Land North of Chippenham Gardens (LNCG) – 52 New High Quality Homes for NW6

An engagement strategy for LNCG has been developed (*Appendix 2*) and a number of consultation sessions have been held to engage and inform the community, residents and stakeholders of the projects objectives, benefits and progress

In addition to the consultation sessions for LNCG; regular updates are provided in various publications, articles for the press, The Brent Magazine and the SK Connect which enables residents and the local community to be fully updated of the projects process.

Key recommendations

- ★ The successes of the South Kilburn Project engagement strategies and consultation activities is used as a benchmark when considering how to manage developments across the borough.

8.2 Policy

Leadership

From the information gathered through the task group's discussion meetings, it is the opinion of the task group that there is a lack of overall leadership, responsibility and accountability in regards to S106 and CIL. The task group accepts that to date the council has not spent any CIL money to date, in fact, it has been difficult to get an accurate picture of the amount of CIL the borough has managed to collect since it was introduced. The task group has also heard evidence that CIL will be managed through a process identified as a Regeneration Benefit Assessment Tool, although this has some flaws to it based on the tool not recognising that community value can on occasion override the need to invest in infrastructure provision that primarily provides a simple return. There is clear that there is still a lot more work to be done and this will be difficult to achieve without clear direction and leadership.

The task group feel that this also applies to S106, where the council's thinking around S106 does not appear to be linked up or cross cutting, we are missing opportunities to maximise social value and affordable housing delivery. The task group is aware and welcomes the current work being carried out by the council's Employment Skills and Enterprise team to make all major developments within the borough subject to s106 employment, training and apprenticeship obligations (*Appendix3*).

CIL Receipts

In two of the task group's discussion meetings on Policy and Future Planning, the task group felt that there was both confusion and a lack of clarity on whether the Cabinet had agreed that a small proportion of the borough CIL receipts are being allocated to help local resident associations. Some members of the task group were rightly worried that by not being a neighbourhood forum that residents would lose out from accessing CIL receipts to assist their local community on projects they would like to see delivered. Officers and the Portfolio member for housing and regeneration confirmed that there would be a set amount of borough CIL (5% or cash) that could be used towards local resident associations. To date, the task group has seen no evidence or policy paper which outlines whether an apportionment of borough CIL receipts be used ring fenced for local communities who are not designated as a neighbourhood forum for community scale projects. It is important this policy is clarified and that existing neighbourhood forums should not be penalised in accessing this local community wide borough CIL if it wishes to do so either.

A local community CIL the council allocates would resonate well with our earlier recommendation 18 to provide CIL receipts for project that don't necessarily adhere to the RBAT process. In both the Policy & Future Planning discussion meetings, we explored officers' views on how the new CIL charging schedule (London CIL Charge rates LGA *Appendix 4*) in Brent is impacting on the ability to deliver a sufficient supply of affordable housing across the borough. We heard some conflicting views from officers in these meetings. In one meeting, officers cited that 'CIL was being used as an excuse to avoid paying a fair share of s106 affordable housing contributions' through to another session which officers reported to the task group that 'they are one of the highest achieving boroughs to deliver affordable housing contributions from schemes'.

Based on the assumption made at the Policy discussion meeting that some planning officers were not viewing how CIL, s106 and other obligations were adding to a cumulative set of obligations, which would either be viable or not. If officer's had such concerns over whether the council was getting the best planning gain from development, then why has the council not put in place a suitable mechanism or approach that would ensure the best possible deal could be struck. In other words, are viability assessments issued by applicants being

understood by officers or are these perceptions of applicants simply being made without any proper evidence?

Affordable Housing

Conversely, a senior officer in the Future planning meeting made it clear the council is achieving its ability to generate an additional affordable housing take in addition to CIL, so much so, it is one of the highest performing London boroughs to do so. Whilst this on the face value of it is good news, the task group has seen no evidence or paper to support this statement.

Given only anecdotal statements without supporting evidence being produced at any stage of the proceedings despite promises from officers, it is both difficult and impossible to ascertain at this stage what the impact of CIL has had to s106 contributions for affordable housing. It is important when the officers provide a bi-annual statement to the Cabinet and full report to the council (see earlier recommendation) that a full account of what s106 contributions in both cash and % terms is provided so that elected members can see what impact the CIL charging rates are having to affordable housing provision.

At this stage the task group are unable to assess whether CIL is impacting the borough's ability to deliver affordable housing provision at the policy rate stipulated in the local plan.

Delegated Powers

It was reported to the task group that the level of officer's delegated powers was set in accordance with other boroughs and was agreed by cabinet at £250,000. The lead member informed the task group that if this was not the case, cabinet members would be inundated with request to sign off small spending amounts. The task group feel that the delegated powers provided to officers that was set out in the CIL and Strategic Infrastructure Planning report presented to Policy Coordination Group (PCG) on the 19th March 2015 (*Appendix 5*), of £250,000 is quite a large sum. The current arrangements for delegated powers do not provide for sufficient scrutiny of expenditure of receipts and the Cabinet (led by both the housing and regeneration lead) should have greater control and oversight of this process than they currently have. The task group feel that large amounts of CIL expenditure should be brought to members for their final decision.

Key recommendations

- ★ There is no clear leadership or responsibility on who is in charge on CIL and S106 and the task group recommend that a named officer assumes direct responsibility, accountability and operates in a more transparent way.
- ★ A public register is created (taken from the bi annual report and statement) detailing the infrastructure projects that are being funded directly through CIL receipts.
- ★ The council review its affordable housing policy and the relationship between s106 and CIL, once the Mayor of London announces its housing policy. As part of the review, a forensic independent analysis should be commissioned and reported back in a joint session to the Resources & Public Realm Scrutiny Committee and Cabinet on how the council is meeting its affordable housing targets in light of the introduction of CIL and the Mayor of London targets for social housing.

Other Recommendations

- The council ensures that there is better understanding off planning performance in dealing with planning applications – both planning and legal team. This should be done be producing easy to understand guidance via the councils website.

- The council carry out a review of delegated powers given to officers for spending limits and prioritisation of CIL/ S106 receipts for projects. All variations to CIL and S106 agreements be published quarterly and an agenda item at planning committee policy meetings.
- The planning department conduct an annual review of S106 agreements and that where developers have not complied with the agreement action plans are included with that report. The task group recommend that that report is considered annually at a planning committee policy meeting and is available for scrutiny.

8.3 Engagement

Engagement Model

The task group was informed that the current council engagement proposal is to communicate at a CIL neighbourhood level which is effectively the same level as the Brent Connects level, so that the boundaries of those will be the same. The council is not considering having conversations specifically at ward level but at a wider level. The reason for taken this approach as appose to engaging at the ward level, is purely to do with how we resource this and what is a proportionate response. Another reason for the council's approach not being at ward level is that some wards have little to no CIL funds, even dividing the borough into five ward areas for neighbourhood CIL, 3 of those areas have less than £100,000. If drilled down even further, the council feel there would be a resource issue of trying to manage a very small pot of money within an area that has little development with council resources that are restraint in the current environment.

- Harlesden £40,000
- Kilburn & Kensal £80,000
- Kingsbury & Kenton £400,000
- Wembley £1.4 mil
- Willesden £90,000
- Sudbury Town £0

The council have stated that this is still a work in progress and that they are trying to ensure that a robust system is in place. The council feel that it still has some time, as Sudbury Town is the only neighbourhood forum with a designated plan, but has no CIL funds just yet. The council are conscious that it has been some time since it adopted CIL and it is a priority. The council don't believe that it would be prudent to promise whatever a local forum wants it will be able to support, however it would do its upmost to support it. In terms of CIL it was agreed at cabinet that the council would set up Community Action Groups (CAG).

The role of the community action groups will be to work at a grass roots level to develop small scale local interventions and projects which enable community action to have a real impact, utilising the networks, resources and assets within each locality. The final paper is yet to be agreed. The PCG discussed setting up CAGs with ward councillors specifically to work closely with the CAGs for the delivery of CIL. This is not to replace neighbourhood forums, it is completely separate, there are a number of ways of bringing the community together to make decisions on CIL, however as the CAG are still being trialled, ward level is too detailed, and there are established neighbourhood forums; the council needs to agree the most fair and appropriate level to engage and decide spending priorities. The expectations is that ward councillors will help to identify appropriate groups, working together for the delivery of CIL in the borough.

There is currently three pilots community action groups (*Appendix 6*) and the council will look at how those mechanisms will work, to ensure the information comes forward and how that can be linked to funding from the projects that the community wants to see. This does not mean that we cannot also take on board the views that are coming out of Brent Connects. Under our constitution no decisions are delegated to a single community group, so in fact ideas from the community action groups, will be in conjunction with ideas coming from Brent connects; all of these groups are sources of information to support members in making informed decisions.

As part of the task group's work it reviewed the CIL engagement processes of several other councils. The council's proposal and approach is similar to a number of other authorities. Council officers attend the CIL collection group, which is hosted by TfL on behalf of the Mayor,

it's an opportunity for all London boroughs that deal with CIL to come together and discuss common interests. Some of the work done in benchmarking the councils approach was carried out through this group, Brent Council are not too dissimilar to the majority of authorities who have a system in place.

- LB Ealing: While there are no governance procedures in place yet, LB Ealing intend to do the same as Brent interns of administrative boundaries. The three neighbourhood forums which are established would receive the maximum 25%.
- LB Wandsworth: Similar to Brent and divided among 5 boundaries.
- LB Lambeth: Similar to Brent and divided among 7 boundaries.
- LB Camden: Camden is in the minority and is divided via wards.

Voluntary Sector and Residents' Associations

The task group met with the voluntary sector and resident associations from across the borough, who live and work in Brent, have valuable skills and knowledge and are a vital element of the community network. The task group believe that groups such as these should also be included in the engagement processes and feed information into the members and contribute to the decision-making process. Further investigation will need to be undertaken to establish suitable candidates, it is envisaged that CVS Bren will lead on this work.

The voluntary sector and resident associations welcomed the opportunity to engage with the task group and are very keen to be a part on the Neighbourhood CIL engagement process. To date, they have had no communication with the council and have little knowledge of the CIL regulations.

Information and Communications

Beyond keeping a log of which areas are entitled to receive additional money, there is no advice been given to the neighbourhood forums, the council is in the process of recruiting to a post to do just that. The CIL fund is now at £15 million, an amount where the need for support is required and the council should ensure that it is linked to designated neighbourhood forums in the borough, the community action groups, voluntary sector and resident associations and Brent connects. There is a significant link to council resources, if we look at Westminster who have 12 area forums to manage, if Brent had these numbers the planning team would simply be overwhelmed, with not just localised plan making but also with the income expenditure of CIL receipts. It is also important the forums themselves keep in contact with the council.

The Neighbourhood fund presents an opportunity for the council to have conversations with the local community on a much more regular basis on what their priorities are on the local infrastructure; not just for CIL but for s106 also. The council are proposing a register for local infrastructure priorities and schemes; it will be a resource that is refreshed and updated with input from residents, the community and members. This will not just be for CIL and s106, but for other services of the council to identify projects within their local areas and strategies as part of the borough plan.

The council has stated that it will also have a strong online presence, effectively a voting system where people can register their views.

Neighbourhood Forums

It is clear little or no training or support is being provided to both residents associations or elected members on how and what neighbourhood forums are. The Sudbury Town Neighbourhood Forum only came about because it has a strong community base emanating from the Sudbury Town Residents Association which had a strong desire to adopt the localism

agenda with the support of local councillors. Clearly, there is merit in the council providing a platform to both share best practice to both residents associations who may wish to convert to a neighbourhood forum and separately to all elected Members' so that they can also engage their own local communities in the process. At present, there is no support in place to help elected members' and resident associations alike to promote the neighbourhood forum model and this needs to be resolved with some degree of urgency. Failure to not tackle this issue early on could lead to unnecessary resentment between bordering local communities where established neighbourhood forums exist and where they don't. London Neighbourhood Forums (*Appendix 7*)

Key recommendations

- ★ The council invite the voluntary sector to submit proposals demonstrating the value they can add to supporting the expansion of Neighbourhood Forums. The council's expectation of the voluntary sector to include setting up viable community action groups, accessing available government funds, organising training.
- ★ The current engagement and consultation process with residents is inadequate and it is recommended that where CIL receipts are to be spent, at least 25% of resident respond, the demographic make-up should be reflective of the population and the location concerned.
- ★ There is wider consultation with residents groups, faith groups, the business sector, residents associations and elected members before the Community Action Groups go live. The Community Action Groups have clear objectives linked to delivery of Community Development Plan objectives.

Other recommendations

- Elected ward members are involved in the decision making process for developments within their wards. Elected members should also be informed any planning applications in their wards with the view of engaging concerned residents and neighbourhood forums.
- Provide neighbourhood forum training and support in whichever capacity is possible, in order for residents to create independent and sustainable Neighbourhood forums.
- Support at the highest strategic level a Brent Developers Forum consisting of elected members and active developers in the borough which meets quarterly to review existing development projects and engages in forward planning. The task group recommend that a subcommittee of the developer's forum works with Community Action Groups to deliver added value to CIL projects.
- Geographical Information System (GIS) mapping support is provided for voluntary sector organisations and neighbourhood forums, in order for these groups to access site previously and currently being developed.
- Up-to-date information is provided about S106 /CIL that it is easily accessible and shared online and regularly email to members, neighbourhood forums and voluntary sector.

8.4 Funding

CIL Receipts

It was noticeable from the sessions we held with senior officers' that there was little clarity on the CIL income received and how this was being allocated to the delivery of infrastructure schemes across the council. To date, the task group has not been provided the supplementary information on the CIL income and expenditure it was promised.

A report which outlines a clear narrative explaining how CIL receipts have been allocated to specific projects with an accompanying summary why the project was prioritised is necessary for both transparency and accountability to elected members'. This should be provided bi-annually to the Cabinet and presented to full council by way of a detailed annual report. Providing elected members with this information will help to inform elected members' how planning gain is being used across the borough and help them to dispel any misinformation to their respective constituents that new development is not providing anything back to the local community. At the moment, elected members' are simply unsighted how a major chunk of development gain is being used.

The task group feel that there is still confusion regarding the allocation of neighbourhood CIL receipts. It was also unclear, as the collecting authority, how the council are accounting and managing the neighbourhood CIL apportionment. Officers need to be clear that neighbourhood CIL receipts generated from development from their area is for that neighbourhood forum to spend on local projects they have identified as a priority. The CIL generated for the neighbourhood forum will either be at 15% capped at £100 per dwelling if they have only got a neighbourhood forum (designated) in place or 25% uncapped receipts if they have an adopted neighbourhood plan in place that has passed a local referendum (such as Sudbury Town Neighbourhood Forum). No neighbourhood CIL receipts generated from these designated Neighbourhood Forums can or must be spent in other areas.

The council should establish a clear accounting and reporting structure to these Neighbourhood Forums to enable them to understand how much money they have allocated for their neighbourhood area to spend that has been generated from development derived in their area. Furthermore, the council should work with the Forum to establish what community infrastructure projects they would like the neighbourhood CIL receipts to be spent on and how and when this will be delivered. Currently, there is no clear mechanism in place on how this process is going to work in practice and this should be established with some urgency given that neighbourhood forums are in place across the borough.

Regeneration Benefits Assessment Tool (RBAT)

Whilst the proposal presented to the task group on how the council intend to allocate CIL expenditure to infrastructure projects based on RBAT are laudable; particularly as they seek invest in projects which derive a future financial return (new homes bonus, business rates retention, council tax revenue), there should to be some flexibility which permits local councillors to bid for projects which do not necessarily provide a financial return back to the council, but endeavour to provide some real community value which would not otherwise be funded. It is important local communities and elected Members are able to show they can deliver small/ medium size social infrastructure projects if there is a clear demand and consensus for it which do not otherwise get funded from other conventional pots of money the council has. A good example might be CCTV in areas where the local community has expressed a strong desire to see this installed in their high street, whilst this would be difficult to fund from conventional funding streams, it would be permissible from CIL receipts. Here, the local councillor would be seen to respond to the local needs and the council, whilst not directly getting a financial return, would be viewed in a positive light. It must be remembered,

borough CIL receipts are more flexible in how they are applied than conventional s106 receipts and the council should be more responsive to meet local's needs.

Beyond neighbourhood CIL receipts the borough CIL could allocate a fixed amount (cash or %) of CIL receipts which are allocated for community projects. Prioritising these projects may be done through a variety of engagement processes including elected member sessions to the Cabinet pitch for specific projects through to using established forums such as Brent Connects.

Key recommendations

- ★ A bi –yearly report and financial statement is provided, outlining CIL receipts every six months showing the income and expenditure on specific projects funded through CIL receipts should be provided to the Cabinet. An annual Report summarising CIL receipt income and expenditure should be published and presented to the Full Council annually together with a draft forward plan of strategic projects to be funded over the next year.
- ★ Neighbourhood CIL receipts are accounted for and a reporting and expenditure mechanism is established between the Council and designated Neighbourhood Planning Forums.

Other recommendations

- A more flexible allocation of CIL receipts beyond schemes that are prioritised through the Regeneration Benefits Assessment Tool (RBAT). The task group recommend that the Council review the Regeneration Benefits Assessment Tool (RBAT) after it has been operating for three years.
- Consideration is given for borough CIL receipts use in the wider local communities (in both areas with and without Neighbourhood Planning Forums).

8.5 Future Planning

Development Community

CIL receipts are ultimately derived from development that takes place across the borough. In discussions with developers the Scrutiny learnt:

- Rotation of planning staff (officers) has been challenging for major developers with long term schemes in the borough to maintain relationships; this leads to new officers having to slowly get up to speed on the detail which can slow down progress and be challenging for the developers who are working against a restrictive timeline;
- Planning Performance Agreements which are paid by applicants are not translating to the additional resource that was promised to deal with major planning applications through this bespoke planning service;
- Despite assurances from a senior legal officer in the last task group session that resourcing was not an issue and that their work (Brent legal) is being handled in a timely manner, this was a contrary to the views expressed by the developer group who cited examples (in one case six months) where there were lengthy delays in finalising s106 agreements by the legal department.
- Developers felts the CIL charge was working fine but the s106 contributions towards affordable housing they were being asked to pay were not being seen as part of the cumulative planning obligation (CIL + s106 + other planning gain contributions for local transport). This issue resonates with earlier concerns on how the officers are handling planning applications in the context of CIL and s106 obligations. There is a clear disconnect at present between CIL and s106 affordable housing contributions.
- A major concern and unknown by developers is how the council proposes to spend the CIL receipts – they felt that there was a need for clarity on expenditure which currently lacks any detail.
- On neighbourhood forums, developer's felts the council should fast-track the creation of neighbourhood forums and would happily active engage in these where suitable to do so.
- Would welcome the council to set up a local developers forums with elected members to engage in borough wide discussions (such as the session held at the task group) on a more regular basis. This would act as a channel for dialogue and openness on how applicants are finding the interaction with the council.

Key recommendations

- ★ A review of its CIL viability assessment test is commissioned to see if all the CIL receipts rates are viable and that it is not deterring the council's policy objectives in achieving its affordable housing targets.
- ★ Maximise the expertise and resources, directly or in kind of the development community and facilitate in partnership with CVS Brent, dialogue between developers and community/residents and neighbourhoods forums to work on community issues.
- ★ We recommend that S106 agreements are available to the Planning Committee as part of planning committee reports. We recommend the council review the viability of travel plans and ensure that detailed travel plans are included in all reports going to the planning committee. The council's planning officers should provide an in-depth and detailed briefing of the developments with regard to viability, CPZ and travel plans to the planning committee before the application is made.

Other recommendations

- Council planning negotiators ensure that agreements are aligned with council priorities in order to take full advantage of future development/ regeneration opportunities; this includes priorities such as social value and employment.
- The task group recommend that at least half of the Planning Committee members serve two years terms at any given time and all committee members and relevant committee members involved in housing and regeneration receive relevant up to date training on planning development and viability policy and practice issues.
- The task group recommend regular strategic meetings on future regeneration issues is held between officers, the cabinet and chair of planning committee.
- The council should consider creating independent review experts to advise the planning committee on some of the more complicated and difficulty planning applications.

9. CONCLUSION

The legislation surrounding CIL and S106 is complex, and the direction from central government is primarily focused on CIL. On 19 November 2015, the Secretary of State for Communities and Local Government announced a review of the CIL and commenced a consultation to identify issues for the review process. The purpose of the review is to assess the extent to which CIL does or can provide an effective mechanism for funding infrastructure, and to recommend changes that would improve its operation in support of the Government's wider housing and growth objectives.

For many years the collection of s106 developer contributions was undertaken on an ad hoc basis with no overall monitoring, control and reporting back system. It has therefore never been more important for Brent council to ensure that it's CIL and S106 policies are fit for purpose and meet the strategic and local infrastructure needs.

This report has set out some key mechanisms by which this can be achieved.

Firstly, it has identified the vital role that public education can play in building confidence in how the council's, collects, and allocates CIL. Increasing public engagement of the facts around CIL is especially important in an era of tightening laws and tightening budgets. It is worth mentioning one of the key differences between CIL and Section 106 contributions is that the monies collected are not linked to site-specific agreements. The monies can, therefore, be used flexibly and creatively to meet local and strategic infrastructure needs. As a consequence, one of the challenges is to decide how to prioritise the spending of CIL receipts in conjunction with other funding streams.

Secondly, it has identified how members can support the council and the community in reaching its infrastructure objectives.

Thirdly, it has shown how additional obligations can potentially yield important social value outcomes.

Fourthly, it has emphasised the importance of a supportive environment for the council's planning and legal staff recognising the great work they do. Remembering developers can "take their foot off the metal" once a scheme has been to the planning committee.

The task group believes that this report provides a range of important recommendations which, when implemented, will lead to improved outcomes for the borough.

We look forward to seeing these changes in action.

10. PARTICIPANTS, REFERENCES AND APPENDICES

Participants

London Borough of Brent:	Strategic Director of Environment & Regeneration
	Operational Director of Regeneration
	Planning, Policy and Projects Manager
	Brent Planning Services
	Brent Legal Services
	Employment & Enterprise Team
	Procurement Team
Brent Elected Councillors	
Government Agencies	Department for Communities and Local Government (DCLG)
	Planning Advisory Services (PAS)
Non-Government Organisations	House Builders Federation (HBF)
	Best Practice Local Authorities
Brent Partners	CVS Brent
	Eritrean Youth and Community Brent and Harrow
Brent Resident Groups	Harlesden Neighbourhood Association
	Sudbury Residents Association
	Queens Park Residents Association
	Kilburn Village Residents Association
	South Kilburn Trust
	Unity Neighbourhood Forum for Church End and Roundwood
	Kilburn Neighbourhood Plan Forum
Developers:	Quintain
	Anthology
	Innisfree
	Notting Hill Housing Group
	Hub Group
	Network Housing
Other Local Authorities	LB Ealing
	LB Haringey
	LB Camden
	LB Lambeth
	LB Wandsworth


References:

The task group referred to a number of reports in the course of its work. Key documents include:

1. National Planning Policy Framework, Communities and Local Government , 2012
2. The Community Infrastructure Levy Regulations, 2010
3. Town and Country Planning Act 1990
4. Community Infrastructure Levy Guidance, Department for Communities and Local Government (DCLG), 2014

Table of Appendix

	Appendices
1	Woodhouse Urban Park (WHUP) Engagement
2	Land North of Chippenham Gardens (LNCG) Consultation Strategy
3	Draft Section 106 Heads of Terms – employment and training obligations
4	London CIL Charge rates LGA
5	CIL and Strategic Infrastructure Planning report presented to Policy Coordination Group (PCG) on the 19th March 2015
6	Developing Community Action Groups (CAGs) and a partnership approach to Brent Connects report presented to Policy Coordination Group (PCG) on the 16th December 2015
7	London Neighbourhood Forums June 2015

 Brent	Resources and Public Realm Scrutiny Committee 12th July 2016 Report from the Director of Performance, Policy and Partnerships
For Information	Wards Affected: ALL
Title: 2015-16 Annual Scrutiny Report	

1.0 Summary

1.1 The Annual Scrutiny report is a summary of the work conducted by the Scrutiny function throughout the year. This includes task group work, questions and decisions made by the committee. The 2015-16 report also provides an outline of the programme of work and task groups planned for the upcoming scrutiny year 2016-17.

2.0 Recommendations

2.1 That the Scrutiny Committee notes the content of the report.

3.0 Detail

3.1 Section One

The first section provides an overview of the reports heard by the committee in 2015-16 and the range across the Cabinet portfolios. This section of the report also summarises the various task group work that the scrutiny committee has undertaken through out the year. This section also summarises the Call in's, the committee recommendations, the committee's engagement with the public and the reform of the scrutiny function.

3.2 Section Two

The second section of the report focuses on the scrutiny improvements implemented, recommendations made by OFSTED and the LGA peer review and the committee's work and contribution to setting the council's budget.

4.0 Financial Implications

4.1 None

5.0 Legal Implications

5.1 None

6.0 Diversity Implications

6.1 None

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

Contact Officers

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**SCRUTINY
ANNUAL REPORT
2015 – 16**

Table of Contents

Introduction	3
Part One – The Year Just Gone	4
Reports	4
Task Groups	4
Budget Scrutiny Panel	5
Call In.....	6
Other recommendations	6
Engaging with the public.....	6
Reform.....	7
Part Two – The Year To Come	7
Improvements Implemented.....	7
Recommendations	8
Budget	8
APPENDIX 1.....	10
Report to the Scrutiny Committee 2015/16	10
APPENDIX 2.....	13
2016-17 Programme of Work.....	13

Introduction

The municipal year of 2015-2016 has been one of steady progress for scrutiny in Brent. However, half way through we suffered a setback that no one could have anticipated or imagined, when our much loved and admired chair, Cllr Dan Filson sadly passed away.



Dan (and woe betide you if you ever called him Daniel) was a ward colleague, a mentor and most of all a friend to me.

A councillor more suited to the role of scrutiny chair you could never imagine. He had a forensic eye for detail, a passion for getting to the truth and a cheeky sense of humour which would disarm any witness coming under the gaze of his committee.

Most of all he was absolutely determined to make the scrutiny work, his mantra was that scrutiny had been “the lion which failed to roar”, but this was something he certainly began to put right during his short time as committee chair.

I had hoped to serve under his chairmanship on the committee for many years, but following his sudden and tragic death I was elected to succeed him, and hope I have built on his legacy in the role.

Of course I have not done this alone. All of the councillors who have sat beside me on the committee have been dedicated, diligent and hardworking, and Brent’s “Team Scrutiny” does not finish there. We now have a team of officers – Pascoe, Kisi and James – who are passionate about the scrutiny process and take huge pride in seeing positive change delivered within the council.

This report summarises the work of Overview and Scrutiny over the last year, what we looked at, how we came to some of our biggest decisions, and what reforms we have carried out. It will also look at some of the biggest challenges for the year ahead.

**Cllr Matt Kelcher, Kensal Green Ward
July 2016**

Part One – The Year Just Gone

Reports

Under the structure of a single committee, scrutiny was called upon to look at a wide range of issues cutting across many departments in the year 2015/2016, as shown in appendix 1. Unfortunately, these items have not always been balanced completely across the various portfolios on the council's cabinet.

Lead Member/Portfolio	No. of Items
Cllr Butt – Leader	1
Cllr Denselow – Stronger Communities	2
Cllr Hirani – Adults Health & Well being	9
Cllr Mashari – Employment & Skills	2
Cllr McLennan – Housing and Development	3
Cllr Moher – Children and Young People	7
Cllr Pavey – Deputy Leader	6
Cllr Southwood – Environment	8
Grand total	38

It will be important to ensure that every department receives adequate scrutiny in the coming year. A complete balance – with each portfolio responding to an equal number of reports - is probably not possible, given the number of statutory items, particularly in the realm of health, which scrutiny must consider.

Task Groups

Three new task groups were set up at the start of the municipal year, focussing on issues at the top of residents' list of priorities – if the contents of the average councillor's email inbox are anything to go by.

The first, chaired by Cllr Reg Colwill, investigated the access to extended GP services and primary care in Brent. The review was concerned with the capacity in Brent, out of hours care and the delivery of out-of-hospital services to provide enhanced and extended care to meet the needs of local residents. His report made fourteen recommendations across Brent's healthcare providers for improving extended GP access. The committee welcomed all recommendations, nine of which have now been successfully implemented providing residents with improved access.

The second, chaired by Cllr Sam Stopp, investigated the nefarious problem of fly tipping. His report came up with a range of solutions to address this problem and will perhaps be best remembered for recommending that the council radically changes the language it uses when addressing this issue. The committee were enthused by his idea that the term "fly tipping" be dropped in favour of "illegal rubbish dumping" as this has more impact and emphasises that dumping waste on the street is a crime.

The third, chaired by myself, investigated the council's CCTV policies. My task group made twenty-two recommendations, about half of which the cabinet member endorsed and was able to implement fairly quickly. The other half included what I

admit are more ambitious ideas, such as monetising the infrastructure of the council's CCTV network to fund more cameras, and will therefore take more time.

At future Scrutiny Committee meetings we will be bringing in both the CCTV and Illegal rubbish dumping cabinet members to report on their progress on implementing the recommendations in these reports. The Access to GP services progress will be reported back to the Health and Wellbeing Board.

Towards the end of the year we set up two further task groups. The first, chaired by Cllr Tom Miller is looking into the performance of housing associations in the borough and will report back to the Community and Wellbeing Committee in July.

The second, chaired by Cllr Harbi Farah is looking into the use of the Community Infrastructure Levy (CIL) and section 106 and if the council is achieving the best possible financial and social outcomes. The report back to the Resources and Public Realm Committee in July.

In each case, the task group chairs have sought to open up their investigation process to the residents. Whereas previously task groups deliberated privately, many of these meetings were held in public with representatives from local resident groups being asked to sit on the panel with equal status to the councillors.

I think this is a tremendously positive move and I will encourage all future task groups to follow this policy.

Budget Scrutiny Panel

In December 2015 I put together and chaired the Budget Scrutiny Panel, a cross party group of backbench councillors, to analyse the budget documents being prepared for the April 2016 budget.

The panel met twice formally and further corresponded by email and telephone when producing this report. The panel interviewed the council's Chief Executive and Chief Financial Officer in person. Further information on various issues was also sought and delivered from officers.

This was the second half of a two year budget and so the list of savings proposed was not as long or daunting as in previous years. We analysed all proposed savings from the start of the process and were pleased to see progress in most areas. Only a few projects – for example the establishment of an ethical lettings agency – were seen to be behind schedule, and so we asked for a further report on this to come back for full scrutiny. This is now expected to come to the Community and Well Being Scrutiny Committee.

The panel were particularly interested in the idea of income generation – which will never be able to balance out cuts from central government but will certainly help us to become financially independent – and we received some favourable local press coverage due to our recommendation that the council look more closely at maximising the potential of the civic centre as a venue for weddings and receptions.

We also recommended the council uses its new powers to carry through a council tax rise, which came to pass in the final budget.

Call In

The committee only called in one cabinet report in this year. This was on proposals to use a contractor to set up new uniformed street patrols to issue on the spot fines for people committing environmental crimes like littering.

Our concerns were partially about the process, namely we felt it was unfair that cabinet were citing scrutiny (particular the task group completed by Cllr Stopp as mentioned above) for recommending the idea, but had then given us no formal, or even informal, role in developing the final policy.

But most of all we were concerned that the new uniformed officers may be on inferior pay, terms and conditions to existing council officers performing similar roles.

After questioning the cabinet member and lead officers extensively on the subject we made a recommendation that the twelve month trial go ahead to test the viability of the idea but with a very strong preference for an in-house option to run the service in future if it turns out to be a success. We believed this would be the most cost effective solution and ensure that workers receive the remuneration and conditions we would expect.

It will continue to be our policy that call-ins should be used sparingly, on issues which members are clearly concerned about and where there is a sense of urgency about the need to intervene.

Other recommendations

Through questioning of witnesses at our public meetings some further recommendations emerged which we put to the Cabinet. This included the setting up of direct debits by which residents can pay their green waste charges, so they do not need to re-buy a permit every single year.

We were also alarmed to discover, through one of our public meetings, that officers have delegated authority to sign off on changes to contracts worth up to £250,000.

Our whole Committee felt, even where this power was used sensibly, that this was too high a figure for decisions to be taken by someone not directly accountable to the public through the ballot box. Therefore we asked Cabinet to conduct a review into whether this should be lowered in the constitution and await their response.

Engaging with the public

In addition to opening up task group meetings to the public, we have worked hard this year to increase public awareness of the process of scrutiny in Brent, and allow them to participate.

At the beginning of the year, Cllr Filson toured all of the Brent Connects public forums to explain the scrutiny process and how people could suggest items for us to look at.

We are repeating the exercise this year, with myself, or Cllr Ketan Sheth, addressing each of these meetings around Brent as the two scrutiny chairs.

Reform

At the beginning of the municipal year we had just one Overview and Scrutiny Committee.

This brought about a series of challenges, most acutely that of capacity. With just one Committee meeting ten times per year, and with several statutory reports already set on the agenda, it was difficult to find the time to look at all of the areas which members and the public would expect us to analyse.

Cllr Filson and I both favoured the creation of a separate Health Scrutiny Committee to resolve this issue. It was felt that this would not only overcome the problems of capacity and allow more backbenchers to become involved in the scrutiny process, but also allow the group on the second committee to develop a real understanding and expertise in health policy.

Following discussions with senior officers and the Leader of the Council, the old committee's workload was divided into two, and the total number of annual meetings increased to twelve.

One of these committees, on Health and Wellbeing, will particularly focus on health issues, and the other, on Resources and Public Realm, will look at the Council's big spending projects.

I am confident this will allow Brent's "team scrutiny" to work more efficiently and effectively over the next twelve months.

Part Two – The Year To Come

Improvements Implemented

During the last year, the council receive an assessment from a Local Government Association (LGA) peer review team. As part of this process I met with the team individually as Chair of Scrutiny, and also collectively with representatives from the wider committee. Through this I picked up some suggestions about how we could improve the quality of our reports and I intend to implement these in the coming year.

Firstly, the LGA team noted that there was often frustration, occasionally leading to distrust, between members and officers regarding the content of reports.

I believe that most of this is entirely innocent and accidental. In the past, officers have simply been provided with a title upon which to base their report, and these are often very open – for example "Affordable Housing in Brent". They write this report to the best of their ability but find that when they get to the Committee, members have anticipated an entirely different set of information as they have interpreted the title of the document differently.

To resolve this, I have asked officers to develop a pro-forma which can be used whenever a new scrutiny report is requested by a member. This form allows them to state specifically what they expect to be included in the report, including statistics and figures they believe should be provided.

I am confident that this will help both officers tasked with writing the reports, and members in getting the information they need.

Secondly, the LGA team felt that our choice of topics was done slightly haphazardly, with lots of worthy things being discussed, but the full list not being thought through carefully and strategically.

This was of course partly to do with the time constraints of the single committee model, but even with added capacity I was determined that the new committees think more carefully about what they needed to look at in the coming year.

Our scrutiny officers therefore organised fantastic events for each committee where strategic directors gave us an outline of the main issues in their departments, and members could also suggest any topic they felt worthy.

Through this we developed a long list of ideas and then whittled this down to a list of items we will examine at Committee through reports, and those which we will examine through task groups over the coming municipal year. This schedule also leaves space in the programme for us to add further reports, look at urgent issues or call-in requests.

The shortlist for the Resources Public Realm Committee is given in Appendix 2, it is listed in no particular order and the items will be allocated to specific meetings in the near future.

Recommendations – OFSTED and LGA Peer Review

In March 2016 a member training and development session led by advisers from the Centre for Public Scrutiny and the LGA was held which specifically focused on effective scrutiny of children and young people's services. This was in response to feedback from the recent OFSTED inspection regarding the lack of depth and impact arising from scrutiny of children's services. The issues and approaches discussed during the session were equally relevant to effective scrutiny across all council services and are highlighted below:-

- Know what you want to achieve – prioritise your work ruthlessly;
- Have clear key lines of enquiry focused on the aims and objectives of the service being scrutinised - scrutiny is not a random fact finding exercise.
- Use data to identify systemic issues, but do not get bogged down in the details, maintain a strategic view on the whole picture.
- Focus on outcomes and how scrutiny can support their achievement.
- Building and maintaining good relationships – positive challenge not conflict.
- Use a balanced range of evidence which includes policy objectives, performance, outcomes and the perspectives of users of the services.
- Well constructed recommendations will secure increased impact.

Members who attended the LGA session were very positive about the approach outlined by the Centre for Public Scrutiny and felt that adopting these principles would produce a more effective scrutiny function in Brent. Discussions with the LGA are ongoing and future scrutiny training session will be provided during 2016/17 scrutiny year.

Further to the LGA peer review, I have also been allocated a mentor who is an experience Chair of Scrutiny in another London Borough which the LGA regard to be an example of best practice.

In my discussions with this mentor it has become clear to be that verbal recommendations made in Committee meetings by a vote of members have much greater standing in other authorities. Previously recommendations made in this way by Scrutiny in Brent have not made it on to the papers for Cabinet to respond to.

I will ensure that at future meetings all verbal recommendations are recorded and distributed to the committee for approval, and then that they go forward to the cabinet meeting.

Budget

As noted above, the work of the Budget Scrutiny Panel was quite truncated in the last municipal year. For many reasons this was unavoidable, as there was a vacancy for chair for some time following the death of Cllr Filson.

This year I intend to start the review much earlier and use this time to more thoroughly question cabinet members putting forward suggestions for new cuts, charges or savings.

Furthermore, during last year's budget setting process, scrutiny had to work hard to assert itself and ensure that its views were being heard.

Our panel noted with concern that the "budget setting timetable" set out on page 30 of the cabinet report on the budget did not mention the scrutiny process at all, or note that the committee was due to interview the Deputy Leader of the Council on the subject at our January 2016 meeting.

Hopefully lessons have been learned, and next year scrutiny will be seen as a positive critical friend, and essential part of the process.

Appendix 1

Report to the Scrutiny Committee 2015/16

Meeting Date	Item	Lead Member/Portfolio	Strategic Director
16th June 2015	Paediatric Services - CCG	Cllr Hirani – Adults Health & Well being	Phil Porter – Community Wellbeing Melanie Smith - Public Health
	Access to GP services Interim Task Group Report	Cllr Hirani – Adults Health & Well being	Phil Porter – Community Wellbeing Melanie Smith - Public Health
	Brent Public Health Update	Cllr Hirani – Adults Health & Well being	Phil Porter – Community Wellbeing Melanie Smith - Public Health
	Access to affordable childcare	Cllr Moher – Children and Young People	Gail Tolley – Children and Young People
14th July 2015	Brent Housing Partnership - Performance	Cllr McLennan – Housing and Development	Phil Porter – Community Wellbeing (previously Environment & Regeneration - Andy Donald)
12th August 2015	The Councils future Transport Strategy	Cllr Southwood – Environment	Lorraine Langham – Regeneration Growth and Environmental services (previously Andy Donald)
	Food Standards Audit	Cllr Southwood – Environment	Lorraine Langham – Regeneration Growth and Environmental services (previously Andy Donald)
9th September 2015	Central and North West London NHS Foundation Trust - Care Quality Commission report and action plan	Cllr Hirani – Adults Health & Well being	Phil Porter – Community Wellbeing Melanie Smith - Public Health
	Scrutiny task group on Access to extended GP services and primary care in Brent	Cllr Hirani – Adults Health & Well being	Phil Porter – Community Wellbeing Melanie Smith - Public Health
	Terms of reference for task groups on Fly Tipping and CCTV	Cllr Denselow – Stronger Communities	Lorraine Langham – Regeneration Growth and Environmental services (previously Andy Donald)
8th October 2015	2015 Parking Strategy	Cllr Southwood – Environment	Lorraine Langham – Regeneration Growth and Environmental services (previously Andy Donald)
	Complaints Annual Report 2014-15	Cllr Pavey – Deputy Leader	Carolyn Downs – Chief Executive (previously Lorraine Langham - Chief Operating Officer)
	Fly Tipping task group scope	Cllr Southwood – Environment	Lorraine Langham – Regeneration Growth and Environmental services (previously Andy Donald)
5th November 2015	Brent Local Safeguarding Children Board Annual Report	Cllr Moher – Children and Young People	Gail Tolley – Children and Young People
	Scrutiny task group on Closed Circuit Television (CCTV)	Cllr Denselow – Stronger Communities	Lorraine Langham – Regeneration Growth and Environmental services (previously Andy Donald)
	Scrutiny task group on Fly tipping	Cllr Southwood – Environment	Lorraine Langham – Regeneration Growth and Environmental services (previously Andy Donald)

2nd December 2015	Update on the procurement processes for five General Practice services in Brent	Cllr Hirani – Adults Health & Well being	Phil Porter – Community Wellbeing Melanie Smith - Public Health
	CCG Commissioning Intentions	Cllr Hirani – Adults Health & Well being	Phil Porter – Community Wellbeing Melanie Smith - Public Health
	South Kilburn regeneration programme	Cllr McLennan – Housing and Development	Lorraine Langham – Regeneration Growth and Environmental services (previously Andy Donald)
6th January 2016	Review of charges to recycling and green waste collections	Cllr Southwood – Environment	Lorraine Langham – Regeneration Growth and Environmental services (previously Andy Donald)
	Budget Scrutiny Panel Report	Cllr Pavey – Deputy Leader	Carolyn Downs – Chief Executive (previously Lorraine Langham - Chief Operating Officer)
9th February 2016	Child & Adolescent Mental Health Services in Brent: Current provision and future developments	Cllr Moher – Children and Young People	Gail Tolley – Children and Young People
	Safer Brent Partnership Annual Report 2015	Cllr Pavey – Deputy Leader	Carolyn Downs – Chief Executive (previously Lorraine Langham - Chief Operating Officer)
	Proposed Scope for Scrutiny Task Group on Community Infrastructure Levy (CIL) and Section 106 in Brent	Cllr Pavey – Deputy Leader	Carolyn Downs – Chief Executive (previously Lorraine Langham - Chief Operating Officer)
	Proposed Scope for Scrutiny Task Group on Housing Associations in Brent	Cllr Pavey – Deputy Leader	Carolyn Downs – Chief Executive (previously Lorraine Langham - Chief Operating Officer)
24th February 2016	Education Commission update -including the Annual Standards and Achievement report 2014-2015	Cllr Moher – Children and Young People	Gail Tolley – Children and Young People
	SEND reforms and implementation	Cllr Moher – Children and Young People	Gail Tolley – Children and Young People
	Adult Social Care Local Ac 2014/15	Cllr Hirani – Adults Health & Well being	Phil Porter – Community Wellbeing
	Brent Safeguarding Adults Board – governance arrangements	Cllr Hirani – Adults Health & Well being	Phil Porter – Community Wellbeing
	On-street Parking Service Offer and Charge in controlled Parking Zones; and Parking Statutory Guidance	Cllr Southwood – Environment	Lorraine Langham – Regeneration Growth and Environmental services (previously Andy Donald)
5th April 2016	Call-in Report on Tackling Illegal Rubbish	Cllr Southwood – Environment	Lorraine Langham – Regeneration Growth and Environmental

	Dumping and Litter with Uniformed Street Patrols		services (previously Andy Donald)
	National Adoption Reform Proposal	Cllr Moher – Children and Young People	Gail Tolley – Children and Young People
	Brent and Harrow Systems Resilience Group – Update on Winter 2015/16 and planning for 2016/17	Cllr Hirani – Adults Health & Well being	Phil Porter – Community Wellbeing Melanie Smith - Public Health
	Access to affordable childcare	Cllr Moher – Children and Young People	Gail Tolley – Children and Young People
	HR and Equalities Review	Cllr Pavey – Deputy Leader	Carolyn Downs – Chief Executive (previously Lorraine Langham - Chief Operating Officer)
26th April 2016	Employment, Skills and Enterprise Strategy 2015-20, One Year On	Cllr Mashari – Employment & Skills	Lorraine Langham – Regeneration Growth and Environmental services (previously Andy Donald)
	Impact of the Overall Benefits Cap in Brent	Cllr Mashari – Employment & Skills	Lorraine Langham – Regeneration Growth and Environmental services (previously Andy Donald)
	Housing Pressures In Brent	Cllr McLennan – Housing and Development	Phil Porter – Community Wellbeing (previously Environment & Regeneration - Andy Donald)
	Promoting Electoral Engagement (IER): Scrutiny update	Cllr Butt – Lead Members	Peter Gadsdon – Performance Policy & Partnerships

Appendix 2

2016-17 Programme of Work

Reports

1. The Council's Planning Strategy

A strategic overview of the Council's planning objectives for Brent, specifically looking at:

- New Options for providing housing for example looking at land sites and the work of BHP
- Ensuring we have enough large 3-4 bedroom homes
- Our pub protection policies

2. Brent's High Streets

A review of various issues impacting on the performance of high streets in Brent, specifically looking at:

- Cleanliness of high streets and the performance of Universal Services Contracts
- The impact of timed collections on waste levels in town centres
- Preventative work to tackle environmental problems in town centres, particularly paan spitting on Ealing Road
- Our overall Town Centre Development Strategy
- The potential for Business Improvement Districts (BIDs) to be set up in Brent

3. Investment strategy

A report outlining the Council's strategic priorities for investment so that the Committee can satisfy itself that they are correct.

4. Customer Care & Access

A report looking at how accessible Council services are to our customers and residents, focussing specifically on:

- Residents with impairments, are they able to access services on an equal basis?
- How is our online offer performing, is its usability comparable to that of the private sector and what can we do to get more people to access our services online to save money?

5. Road Resurfacing Strategy

A look at how the additional money cabinet has recently allocated for road resurfacing will be prioritised and spent, focussing on:

- How is Brent choosing where to surface?
- How will the new software tool the Council may acquire make a difference to allocation?
- How is the Council communicating these decisions, do the public have confidence that we are choosing the right roads?
- Is resurfacing the priority or should we be looking at potholes instead?
- The quality of road resurfacing

6. Is Brent a “green” Council?

A report sustainability to particularly focus on:

- How is Brent incorporating the Mayor’s Green Strategy into our work?
- How does the Council ensure the environmental sustainability of the Borough’s work?
- What is Brent doing to tackle pollution and how do we perform against other Councils?

7. Prevent

The Council is mandated by the government to implement its Prevent strategy to tackle radicalisation and extremism locally. How are we performing in this statutory duty?

8. Crime and fear of crime locally

An item for the Borough Commander to come to committee to discuss. May specifically include an examination of hate crime levels in the borough.

9. Income generation

Two of the director presentations referred to the need to deliver income generation policies, the Committee wants to look at this issue across departments as was also request by the budget scrutiny panel in January, this would include but not be limited to:

- How can we get more weddings and receptions at the Civic Centre?
- How can we generate income at Council owned land away from the Civic Centre?
- How do we compare to other boroughs and benchmark ourselves?

10. Domestic Violence

What is our strategy to tackle DV and how successful is this?

Task Groups

11. Devolution of Business Rates

Task Group to be chaired by Cllr Davidson, terms of reference to include:

- What exactly are the government proposing?
- Is Brent ready for the change and if not what do we need to do to get ready?
- How are other Councils preparing, and what is best practice?
- What can Brent do to attract more businesses and more business rates once all rates are retained by local authorities?

12. Stronger Communities – Child Sexual Exploitation & Gangs

Task Group to be chaired by Cllr Tatler, terms of reference to be decided at a later date.

13. Budget

Annual budget scrutiny panel chaired by Cllr Kelcher