



**Brent**

**SUMMONS TO ATTEND COUNCIL MEETING**

**Monday 22 January 2018 at 7.00 pm**

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

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

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

CAROLYN DOWNS  
Chief Executive

Dated: Friday 12 January 2018

**For further information contact:** Thomas Cattermole, Head of Executive and Member Services, 020 8937 5446, [thomas.cattermole@brent.gov.uk](mailto:thomas.cattermole@brent.gov.uk)

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:  
[democracy.brent.gov.uk](http://democracy.brent.gov.uk)

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

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

## **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
  - To which you are appointed by the council;
  - which exercises functions of a public nature;
  - which is directed is to charitable purposes;
  - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above

# Agenda

## 1 Apologies for Absence

To receive any apologies for absence from Members.

## 2 Minutes of the Previous Meeting

To confirm as a correct record, the attached minutes from the following meetings of Council held on:

- |  |         |
|--|---------|
| (a) Monday 18 September 2017; and                          | 1 – 26  |
| (b) Monday 6 November 2017 (Extraordinary Council meeting) | 27 - 30 |

## 3 Declarations of Interest

Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which they relate.

## 4 Mayor's Announcements (including any petitions received)

To receive any announcements from the Mayor.

## 5 Appointments to Committees and Outside Bodies and Appointment of Chairs/Vice Chairs (if any)

To agree any appointments to Committees and Outside Bodies in accordance with Standing Order 30(g).

## 6 Reports from the Leader and Cabinet

To receive reports from the Leader and Cabinet Members in accordance with Standing Order 31.

## 7 Deputations (if any)

To hear any deputations received from members of the public in accordance with Standing Order 32.

## 8 Questions from Members of the Public 31 - 34

To receive questions from members of the public to Cabinet Members, in

accordance with Standing Order 33.

Two questions have been received from members of the public, which have been attached along with the written responses provided.

## **9 Petitions (if any)**

For Councillors to refer to petitions received and debate any with more than 200 signatures, where notice has been provided in accordance with the Council's petition rules and Standing Order 66.

## **10 Non Cabinet Members' Debate**

To enable non Cabinet Members to debate an issue of relevance to Brent for which notice has been provided in accordance with Standing Order 34 and to receive reports from Cabinet members on any issues previously raised.

## **11 Questions from the Opposition and other Non-Cabinet Members** 35 - 42

For questions to be put to members of the Cabinet in accordance with Standing Order 35.

Details of the seven questions received have been attached along with the written responses provided.

## **12 Report from Chairs of Scrutiny Committees** 43 - 82

To receive reports from the Chairs of the Council's Scrutiny Committees in accordance with Standing Order 36.

## **13 Report from the Vice-Chair of the Audit Advisory Committee** 83 - 88

To receive a report from the Vice-Chair of the Audit Advisory Committee in accordance with Standing Order 37.

## **14 Emergency Preparedness: Task Group Report** 89 - 158

Following the tragic fire at Grenfell Tower, a joint Task Group was formed between members of the Audit Advisory Committee and each of the Scrutiny Committees, to assess Brent's emergency preparedness.

The attached report sets out the Task Group's findings and recommendations and has been referred to Council, following consideration by the Audit Advisory Committee on 10 January 2018.

**15 Changes to the Constitution** 159 - 192

Full Council is asked to agree the changes to the Constitution as set out within the attached report.

**16 2017/18 Mid - Year Treasury Report** 193 - 204

This report provides Members with a mid-year update on Treasury Management activity for 2017/18.

The report has been reviewed by Audit Committee and is also due to be considered by Cabinet on 15 January 2018. Council is being asked to consider the report in accordance with the Treasury Management Strategy and Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management.

**17 Motions** 205 - 208

To debate the motions submitted in accordance with Standing Order 41.

**18 Urgent Business**

At the discretion of the Mayor to consider any urgent business, in accordance with Standing Order 30(r).



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

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

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## LONDON BOROUGH OF BRENT

Minutes of the ORDINARY MEETING OF THE COUNCIL  
held on Monday 18 September 2017 at 7.00 pm

### PRESENT:

**The Worshipful the Mayor**  
Councillor Bhagwanji Chohan

**The Deputy Mayor**  
Councillor Arshad Mahmood

### COUNCILLORS:

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

### 1. **Mayors Statement - Order of Business**

Before the formal meeting began, the Mayor informed members of a change to the order of business set out on the original summons. The Mayor advised that notice had been received, during the day, that Councillors Davidson and Maurice had joined the Brent Conservative Group and this required a formal review of the representation of political groups on committees. Given the late notice of this change, the Mayor advised that he had agreed to include this on the agenda as an urgent item. An urgent supplementary report had been published, which would be taken prior to Item 5 on the agenda (Appointments to Committees and Outside Bodies and Appointment of Chairs/Vice-Chairs).

In addition, as a number of questions from members of the public had been received and there had been significant public interest in the Motions listed for consideration along with accompanying requests for deputations the Mayor advised that, in accordance with Standing Order 37, he also intended to move these items up the agenda for consideration in advance of Agenda Item 9 (Motions).

As a result it was **RESOLVED** that

(1) The business to be considered at the meeting be re-arranged in the following order:

- Agenda Item 5 – Urgent Item: Representation of Political Groups on Committees;
- Agenda Item 6 - Appointments to Committees and Outside Bodies and Appointment of Chairs/Vice-Chairs;
- Agenda Item 7 – Questions from Members of the Public
- Agenda Item 8 – Deputations
- Agenda Item 9 - Motions

(2) The rest of the business for the meeting follow in the same order as listed on the agenda.

*(Please note the minutes reflect the order in which the items were considered at the meeting).*

## 2. **Apologies for Absence**

The Mayor advised that direct apologies for absence had been received from Councillors Hector, Khan, Marquis, Pavey and Pitruzella.

In addition it was noted that Councillor Collier was also unable to attend the meeting. As notice of his absence had not been received by the Head of Executive & Member Services in advance of the meeting Carolyn Downs (Chief Executive) advised it would not be possible to record this as a formal apology for absence.

## 3. **Minutes of the Previous Meeting**

**RESOLVED** that the minutes of the previous Council meeting held on 10 July 2017 be approved as an accurate record of the meeting.

## 4. **Declarations of interests**

The Mayor invited Members to declare any personal, prejudicial or disclosable pecuniary interests in relation to matters due to be considered at the meeting, in accordance with the Members Code of Conduct.

- (a) Councillor Nerva declared a personal interest in respect of agenda item 17 (Motion – Adoption of International Holocaust Remembrance Alliance definition of Antisemitism) as he was a member of the Jewish Labour movement.
- (b) Councillor Stopp declared a personal interest in respect of agenda item 17 (Motion – Adoption of International Holocaust Remembrance Alliance definition of Antisemitism) as he was a member of the Jewish Labour movement.

## 5. **Mayor's Announcements (including any petitions received)**

The Mayor made the following announcements:

### **(i) London Terror Attack**

The Mayor referred to the recent terror attack in London and felt that once again the public had shown that those who attempted to use terror to hurt their way of life would not succeed.

The Mayor advised that the Council's thoughts were with those affected by the tragedy, their friends and families along with the emergency services who had responded so well to it.

### **(ii) Mary Turner - Condolences**

With sadness, the Mayor announced the recent death of Mary Turner, a former school dinner lady at Salusbury Primary School in Brent, who had risen to become president of the GMB for 20 years.

Paying tribute, he advised Members that she had been born in Ireland but her parents had moved to the UK in the early 1950s and later settled in Kilburn, where Mary had attended Carlton Vale School.

Mary was survived by John and Denise, and five grandchildren and the Mayor advised she would be sorely missed.

### **(iii) Death of a former Councillor Jack Sayers**

The Mayor also announced with sadness the recent death of former Councillor Jack Sayers. Members were advised that his cremation would take place at 10am on Thursday 28 September at Golders Green Crematorium. A reception would follow at the Railway Club, Cricklewood Broadway to which all Members were welcome to attend.

He asked everyone present to join him in observing a minutes silence in memory of former Councillor Sayers.

*(A minutes silence was observed).*

**(iv) GCSE and A - level results**

The Mayor announced he was proud to highlight the recent GCSE and A level results across Brent and congratulated all students, on behalf of the Council, on their fantastic results. He recognised that these results represented many years of hard work and wished all students well in the next steps of their lives.

**(v) Mayors Charity Fundraising event – 1 September 17**

The Mayor thanked everyone who had attended his first Fundraising Event on 1 September 2017. He was grateful for all the artists, musicians, comedians and singers who had filled the Grand Hall and given their time to raise money for his two chosen charities.

**(vi) Former Mayor – Fundraising Total**

The Mayor took the opportunity to congratulate his predecessor, former Mayor Councillor Parvez Ahmed, who had recently announced the fundraising total for his year in office. He advised that Councillor Ahmed had raised a total of £51,000, which would be shared equally between his three chosen charities.

**(vii) Pakistan and India Independence Day**

The Mayor advised he was delighted to have been able to join fellow councillors at the celebrations to mark Pakistan and India Independence Days in August. He also thanked Councillors Hirani and Agha for organising and hosting events at the Civic Centre, which he was pleased to observe had been enjoyed by many Members and staff.

**(viii) Mayors Civic Service – 17 October 2017**

Members were reminded that the Mayors Civic Service would be taking place on 17 October 2017 at 6pm. The Service would be taking place at Ealing Road Temple and all Members were welcome to attend. The Service would start with a tour of the temple and then be followed by a multi faith ceremony.

**(ix) Petitions**

Members noted that in accordance with Standing Order 68(f) a list of current petitions had been circulated which also detailed the progress made in dealing with them.

**6. Representation of Political Groups on Committees**

The Mayor advised that pursuant to s100B(4)(b) of the Local Government Act he had agreed to accept a report from the Chief Legal Officer regarding a change in political representation on the Council as an urgent item for consideration at the meeting. This was in view of the fact that there was a statutory duty on the Council to undertake a review of the arrangements for the representation of political groups

on committees as soon as was practical following any change in arrangements being notified.

Members were reminded that the report from the Chief Legal Officer had been published as a supplementary agenda item, with the change in political representation involving Councillors Davidson and Maurice moving from the Conservative Group to join the Brent Conservative Group. Members noted the change in membership would mean that the Brent Conservative Group would now form the principal opposition group on the Council.

In terms of the outcome of the review, it was **RESOLVED**:

- (1) that the size of each committee to which the political balance rules would apply should remain unchanged;
- (2) that where the rules of political balance apply, the allocation of seats to each of the Council's political groups on committees would be as detailed within section 3 of the report;
- (3) that as a result of (2) above appointments to committees would be made giving effect to the wishes of the political group allocated the seats;
- (4) to note that the political balance on sub-committees would be reviewed at the next meeting of the General Purposes Committee.

7. **Appointments to Committees and Outside Bodies and Appointment of Chairs/Vice Chairs (if any)**

Following on from the change in political representation on the Council and outcome of the subsequent review, the Mayor again referred Members to the supplementary pack circulated in advance of the meeting, which contained a list of changes to appointments on Council Committees, Sub Committees and other bodies.

It was **RESOLVED** that the following appointments be approved:

- (1) Appointment of Simon Goulden (United Synagogue) as co-opted Member of the Community and Wellbeing Scrutiny Committee.
- (2) Resignation of Councillor Naheerathan as a full Member of the Council's Alcohol and Entertainment Licensing Main Committee with Councillor Duffy nominated to take his place, as full Member.
- (3) Resignation of Councillor Warren as a full Member of the Council's Corporate Parenting Committee with Councillor Kansagra nominated to take his place, as full Member.
- (4) Resignation of Councillor Ms Shaw as substitute Member of the Council's Corporate Parenting Committee with Councillor Colwill nominated to take her place, as substitute Member.

- (5) Resignation of Councillor Warren as full Member of the Council's Standards Committee with Councillor Colwill nominated to take his place, as full Member.
- (6) Resignation of Councillor Ms Shaw as substitute Member of the Council's Standards Committee with Councillor Kansagra nominated to take her place, as substitute Member.
- (7) Resignation of Councillor Davidson as substitute Member of the Council's Health and Wellbeing Board.
- (8) Resignation of Councillor Kansagra as full Member and Vice-Chair of the Council's Community & Wellbeing Scrutiny Committee with Councillor Warren nominated to take his place, as full Member and Vice-Chair.
- (9) Resignation of Councillor Colwill as substitute Member of the Council's Community & Wellbeing Scrutiny Committee with Councillor Ms Shaw nominated to take his place, as substitute Member.
- (10) Resignation of Councillor Colwill as substitute Member of the Council's Resources and Public Realm Scrutiny Committee with Councillor Warren nominated to take his place, as substitute Member.
- (11) Resignation of Councillor Kansagra as substitute Member of the Council's Resources and Public Realm Scrutiny Committee with Councillor Maurice nominated to take his place, as substitute Member.
- (12) Resignation of Councillor Colwill as full Member and Vice-Chair of the Council's Housing Scrutiny Committee with Councillor Ms Shaw is nominated to take his place, as full Member and Vice-Chair.
- (13) Resignation of Councillor Davidson as substitute Member of the Council's Housing Scrutiny Committee with Councillor Warren is nominated to take his place, as substitute Member.
- (14) Resignation of Councillor Kansagra as substitute Member of the Council's Housing Scrutiny Committee with Councillor Maurice nominated to take his place, as substitute Member.
- (15) Resignation of Councillor Colwill as substitute Member of the Council's Planning Committee with Councillor Davidson nominated to take his place, as substitute Member.
- (16) Resignation of Councillor Kansagra as substitute Member of the Council's Planning Committee with Councillor Ms Shaw nominated to take his place, as substitute Member.
- (17) Resignation of Councillor Kansagra as substitute Member of the Council's Equalities Committee with Councillor Warren nominated to take his place, as substitute Member.

- (18) Resignation of Councillor Kansagra as substitute Member of the Council's Audit Advisory Committee with Councillor Warren nominated to take his place, as substitute Member.
- (19) Resignation of Councillor Colwill as full Member of the Council's General Purposes Committee with Councillor Warren nominated to take his place, as full Member.
- (20) Resignation of Councillor Kansagra as substitute Member of the Council's General Purposes Committee with Councillor Ms Shaw nominated to take his place, as substitute Member
- (21) Resignation of Councillor Davidson as substitute Member of the Council's General Purposes Committee with Councillor Maurice nominated to take his place, as substitute Member.
- (22) Resignation of Councillor Ms Shaw, as full Member of the Council's Alcohol and Entertainment Licensing Committee with Councillor Maurice nominated to take her place, as full Member.
- (23) Resignation of Councillor Kansagra as substitute Member of the Council's Audit Committee with Councillor Warren nominated to take his place, as substitute Member.

## 8. **Questions from Members of the Public**

The Mayor advised that in accordance with Standing Order 39A four questions had been received from the following members of the public:

**Question 1 from Mr Wadhvani to Councillor Tatler, Cabinet Member for Regeneration, Growth, Employment and Skills** relating to the strategies in place to address demand on housing and other local services as a result of regeneration activity in Wembley Park.

**Question 2 from Ms Dowell to Councillor Southwood, Cabinet Member for Environment** regarding the costs and action being taken to deal with fly-tipping, with specific reference to the area in and around Selwyn Avenue, Bruce Avenue and Alric Avenue.

**Question 3 from Mr Adow and Mrs Macolin to Councillor Farah, Cabinet Member for Housing and Welfare Reform** regarding operation of the Housing Allocation Policy.

**Question 4 from Mr Grigg to Councillor Mili Patel, Cabinet Member for Children and Young People** regarding the adoption of a Council Tax exemption for care leavers up to the age of 25.

Members noted the written responses provided on each question, which had been circulated with the agenda. The Mayor advised that each questioner had been invited to attend the meeting in order to ask a supplementary question and as a result welcomed Mr Wadhvani (Question 1) and Mr Grigg (Question 4) to the meeting.

He advised that Mr Wadhvani had indicated in advance that he did not wish to ask a supplementary question. The Mayor therefore invited Mr Grigg to put his supplementary question to Councillor Mili Patel.

### **Supplementary to Question 5 from Mr Grigg to Councillor Mili Patel, Cabinet Member for Children and Young People**

Mr Grigg thanked Councillor Patel for her positive response and also Councillor Kelcher and Hector for their support in pursuing this matter. He advised that working for the Children's Society he had been involved with a number of Councils in seeking agreement to the adoption of Council Tax exemptions for care leavers up to the age of 25. The written response provided had implied that Brent, as corporate parent to a number of care leavers, would also be looking at this. Keen to build on the positive response, Mr Grigg asked if it would be possible to confirm an anticipated date for considering the exemption and also whether it would be possible, as other Councils had done, to back date and also apply any exemption from mid-year.

In response Councillor Mili Patel advised that as part of the Children's and Social Work Act 2017 the Local Authority was required to produce a Local Offer and she was pleased to confirm that for care leavers this would include a proposed exemption for Council Tax. Whilst not able to provide a specific date, it was anticipated that Cabinet approval would be sought towards the end of the year and this would be likely to include any exemption being back dated.

#### **9. Deputations (if any)**

The Mayor advised that one deputation had been received within the timescale set out under Standing Order 39(c). The deputation had been requested by Rabbi Dabba Smith and related to the motions due to be considered on Hate Crime and Antisemitism.

In addition, two further deputation requests had been received in relation to the motion on the International Holocaust Remembrance Alliance (IHR) definition of Antisemitism, although the Mayor advised these had been submitted after the formal deadline had expired. These requests had been from Mr Peter Firmin and Mr Padraic Finn. Given that both of these requests had been received late, the Mayor advised Members that if they were minded to accept both deputations there would be a need to suspend Standing Order 39(c) in order to allow them to be heard.

Given the subject matter of both of the additional deputations, Members indicated that they would be willing to make an exception in order to allow them to be heard. It was therefore **RESOLVED** that Standing Order 39(c) be suspended to enable the two additional deputations from Mr Firmin and Mr Finn to be heard.

The Mayor then welcomed Rabbi Dabba Smith and invited him to address the meeting.

Rabbi Dabba Smith began by thanking the Mayor for allowing him to address the meeting, advising that he was speaking in support of the motions listed on the

agenda relating to Hate Crime and the IHR definition of Antisemitism. He began by highlighting the difficult times in which he felt people were now living given the enhanced forms of nationalism and exploitation of hatred now being experienced in many countries. He felt that both motions complimented each other and advised that whilst he shared concerns about the actions of the Israeli Government he was also concerned at the level of hatred being directed towards the Jewish community. Rabbi Dabba Smith felt there was nothing in the text of the motion on Antisemitism that would deter legitimate or reasoned criticism of the policies of Israel and outlined his close work with colleagues in the region on a cross border basis, as part of his relationship with the Eco Peace organisation. He also supported the concerns highlighted in the motion on Hate Crime around the increase in religious hatred and supported inclusion of the specific reference towards Islamophobia, which he felt was even more of an issue than antisemitism. He highlighted work he was involved in locally to tackle this issue, particularly in relation to Muslim women, and supported the need to continue working collaboratively in addressing these concerns.

Rabbi Dabba Smith ended his deputation by highlighting the positive atmosphere within Brent which encouraged sharing and tolerance between different cultures, ethnicity and religions and generated a stronger feeling of community. He urged members not to take this for granted and to continue working together with the local community to encourage and support this approach.

The Mayor thanked Rabbi Dabba Smith for his comments and then invited Mr David Kaye (speaking on behalf of the deputation requested by Mr Peter Firmin) to present his deputation.

Mr Kaye introduced himself and advised that he was sadly speaking against the motion due to be considered on the IHR definition of antisemitism, which he felt was both unnecessary and divisive. He felt it important to recognise the good work being undertaken in Brent to tackle racism and felt that if this needed to be strengthened for any reason in relation to antisemitism, this should be based on a much broader definition than proposed in the motion. In his view, which he pointed out was shared by a number of Jewish colleagues, the motion was not required and would not strengthen the position in tackling antisemitism given:

- the vagueness of the definition provided, which had also been subject to counsel opinion; and
- the link which the definition made to the state of Israel and criticism of its policies in relation to self-determination;

In addition Mr Kaye expressed concern at inclusion of the term “tropes” in the wording of the motion in terms of any criticism being made towards Israel. In his view there was no link between antisemitism and criticism being directed towards Israel or any other state. As a result he urged Members to vote against the motion on the basis he felt it to be both unnecessary and divisive.

The Mayor thanked Mr Kaye for his comments and then invited Mr Michael Coleman (speaking on behalf of the deputation requested by Mr Padraic Finn) to present his deputation.

Mr Coleman began by advising Members that he would be speaking against the motion on antisemitism and on behalf of a number of Brent residents (both Jewish and non-Jewish) who were concerned about the Council's potential adoption of the IHR definition of the antisemitism.

He advised that these concerns were based on the fact the definition had no legal status. There was no requirement on the Council to adopt such a definition and he highlighted there had been widespread and robust opposition to the IHR definition including from amongst leading Jewish lawyers. In addition he pointed out that the definition did not appear to be consistent with the requirements of Article 10 of the UN Declaration on Human Rights in terms of Freedom of Expression and could potentially be unlawful if applied. He also queried the basis on which the definition was being promoted, which he felt appeared to focus on antisemitism as separate from and obscuring the need to tackle other forms of racism and hate crime. Finally he was concerned at the way in which the definition appeared to link antisemitism with criticism of the state of Israel.

He also felt there was a need to consider the motion in a wider context, recognising that according to a recent Jewish Policy Research report incidents of antisemitism in the UK were amongst the lowest in the world. At the same time there was a need to recognise the general rise in hate crime with a much higher instance amongst other groups such as Muslims, people of colour, LGBT community and those with disabilities. Rather than focussing purely on antisemitism he felt there was a need to concentrate on tackling hate crime in its broadest form and not just in relation to the Jewish community.

Whilst recognising that the definition was being promoted by a number of organisations, Mr Coleman highlighted they did not speak for everyone and the Council should be seeking to defend the right to freedom of expression. In summing up Mr Coleman felt that the IHR definition the Council was being asked to consider adopting would not assist in helping to defend the Jewish community from the most common form of anti-semitic hate crime and would also obscure the need to tackle other more prevalent forms of racism and hate crime. He therefore urged Members to reject the motion either in full or at least by the removal of the definition of anti-semitism that had been included.

The Mayor thanked Mr Coleman for his comments and advised, by way of response that as all of the deputations related to motions listed on the agenda the meeting would now move on to consider these motions.

## 10. **Motions**

### **10.1 Motion from Labour Group – Challenging Hate, Championing Cohesion**

The Mayor invited Councillor Nerva to move the motion from the Labour Group who began by highlighting what he felt was one of the main benefits about living in Brent, which was the strength of cohesion between the different and diverse communities across the borough. He recognised, however, that whilst positive this did not prevent problems such as hate crime being experienced and in these instances the Council would have a role in not only supporting victims but also in seeking to tackle and prevent these type of problems. Whilst the motion being moved was therefore a statement on hate crime, he felt it also needed to be

considered alongside the motion on antisemitism, which had already been approved by a number of other neighbouring boroughs.

Adopting both motions would not, he pointed out, prevent the Council from focussing on other groups affected by hate crime or mean the Council had any form of hierarchy for dealing with hate crime. He also referred to a letter sent to all Councillors by the Board of Deputies which had urged them to support the motions on both hate crime and antisemitism. In addition Councillor Nerva took the opportunity to highlight the outstanding co-operation and joint working already in existence between Muslim and Jewish communities within the borough. He also felt it was important to recognise, as highlighted within the motion, the increase in hate crime being reported against EU nationals since the EU Referendum. In summing up, he urged Members to support both motions and also the activities planned during the forthcoming Hate Crime Week.

Councillor Warren, speaking on behalf of the Brent Conservative Group, advised that his Group had no concern about supporting the motion as a measure designed to maintain and enhance the strong community relations across the borough. He felt it was important for all Members to condemn and for the Council to continue to challenge and tackle hate crime in whatever form it was experienced.

Finally the Mayor invited Councillor Colwill to respond to the motion on behalf of the Conservative Group. Councillor Colwill advised that he fully supported the comments already made by Councillors Nerva and Warren and felt it important to also highlight the strong community relations within the borough and need to continue to tackle all forms of hate crime.

The motion (as set out below) was then put to the vote by a show of hands and declared **CARRIED**.

“Brent Council expresses grave alarm and concern at the upswing in hate crime, discriminatory acts and violations of dignity in the last year across the United Kingdom.

We condemn racism and xenophobia as well as all other forms of discrimination (including but not limited to discrimination on the grounds of disability, sex, acts of homophobia, religious intolerance, ageism and any other violations of human rights such as modern slavery) as flagrant breaches of the Universal Declaration of Human Rights.

The council is deeply concerned about the surge in religious hatred, such as antisemitism and islamophobia and strongly condemn all forms of discrimination against religious beliefs. This may constitute expressions of hatred, rhetorical and physical manifestations of religious hatred, including against property, community institutions and religious facilities.

Brent Council welcomes the publication of “Hate Crime: A guide to those affected”. This much needed guide results from a ground-breaking collaborative approach involving the Community Security Trust, Tell MAMA, The Crown Prosecution Service and the Department for Communities and Local Government.

The council unequivocally condemns hate crimes against EU nationals which have seen a rise in the last year. We recognise the essential contribution that EU nationals make to our workforce and communities; the council will continue to help and support this group in any way that we can.

Brent Council pledges to combat all forms of pernicious racism and reiterates that any form of hate crime and discrimination (including discriminatory and mendacious statements or publications, harassment, bullying or victimisation) will not be tolerated in our workforce and communities.

The diversity of the borough and the cohesion between its different communities are major strengths and assets of Brent. We reassure our residents and employees that we continue to provide support for victims of acts described above, to report incidents and will within our powers, take action wherever possible against perpetrators who commit such heinous acts.”

## **10.2 Motion from Conservative Group – Adoption of International Holocaust Remembrance Alliance Definition of Antisemitism**

The Mayor advised Members that as a result of the change in political membership on the Council late notice had been received of an alteration to the mover and wording of the original motion. As this had been received after the deadline, the Mayor advised he would need to seek Members approval to waive Standing Order 45(d) in order to permit the Leader of the Conservative Group to now alter the motion as follows:

- Deletion of the following sentence and all bullet points listed after: “The guidelines highlight manifestations of antisemitism as including:”; and
- Amend the final paragraph to read “This Council welcomes the cross-party support within the Council for combatting antisemitism in all its manifestations and pledges to combat this pernicious form of racism.”

The alteration had also been detailed as part of the supplementary agenda issued in advance of the meeting.

The procedural motion to suspend Standing Order 45(d) in order to enable the motion to be altered was put to the vote by a show of hands and declared **LOST**.

As a result, the Chief Executive advised Members that the motion to be considered would be the original version submitted in the name of Councillor Davidson and the Conservative Group and published with the main agenda. Whilst Councillor Davidson, had subsequently joined the Brent Conservative Group he moved the motion with the consent of Councillor Colwill, as Leader of the Conservative Group.

Councillor Davidson began by highlighting his strong support for the motion which would involve the Council joining with 100 other local authorities in adopting the IHR Alliance definition on Antisemitism. In moving the motion, he felt it was important to recognise the rise in hate crime and its particular impact on Jewish communities across the UK, with recorded incidents of antisemitism in the UK at their highest levels since the 1980’s. He therefore also welcomed the Government’s intention to sign up to the definition.

Whilst recognising that the guidelines included as part of the definition had caused some concern, he felt there was nothing included within them that members should not want to sign up to. As a Council, he felt Brent had a duty to condemn all forms of hate crime and racism within the borough including antisemitism, which he pointed out had been a longstanding issue. He therefore urged all members to support the motion on a cross party basis.

Following the original motion having been moved, the Mayor advised Members of a further amendment submitted by Councillor Choudhury, the details of which had also been included on the supplementary papers published in advance of the meeting. Councillor Choudhury formally moved the amendment, highlighting that the intention was to help clarify and seek a cross party consensus on the definition. The Chief Executive clarified the amendment was as follows:

To delete the sentence in the original motion:

“The guidelines highlight manifestations of antisemitism as including:”

and replace with:

“The guidelines highlight possible manifestations of antisemitism as sometimes including:”

To delete bullet point 7 in the original motion:

“ Denying the Jewish people their right to self-determination e.g. by claiming that the existence of a State of Israel is a racist endeavour.”

and replace as bullet point 7 with:

“Denying the Jewish people their right to self-determination provided Palestine rights of self-determination are also recognised.”

Prior to being put to the vote, Councillor Butt advised of an alteration to the above amendment which Councillor Choudhury confirmed he would be willing to accept. The alteration was as follows:

Amendment to bullet point 7 to read:

“Denying the Jewish people their right to self-determination ~~provided Palestine~~ **alongside Palestinian** rights of self-determination ~~are also recognised.~~”

The amendment, as altered, was then put to the vote by a show of hands and declared **CARRIED**.

The Mayor then invited Councillor Miller, on behalf of the Labour Group to respond to the substantive motion (as amended). Councillor Miller began by highlighting the motion already agreed on hate crime, and of the commitment of the Council to tackle all forms of hate crime as set out in the Stronger Communities Strategy including antisemitism. Whilst a number of views had been expressed on the definition, including those worried about its impact on free speech, there had also

been a number implying some form of hierarchy of bigotry in terms of how hate crime was tackled, which he advised was not a concept supported or recognised by the current Administration. He highlighted a need to recognise the statement “Never Again” as a call for action which was also supported by the Community Safety Trust and felt that the amendment agreed would ensure concerns expressed in relation to the definition and criticism of Israel could be addressed whilst also preserving a clear definition of antisemitism. He therefore advised that the Labour Group would be willing to support the motion (as amended).

As Conservative Members advised that had no further comments to make, the substantive motion (as amended and set out below) was then put to the vote by show of hands and declared **CARRIED**.

“This Council notes with alarm the rise in antisemitism in recent years across the UK. This includes incidents when criticism of Israel has been expressed using antisemitic tropes. Criticism of Israel can be legitimate, but not if it employs the tropes and imagery of antisemitism.

We therefore welcome the UK Government’s announcement on December 11th 2016 that it will sign up to the internationally recognised International Holocaust Remembrance Alliance (IHRA) guidelines on antisemitism which define antisemitism thus:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

The guidelines highlight possible manifestations of antisemitism as sometimes including:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination alongside Palestinian rights of self-determination.
- Applying double standards by requiring of it behaviour not expected or demanded of any other democratic nation.

- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

This Council welcomes the cross-party support within the Council for combating antisemitism in all its manifestations. This Council hereby adopts the above definition of antisemitism as set out by the International Holocaust Remembrance Alliance and pledges to combat this pernicious form of racism.”

### **10.3 Motion from Brent Conservative Group - Brent Planning System**

The Mayor invited Councillor Warren to move the motion from the Brent Conservative Group who highlighted what he felt to be the public loss in confidence in Brent’s Planning system. In order to restore resident’s confidence in the system, he felt there was a need for an independent review into all aspects of the planning process.

Councillor Tatler, responding on behalf of the Labour Group, highlighted that the planning process had already been subject to independent review with progress against the recommendations made being monitored through the Audit Advisory Committee. She also highlighted what she felt to be the lack of constructive engagement by the Brent Conservative Group in the review process and advised that on this basis the Labour Group would not be prepared to support what they felt to be an unnecessary and costly additional review.

In exercising his right of reply, Councillor Warren highlighted what he felt was the serious nature of the concerns raised by local residents which he felt therefore justified further review.

As Conservative Group Members advised that had no comments to make, the motion (as set out below) was then put to the vote by show of hands and declared **LOST**.

“This Council notes that our residents have lost confidence in the Brent planning system.

Residents tell us that consultations are mere public relation exercises, that decisions are often perverse and some seemingly politically motivated.

We note last year's damning report on the Brent planning service by PWC, and agree to hold an independent inquiry into every aspect of the planning process. This Council agrees that this is the only way that we can hope to restore residents' confidence in our planning service.”

## **11. Reports from the Leader and Cabinet**

In accordance with Standing Order 38, the Council received reports from the Leader of the Council and Cabinet Members, as follows:

- (i) Councillor Butt (Leader of the Council)

Councillor Butt, whilst welcoming Councillor Warren as the Leader of the new principal Opposition Group on the Council also highlighted as an issue the frequency of change between membership of both Opposition Groups. He also advised Members that a response was still awaited from the Secretary of State to the request from the Council for financial flexibility and assistance in terms of undertaking additional fire safety works in tower blocks identified as a result of the tragedy at Grenfell Tower. Concern was expressed that no response had yet been provided and he suggested that Opposition Members may also wish to call on their Government colleagues for a response, given the importance of the issue in terms of resident safety.

In accordance with Standing Order 16(b) Councillor Butt also reported use of the urgency procedure in relation to the following two decisions:

- Extension of Reed Contract; and
- Brent Domestic Abuse Advocacy and MARAC Coordination – Contract Variation

(ii) Councillor McLennan (Deputy Leader of the Council)

Councillor McLennan advised she was pleased to announce that despite a challenging position it was now possible to report that the Council had achieved a balanced budget for 2017/18 and was moving towards a balanced position for 2018/19. She thanked all involved for their ongoing efforts in relation to the budget position but felt it important to recognise that further difficult challenges would need to be faced when setting the budget for 2019/20 and beyond. The decision to move to a two year budget setting cycle had, however, helped to manage the reductions needing to be achieved and she felt represented a sensible planning approach.

In concluding her update, another significant area of work which Councillor McLennan drew Members attention to was the progress being made on introduction of pilot Business Rate pooling arrangements across London which she advised was something that would continue to be kept under review.

(iii) Councillor Tatler (Cabinet Member for Regeneration, Growth, Employment and Skills)

In response to concerns regarding the adverse impact that legislation relating to Permitted Development rights was having on the local economy and on the Council's role at the heart of the planning process, Councillor Tatler advised she was pleased to announce that Cabinet had recently approved the pursuit of an Article 4 Directive. The Directive would cover the Wembley and Alperton area and assist the Council in preventing developers seeking to by-pass the planning process.

In addition Councillor Tatler took the opportunity to remind Members of the review currently being undertaken on the Local Plan and the importance of ensuring as wide engagement as possible in the consultation process. Members had been provided with a leaflet detailing the various consultation

events and were asked for support in encouraging as many people as possible to participate.

(Councillor Allie left the meeting at 8.15pm)

(iv) Councillor Southwood (Cabinet Member for the Environment)

Councillor Southwood began by reminding Members of the zero tolerance approach being taken by the Council towards the illegal dumping of rubbish and dropping of litter. As part of this approach she extended a warm welcome to colleagues (formerly employed through Kingdom Security) who had recently joined the Council and advised that she looked forward to seeing the team continue to grow and add value in tackling these issues.

At this stage in proceedings, Councillor Duffy advised he wished to raise a point of order relating to performance on fly-tipping, recycling and the impact of the introduction of charges for collection of bulky waste. As Councillor Southwood was part way through her update the Mayor ruled that he was not prepared to allow the interruption and asked Councillor Duffy to return to his seat.

Councillor Southwood continued by highlighting that one of the reasons for bringing the team in-house had been to provide additional flexibility and a more localised approach. She also highlighted that staff were already employed on the London Living Wage. The success of the Cleaner Brent App was also highlighted as a further initiative in assisting to tackle the concerns raised.

In terms of other issues, Councillor Southwood then moved on to highlight the work being undertaken with local schools around improvements to Air Quality through the introduction of an anti-idling initiative, which all members were encouraged to support. She then concluded by advising of an initiative designed to address frustrations with the current speed and cost of pot-hole and pavement repairs involving the allocation of funding for the introduction of a new faster method of repair which would avoid the need for associated road closures.

(Councillor Duffy left the meeting at 8.24pm)

(v) Councillor Hirani (Cabinet Member for Community Wellbeing)

Councillor Hirani began his update by reporting that the Council had recently submitted its return for the Better Care Fund, which aimed to build on the work already being delivered jointly with health partners across a number of areas including Adult Social Care, Housing and Hospital Discharge.

In addition, he advised Members of a recent visit to Birchwood Grange, as the boroughs largest care home, to view measures being taken to deliver a more co-ordinated care service for its residents.

Member were also advised of the celebrations underway to mark the anniversary and success achieved through the Social Isolation in Brent

initiative, which it was hoped could be further expanded over the coming year. Before finishing, Councillor Hirani advised that whilst grateful to all staff in Adult Social Care and Public Health for their efforts in supporting the Grenfell response teams he wanted to offer his personal thanks to the following two members of staff - Helen Woodland and Melanie Smith for their specific work in support of the response effort.

(vi) Councillor Miller (Cabinet Member for Stronger Communities)

Councillor Miller advised that the main focus of his report would be on the measures being introduced to tackle sales of high strength acid and street drinking across the borough. In terms of acid sales (not all of which were licensed) he outlined the work being undertaken by Trading Standards to support and advise local businesses and advised Members that information was available, should they wish to support these efforts, to pass on to local businesses involved in these type of sales within their wards.

He was also proud to announce, as a measure designed to tackle Street Drinking the introduction of a Public Space Protection Order covering the whole borough. This would provide the ability to impose fines of up to £100 for street drinking alongside the option, where it was felt appropriate, for referrals to be made the substance misuse service.

Councillor Miller concluded his report by advising Members that as part of the Safer Brent initiative work was shortly due to begin on the roll out of an upgraded CCTV system and that he was also pleased to announce the appointment of two additional Independent Domestic Violence Advocates to assist with early intervention and identification of victims in cases involving domestic violence.

(vii) Councillor Farah (Cabinet Member for Housing and Welfare Reform)

Councillor Farah reminded Members that the Council would be welcoming its Housing Management Service back in house from the 2<sup>nd</sup> October. He reassured members and the public that plans for the transfer, were progressing well.

In addition agreement had now been secured within the Council for the adoption of an Additional and Selective Licensing Scheme, which was now subject to approval by the Secretary of State and would assist in regulating the operation of landlords in the private rented sector. In addition to Council would also be seeking to apply civil penalties on landlords renting out substandard accommodation, with a potential a maximum fine of £30k.

He finished by advising he was pleased to be able to announce the launch of a ground breaking scheme designed to assist in the prevention of single homelessness through the provision of targeted support and advice.

(viii) Councillor Patel (Cabinet Member for Children and Young People)

Councillor Patel began by expressing her congratulations and thanks to the first cohort of GCSE students who had performed so well in terms of the new

and much more challenging syllabus and exams. She advised that she was also proud to announce that performance in terms of A Level students achieving grades A\* - B had also increased to 57% within the borough which was 4% above the national average and represented a 3% increase on the previous year's performance. Headteachers and teaching staff were also welcomed back after their well-earned summer break.

Councillor Patel finished by also taking the opportunity to thank Gail Tolley and Nigel Chapman for their work in heading up the Grenfell Family Unit and to Brain Grady for the cover he had provided in terms of managing the Council's Children & Young People service during this period.

The Mayor thanked the Leader and Cabinet Members for the updates provided.

## 12. **Annual Report from the Leader**

The Mayor invited Councillor Butt, Leader of the Council, to present (in accordance with Standing Order 42) his first annual report on the work of the Council.

By way of introduction Councillor Butt referred to the difficult year faced by London, as a city, during 2017 and way in which the capital always managed to not only recover but thrive.

As an example of the energy and renewal locally, he outlined the continued success of GCSE and A-Level students across the borough, with students and teachers congratulated for their performance. In addition, Councillor Butt advised that he took great pride in knowing that 96% of the boroughs schools were currently rated as good or outstanding.

Having focussed on the present, he also highlighted a need to take a longer term, with particular concern expressed around what he regarded as a broken housing market given the limited opportunities for home ownership and cost/insecurity associated with renting, the current Government's attitude towards public services and lack of detailed funding plan beyond 2020. As well as the huge challenges these represented he also highlighted the opportunities available, which the Council was keen to take advantage of. Specific examples highlighted included:

- The steps being taken by the Council to address the housing issue through regulation of the private rented sector and tackling rogue landlords; setting up a company to provide good quality affordable rented homes; tackling and preventing homelessness; bringing the Council's social housing back under the control and management of the Council and also a significant programme for building new homes;
- The creation, as part of the house building programme, of new jobs; investment in the local economy and growth of the Council Tax base. He felt the massive contribution that new homes and residents could provide was often forgotten with regeneration also having significant benefits in terms of increasing funding available through the collection of Council Tax and in turn assisting the Council in addressing its funding deficit and protection of essential services;

- A willingness and track record of being able to build strong partnerships;

Another major area of concern highlighted was Adult Social Care, which Councillor Butt advised the Council were again looking to challenge. This would be through the provision of alternative provision designed to not only provide a better standard of care but also ensure personal independence and cost less money, again helping to tackle the budget deficit.

In terms of education, whilst having already highlighted and celebrated the excellent level of attainment by students he felt there was also a need to recognise that some were still leaving school having underachieved, with the risk of exclusion having a major impact on life chances particularly amongst certain communities. The challenge for the Council to address was therefore to break that cycle and ensure that the progress and success already being enjoyed by so many children and young people across the borough was available to all.

In terms of the greatest and most difficult challenge facing the Council, however, the Leader highlighted the safeguarding of children and need to ensure that the necessary level of resource, given the current financial pressure imposed from central government, was available to ensure a positive impact on those young people at risk or in care.

In concluding his annual report, Councillor Butt recognised that whilst none of the issues highlighted would be easily addressed the Council had the commitment to take them on, building on the confidence that came from a long track record of innovation and success. He was keen to ensure that the focus remained on protecting those who needed it most through long term, sustainable solutions that would make a genuine difference with the Council already having instigated real and lasting change.

Moving forward the focus would remain on continuing the transformation of Brent into a 21<sup>st</sup> century London Borough ensuring that all residents were part of the process and were able to share in the benefit of that progress and prosperity.

The Mayor thanked Councillor Butt for the report and then invited Councillor Warren to respond on behalf of the Brent Conservative Group who advised he could present an alternative annual report highlighting a need to do better given the recent increases in Council Tax and concerns relating to the challenge on the Council's accounts; progress on the South Kilburn development programme; impact of the introduction of charges for bulky waste collection and performance in relation to fly-tipping and recycling; increase in parking charges; Community Infrastructure Levy and planning system.

The Mayor then invited Councillor Colwill to respond on behalf of the Conservative Group. As he advised he had no additional comments to add and no other members had indicated they wished to speak, Councillor Butt was then invited to sum up and respond on the issues raised.

Councillor Butt, in summary, took the opportunity to highlight the investment currently being delivered across the Council in relation to the school expansion programme; roads, pavements, parks and libraries; social housing and social care

and in support of the Invest for Brent (I4B) company established by the Council. In terms of awards he also highlighted the Council's accreditation as a London Living wage employer and also the significant further investment in development of the Willesden Green Library; regeneration of South Kilburn and Wembley and voluntary sector alongside the development of a flexible childminding service, all of which had been designed to reflect the priorities of the Administration and Council.

Following on from the Leaders final remarks, the Mayor advised that concluded the debate on the Annual Report.

### **13. Petitions**

The Mayor informed Members that there were no petitions to be debated in accordance with the Council's petition procedure and Standing Order 68.

### **14. Non Cabinet Members' Debate**

The Mayor advised that due to the number of deputations on the agenda, no subject for debate had been submitted for consideration at this meeting.

### **15. Questions from the Opposition and other Non-Cabinet Members**

The Mayor advised that seven questions had been submitted by Members for response by the relevant Cabinet Member. The written responses supplied had been circulated with the Council agenda and the Mayor then invited supplementary questions from those Members who had submitted a question.

15.1 Councillor Harrison thanked Councillor Hirani (Cabinet Member for Community Wellbeing) for his response on her question relating to the recruitment and retention of medical professionals in Brent. The response had made clear the impact that the high cost of housing and lack of affordable housing was having on the ability to recruit and retain medical professionals across the region and Councillor Hirani was therefore asked if there were any schemes being developed within Brent to help alleviate the problem.

Councillor Hirani responded by thanking Councillor Harrison for highlighting the extent of the problem in Brent and across London as a whole. He advised that the Council was continuing to work with their NHS partners in order to identify sites for the development of key worker housing, which he felt was one of the main ways of tackling the current problems being experienced.

15.2 Councillor Kelcher thanked Councillor Miller (Cabinet Member for Stronger Communities) for his comprehensive response, highlighting the considerable impact that noise nuisance could have on resident's quality of life. In terms of the steps being taken to tackle late night noise nuisance he asked, as possible additional suggestions, whether consideration could be given to extending the operation of the reactive service beyond 2am and to the extension of the service on Saturdays and Sundays beyond 8 hours given the intensification of issues reported at weekends when compared to the 15 hours a day the service was currently available Monday to Friday. Having

noted that the late night reactive service would on occasions have to be suspended in order to deal with a backlog of cases further detail was also sought on the way in which this was communicated to local residents needing to use the service.

In response Councillor Miller advised that the noise control team was currently comprised of five officers with one post having recently been lost due to budget reductions arising directly as a result of government funding restrictions. Whilst the level of service currently being provided was similar to that within other comparator boroughs, such as Waltham Forest there was also a need to recognise the significant increase in number of incidents being reported, which had almost doubled since 2010 (3061 in 2010 compared to 5670 in 2016). Against this background, Councillor Miller advised that he would be happy to discuss the suggestions made in more detail with Councillor Kelcher.

- 15.3 Having noted the response provided by Councillor Farah (Cabinet Member for Housing and Welfare Reform) in relation to Brent Housing Partnerships Infill Development scheme at Frontenac and Donnington Road, Councillor Ms Shaw once again asked whether the scheme could be scrapped in order to recognise residents' concerns about the loss of the only amenity space available to them.

In response Councillor Farah outlined the need for the Infill Development initiative as a means of providing much needed accommodation within the borough. The development of the scheme proposals had been subject to consultation with local residents whose comments and concerns were being considered within revised proposals currently being developed, for submission to planning. Given the consultation already undertaken, Councillor Farah advised that he was not minded to scrap the scheme.

There were no supplementary questions from Councillors Chan, Crane, Colacicco or A.Choudry.

## 16. **Report from Chairs of Scrutiny Committees**

### **16.1 Resources & Public Realm Scrutiny Committee**

Councillor Kelcher (as Chair of the Scrutiny Committee) provided Council with the following update on matters considered by the Committee since the last report to Council on 10 July 2017:

- The Committee had undertaken a useful visit to Harlesden High Street as part of its work around measures being used to boost business on local high streets, with a specific focus on initiatives relating to the role of town centre managers and litter patrols. The Committee had been reassured in terms of the role being developed by the town centre managers and were keen to see the promising start made in terms of the litter patrols further developed.
- The Committee were also pleased to have been able to review and help shape and influence the direction of the two Outcome Based Reviews relating to Gangs and Domestic Violence. This had included a number of

recommendations being put forward for consideration around the importance of early prevention.

- Members had also received two call back reports monitoring progress on the implementation of reviews undertaken by Task Groups established by the Committee. One area in which the Committee would be undertaking further work (in support of the ongoing budget review) was in relation to Business Rates. This would involve a more detailed review of the way in which the London pooling arrangements in relation to Business Rates would operate and how funding would be allocated. This work was being undertaken on a cross party and cross committee basis.

## **16.2 Community & Wellbeing Scrutiny Committee**

Councillor Sheth (as Chair of the Scrutiny Committee) provided Council with the following update on matters considered by the Committee since the last report to Council on 10 July 2017:

- On the basis that Brent was well below the national and London average for children's oral health and incidents of tooth decay the Committee had received an update from NHS England on steps being taken to address the issue. Members were pleased to note the award by the NHS of a new five year Community Dental Health contract covering the borough which included funding for oral health promotion activity. In addition the Committee was advised of activity and funding being provided through the Council's Public Health Service to assist in raising awareness and tackling the issue. Whilst noting these improvements, members had agreed to continue monitoring the position.
- Having recognised safeguarding as one of the most important areas of partnership working, the Committee had also considered both of the Local Safeguarding Adult and Children Boards Annual Reports. Whilst Members had previously noted the effective safeguarding arrangements in place they had also identified the need to ensure that all partners were fully engaged in relation to their role and funding of the Boards, which was an issue the Committee would continue to monitor.
- Finally the Chair commended Councillor Shahzad for the Task Group he had led reviewing Child and Adolescent Mental Health Service provision within the borough. The review had generated a number of recommendations, which had been presented to Cabinet, including the need for increased investment by the Brent Clinical Commissioning Group in mental health support within Brent's schools which the Committee would continue to monitor progress on.

## **16.2 Housing Scrutiny Committee**

Councillor Long (as Chair of the Scrutiny Committee) took the opportunity to welcome Councillor Ms Shaw as the newly appointed Vice-Chair and provided Council with the following update on some of the key matters currently under review by the Committee:

- The Committee had begun to develop a detailed monitoring brief in relation to Housing Management performance data.
- Work continued in relation to a review on traveller site provision;
- Finally Council was advised that the Committee continued to monitor activity being undertaken to address issues identified in response to the Grenfell Tower fire and had also established a Task Group to review Fire Safety in Housing Accommodation, which would include a focus on low rise and as well as high rise accommodation.

The Mayor thanked each of the Scrutiny Chair's for their updates and it was **RESOLVED** that the content of each of their reports be noted.

#### 17. **Report from the Vice-Chair of the Audit Advisory Committee**

Councillor Choudry (as Vice-Chair of the Audit Advisory Committee) began by advising Members that the organisation responsible for Public Sector Audit appointments had recently concluded their procurement exercise for Brent's external audit lead for 2018/19 onwards, with Grant Thornton due to be appointed as the Council's new external auditor. This would be expected to generate a saving of up to £40k in terms of future audit fees. Given the important role undertaken by the Council's external auditor the appointment would be considered in more detail at the next meeting of the Audit Advisory Committee. In the meantime, he reported that the current auditor (KPMG) were due to report to the next Committee on their audit of the Council's 2016/17 statement of accounts, with the Vice-Chair keen to thank KPMG for their support.

In addition, Members were advised that the Audit Advisory Committee would be receiving a report from the Directors of I4B Holdings Ltd (I4B) (an investment company wholly owned by the Council) which the Committee had been given responsibility for holding to account in terms of governance matters.

Finally Councillor Choudry advised that he was keen to draw Members attention to the ongoing efforts being made to tackle fraud through the work of the Audit Investigation Team. Examples of activity and success included work to tackle social housing fraud which had recently resulted in five properties being bought back into use and blue badge fraud and he congratulated the team for their ongoing efforts.

The Mayor thanked Councillor Choudry for his update and it was **RESOLVED** that the content of the report be noted.

#### 18. **Changes to the Constitution**

Councillor Butt introduced the report from the Chief Legal Officer which proposed a number of changes to the Constitution designed to reduce its length and complexity as part of an ongoing process of review.

As there were no other members who indicated they wanted to speak on the report, the Mayor put the recommendations to the vote by a show of hands and they were declared **CARRIED**.

It was therefore **RESOLVED** that:

- (1) the changes to the Constitution, as detailed within the report be approved; and
- (2) the Chief Legal Officer be authorised to amend the Constitution accordingly, including the making of any necessary incidental or consequential changes.

19. **Treasury Management Outturn Report 2016/17**

Councillor McLennan introduced the report from the Chief Finance Officer which provided an update on Treasury Management activity and confirmed that the Council had complied with its Prudential Indicators for 2016/17. Members noted that the report had been approved and referred on to Council for consideration by Cabinet on 24 July 2017 in compliance with the CIPFA Code of Practice on Treasury Management.

As there were no other members who indicated they wanted to speak on the report, the Mayor put the recommendations to the vote by a show of hands and they were declared **CARRIED**.

It was therefore **RESOLVED** that Council note the 2016/17 Treasury Management Outturn Report.

20. **Urgent Business**

The Mayor advised that following consideration of the report on the Representation of Political Groups on Committees earlier in the meeting there was no other urgent business to be transacted.

The meeting was therefore declared closed at 8:57pm

COUNCILLOR BHAGWANJI CHOCHAN  
Mayor

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## LONDON BOROUGH OF BRENT

Minutes of the EXTRAORDINARY MEETING OF THE COUNCIL  
held on Monday 6 November 2017 at 6.30 pm

### PRESENT:

**The Worshipful the Mayor**  
Councillor Bhagwanji Chohan

### COUNCILLORS:

Aden	Agha
Ahmed	Allie
Bradley	Butt
Carr	Chan
S Choudhary	A Choudry
Colacicco	Collier
Colwill	Conneely
Crane	Dixon
Eniola	Farah
Harrison	Hector
Hossain	Hylton
Jones	Kabir
Kansagra	Kelcher
Khan	Long
Marquis	McLeish
McLennan	Moher
J Mitchell Murray	W Mitchell Murray
M Patel	RS Patel
Pavey	Perrin
Pitruzzella	Ms Shaw
Ketan Sheth	Krupa Sheth
Southwood	Stopp
Tatler	Thomas
Van Kalwala	Warren

#### 1. **Apologies for Absence**

The Mayor advised that direct apologies for absence had been received from Councillors Daly, Denselow, Ezeajughi, Hirani, Mahmood, Mashari, Maurice, Miller, Naheerathan, Nerva and Shahzad.

An apology for lateness was received from Councillor Conneely, who was present for item 4 on the agenda.

## 2. **Declarations of Interest**

There were no interests declared by Members.

## 3. **Representation of Political Groups on Committees**

Councillor Butt introduced the report from the Chief Legal Officer, which detailed a recent change in political representation on the Council and had resulted in the need for a review of the representation of political groups on committees.

Members noted that the change in political representation had involved the two members of the Conservative Group joining the Brent Conservative Group, meaning that group (comprised of six members and led by Councillor Warren) now formed the single opposition group on the Council. Given the change in membership, Council had been required to undertake a review of the representation of political groups on committees as soon as was practicable. As the next scheduled meeting of Full Council was not due to take place until 22 January 2018, the Mayor had agreed to convene an Extraordinary Council meeting in order to fulfil the necessary requirement for a review.

Councillor Butt, when introducing the report, expressed concern at the length of time it had taken opposition members to come together to form a unified group, given the role of the opposition. In addition concerns were raised about the costs associated with needing to convene an Extraordinary Council meeting for the purposes of having to undertake the review.

Whilst recognising the creation of a unified opposition group had taken time to achieve, Councillor Warren highlighted that this had not prevented his members from seeking to continue holding the Administration to account. In terms of the decision to convene an Extraordinary meeting, he advised this had not been as a result of any specific request from his Group.

In terms of the outcome of the review, following a vote by show of hands it was unanimously **RESOLVED**:

- (1) that the size of each committee to which the political balance rules would apply should remain unchanged;
- (2) that where the rules of political balance apply, all opposition group seats on committees should now be allocated to the Brent Conservative Group;
- (3) that as a result of (2) above appointments to committees be made giving effect to the wishes of the political group allocated the seats;
- (4) to note that the political balance on sub-committees would be reviewed at the next meeting of the General Purposes Committee.

## 4. **Appointments to Committees and Outside Bodies and Appointment of Chairs/Vice Chairs (if any)**

(Councillor Conneely arrived in the meeting at 6.40pm)

Given the change in political representation on the Council and outcome of the subsequent review, the Mayor referred Members to the supplementary pack circulated in advance of the meeting, which contained a list of required changes to appointments on Council Committees, Sub Committees and other bodies.

It was **RESOLVED** that the following appointments be approved:

- (1) Resignation of Councillor Dixon as a Full Member of the Audit and Audit Advisory Committee with Councillor Krupa Sheth to take her place as a Full Member on both Committees.
- (2) Resignation of Councillor Naheerathan as a Full Member of the Audit and Audit Advisory Committee with Councillor Perrin to take his place as a Full Member on both Committees
- (3) Resignation of Councillor Maurice as substitute Member of the Audit and Audit Advisory Committees with Councillor Kansagra to take his place as a substitute Member.
- (4) To confirm the appointment of Councillor Colwill as the Brent Conservative Group's Full Member on the Standards Committee, with Councillor Kansagra continuing as substitute Member.
- (5) To confirm the appointment of Councillor Kansagra as the Brent Conservative Group's Full Member on the Council's Corporate Parenting Committee.
- (6) Resignation of Councillor Colwill as substitute Member on the Council's Corporate Parenting Committee with Councillor Warren to take his place as substitute Member.
- (7) Resignation of Councillor Warren as Full Member and Vice-Chair of the Community & Wellbeing Scrutiny Committee with Councillor Colwill to take his place as full Member and Vice-Chair.
- (8) To confirm the appointment of Councillor Kansagra as a Brent Conservative Group full Member on the Council's Alcohol and Entertainment Licensing Main Committee.
- (9) To confirm the appointment of Councillor Colwill as the Brent Conservative Group's full Member on the Council's Health & Wellbeing Board, with Councillor Kansagra continuing as the Group's substitute Member.

In addition the following change in appointment was approved, having been moved at the meeting by Councillor Kabir:

- (10) Resignation of Councillor Joshua Mitchell-Murray as co-chair of the Brent Youth Parliament with Councillor Chan appointed to take his place co-chair.

## 5. **Urgent Business**

The Mayor stated that there was no urgent business to be considered at the meeting.

The meeting closed at 6.45 pm

COUNCILLOR BHAGWANJI CHOHAN  
Mayor

## Questions from Members of the Public

**Full Council – 22 January 2018**

**1. Question from Atiya Munir to Councillor Tatler, Lead Member for Regeneration, Growth, Employment and Skills:**

Are the Council able to confirm if there are any well-known and adequately funded job search and careers guidance support services for young people in Brent that are independent of the job centre and do not require the young person to be signing onto benefits in order to access them?

**Response:**

There are a number of employment support services accessible to young people in Brent that do not require them to be claiming benefits or signed on to the Job Centre. Some of these services are run directly by the council (e.g. Brent Works and The Living Room), while others are accessible by Brent residents (e.g. Prospects, the European Social Fund Families Programme and the Love London Working Programme).

**Brent Works**

Brent Works supports residents by giving them access to local employers who are recruiting for current vacancies. The main industries include Retail, Hospitality, Construction and Health and Social Care. The service aims to build residents' confidence via assessments, by giving them relevant feedback on telephone interviews, as well as their group and individual performances at Brent Works assessment days. The service also offers 1-2-1 support to residents by assisting them with their CVs and interview preparation. Young people do not need to be on benefits to access the service.

**The Living Room**

The Living Room Project is primarily aimed at supporting high levels of unemployment among residents in the St. Raphael's Estate (they are also able to take referrals from other parts of the borough as well). The service is currently funded by the European Social Fund (ESF) and are able to work with anyone over the age of 19. A Department of Work and Pensions (DWP) advisor is also available to work with anyone that The Living Room cannot work with on the ESF Project, ensuring the service covers all age groups and support them with

seeking employment. Residents do not have to be on benefits to access the service.

### **Prospects**

Prospects / Connexions is a national careers service that tracks every young person in the borough between the ages of 16 – 19 (and up to 25) to ensure that they have a place in employment, education or training. If the young person has been identified as not being in employment, education or training (NEET), or is 'at risk' of being in that category, the service provides Information, Advice and Guidance (IAG) sessions to support that young person into employment, education or training. This service is provided to all young people, even if they are claiming benefits. The support involves careers advice, developing their employability skills and signposting to various support agencies. Prospects also deliver careers advice and guidance in around 13 institutions across the borough.

### **European Social Fund Families Programme**

This is delivered by Metropolitan Housing on behalf of G4S. The programme is designed to provide employability support anyone over the age of 16 and is part of a troubled family. Referrals are taken through the Family Solutions Team at the council. Young people can access the service without being on benefits if they have eligible proof of documentation.

**2. Question from Hiran Patel to Councillor Tatler, Lead Member for Regeneration, Growth, Employment and Skills:**

How were the proposals for development of the old HSBC bank and pub at 245-245 and 253 Ealing Road approved, even though in my view they appear to break a number of safety regulations?

**Response:**

Planning applications of this size raise a number of complex, and often competing issues; in this case, involving the redevelopment of the site to provide two buildings, 9 and 10 storeys, for 92 new flats, a pub and a community use, it raised many issues – the appearance and build of the new buildings, the amount of residential provided, the mix of units, parking arrangements, etc. Officers and Committee members balance all of the different issues, including the planning objections, and make their decision against national, regional and local policies. These issues are often finely balanced, and opinions will often differ as to the merits of a particular case.

Sometimes, one policy objective, (e.g. securing additional housing, or maintaining a public house on the site) might be given more weight than, for example, a reduced level of parking. In this case, the planning merits of the proposal were carefully considered. Officers made some pragmatic judgments around the proposal to achieve, on this allocated site in a housing zone, some 92 new units – a quarter of which are affordable – that works on the site. The committee report makes it clear that whilst some policies are not met, many are, and taking the scheme in its entirety, members felt that the benefits outweighed any harm.

The question does not mention what safety regulations are broken here. However, it is a long established – and correct – principle, that planning does not duplicate requirements set out in other regulations and laws; these will be assessed by other bodies at the appropriate time, whether that be under Building Regulations or Health and Safety rules

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## Questions from the Opposition and Other Non-Cabinet Members

Full Council – 22 January 2018

**1. Question from Councillor Ezeajughi to Councillor Miller, Lead Member for Stronger Communities:**

Could the Leader Member for Stronger Communities update councillors on the progress made in procuring a new generation of CCTV units to safeguard the residents of Brent?

**Response:**

The contract for the CCTV upgrade was awarded in December 2017, following the Cabinet meeting to sign off authority to award.

Initial contract and project planning meetings have already taken place with the initial order of stage one infrastructure having been made. The first stage of the project will concentrate on the additional goods including updating the control room and CCTV System for easier and increased capability of monitoring, increased number and use of deployable CCTV and increase the number of High Definition cameras for high profile town centre locations to increase monitoring capability even further. This should all be completed by the end of Spring 2018.

Concurrently a review of locations with current CCTV coverage will also provide us with the evidence base for any gaps in CCTV coverage of crime hotspots. The second stage of the project plan will be to install any new cameras into locations where there are gaps evidenced and then lastly the final stage will be converting into a wireless enabled network.

**2. Question from Councillor Krupa Sheth to Councillor McLennan, Deputy Leader:**

Since 2010 how much extra council tax has this authority generated to protect vital services through additional net-dwellings added to the boroughs housing stock?

**Response:**

The Growth in properties from 1/4/2010 to 30/11/2017 is 11,191. We cannot provide an exact figure as there are variables to be considered so have calculated on the basis of multiplying 11,191 by the average band charge which is between band C and D, of £1,350 and then making an allowance for discounts, CTS etc. (23.5% based on ratio of net debit to gross debit).

This gives us a figure of £11,557,505 for 2017/18.

**3. Question from Councillor Conneely to Councillor Farah, Lead Member for Housing and Welfare Reform:**

Could the Lead Member for Welfare Reform update councillors on the preparations Brent Council has made in anticipation of the Conservative government's shambolic universal credit roll-out?

**Response:**

Brent has been live on Universal Credit (UC) since March 2015 on a limited basis relating to new claims from single jobseekers. About 2,200 Brent residents are currently in receipt of UC. All claimants transferring from Housing Benefit are given key information regarding their responsibilities under UC. The Council's website also carries information, advice and a benefit calculator to assist claimants and these are regularly advertised.

The Welfare Reform Strategy seeks to ensure that all claimants are equipped and informed of their new responsibilities on the transfer to UC. Heads of Service from all relevant services including Benefits, Housing, Employment & Skills, Adults, Troubled Families, Substance Misuse etc meet regularly to ensure a joined up approach is being taken across the Council. There are regular meetings to join up with partner organisations (Registered Social Landlord's and the voluntary sector) to help coordinate preparation activities and understanding.

There is regular liaison both with local Job Centre Plus to address practical issues and nationally with Department for Work & Pensions (DWP) via London Councils and other organisations to lobby for policy changes which are in the best interests of the Council and its residents. In recent months there have been a number of concessions and changes to government policy, due in part to lobbying across the sector as well as political pressure.

DWP have now halted all partially live services (such as in Brent) from 1 January 2018 and as such there will be no further new UC claims accepted in Brent until the full service goes live, currently scheduled for November / December 2018. The Benefits Service and colleagues are currently developing a more detailed action plan to cover specific mitigation activities for the six-month run up to the UC full implementation date.

**4. Question from Councillor Denselow to Councillor Hirani, Lead Member for Community Wellbeing:**

According to the British Red Cross over 9 million people in the UK suffer from loneliness. Can the Lead Member tell us what efforts he is making to address this issue in Brent and can he invite representatives from the 'Jo Cox Commission on Loneliness' to address this full Council at a future date about their work and recommendations?

**Response:**

Thank you for raising this incredibly important issue. Evidence that we have found in Brent really brings home the damage that social isolation can have on lives. It can be as harmful as smoking 15 cigarettes a day.

We acknowledge the British Red Cross and The Jo Cox Commission on Loneliness' efforts to address social isolation. In Brent, we have been proactively working on this issue and have developed our Social Isolation Brent Initiative – better known as SIBI. The service was launched in 2015 so has been running for two and a half years now.

The service has reached 6,000 Brent residents in that time and signposted people to activities as well as hosted activities for people to attend and engage with. We now have people who were socially isolated even volunteering for SIBI and 17 volunteers have moved on to employment.

In 2018, we will be working to further bring SIBI into the mainstream by improving how it interacts with the NHS and having it as a core referral point for GPs in Brent. We are working to tie it up with other support services such as Care Navigation and Carers support so that we can develop a social prescribing service that works for Brent residents and is easy to refer people to for professionals. Perhaps a more appropriate way forward would be to have SIBI presented to Councillors as we have a comprehensive local established service

**5. Question from Councillor Long to Councillor Farah, Lead Member for Housing and Welfare Reform:**

With the imminent introduction of Universal Credit, the high level of indebtedness and the need to stop people being entrapped by Loan Sharks, what is Brent doing to provide debt advice and promote the use of Credit Unions?

**Response:**

**Advice & Support**

A number of local VCS organisations are commissioned or funded by Brent Council to provide welfare benefits / financial inclusion & resilience advice: Citizens Advice Brent, Age Concern, Ashford Place, Bosnia Herzegovina Community Advice Centre, Advice4Renters, Brent Irish Advisory Service, Salusbury World.

Citizens Advice Brent provides a service 2 days per week at Customer Services, Civic Centre and the Bosnia Herzegovina Community Advice Centre & Advice4Renters offer advice at the Harlesden Hub. Age Concern provide a home visit service for elder residents.

Debt Advice will be a key area of advice for the proposed rollout of the Harlesden Hub model to additional locations.

Brent Council's housing service has a Financial Inclusion Team which offers support and signposts tenants to sources of financial management and debt advice, and promotes membership of a local credit union. Housing Associations and social landlords are an important part of our approach to promote financial inclusion and debt advice. Through partnership working we have discussed financial inclusion with housing associations and acted as a point of co-ordination to allow an exchange of information about activities to promote this.

Brent Customer Services' Welfare Team operates two discretionary schemes (Discretionary Housing Payments and Local Welfare Assistance) which are used, amongst other things, to mitigate the impact of welfare reforms including Universal Credit which to some degree provides a more viable alternative than private loan companies. The Welfare Team also provides advice to claimants and signposting to debt advice provision such as the CAB.

In 2016 the local authority agreed a Fair Debt Recovery Policy which applies to debts from Housing Benefit, rents, leasehold major works and service charges as well as Council Tax and business rates.

We have also helped to raise awareness among residents of illegal money lending through ongoing publicity in the residents' magazine and highlighting high-profile convictions as well as working directly with residents to raise awareness of the activities of loan sharks.

Specific activities to promote the use of Credit Agencies are being discussed with the Lead Member

**6. Question from Councillor Nerva to Councillor Southwood, Lead Member for Environment:**

Please could the lead member outline the key features of the new Tree Management Policy recently adopted by Brent. Specifically can the lead member advise how, when trees are lost through insurance claims, replacement trees are funded by the insurance company or local resident who asked for the tree to be removed.

**Response:**

Brent has many parks, green spaces and tree-lined streets. These features offer not only aesthetic value but many environmental, economic and social benefits too. We aim to ensure Brent's trees contribute positively to the quality of the local environment; do not pose a risk to safety or of damage to property and are protected from unnecessary harm.

The new Tree Management Policy aims to improve the understanding of tree issues and sets out how the council will fulfil its commitments, including how we:

- Maintain our tree stock;
- Limit the felling of trees to circumstances where it is essential or advisable;
- Carry out reactive and emergency inspections when they are necessary;
- Provide clarity on the circumstances in which the Council will not intervene; and
- Provide public information in advance of planned tree works;

From time to time, a tree may need to be removed to prevent damage to nearby properties caused by its roots. We seek to take action to prevent any damage taking place, but occasionally an insurance claim is made by a resident seeking compensation for damage. Such insurance claims make no provision for the replacement of the tree should it need to be removed.

Residents are able to sponsor new tree planting, including the replacement of any trees scheduled for removal. The standard charge for sponsorship of a new tree is £250, and details of the scheme can be found on the council's website at: <https://www.brent.gov.uk/services-for-residents/environment/trees-hedges-and-grass-maintenance/>. Where a tree associated with a successful insurance claim is removed, we will invite the resident concerned to sponsor a replacement tree.

**7. Question from Councillor Maurice to Councillor Southwood, Lead Member for Environment:**

Both residents and businesses in the north of the borough find it inconvenient to go to the recycling centre in Park Royal, and many have been using the London Borough of Harrow facility in Kenton. Harrow Council, however, will now only allow their own residents - upon production of proof of Harrow residency - to use the facility.

Can Brent Council liaise with Harrow Council so as to allow local Brent residents to use this Harrow facility? It would reduce congestion / pollution around Wembley and the North Circular Road for those making the trip to Park Royal, and would be convenient for local residents

**Response:**

Harrow Council made the decision to restrict the usage of their site to Harrow residents from Monday 13th November 2017 because of substantial queues at the site, caused by a significant increase in visitor numbers. In order to make their site manageable for their residents, they have chosen to restrict free entry to Harrow Residents and to implement a £20 charge for taking recyclable waste from non-residents.

Should Brent residents who are local to that site wish to visit they can still do so, but they can only dispose of recyclable material and will have to pay £20 per visit. Businesses have to pay for the disposal of their waste wherever they choose to legally dispose of it and should not be restricted in any way by Harrows Policy.

Allowing residents who live in the North of Brent to access Harrow's site for free does not fit with Harrow's current policy. However, I will raise the issue through the West London Waste Authority (WLWA). Brent residents can also choose to book a bulky waste collection, should they not wish to drive to Abbey Road.

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 <b>Brent</b>	<b>Full Council</b> 22 January 2018
	<b>Report from the Director of Performance Policy &amp; Partnerships</b>
<b>Report from the Chair of the Resources and Public Realm Scrutiny Committee, Councillor Matt Kelcher</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	1
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Mark Cairns, Policy & Scrutiny Manager, mark.cairns@brent.gov.uk

## 1.0 Purpose of the Report

1.1 This report provides a summary of the work carried out by the Council's Resources & Public Realm Scrutiny Committee in accordance with Standing Order 36. The report covers the period from 19<sup>th</sup> Sept 2017 to present, detailing a programme of work and items discussed during the committee meeting on 27<sup>th</sup> November 2017.

## 2.0 Recommendation(s)

2.1 Council is recommended to note this report.

## 3.0 Detail

3.1 The Resources and Public Realm Scrutiny Committee covers corporate resources, (including Customer Services, Policy, Partnerships and Performance, Procurement and IT) as well as regeneration, regulatory services, environment, transport and community safety. The committee is composed of eight elected members (seven from the Labour Group and one opposition group member which is consistent with current political balance arrangements).

### 3.2 *2017-18 Resources and Public Realm Committee Members*

Councillor Matt Kelcher (Chair)  
Councillor Joel Davidson (Vice-Chair)

Councillor Abdi Aden  
Councillor Lia Colacicco  
Councillor George Crane  
Councillor Ernest Ezeajughi  
Councillor Sam Stopp  
Councillor Roxanne Mashari.

- 3.3 The committee has met twice, in November 2017 and January 2018. The January meeting fell after reporting deadlines for Council, and so that meeting will be covered in a future report to Council. However, a summary of the items discussed at the meeting on 27<sup>th</sup> November 2017 follows.

*Complaints Annual Report 2016-17*

- 3.4 Irene Bremang (Head of Performance and Improvement) introduced the Complaints Annual Report 2016 – 2017, which had been presented to Cabinet in October. The report set out complaints performance in Brent Council and Brent Housing Partnership (BHP) for the period April 2016 to March 2017 and included high level data for the previous two years for comparison.
- 3.5 Members welcomed the report and commented that it would be improved by the addition of comparative data for other authorities and data on the level of service interactions against volume of complaints. The committee questioned the cost of complaints for the council, querying the size of the complaints team and the number of officer hours spent. Members also queried the reasons for some complaints not being dealt with within timescales. Acknowledging the impact of central government's policy of austerity on local government services, the committee examined whether or not timescales for departmental responses had been adjusted to accommodate reduced resources and if so, whether this was communicated to Brent's residents. Officers were asked to comment on the impact of the Customer Access Strategy.
- 3.6 The committee also stressed that it believed that officers should be honest with the public at all times in relation to financial pressures and their impact on service provision. If the Council was no longer able to provide a service, or had had to reduce the level of a service in response to government cuts, then it had to be clear about this and the reasons why.

*Report for Scrutiny on Call-In Report on South Kilburn Regeneration Programme - Carlton & Granville Centres Site - Development Options*

- 3.7 Councillor Tatler (Lead Member for Regeneration, Growth, Employment and Skills) presented an update report to the Committee on the South Kilburn Regeneration Programme, Carlton & Granville Centres Site, detailing the consultation undertaken and progress made. The committee had requested the update at a meeting in the previous municipal year, when it had considered the project in response to a call-in of Cabinet decisions. Councillor Tatler advised that a lot of progress had been made as a result of recommendations implemented by the previous Lead Member.
- 3.8 The committee was pleased to note that stakeholders had been involved in the drafting and finalising of the brief for appointment of design teams and endorsed the approach for similar projects. To further strengthen the council's practice in this respect, it recommended to the Lead Member and officers that all public

consultation events undertaken regarding regeneration projects in Brent include both a weekday evening event and weekend daytime event, which would ensure maximum opportunities are provided for members of the public to attend.

### *Tree Management Policy*

- 3.9 Councillor Southwood (Lead Member for Environment) presented a revised Tree Management Policy to the committee for pre-decision scrutiny, prior to consideration by Cabinet in December 2017. The revised policy had been developed to consider the benefits and importance of maintaining the borough's trees, aiming to raise the profile, value and appreciation of trees in Brent. In doing so, the policy aimed to improve understanding of tree issues, manage expectations and meet the challenge of adapting to climate change in the coming decades.
- 3.10 During the discussion, members questioned whether the council targeted the planting of new trees to areas most affected by poor air quality and suggested that an aspirational target for the planting of trees in the borough be set. They also queried sources of funding, including the use of Community Infrastructure Levy and the Mayor of London's Tree Fund. Reflecting on the success of other boroughs in engaging community support to deliver tree planting schemes, members asked whether the council had explored these approaches for use in Brent. The committee learned that the revival of the resident sponsorship scheme had resulted from consulting other councils.
- 3.11 A number of amendments to the Tree Management Policy were recommended by the committee. Some of these recommendations included a section to be included on Air Quality which emphasises the importance of street trees in mitigating the impact of air pollution. A further section to be included to outline why street trees are good for the borough. And a section to detail the funding opportunities available to the council.

### *Community Access and Vulnerable People*

- 3.12 David Oates (Head of Service, Benefits & Customer Services) introduced the report on Welfare, Benefits and Customer Service provision for vulnerable residents. The report detailed the key factors used to determine if a resident was considered vulnerable within the welfare and benefit functions and provided an update on the former Community Access Strategy.
- 3.13 The committee emphasised the importance of ensuring that the council was able to measure its performance in supporting its most vulnerable residents. Members suggested a working group or task group be established to determine a way to define this cohort, drawing on outside expertise, such as that provided by the Joseph Rowntree Foundation. It also learned that certain groups of vulnerable people were largely 'hidden' to the council, such as those with no recourse to public funds.
- 3.14 Members suggested a working group or task group be established to determine a way to define this cohort, drawing on outside expertise such as that provided by the Joseph Rowntree Foundation. It was therefore agreed by the Chair of the committee in conjunction with scrutiny officers for an establishment of a

member-led group to include outside expertise, such as that provided by the Joseph Rowntree Foundation, to explore how to define vulnerable residents.

### *Food Banks and Poverty Task Group Report*

- 3.15 Councillor Mashari chaired a task group into the use of food banks in Brent, due to the significant rise in their usage nationally and the lack of a detailed picture of this in Brent. Members were also concerned with the human impact food poverty is having on local communities and wanted to understand the scale and drivers of food poverty and food insecurity.
- 3.16 Its concern was focused on vulnerable residents such as the elderly, disabled and children, for example the impact of hunger on children and young people's education. The task group also explored why individuals need to use food banks, and ways to tackle stigma associated with this. This included the impact of welfare reform changes from central government, unemployment, rising costs of living and low pay. There also exists a varying degree of regulation, safe guarding and data collection across different providers.
- 3.17 The task group considered that the impact of welfare changes such as Universal Credit could be far reaching, and that it is vital therefore that the council and other local public sector partners put in place organisational arrangements that enable Brent to mitigate the impact of Universal Credit as far in advance as possible.
- 3.18 The task group made 36 individual recommendations, grouped into themes of why people use food banks, policy development, working in partnership, the user experience, future models, and general and best practice.
- 3.19 Additionally, a video has been made of the task group's work, including interviews undertaken with foodbank staff and volunteers.

## **4.0 Upcoming Scrutiny Meetings and Activities**

4.1 The next meeting of the committee following full Council is scheduled for 21<sup>st</sup> February 2018 and the items which it will consider are:

- Employment and employability in Brent
- Property and assets
- Social regeneration
- Community cohesion task group scoping report.

## **5.0 Financial Implications**

5.1 There are no financial implications.

## **6.0 Legal Implications**

6.1 There are no legal implications.

## **7.0 Equality Implications**

7.1 There are no equality implications.

**Report sign off:**

**Peter Gadsdon**

Director of Performance Policy &  
Partnerships

## Resources and Public Realm Scrutiny Committee Work Programme 2017-18

Tuesday 11 July 2017

Agenda Rank	Item	Details	Cabinet Member/Member	Brent Council/Partner organisations
1.	Resources & Public Realm Scrutiny committee 2017-18 Forward Plan	Committee to review and agree programme of work and forward plan for 2017-18	Cllr Matt Kelcher, Chair of the R&PR Scrutiny Committee	Peter Gadsdon, Director of Performance, Policy and Partnerships
2.	Scrutiny Annual Report 2016/17	Committee to review and agree the 2016-17 annual report for publishing	Cllr Matt Kelcher, Chair of the R&PR Scrutiny Committee	Peter Gadsdon, Director of Performance, Policy and Partnerships
3.	Strategic overview of the Council's Funding	A presentation on the council's wider funding and what the council is planning to do to adapt to changes in the way local government is funded	Cllr Margaret McLennan, Deputy Leader	Althea Loderick, Strategic Director of Resources
4.	Food banks and poverty Task Group Scoping Report	Scoping document on Poverty task group, to be approved by committee.	Cllr Margaret McLennan, Deputy Leader Cllr Roxane Mashari, Task Group Chair	Peter Gadsdon, Director of Performance, Policy and Partnerships

Tuesday 5 September 2017

Agenda	Item	Details	Cabinet Member/Member	Brent Council/Partner organisations
1.	Outcome Based Reviews (OBR's)	<p>Update from 2016-17 OBRs</p> <ul style="list-style-type: none"> <li>• Employment Support &amp; Welfare</li> <li>• Regeneration</li> </ul> <p>Emerging findings from 2017-18 OBRs</p> <ul style="list-style-type: none"> <li>• Gangs</li> <li>• Domestic Abuse</li> </ul> <p>Also review how the OBRs process has worked</p>	<p>Cllr Shama Tatler, Cabinet Member Regeneration, Growth, Employment &amp; Skills</p> <p>Cllr Tom Miller, Cabinet Members Stronger Communities</p>	Peter Gadsdon, Director of Performance, Policy and Partnerships
2.	Follow up review on Brent high street initiatives	<p>A report on how uniformed litter patrol officers are performing after being brought in-house.</p> <p>An analysis on how have the town centre managers performed since being appointed and how the Digital High Street project performed</p> <p><b>*Visit to high street(s) with managers to see how they work?</b></p>	<p>Cllr Eleanor Southwood, Cabinet Member Environment</p> <p>Cllr Shama Tatler, Cabinet Member Regeneration, Growth, Employment &amp; Skills</p>	Amar Dave, Strategic Director of Regeneration and Environment
3.	Update on S106 and Community Infrastructure Task Group	A report (with RAG rating) providing an update on recommendations made by the task group in July 2016	Cllr Shama Tatler, Cabinet Member Regeneration, Growth, Employment & Skills	Amar Dave, Strategic Director of Regeneration and Environment
4.	Update on The Devolution of Business Rates Task Group	A report and RAG'ed report providing an update on recommendations made by the task group in November 2016	Cllr Margaret McLennan, Deputy Leader	Althea Loderick, Strategic Director of Resources

Tuesday 27 November 2017

<b>Agenda</b>	<b>Item</b>	<b>Details</b>	<b>Cabinet Member/Member</b>	<b>Brent Council/Partner organisations</b>
1.	Annual Report on Complaints 2016/17	Committee to receive update on the councils 2016-17 complaints performance.	Cllr Margaret McLennan, Deputy Leader	Peter Gadsdon, Director of Performance, Policy and Partnerships
2.	Update - South Kilburn Regeneration Programme	A report detailing in full the extent and nature of the collaboration between the council, the community and key stakeholders in the progression of the development of the Carlton and Granville Centres Site. This report will also provide an update on the twelve-month timetable.	Cllr Shama Tatler, Cabinet Member Regeneration, Growth, Employment & Skills	Amar Dave, Strategic Director of Regeneration and Environment
3.	Community access and vulnerable people	Analysis of access to all the residents of Brent, including digital provision and factors which make some customers and users "vulnerable".	Cllr Margaret McLennan, Deputy Leader  Cllr Harbi Farah, Cabinet Member Housing and Welfare Reform	Althea Loderick, Strategic Director of Resources
4.	Trees Policy	Pre-scrutiny of forthcoming policy;	Cllr Eleanor Southwood	Amar Dave, Strategic Director of Regeneration and Environment
5.	Food banks and poverty Task Group Report	Finding and recommendations on the task group review of Food Banks and poverty.	Cllr Margaret McLennan, Deputy Leader Cllr Roxane Mashari, Task Group Chair	Peter Gadsdon, Director of Performance, Policy and Partnerships

Tuesday 9 January 2018

<b>Agenda</b>	<b>Item</b>	<b>Details</b>	<b>Cabinet Member/Member</b>	<b>Brent Council/Partner organisations</b>
1.	Budget Scrutiny Report	Committee to scrutinise and agree the Scrutiny Budget report for 2018-19, and to consider plans for the London retained business rates pool.	Cllr Margaret McLennan, Deputy Leader	Althea Loderick, Strategic Director of Resources  Conrad Hall, Chief Finance Officer
2.	Digital Strategy channel shift	Analysis on the experience of our residents interacting with the Council; explanation of the Brent "Customer Promise" and customer service standards. Discussion, should we call people who use our services "customers" or "residents" or something else?	Cllr Margaret McLennan, Deputy Leader	Peter Gadsdon, Director of Performance, Policy and Partnerships  Sadie East, Head of Transformation
3.	Recycling rates	Analysis of Brent's recycling rates. How does our performance compare to other authorities? What can we do reduce food waste in the recycling stream? What new technology could be deployed to improve recycling?	Cllr Eleanor Southwood Cabinet Member Environment	Amar Dave, Strategic Director of Regeneration and Environment  Chris White, Operational Director of Environment Services
4.	Trading standards	Analysis on the role of trading standards in 2017. Are we targeting the correct areas? What do the public want trading standards to do?	Cllr Tom Miller, Stronger Communities	Amar Dave, Strategic Director of Regeneration and Environment  Aktar Choudhury, Operational Director Regeneration  Simon Legg, Senior Regulatory Service Manager

Wednesday 21 February 2018

Agenda	Item	Details	Cabinet Member/Member	Brent Council/Partner organisations
1.	Employment and employability in Brent	Invitation to the DWP to come to scrutiny. Analysis of their role, in partnership with the council, for boosting employment in Brent Focus on the DWP Brent officers to provide context where possible, specifically about the Jobcentre closures in Brent and how impact will be mitigated.	Cllr Shama Tatler, Cabinet Member Regeneration, Growth, Employment & Skills	Amar Dave, Strategic Director of Regeneration and Environment  Aktar Choudhury,,Operational Director Regeneration  Matthew Dibben, Head of Employment, Skills and Enterprise
2.	Property and assets	Are we getting the most out of our assets? List of all property owned by the council for the committee. <b>*Site visit to properties the Cttee identify as of interest ahead of the meeting</b>	Cllr Muhammad Butt Leader	Althea Loderick, Strategic Director of Resources  Sara Chaudhry, Head of Property
3.	Social regeneration	Analysis on whether Brent policies for ensuring our regeneration projects have a positive social impact? What is our vision for the Wembley regeneration? <b>*Visit to a regeneration project</b>	Cllr Shama Tatler, Cabinet Member Regeneration, Growth, Employment & Skills	Amar Dave, Strategic Director of Regeneration and Environment  Aktar Choudhury,,Operational Director Regeneration  Jonathan Kay, Senior Regeneration Manager
4.	Task group scoping report TBD	TBD	Task Group Chair	Peter Gadsdon, Director of Performance, Policy and Partnerships

Monday 26 March 2018

Agenda	Item	Details	Cabinet Member/Member	Brent Council/External organisations
1.	Annual Safer Brent Partnership Report 2016/17	Annual report of the Safer Brent Partnership and update on community safety.  <b>*Borough Commander</b>	Cllr Tom Miller, Stronger Communities	Amar Dave, Strategic Director of Regeneration and Environment  Karina Wane, Head of Community Protection
2.	Task group report TBD	TBD	Task Group Chair  Cabinet Member TBD	Peter Gadsdon, Director of Performance, Policy and Partnerships  Officers TBD
3.	Engagement and Consultation Review	A report on the emerging findings from the Engagement and Consultation review.	Cllr Margaret McLennan, Deputy Leader	Peter Gadsdon, Director of Performance, Policy and Partnerships  Pascoe Sawyers, Head of Strategy & Partnerships  Genevie George, Partnerships and Engagement Manager
4.	Update on The Small & Medium Enterprise Task Group	A report and RAG'ed report providing an update on recommendations made by the task group in May 2017.	Cllr Shama Tatler, Cabinet Member Regeneration, Growth, Employment & Skills	Amar Dave, Strategic Director of Regeneration and Environment  Aktar Choudhury,,Operational Director Regeneration  Matthew Dibben, Head of Employment, Skills and Enterprise

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**Full Council**  
22 January 2018

**Report from the Director of  
Performance Policy & Partnerships**

**Report from the Chair of the Community and Wellbeing  
Scrutiny Committee, Councillor Ketan Sheth**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	1
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Mark Cairns, Policy and Scrutiny Manager <a href="mailto:mark.cairns@brent.gov.uk">mark.cairns@brent.gov.uk</a> 020 8937 1476

## 1.0 Summary

This report provides a summary of the activities carried out by the Community and Wellbeing Scrutiny Committee in accordance with Standing Order 36. The report covers the period from 19 September 2017 and details the committee's work programme, visits and engagement, committee discussions and training.

## 2.0 Recommendation(s)

2.1 Members are asked to note the content of this report.

## 3.0 Detail

3.1 The remit of the committee as set out in the constitution is the overview and scrutiny of children's services, adult social care, public health, health services and the NHS, wellbeing and cultural services. There are eight elected members on the Community and Wellbeing Scrutiny Committee. All committee members are part of the Labour group apart from the vice-chair who is from the Brent Conservative group. The membership of the committee for 2017/18 is:

Cllr Ketan Sheth, Chair  
Cllr Reg Colwill, Vice-Chair  
Cllr Ahmad Shahzad OBE

Cllr Lesley Jones MBE  
Cllr Claudia Hector  
Cllr Neil Nerva  
Cllr Aisha Hoda-Benn  
Cllr Rita Conneely.

- 3.2 In addition, the committee has six co-opted members, representing the Anglican diocese, Roman Catholic diocese, governors of primary schools, governors of secondary schools, Muslim faith schools and Jewish faith schools. They have been co-opted for the purposes of school education. Members of the committee have now finalised their annual work programme for 2017-18, which is set out in Appendix A. The work programme has built-in capacity to ensure there is the flexibility to respond to issues as they arise and which residents may suggest.
- 3.3 As part of the 2017/18 Work Programme members are committed to engagement with residents as part of the committee's work. In October as part of European Local Democracy Week, Councillor Sheth ran a scrutiny café to allow members of the public to suggest areas which the committee should be looking at. He also took part in a live radio interview on K2K radio station, which is based in South Kilburn, to highlight the role of the committee. Councillor Sheth also attended a meeting of Brent Youth Parliament (BYP) in November and gave a presentation about the work of the committee focusing on young people's issues, and how BYP members can be involved. He highlighted forthcoming items at committee which will affect young people's lives.
- 3.4 Since the last chair's report, the Community and Wellbeing Scrutiny Committee has met twice. The committee received on 19 September a report about the Brent Local Safeguarding Children Board Annual Report. The annual report was presented by the Independent Chair Mike Howard. He highlighted two areas of work – the quantity and the quality of safeguarding. In relation to the first, he mentioned performance data received from various partners all of which contributed to safeguarding in Brent and he said that he was pleased that it had been possible to employ a Data Analyst until the end of the next financial year. In the second area, the way the Section 11 Audit was carried out had changed – employees of organisations which sat on the Board were required to complete a questionnaire which measured their level of knowledge of safeguarding and allowed their managers to identify areas of concern where action had to be taken. Members questioned the results of the Section 11 Audit. A member of the committee also enquired about the level of confidence that children at risk were protected. The Independent Chair said that he was confident about safeguarding based on the work carried out by the Brent Family Front Door (BFFD) which processed all referrals and had good relationships with key partners such as the police, housing and health providers.
- 3.5 The meeting also received the Brent Safeguarding Adults Board Annual Report, which was presented by the Independent Chair Michael Preston-Shoot. He said that in 2016-2017 the Safeguarding Adults Team (SAT) had received 1,712 concerns compared to 1,678 referrals made in 2015-2016, and 628 concerns had been investigated and completed as S42 enquiries. The committee heard that there had been a protocol to work effectively with adults who self-neglected themselves. In addition, the Board would turn its attention to standards in care homes because

more safeguarding adult reviews had been commissioned at national level in relation to abuse in the latter, although no specific problems had been identified in Brent. Measures had been taken to increase the engagement of user groups and they had been allowed to address the Board. However, progress had been slower than expected and there had not been representation from a service user group. In addition, Professor Preston-Shoot emphasised that resourcing the SAB had to be examined in detail and engagement of various partners had to be monitored going forward.

- 3.6 There was a separate report on Female Genital Mutilation (FGM). Doctor Sarah Basham, Co-Clinical Director at Brent Clinical Commissioning Group (CCG), introduced the report which outlined Brent CCG's work on identifying cases of FGM in the borough. A member of the committee enquired about the Department of Health's prevention programme and the Committee heard that the Department's data provided information about the prevalence of FGM as it extracted data from the locations where FGM had been reported, which allowed the identification of hotspots. Doctor Arlene Boroda, Designated Director for Unexpected Child Deaths at Brent CCG, explained that work around FGM had been ongoing for a long period of time. She said that in addition to mandatory reporting, Brent CCG was trying to eradicate the practice by working with partners across the health economy, the Police, and the voluntary sector. In relation to support for women who had undergone FGM, Dr Boroda noted that a range of practitioners provided services to victims and a number of local hospitals had specialised clinics which had good reputations. When a referral was made, all concerns were taken into account and mental and physical assessments were carried out so clinicians could determine the individual's health needs.
- 3.7 On 22 November, committee received a report about the Special Educational Needs and Disabilities (SEND) Statement of Action. The report was jointly presented by the Strategic Director for Children and Young People and the Chief Operating Officer of Brent CCG. Its focus was the Statement of Action arising from the Local Area inspection of Special Educational Needs and Disabilities (SEND). Brent CCG noted that one of the biggest weaknesses identified by the inspection had been the fragmented approach to joint commissioning which had caused gaps in services. Ways to integrate health and Local Authority commissioning had been examined and work had begun on all actions included in the Written Statement of Action. The Strategic Director said that the inspection report had been complimentary of the relationship between the Local Authority and schools in the area, which demonstrated the strong link between education and health outcomes. She said that although connectivity between the Local Authority and the CCG in terms of commissioning was good, there had been cases where services had been commissioned separately and had, sometimes, been delivered by the same organisation. The Committee focused its attention on the recruitment and the work of therapists.
- 3.8 The committee also had a report about the Care Leavers Local Offer. The report informed the committee about the effectiveness of current services for care leavers and the implications of recent legislative changes introduced by the Children and Social Work Act in April 2017. One of the key changes was that the duty and responsibility to all care leavers was extended to the age of 25, regardless of their

education and employment status. Officers said that although the precise budget implications of the new local offer had not been clear yet, there was a need for demographic growth to be built in so a new cohort of teenagers, currently growing up, could be accounted for.

- 3.9 On 6 December 2017 a special committee was held to review Brent Clinical Commissioning Group's proposals to change the GP extended access service next year. The proposals were presented by the interim Chief Operating Officer of the CCG and other officers. Members of the Community Wellbeing Scrutiny Committee made four recommendations after listening to the presentation and scrutinising the proposals. Three recommendations highlighting the transition arrangements for unregistered patients, disability access and communications were made to the CCG. In addition, one recommendation around the issue of patients and online booking for the extended access service was made to NHS England by members.
- 3.10 A task group set up by the Community and Wellbeing Scrutiny Committee to review the commissioning of home care in the borough is completing its report and will present the finished report with recommendations to committee on 31 January. The members of the task group have looked at the present home care commissioning arrangements and discussed with officers and the Cabinet Member for Community Wellbeing what challenges the present system is facing.

#### **4.0 Financial Implications**

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

#### **5.0 Legal Implications**

- 5.1 There are no legal implications arising from this report.

#### **6.0 Equality Implications**

- 6.1 There are no equality implications

#### **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 Non-executive members are regularly involved in overview and scrutiny.

**Report sign off:**

**Peter Gadsdon**

Director of Policy Performance and Partnerships

## APPENDIX A: Community and Wellbeing Scrutiny Committee Work Programme 2017-18

Wednesday 19 July 2017

Agenda Rank	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	Sustainability and Transformation Plan - Update	Cabinet member to update scrutiny on recommendations made on 20 September 2016	Cllr Krupesh Hirani, Cabinet Member for Community Wellbeing	Cabinet member to update
2.	Task Group report Child and Adolescent Mental Health Services	To discuss and agree task recommendations made by the task group	Cllr Ahmad Shahzad  Cllr Mili Patel, Cabinet Member for Children and Young People	Gail Tolley, Strategic Director, Children and Young People  Duncan Ambrose, Assistant Director, CCG
3.	Primary Care Transformation	Review implications of primary care transformation for Brent	Cllr Krupesh Hirani, Cabinet Member for Community Wellbeing	Sheik Auladin, Interim Chief Operating Officer, Brent CCG Sarah McDonnell, Assistant Director for Primary Care, Brent CCG
**4.	Children's oral health	Review of work being done to improve children's oral health in Brent.	Cllr Krupesh Hirani, Cabinet Member for Community Wellbeing	Phil Porter, Strategic Director Dr Melanie Smith Director of Public Health Jeremy Wallman/Kelly Nizzer, NHS England. Claire Robertson, Public Health England

\*Items involving school education. \*\* Items which may involve partnership work with schools.

Tuesday 19 September 2017

Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	Brent Safeguarding Adults Board	Receive 2016-17 annual report. Review last year's recommendations by committee	Cllr Krupesh Hirani, Cabinet Member for Community Wellbeing	Michael Preston-Shoot, Chair BASB
**2.	Brent Local Safeguarding Children's Board	Receive 2016-17 annual report. Review last year's recommendations by committee	Cllr Mili Patel, Cabinet Member, Children and Young People	Mike Howard, Independent Chair, BLSCB
3.	FGM in Brent	Review the identification of FGM in the borough and the implications for health policy-makers, the local authority and other agencies and organisations in Brent.	Cllr Krupesh Hirani, Cabinet Member for Community Wellbeing	Brent CCG
4.	Home Care: Commissioning and the Market in Brent	Agree task group scoping paper	Cllr Krupesh Hirani, Cabinet Member for Community Wellbeing	Phil Porter, Strategic Director Community Wellbeing Helen Woodland, Operational Director Social Care

\*Items involving school education. \*\* Items which may involve partnership work with schools.

Wednesday 22 November 2017

Agenda	Item	Details	Cabinet Member/Member	Attendees
1.*	Brent Local Area SEND Inspection	Assess the action plan in place as a result of CQC-Ofsted local area inspection and how improvements will be implemented by the local authority and Brent CCG.	Cllr Mili Patel, Cabinet Member, Children and Young People	Gail Tolley, Strategic Director, Children and Young People  Sheik Auladin, Interim Chief Operating Officer, Brent CCG
2.**	Local Offer for Care Leavers	Review the effectiveness of existing Local Offer for care leavers and any changes resulting from new policy or legislation.	Cllr Mili Patel, Cabinet Member, Children and Young People	Gail Tolley, Strategic Director, Children and Young People

\*Items involving school education. \*\* Items which may involve partnership work with schools.

### Wednesday 6 December 2017 Special Scrutiny Meeting

Agenda	Item	Details	Cabinet Member/Member	Attendees
1.	GP access	To review the CCG's proposals for changes to GP access.	Cllr Krupesh Hirani, Cabinet Member Community Wellbeing	Sarah McDonnell, Deputy Chief Operating Officer, Brent CCG  Sheik Auladin, Interim Chief Operating Officer, Brent CCG

\*Items involving school education. \*\* Items which may involve partnership work with schools.

Wednesday 31 January 2018

Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	2016/17 Complaints Report	Review complaints for adult social care, children's services, cultural services.	Cllr Margaret McLennan, Deputy Leader	Peter Gadsdon, Director Performance Policy and Partnerships  Irene Bremang, Head of Performance and Improvement
2.	PLACE scores	Evaluate why certain PLACE scores for hospitals in the Trust have been below average, what action plan has been put in place and what improvements were made.	Cllr Krupesh Hirani, Cabinet Member for Community Wellbeing	North West London NHS Healthcare Trust

\*Items involving school education. \*\* Items which may involve partnership work with schools.

Wednesday 28 February 2018

Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	Learning Disabilities	Evaluate effectiveness and efficiency of learning disability service joint commissioning and market development.  Assess to what extent changes will support independence and independent living.	Cllr Krupesh Hirani, Cabinet Member Community Wellbeing	Phil Porter, Strategic Director, Community Wellbeing  Helen Woodland, Operational Director Social Care
2.	Childhood obesity	Evaluate Brent's effectiveness in reducing rates of childhood obesity	Cllr Krupesh Hirani, Cabinet Member Community Wellbeing	Dr Melanie Smith, Director of Public Health  Sheik Auladin, Interim Chief Operating Officer, Brent CCG
3.	TB: Prevalence in Brent  VERBAL UPDATE	Evaluate how effectively different agencies are working together to address TB.  Understand what the challenges are around diagnosis and treatment of new TB cases.	Cllr Krupesh Hirani, Cabinet Member Community Wellbeing	Dr Melanie Smith, Director of Public Health  Sheik Auladin, Interim Chief Operating Officer, Brent CCG
4.	Home Care: Commissioning and the Market in Brent	Agree task group report and recommendations	Cllr Krupesh Hirani, Cabinet Member Community Wellbeing	Phil Porter, Strategic Director, Community Wellbeing  Helen Woodland, Operational Director Social Care

\*Items involving school education. \*\* Items which may involve partnership work with schools

**Wednesday 28 March 2018**

<b>Agenda</b>	<b>Item</b>	<b>Objectives for Scrutiny</b>	<b>Cabinet Member/Member</b>	<b>Attendees</b>
<b>*1.</b>	School Annual Standards and Achievement report	Receive report and review progress with school standards.  Evaluate committee's recommendations on school standards made in March 2017.	Cllr Mili Patel, Cabinet Member Children and Young People	Gail Tolley, Strategic Director Children and Young People
<b>*2.</b>	Signs of Safety	Review progress with implementation and reporting back on task group's recommendations agreed February 2017.	Cllr Mili Patel, Cabinet Member Children and Young People	Gail Tolley, Strategic Director Children and Young People

\*Items involving school education. \*\* Items which may involve partnership work with schools.

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**Full Council**  
22 January 2018

**Report from the Director of  
Performance Policy & Partnerships**

**Report from the Chair of the Housing Scrutiny Committee,  
Councillor Janice Long**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	1
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Mark Cairns, Policy & Scrutiny Manager, mark.cairns@brent.gov.uk

## 1.0 Purpose of the Report

1.1 This report provides a summary of the work carried out by the Council's Housing Scrutiny Committee in accordance with Standing Order 36. The report covers the period from 18<sup>th</sup> September 2017 to present, detailing a programme of work and items discussed during the committee meeting on 27<sup>th</sup> November 2017.

## 2.0 Recommendation(s)

2.1 Council is recommended to note this report.

## 3.0 Detail

3.1 The Housing Scrutiny Committee's remit is to scrutinise housing functions within the Community Wellbeing department, including the transfer of Brent Housing Partnership; housing supply; housing growth numbers; temporary accommodation; landlord licensing; the private rented sector; housing policy; homelessness; registered providers; supported housing; floating support, and home adaptations. Its remit primarily covers the portfolio area of the Cabinet Member for Housing & Welfare Reform.

## 3.2 2017-18 Housing Scrutiny Committee Members

Councillor Janice Long, Chair  
Councillor Carol Shaw, Vice-Chair

Councillor Shafique Choudhary  
Councillor Mary Daly  
Councillor Patricia Harrison  
Councillor Orleen Hylton  
Councillor Sandra Kabir  
Councillor Kana Naheerathan.

- 3.3 The committee also has agreed to appoint a co-optee who is a leaseholder of a Brent Council home, and another who is a council tenant. A panel agreed by the committee advertised for candidates during the summer and autumn, and interviewed these in December. Nominations for these are scheduled to be agreed at the committee's meeting in January, and confirmed at this meeting of full Council.
- 3.4 There are two meetings of the committee to report upon since the last full Council meeting (including one in September which took place before the Council meeting, but after the report submission deadline).
- 3.5 At its September meeting the scrutiny committee considered the following items.

*Brent Housing Partnership (BHP) Performance Data*

- 3.6 This report confirmed the transition of housing management from BHP back to the council with effect from October 2017.
- 3.7 Members learned about general performance and areas of operational concern, the reasons for underperformance and the steps being taken to remedy performance. Many of these related to the previous BHP housing model though more recent concerns had arisen as a direct result of the transition of housing services back to the council, exacerbated by a shortage of management during the transition period. There had also been ICT difficulties experienced during transition generating a rise in complaints.
- 3.8 The committee was told that steps have now been taken to address underlying issues, which are beginning to yield results although there is some way to go. While officers anticipate that the housing transformation programme being rolled out will address many of the inherent performance matters, members challenged the service over delays and quality of responses provided to customers using the Contact Centre and requested greater emphasis be given to face-to-face engagement with tenants and leaseholders. To this end Members requested further scrutiny of the proposed Resident Engagement Strategy once this was available.

*Rent and Management of the Travellers Site*

- 3.9 The committee received a progress update about rent collection and housing management of the travellers' site at Lynton Close. Members learned that rent arrears have risen in part as a direct result of the introduction of the 'Benefit Cap' which has resulted in some residents no longer being able to claim full Housing Benefit or afford to fund the housing shortfall. Officers expressed a commitment to review rent levels at the site and bring a proposal on affordable rent levels to Cabinet.

- 3.10 The committee scrutinised officers about current and future site management and associated costs - currently undertaken by Oxford County Council (OCC) on behalf of Brent. Whilst the existing arrangement is self-financing, a failure to collect rents poses some risk to the council with discussions underway with OCC to mitigate potential costs.
- 3.11 Officers assured the committee that the cost of planned improvement to the site would be met through the capital programme. They also confirmed that a team was being created to actively improve community engagement and tackle the ongoing matter of overcrowding.
- 3.12 The committee challenged officers about whether the council was meeting its obligation around the number of pitches available, and was advised that the council was planning to carry out a needs assessment amongst those living on site that would later inform any decision to find more space for increased capacity.

#### *Local Government Ombudsman Recommendations – Update*

- 3.13 The committee asked officers to update them on recommendations made by the Local Government Ombudsman and by the Community and Wellbeing Scrutiny Committee in relation to a case from 2016. Officers provided information on:
- the setting up of an internal project group to review domestic abuse processes and procedures
  - the roll out of annual domestic abuse training by Shelter
  - Brent taking the lead on a joint mystery shopping exercise amongst six boroughs
  - the launch of an outcome based review in October to enhance the service offer.
- 3.14 These initiatives will continue to be scrutinised by the Committee. Members challenged on the importance of victims retaining social housing status and Right to Buy (RTB) eligibility if relocated, as a result of domestic abuse. The issue of retaining tenancy following relocation was reported as an ongoing matter not readily resolvable (as it is dependent upon individual circumstances).
- 3.15 At the November 2017 meeting the scrutiny committee discussed the following items:

#### *Leasehold Services*

- 3.16 This item focussed on the minimum legislative consultation requirements under the Landlord and Tenant Act 1985 and Common Law Act 2003 in order that service charges can be collected, for the provision of services and major works. Members learned about the complexity of consultation with service charge payers which the law requires before the landlord commences qualifying works. They were also told about the ways in which tenants and leaseholders are involved in consultation, and the various payment plan options available to leaseholders as well as support provided where leaseholders experience financial difficulty in meeting service charge obligations.
- 3.17 Members challenged Officers about the level, range and extent of leaseholder communication, as well as the extent to which the service engaged Resident

Associations. Officers acknowledged there was scope for improvement in regards to communication and were clear that they are actively working towards improving overall application of the consultation process, but assured the Committee that statutory consultation obligations were being met allowing the Council to collect service charge monies due.

- 3.18 The Committee was advised that contracts for leasehold work previously on hold were due to be released imminently, and the service would trial a new consultation process, with a view to capture lessons learned to improve the overall process.

#### *Housing Complaints*

- 3.19 This item focused primarily on complaint handling performance of the Housing Needs and Private Housing services within Brent Council and complaint handling of Brent Housing Partnership (BHP) in 2016/17. The committee noted an overall increase in the number of cases awarded compensation but noted average compensation per case had decreased. As in previous years the most common cause for complaint remained service delays and/or service failures.
- 3.20 Members challenged the procedures currently adopted in handling of members' complaints and requested specific protocols be put in place to address and escalate complaints as necessary. In regards to the increased complaints about private housing, members received assurances that officers are taking steps to deal with concerns as part of a wider reorganisation of the Housing Management Service, with specific planned improvements for the complaint handling process.
- 3.21 Future annual complaint reports will see Housing Management Services incorporated into the wider Brent Council performance, as this function is now run by the council directly. In the meantime the 8 recommendations agreed at the Cabinet meeting of 23<sup>rd</sup> October 2017 have been rolled forward and will be delivered. These recommendations will continue to be scrutinised to conclusion, by the committee.

#### *Scrutiny Task Group - Brent Housing Associations (Update)*

- 3.22 This was an update report to Members on the progress made, in regards to the original task group report of July 2016 about Brent's Housing Associations. Here the focus has been on developing the role Housing Associations in Brent play in terms of increasing the supply of affordable housing, widening housing choice and reducing pressure on housing supply.
- 3.23 The update highlighted some of the initiatives currently being undertaken to support the council's challenging aspiration to see 1000 new affordable homes delivered each year. This included:
- refreshing partnering opportunities with key Housing Associations; consulting on the new Housing Strategy and exploring joint opportunities to jointly increase affordable housing supply
  - an examination of opportunities to better inform tenure mix of upcoming estate regeneration on 2 estates
  - further opportunities to increase the supply of rented accommodation more efficient targeting of Section 106 agreements to meet internal housing supply using the recently established Invest 4 Brent (I4B) vehicle.

- 3.24 Members learned that the newly convened Housing Strategy and Investment Board brings together key housing services, Housing Associations and other stakeholders into a single forum to collectively work towards increasing housing supply, and addresses other wider housing and general wellbeing matters like fire safety. It is expected that this board will set the strategic direction and expectations of the council moving forward and promote a cohesive approach to increasing housing supply, and making best use of existing housing supply channels.
- 3.25 Finally, the report advised of research being conducted by Cambridge University into affordability levels by different tenures in Brent. It is expected that the research outcome will support more accurate assessment of both property types and rent levels needed to better manage Bands A, B and C of the council's Housing Register, and so improve turnaround times and rental income for the council.
- 3.26 Despite learning about these matters, the committee felt that this update did not provide sufficient information about the status of the recommendations made in the original task group report, and so requested that officers report again on these at the next meeting in January.
- 3.27 In addition to the above, a task group has been undertaken in the current year investigating the fire safety of domestic properties, including low rise properties. The group's work is complete, and it was scheduled to report to the committee's meeting on 16<sup>th</sup> January (after the submission deadline for this report).

#### **4.0 Upcoming Scrutiny Meetings and Activities**

- 4.1 The upcoming meeting on 22<sup>nd</sup> February 2018 will consider the following items:
- Find Your Home programme
  - Brent Housing Management development plans
  - Update on social housing performance and delivery by Brent Registered Providers (RP).

#### **5.0 Financial Implications**

- 5.1 There are no financial implications.

#### **6.0 Legal Implications**

- 6.1 There are no legal implications.

#### **7.0 Equality Implications**

- 7.1 There are no equality implications.

**Report sign off:**

**Peter Gadsdon**

Director of Performance Policy &  
Partnerships



## Housing Scrutiny Committee Work Programme 2017-18

Thursday 27 July 2017

Agenda Rank	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	Fire safety measures for tower blocks across Brent	1.To assess the risk of any event similar to that of Grenfell Tower occurring particularly in social housing in Brent, and provide assurance if appropriate 2.Improved awareness of the mitigation measures in place for civil emergencies; 3. Responding to wider public interest.	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	Phil Porter, Strategic Director Community Wellbeing  Peter Gadsdon, Director of Performance, Policy & Partnerships
2.	Timeline of integration of Brent Housing Partnership (BHP) & Transformation programme	1.Taking stock of the current state the transformation plan; 2. Understand the impact on shared services for residents.	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	Phil Porter, Strategic Director Community Wellbeing
3.	Initial arrangements for co-opted members	Agree method and criteria for recruiting one BHP tenant and one BHP resident as co-optees.	Cllr Janice Long	N/A

4.	Scrutiny Committee's Work Programme 2017-18	The report updates Members on the Committee's Work Programme for 2017-18	Cllr Janice Long	N/A
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Thursday 14 September 2017

Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	BHP performance data, resident engagement strategy and map of all BHP properties in each ward	<ol style="list-style-type: none"> <li>1. Use of performance indicators to understand delivery of housing services;</li> <li>2. Use the current data as a baseline for future points of comparison after BHP's transition.</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance.</li> </ol>
2.	Rent and management of Travellers site	<ol style="list-style-type: none"> <li>1. Scrutinise rent levels and rent collection;</li> <li>2. Management and delivery of services for residents.</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance;</li> <li>4. Oxfordshire County Council.</li> </ol>
3.	Implementation of actions previously recommended by Local Government Ombudsman	<ol style="list-style-type: none"> <li>1. Evidence of action taken based on the recommendations from the Local Government Ombudsman.</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of</li> </ol>

				Finance.
4.	Scope – task group on Fire Safety of low-rise domestic properties (up to nine storeys)	1. Agree scope (to have regard to work already done and previous reports to committee and full Council).	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance;</li> <li>4. Sanjan Haque, Senior Policy Officer</li> </ol>
5.	Scrutiny Committee's Work Programme 2017-18	The report updates Members on the Committee's Work Programme for 2017-18	Cllr Janice Long	<ol style="list-style-type: none"> <li>1. Sanjan Haque, Senior Policy Officer</li> </ol>

Wednesday, 1 November 2017

Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	Leaseholder services	Section 20 consultation process: 1. notice of intention; 2. notification of estimates; 3. notification of award of contract.	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	1. Phil Porter, Strategic Director Community Wellbeing; 2. Hakeem Osinaike, Operational Director Housing; 3. Minesh Patel, Head of Finance.
2.	Brent's Housing Associations: scrutiny task group report (July 2016)	1. Evaluate progress on recommendations from original report to CWB Scrutiny Committee in July 2016.	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	1. Phil Porter, Strategic Director Community Wellbeing; 2. Hakeem Osinaike, Operational Director Housing; 3. Minesh Patel, Head of Finance; 4. John Magness, Head of Housing Partnerships
3.	Housing complaints	1. Scrutinise housing complaints from annual complaints report and determine key messages; 2. Scrutinise handling of vexatious complaints; 3. Review new complaints handling mechanism after BHP dissolved	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	1. Phil Porter, Strategic Director Community Wellbeing; 2. Hakeem Osinaike, Operational Director Housing; 3. Minesh Patel, Head of Finance
4.	Scrutiny Committee's Work Programme 2017-	The report updates Members on the Committee's Work Programme for 2017-18	Cllr Janice Long	1. Sanjan Haque, Senior Policy Officer

**Tuesday, 16 January 2018**

<b>Agenda</b>	<b>Item</b>	<b>Objectives for Scrutiny</b>	<b>Cabinet Member/Member</b>	<b>Attendees</b>
1.	Housing Revenue Account (HRA) rent setting	1. Pre-scrutiny of decision;	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	1. Phil Porter, Strategic Director Community Wellbeing; 2. Hakeem Osinaike, Operational Director Housing; 3. Minesh Patel, Head of Finance
2.	Fire Safety task group report	1. Review final report before submitting to Cabinet	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform; Task Group chair (Cllr Janice Long);	1. Phil Porter, Strategic Director Community Wellbeing; 2. Hakeem Osinaike, Operational Director Housing
3.	Brent based Registered Providers (RP) delivery of social housing	1. Use of existing assets 2. Future strategy for Brent 3. Welfare issues addressed by RP (methods, means, and areas of collaboration with LBB) 4. Commitment and action between RP and their section 106 commitments	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	1. Phil Porter, Strategic Director Community Wellbeing; 2. Hakeem Osinaike, Operational Director Housing; 3. One registered provider (TBC).
4.	Brent's Housing	5. Evaluate progress on	Cllr Harbi Farah, Lead	1. Phil Porter, Strategic Director

	Associations: scrutiny task group report (July 2016)	recommendations from original report to CWB Scrutiny Committee in July 2016.	Member for Housing and Welfare Reform	Community Wellbeing; 2. Hakeem Osinaike, Operational Director Housing; 4. John Magness, Head of Housing Partnerships
5	Review short-listed candidates as co-opted members for the committee	1. Evaluate short-listed candidates as co-opted members for the Housing Scrutiny committee.	Cllr Janice Long	1. Mark Cairns, Policy & Scrutiny Manager
6.	Scaffolding protocol			Hakeem Osinaike Sean Gallagher

Thursday, 22 Feb 2018

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Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	'Find your home' programme	<ol style="list-style-type: none"> <li>1. Performance of the scheme in Brent;</li> <li>2. Understand whether programme is fit for purpose based on social needs;</li> <li>3. Understand the relationship with welfare reform;</li> <li>4. Impact on homelessness with special focus on Children &amp; Young People.</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance.</li> </ol>
2.	BHP Development plans	<ol style="list-style-type: none"> <li>1. Size of portfolio; Value of portfolio;</li> <li>2. Management and usage plans beyond integration of BHP within LB Brent Housing;</li> <li>3. Financial forecast.</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance</li> </ol>
3.	Brent based Registered Providers (RP) delivery of social housing	<ol style="list-style-type: none"> <li>1. Use of existing assets</li> <li>2. Future strategy for Brent</li> <li>3. Welfare issues addressed by RP (methods, means, and areas of collaboration with LBB)</li> <li>4. Commitment and action between RP and their section 106 commitments</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance;</li> </ol>

				4. One registered provider (TBC).
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Wednesday, 21 Mar 2018

Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	Homelessness Reduction Act	<ol style="list-style-type: none"> <li>1. Role of the Trailblazer programme in delivering reduction in homelessness;</li> <li>2. Council's preparation for the delivery of the new legislation.</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance.</li> </ol>
2.	Brent based Registered Providers (RP) delivery of social housing	<ol style="list-style-type: none"> <li>1. Use of existing assets</li> <li>2. Future strategy for Brent</li> <li>3. Welfare issues addressed by RP (methods, means, and areas of collaboration with LBB)</li> <li>4. Commitment and action between RP and their section 106 commitments</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance;</li> <li>4. One registered provider (TBC).</li> </ol>
3.	Outcome Based Review – domestic abuse	<ol style="list-style-type: none"> <li>1. OBR/pan-London domestic abuse progress report.</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance;</li> </ol>

 <b>Brent</b>	<p><b>Full Council</b> 22 January 2018</p> <p><b>Report from the Director of Resources</b></p>
For Information	Wards Affected: All
<p><b>Report from the Vice-Chair of the Audit Advisory Committee</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	0
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Conrad Hall, Chief Finance Officer 020 8937 6528 <a href="mailto:conrad.hall@brent.gov.uk">conrad.hall@brent.gov.uk</a>

## 1.0 Purpose of the Report

1.1 This report provides a summary of the activities carried out by the Council's Audit and Audit Advisory Committees since the meeting of Full Council on 18th September 2017.

## 2.0 Recommendations

2.1 Full Council is asked to note the contents of the report.

## 3.0 Detail

3.1 The committee has met three times since the last update was provided to Council – on 20<sup>th</sup> September, 5<sup>th</sup> December 2017 and 10 January 2018. The January meeting fell after reporting deadlines for Council, and so that meeting will be covered in the next update report to Council. This paper is a brief update on the areas covered in the September and December meetings.

3.2 Brent remains committed to open and transparent governance, and welcomes external scrutiny, which is why it has ensured that the Committee continues to have two independent members. As previously noted, under s102(1) of the

Local Government Act 1972, the independent members were formerly unable to vote. By reconstituting however, almost all the business under the Audit Advisory Committee, which operates under different legislation, can be voted upon by the independent members. They thus continue to have an equal voting status to elected councillors.

- 3.3 Going forward, the Committee will continue in its key role of reviewing corporate governance, the effectiveness of internal control, the management of risks and scrutinising key financial information such as the accounts and lending and borrowing. Additional meetings of the Committee will be added to the work plan for 2018/19 to accommodate the increasing workload. The key items that the committee have considered at its two recent meetings are set out in the paragraphs below.

3.4 **Audit Advisory Committee - 20<sup>th</sup> September 2017**

Update on mobilisation and initial operation of I4B Holdings Ltd

The Committee received an update from the Board of I4B Holdings Ltd on the progress it had made in mobilising the company and delivery against its business plan.

Review of the Member Learning and Development Programme

An update on member learning and development sessions delivered for members since May 2016, as well as the Member induction programme to be delivered following the May 2018 Local Elections.

External Audit Progress Report

The Committee was updated on the auditing activities undertaken by KPMG in the period June 2017 to September 2017.

Statement of Accounts 2016/17 and External Auditor's Report  
(This was considered under the remit of the Audit Committee)

The Audit Committee:

- considered the key issues and recommendations;
- considered the corrected audit differences;
- approved the statement of accounts, and
- approved the letter of representation to KPMG.

2017/18 Mid-Year Treasury Report

Members were updated on recent treasury management activity.

Public Sector Audit Appointments Consultation on Auditor Appointment from 2018/19

Full Council decided in January 2017 to accept the invitation of Public Sector Audit Appointments Ltd (PSAA) to opt into a sector-led option for the appointment of auditors for five years from 2018/19. The paper outlined the proposal for Brent Council and the Chief Finance Officer's planned response to the consultation. (Subsequently the appointment of Grant Thornton as the council's new external auditors has been conformed.)

#### Capital Programme Update

This update was requested by the Audit Advisory Committee in June and updated the committee on the delivery of the Capital Programme and the changes that have been made to improve performance, forecasting and governance.

#### Internal Audit and Counter Fraud Progress Report for the period 1 April - 31 August 2017

The report provided an update on the progress against the internal audit plan for the period 1 April 2016 to 31 August 2017 and a summary of counter-fraud work for the first quarter of 2017/18.

#### Public Sector Internal Audit Standards (PSIAS) Action Plan

The paper informed Members of the result of a self-assessment of the Internal Audit service against the Public Sector Internal Audit Standards (PSIAS).

#### Fire Servicing, Maintenance and Responsive Repairs of Fire Installations (Brent Housing Partnership) - Follow up of Implementation of Recommendations

This was an update on the status of the implementation of the recommendations in a 2015/16 internal audit report on 'Fire Servicing, Maintenance and Responsive Repairs of Fire Installations'. It confirmed that the recommendations relating specifically to fire safety had been implemented.

### **3.5 Audit Advisory Committee - 5<sup>th</sup> December 2017**

#### External Audit Progress Report

The report summarised the auditing activities undertaken by KPMG in the period September 2017 to December 2017 and provided an overview of actions to be completed by the next meeting of the Audit Committee.

#### Annual Audit Letter 2016-2017

The Annual Audit Letter summarised the outcome from KPMG's audit work in relation to the 2016/17 audit year.

#### Brent Housing Partnership / Housing Management Transformation

The paper provided an update on the progress of the BHP / Housing Management Transformation. This was intended to assist the committee in taking on the functions carried out by BHP's Audit Committee by providing them with background to key current issues in housing management.

#### Brent Housing Partnership - Summary of Audits Reports Issued 1 April 2016 to 31 August 2017

The report provided a summary of internal audit reports issued to the Brent Housing Partnership Audit Committee during the period 1 April 2016 to 31 August 2017.

#### Anti-Fraud and Bribery Policy 2017

The paper informed Members and got approval of the new Anti-Fraud and Bribery Policy. The policy had been brought up to date to reflect the fraud risks, legislation and working practices currently applicable in Brent.

#### Anti-Money Laundering Policy 2017

The report informed Members and got approval to implement a new Anti-Money Laundering Policy. This policy sets out effective measures to ensure Brent is compliant with relevant legislation.

#### Paddington Cemetery Groundworks

The purpose of this report was to set out the findings from an investigation into the circumstances for procuring works to conduct landscaping at Paddington Cemetery.

### **3.6 Internal Audit Annual Plan 2018/19**

Preparations are underway to produce a full, risk-based annual audit plan for 2018/19. The Audit Advisory Committee will receive the draft plan on 20<sup>th</sup> March 2018. Committee members have been asked for any areas they think could be added to the plan i.e. areas of potential risk where they feel independent assurance from the Internal Audit team would be valuable. This request for suggested input has been extended to all members via the weekly members' bulletin.

### **4.0 Financial Implications**

4.1 There are no financial implications arising from this report.

### **5.0 Legal Implications**

5.1 There are no legal implications arising from this report.

### **6.0 Equality Implications**

6.1 There are no diversity implications arising from this report.

**7.0 Consultation with Ward Members and Stakeholders**

7.1 Not applicable

**8.0 Staffing/Accommodation Implications (if appropriate)**

8.1 There are no staffing and accommodation implications arising from this report.

**Report sign off:**

**Conrad Hall**  
Chief Finance Officer

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 <p><b>Brent</b></p>	<p><b>Audit Advisory Committee</b> 10 January 2018 <b>Council</b> 22 January 2018</p>
<p><b>Report from the Chief Executive</b></p>	
<p><b>Emergency Preparedness Cover Report</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Four: <ul style="list-style-type: none"> <li>• Emergency Preparedness: A Task Group Report</li> <li>• Appendix A – Different types of incident and their command structure</li> <li>• Appendix B – Draft Emergency Planning 2020 Review (Local Authorities Panel)</li> <li>• Appendix C – ‘A Councillor’s guide to civil emergencies’ (LGA Guidance)</li> </ul>
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Joanna Walton Head of the Chief Executive’s Office Email: <a href="mailto:joanna.walton@brent.gov.uk">joanna.walton@brent.gov.uk</a> Tel: 020 8937 6879

## 1.0 Purpose of the Report

1.1 Following the tragic fire at Grenfell Tower, a joint task group was formed between members of the Audit Advisory Committee and each of the scrutiny committees, to assess Brent’s emergency preparedness. The attached report sets out the task group’s findings and recommendations.

## 2.0 Recommendations

2.1 That the Audit Advisory Committee comment on the recommendations set out within the task group report, and note that the report will be taken to Full Council on 22 January 2018 for further debate and consideration by all Members.

### **3.0 Financial Implications**

3.1 None. None of the recommendations will incur significant cost to implement.

### **4.0 Legal Implications**

4.1 None. The Council is currently fully compliant with all statutory requirements, and the recommendations set out in the attached report aim to improve on an already strong position.

### **5.0 Equality Implications**

5.1 None.

### **6.0 Consultation with Ward Members and Stakeholders**

6.1 The task group consisted of representatives from Audit Advisory Committee, Resources Scrutiny Committee, Housing Scrutiny Committee, and Public Realm Scrutiny Committee. All Councillors will have the opportunity to debate the report at Full Council on 22 January 2018.

### **7.0 Human Resources/Property Implications (if appropriate)**

7.1 None.

**Report sign off:**

**CAROLYN DOWNS**  
Chief Executive

# Emergency Preparedness A Task Group Report

Chair, Cllr Ketan Sheth

**Audit Committee, January 2018**

## Chair's Foreword

Over the spring and summer of 2017, terrorist incidents in Westminster, Manchester and London Bridge, and then the tragic fire at Grenfell Tower in Kensington, rightly put Emergency Preparedness at the forefront of minds of public servants across the UK. While the terrorist incidents in London were managed by individual Local Authorities with minimal need for support from their neighbours, the scale of the Grenfell Tower disaster required a pan-London response.

Over 100 Brent staff answered the call for mutual aid. They covered roles as diverse as working at the Borough Emergency Control Centre, advising affected individuals at one of the two assistance centres, social workers supporting affected families longer term, and Brent's own Chief Executive being temporarily loaned into the "Head Office" of the Grenfell Fire Response Unit to head up the Humanitarian Assistance response.

In light of the number and scale of incidents in 2017, the Audit Advisory Committee agreed there was a need to reassure itself of Brent's own emergency preparedness. Given the cross-cutting nature of incident response, it was felt that a task group should be drawn from across all three scrutiny committees and the Audit Advisory Committee.

This report outlines a number of Brent's strengths in this area, along with nine recommendations, many of which will have been implemented by the time other members receive this report. While we all hope that the people of Brent are spared any major incident, they can feel reassured that a strong foundations are in place should the council be called upon to respond.

I would like to thank all the members who were part of this group and the officers who supported this work.

Cllr Ketan Sheth

Chair of Community and Wellbeing Scrutiny Committee

## Context

### Statutory Obligations

Local Authorities are required by the Civil Contingencies Act (2004) to undertake the following seven activities:

1. **Co-operate with other category one and two responders** – which is achieved via Brent Borough Resilience Forum (BRF). The BRF isn't a separate legal entity, and isn't a responder in itself, but is the principle mechanism for multi-agency co-operation and co-ordination.
2. **Share Information to enhance coordination** – also achieved through the BRF, in addition to standard operational channels.
3. **Undertake Risk Assessments** – these are regularly reviewed and updated to provide a comprehensive assessment of the risks facing the borough, which are then monitored or mitigated appropriately. Risk Management can help to ensure that planning work is carried out in proportion to the risk.
4. **Create emergency plans for response** - risk assessments are used to decide which plans need to be developed and what should be included within them. The Minimum Standards for London (MSL) framework is used to guide this work, and to provide a benchmark for measuring standards of service, and we self-assess against this framework on an annual basis.
5. **Create and maintain business continuity arrangements** – the council's Business Continuity Programme ensures resilience to disruptions, incidents and / or emergencies when they occur.
6. **Maintain arrangements to warn and inform the Public in the event of an emergency** – the council maintains an Emergency Communications Protocol that is reviewed annually, and outlines methods for communicating with the public during emergencies.
7. **Provide advice and support on business continuity to businesses and the voluntary sector** – A Promotion Strategy is in place to encourage business continuity management (BCM) by Brent businesses, and the Council's website contains useful information for businesses wishing to enhance their resilience as well as a contact point for further support.

### Responding to incidents

When an incident occurs, generally the immediate response is coordinated by "blue light" services such as Police or Fire. If necessary, they would lead a multi-agency response, membership of which would depend on the nature of the incident, but would likely include agencies such as Local Authorities, Health, and Transport. Each agency leads on the elements of the response that sit within their normal remit; for local authorities this may be services such as social care, provision of emergency rehousing, management of the public realm. Authorities are often commonly asked to use their buying power to secure resources that the Police and Fire Brigade may not be able to source. A simple way of summarising this is that the Authority is asked to "deliver normal services under abnormal circumstances".

The command structure which is put in place within the local authority in order to achieve this differs dependent on the scale of the incident, and are attached at Appendix A.

During 2017, the Civil Contingencies team dealt with 22 separate incidents in total, of which 20 were relatively minor and only affect a handful of residents;

- 13 domestic house fires, floods, or explosions
- 4 incidents on industrial or commercial sites
- 3 localised issues such as power cuts, storms and burst water mains

The final two were Brent's support of the Grenfell Tower response, and the unexploded bomb in Brondesbury Park.

In most cases the incidents were dealt with by the Emergency Duty Officer within the Civil Contingencies team liaising with blue light agencies. The Emergency Duty Officer provided updates, and where necessary took instruction directly from the Chief Executive. In eight cases, the incidents were severe enough to require a Local Authority Liaison Officer to be dispatched in order to be the eyes and ears on the ground. A further five required establishment of a Rest Centre, though with the exception of the WW2 bomb this was small scale; less than ten residents. Seven required us to temporarily rehouse a small number of residents.

### **London-Wide Support for Emergency Planning**

All London Councils are supported in their Emergency Planning functions by the London Resilience Group, which is hosted by London Fire Brigade, and jointly funded by the Brigade, local authorities and the Greater London Authority.

London Resilience is a centre of excellence, which provides a secretariat function to regional forums, supports local authority emergency planning and response, and supports pan-London arrangements if there is major incident in the capital. They also coordinate the annual self-assessment of all local authorities against the Minimum Standards for London criteria.

### **Best practice and review**

London Resilience also support the Local Authorities Panel, which last year collectively reviewed Emergency Planning capabilities across London, and generated a series of recommendations for implementation both at Regional and Local level in order to ensure collective capabilities and resilience remains fit for purpose into the 2020s. The full copy of this report is attached at appendix B.

Many of the recommendations are strategic in nature, and applicable to the regional level, and will be implemented through London Resilience and the various regional structures. Of those that were applicable at the local level, many had already been implemented by Brent.

<b>Summary of recommendation</b>	<b>Brent's position</b>
Emergency Planning Teams should be placed within a central / corporate directorate	The Civil Contingencies team sits within the Resources directorate, alongside other corporate services
Business Continuity should be incorporated into Emergency Planning Teams	Brent has always combined these two functions
Enhance cooperation at sub-regional level to ensure an equal contribution by individual boroughs to regional planning	Brent has always contributed to regional work, being a lead borough for LALO2 training across London and being a member of the Mass Fatalities Coordinating Group by virtue of our mortuary being a designated disaster mortuary for the North Coronial area. Additional elements of regional work have been agreed at sub regional level and the West London sub regional

	grouping of boroughs has agreed a work plan to reflect this.
Chief Executives must ensure they are prepared to assume the London Local Authority Gold (LLAG) role	Carolyn Downs has been on the LLAG on-call rota on a number of occasions, and assumed a deputy Gold role at the Grenfell Tower Response Unit. In addition, members of the support team are trained and on-call rotas are put in place for Brent's periods of LLAG duty
Chief Executives to continue to support and monitor the effectiveness of MSL as the assessment criteria of London's collective preparedness	Council Management Team is responsible for approving the annual self-assessment against MSL before it is submitted

In addition to the Local Authorities Panel report, the panel has also commissioned a peer review of London Local Government's Collective Resilience Arrangements. The report will be submitted to the Local Authority Panel and the London Councils Leaders' Committee in early 2018.

The areas of focus will be London local government's collective arrangements, working with other partners, to support London's overall resilience. It will consider this in the context of the EP2020 Prospectus and the degree to which, given the experience of a range of incidents during 2017, that continues to provide assurance about London local government's collective work. It will not focus on the performance of any individual authority, nor will it seek to cover the same territory that is being examined by specifically constituted debriefing exercises and inquiries into particular incidents.

## Methodology

Given that the task and finish group's work crossed the remits of the council's Audit Advisory Committee, and the overview and scrutiny committees, its membership was drawn from all of these as they stood at the time of the group's inception. This was as follows:

- Councillor Ketan Sheth (Community and Wellbeing Scrutiny Committee) – Chair
- Councillor Rita Conneely (Community and Wellbeing Scrutiny Committee)
- Councillor Patricia Harrison (Housing Scrutiny Committee)
- Councillor Reg Colwill (Housing Scrutiny Committee)
- Councillor Ernest Ezeajughi (Resources and Public Realm Scrutiny Committee)
- Councillor Neil Nerva – (Audit Advisory Committee)

The group was supported by the Chief Executive and the Strategic Director for Resources, as well as officers from their departments, including expert advice from the Civil Contingencies Manager. It met four times from September to November 2017, and considered a range of evidence, including key local emergency planning documents; information on rest centre provision; examples of the role members could play in the event of a civil emergency; and relevant training opportunities for members and officers.

The group also heard from the council's Head of Digital Services about the resilience of its IT systems; and from the London Resilience Forum's Deputy Head of Emergency Planning, on the Minimum Standards for London, how Brent had assessed itself against these and how it compared with other London boroughs.

In addition, the group received updates on meetings of the council's Senior Managers Group, and the council's partners in Wembley Park, on plans and readiness for civil emergencies. Members further took part in a number of fictional emergency scenarios to discuss appropriate responses, as well as having the opportunity to visit the Control Room in the Civic Centre, which is used as the Borough Emergency Control Centre in an emergency.

## Findings

Brent has much to be proud of in terms of its emergency preparedness. It is one of only a handful of London boroughs to have a dedicated facility set up to run an incident response; all the necessary plans are in place and subject to regular review, annual assessments against other London-wide criteria are positive, and the Authority has a strong reputation for dealing effectively with low level incidents.

On the few occasions Brent has been tested by larger incidents, such as the unexploded bombs found in Wembley and Brondesbury Park in recent years, the response has been well coordinated, and residents of the borough have been kept safe and reassured. The task group also heard that in some areas, such as identifying vulnerable residents in an emergency, Brent is seen as an example of best practice, and is often called upon to demonstrate its methodology to other boroughs.

There is recognition that there is always room for improvement, and the task group have reviewed best practice, and considered advice from a variety of sources in coming to the recommendations laid out in this report.

### Leadership during an incident response

The task group reviewed the command structures for different types of incident (attached at Appendix A), and gained a better understanding of the roles of incident Gold, Silver, Local Authority Liaison Officers, and the role played by the Borough Emergency Control Centre (BECC) during an emergency.

They noted that the infrequency of major incidents in the borough, and the relative frequency of lower level incidents which are managed solely by the Civil Contingencies team in liaison with the Chief Executive directly, may have given rise to an inadvertent lack of visibility and ownership within the wider Senior Management Team. The handful of trained Silver Officers across the authority have thus far been sufficient to respond to the rare larger incidents. However during their debrief, London Resilience warned of the danger of reliance on voluntary resources. They advised that many boroughs have reviewed relevant job descriptions to ensure that the responsibility of managers to be part of an emergency response is explicit, and embedded throughout every part of the organisation.

**Recommendation 1:** On-call rotas should be put in place to formalise the arrangements for incident Gold and Silver, ensuring that suitable training is provided, and job descriptions and payment arrangements are updated accordingly.

The group noted that many boroughs commission bespoke training for all the senior managers who would be involved in a command structure from a branch of the Cabinet Office called the Emergency Planning College, and that feedback from those boroughs on the value and quality of this training has been very positive.

**Recommendation 2:** That the Emergency Planning College be commissioned to create a bespoke training package to be delivered to the Senior Management Team, specific to the various leadership roles in the command structure, with refresher training to be made available every two years.

The task group also gave consideration to the role of elected members during an emergency response, noting that while it was not the role of Councillors to get involved in the strategic, tactical or operational coordination and delivery of response or recovery, they had an

important role in providing highly visible community leadership, and in confidence building and engagement with affected individuals. In particular the group highlighted that the presence of local ward Councillors and the Leader of the Council at the rest centre during the unexploded bomb in Brondesbury had a very positive impact, and provided affected individuals with significant reassurance.

The group agreed that the LGA booklet “A Councillor’s guide to Civil Emergencies” (attached at Appendix C) reflected this well and should be used as the basis of improving understanding of the role with members outside of the task group.

**Recommendation 3:** There should be induction training for Councillors on their role in Emergency Response, which should include a visit to the BECC, and explanation of communications protocols so Councillors know how they will receive information during an incident. Refresher training should be made available every two years.

### **Operational readiness**

The council is fully compliant with its statutory obligations. Where local versions of emergency plans are required by legislation, they are in place and are subject to regular review. However, the feedback from the Senior Manager’s Group session that was considered by the task group highlighted that in some areas, operational managers were not always sufficiently aware of their role. It was also noted that in isolated cases, the practical elements needed to enact those plans either weren’t in place, or that managers may not have been aware of them. Some examples of this might be questions over whether sufficiently flexible commissioning arrangements are in place to quickly decant a care home with a large number of residents with different vulnerabilities, or whether communications cascades were sufficiently up to date with staffing changes.

This was not felt to be a significant cause for concern, given that an emergency response is fundamentally the council “delivering normal services in abnormal circumstances”, but the group did agree that greater departmental ownership of plans would help to deliver greater consistency in understanding of plans and ensure regular review of the practical arrangements laid out within them.

**Recommendation 4:** That emergency plans are reviewed within the relevant departments, to ensure that the necessary operational arrangements are in place in order to be able to enact them quickly.

**Recommendation 5:** In order to ensure regular and detailed review at an operational level, existing arrangements for review and sign-off of all plans should be amended so that departments have full accountability for their relevant areas of responsibility.

The group also discussed the importance of exercises as a means of testing plans and ensuring operational readiness, and noted that the Civil Contingencies team regularly conduct two types of drills. The first type is an activation test, which alerts people to an incident and checks their theoretical response time. The second is an annual rest centre exercise which covered the aspects of setting up and running a centre. The latter requires significant resource to organise, and incurs significant cost if external bodies such as the Emergency Planning College are brought in to deliver it, and as such it was felt that table-top exercises and scenario testing were the most feasible way of testing readiness and highlighting issues.

**Recommendation 6:** That the Civil Contingencies team continue its existing arrangements for exercises, but through its existing training, expands the programme of table-top exercises

with both operational managers, and those that would form part of the command structure in a major incident.

One specific area of operational readiness that the group expressed some concern about was the provision of emergency shelter. While the group noted that the Civil Contingencies team has relationships with around 30 venues throughout the borough, and has never had a problem sourcing a rest centre within a reasonable locality of an incident, they still expressed concern that centres may become unavailable as a result of alternative bookings, or as a consequence of the significant amount of regeneration in the borough.

The group also considered that in certain circumstances, overnight accommodation within a rest centre environment may not be the most appropriate option, and that while there is no statutory obligation to provide it, hotel accommodation may be more suitable. It considered the specific issues around sourcing hotel accommodation in Wembley on event days, and heard that some boroughs had pre-existing contractual arrangements with hotel chains to facilitate mass placement of evacuated residents.

**Recommendation 7:** That the rest centre list be reviewed and refreshed with input from members and their community contacts, and that arrangements be put in place with hotels within the borough to ensure that block bookings could be secured at short notice if needed.

### **Working with partners**

Brent is home to three sites that are classed as high-risk by national counter terrorism police; Wembley Stadium, the SSE Arena, and Neasden Temple. Given that any incident affecting the stadium or arena would also affect the Civic Centre, it was felt that the additional complexity of this made close relationships with partners in Wembley particularly important.

The task group received an update on a recent meeting with all the Wembley park partners and blue light services at a strategic level, and was in support of their joint decision to undertake a two-hour table top exercise to discuss potential scenarios specific to Wembley. It also noted that strong relationships also existed through the Civil Contingencies team at an operational level, and that all organisations had committed to continuing to maintain and update the lists of key contacts that were shared between them all.

The task group considered issues such as dispersal from the Wembley area following an incident, but noted that the Council had no statutory obligations in this respect, but could potentially assist with traffic management, sheltering affected individuals until transport could be arranged, and liaison with emergency services partners and transport operators.

**Recommendation 8:** That close relationships be maintained at a strategic and operational level with the Wembley park partners, and that an update on the table-top exercise be included within the report to the audit committee. That contact is made with Neasden Temple to ensure that the relevant contacts are in place.

### **Monitoring & Evaluation**

The group felt that while the risks around emergency preparedness appeared to be well managed, that the impact of any mishandling of an emergency response was sufficiently great that it ought to suggest that the Audit Advisory Committee undertake an annual review of emergency preparedness. It noted that the Audit Committee could obtain objective and

independence assurance on the effectiveness of the council's Emergency Planning Framework, and any training that had been conducted throughout the year, through the Internal Audit team, and that the Head of Internal Audit would be proposing inclusion of a review within the 2018/19 internal audit plan. The group also felt that given the wide-reaching nature of any such incident within the borough, an update should then be provided to Full Council in such a way that it enabled debate to take place.

**Recommendation 9:** That Internal Audit carry out a full review of Emergency Planning 2018/19, with a follow up report in 19/20 as per the usual audit protocol, after which the Audit Committee should give thought to how regularly the function needs to be reviewed going forward. Following the Audit report, an update will be provided to full council in order to enable debate.

## Action Plan & Progress to Date

This task group has been running concurrently with a number of internal activities, and as such significant progress has already been made over recent months towards achievement of some of the recommendations outlined within this report.

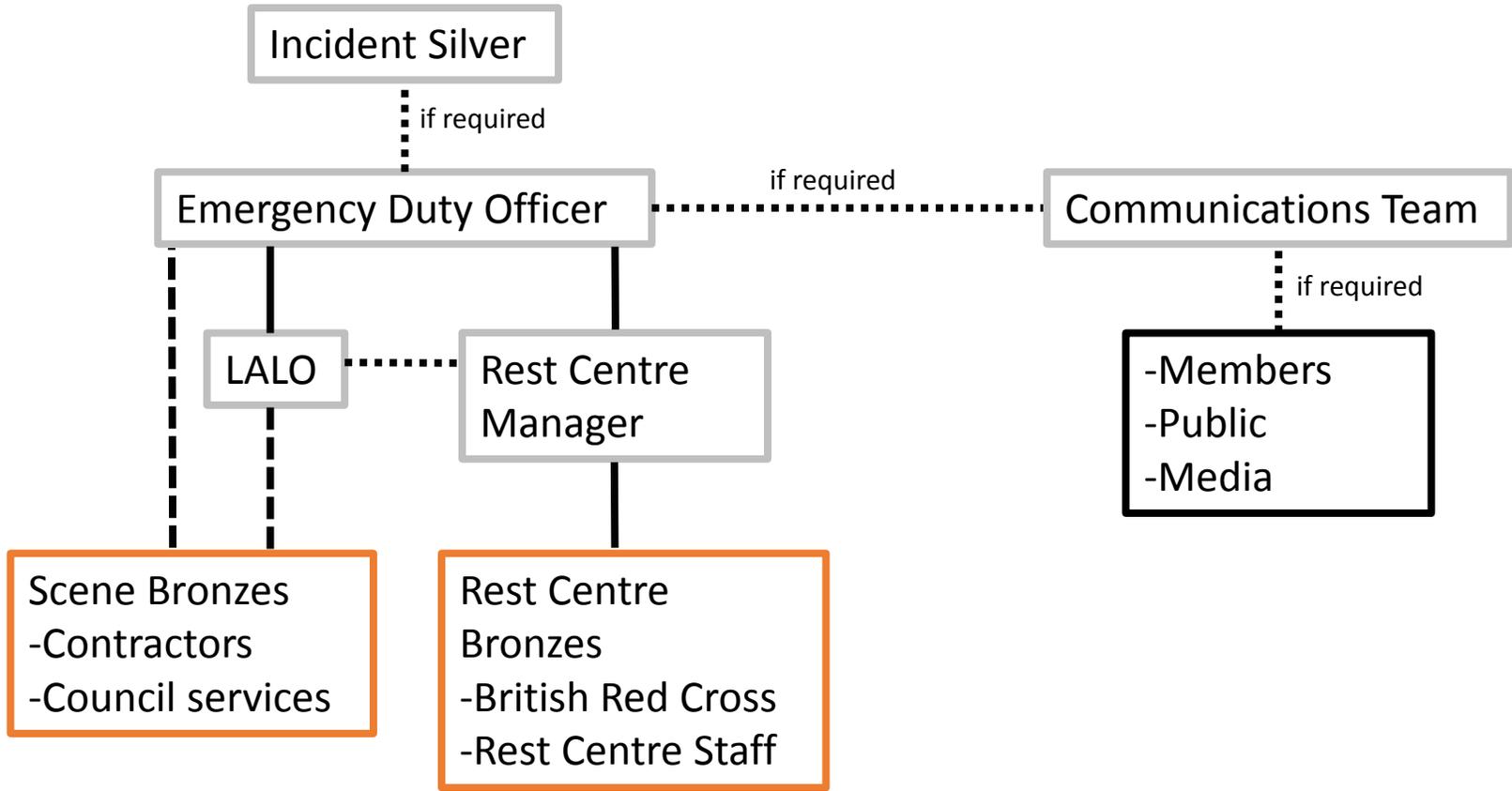
- (1) **On call rotas:** 15 senior managers have been trained as incident Silver, and an on-call rota has been in place since 20 November 2017. It has been established that there is not a need to update job descriptions for those on Chief Officer terms, who currently make up the rotas for the command structure.
- (2) **Training:** The Emergency Planning College have been contacted and are due to provide an overview of their training proposals in January.
- (3) **Member Training:** Member induction content has been revised, and has been included within the brief for the Emergency Planning College as well.
- (4) **Departmental Review of operational plans:** Plan owners within each department will work with the Civil Contingencies team to bring together the relevant services to review how each would be delivered. For the most important plans, this exercise will be complete by the end of February.
- (5) **Ownership of Plans:** a revised matrix setting out ownership and review of the various plans was agreed by Council Management Team on 5 October 2017. Closely aligned to recommendations 4 and 6, the series of planned exercises will further embed this.
- (6) **Table top exercises:** As mentioned above, familiarization sessions and table top exercises will commence in 2018, and will be regularly repeated going forward as part of the existing programme of training and reviews. A specific session with blue light services and Wembley park partners is scheduled for 30 January 2018.
- (7) **Emergency Accommodation:** Members have been encouraged to feed suggestions and contacts in to the Civil Contingencies team via the Member's Bulletin, and additional Rest Centres have been identified in areas where there were gaps in geographical coverage that have been added to our list. Five hotel chains have been identified as preferred providers, and officers have met individually with them to discuss our requirements. All are keen to assist, not only with accommodation, but also any other facilities or services that are required, such as emergency shelter, food and drink etc.
- (8) **Wembley Park partnerships:** The multi-agency contact list is regularly updated and a table top exercise is scheduled for 30<sup>th</sup> January 2018.
- (9) **Monitoring:** This report will be discussed at Audit Committee on 10 January 2017, and at Full Council on 22 January 2017. The topic has been added to the annual audit plan and will be carried out in 2018/19, after which point the Audit committee can discuss how regularly the function ought to be reviewed.

## **Background Documents**

Appendix A – Different types of incident and their command structure

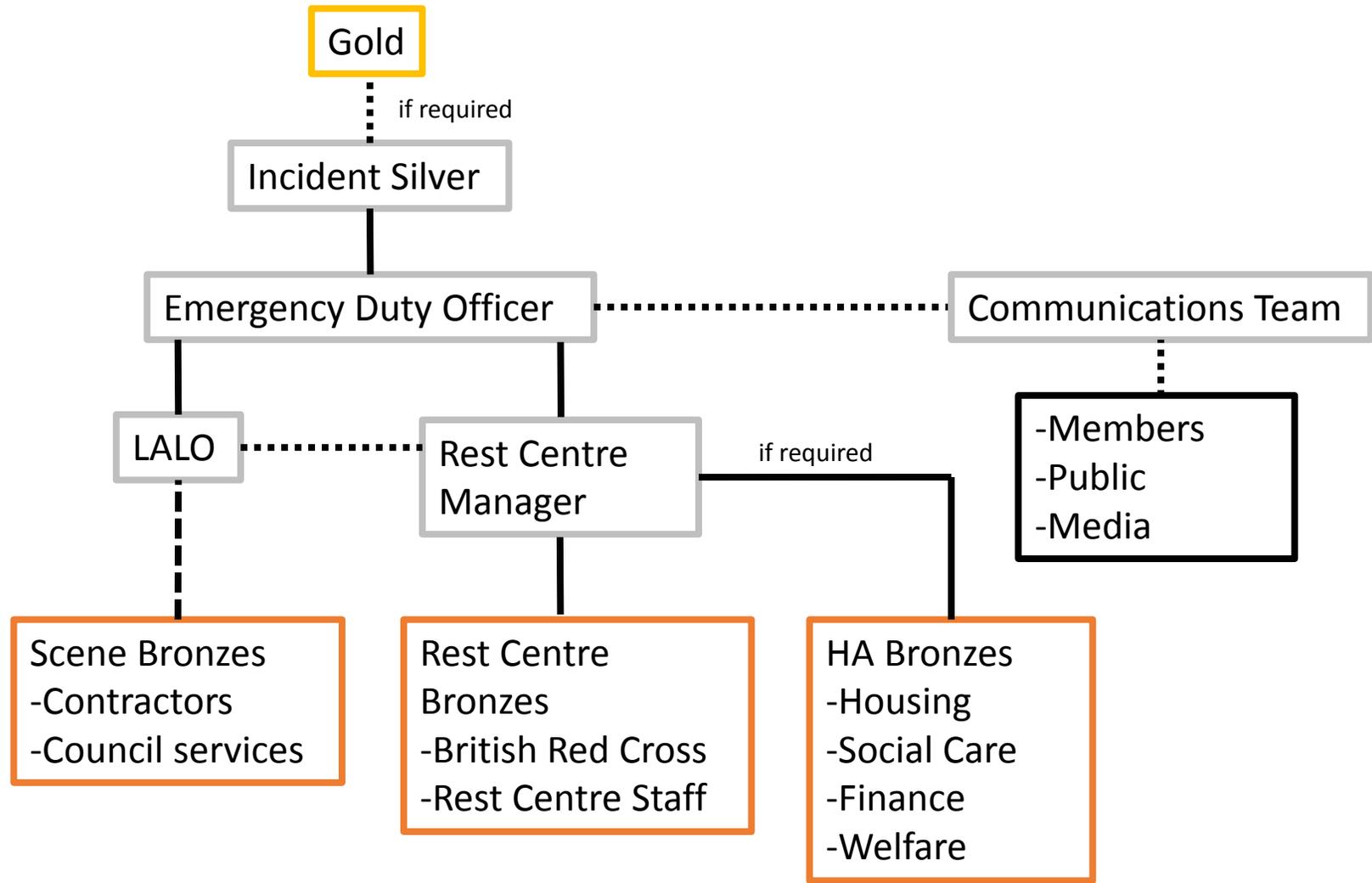
Appendix B – Draft Emergency Planning 2020 Review (Local Authorities Panel)

Appendix C – ‘A Councillor’s guide to civil emergencies’ (LGA Guidance)



A Level 3 type incident  
Examples

1. House fire, no casualties with or without short term evacuation of small numbers of people
2. Burst water main, no evacuations, no property flooding, road closures and debris clearance

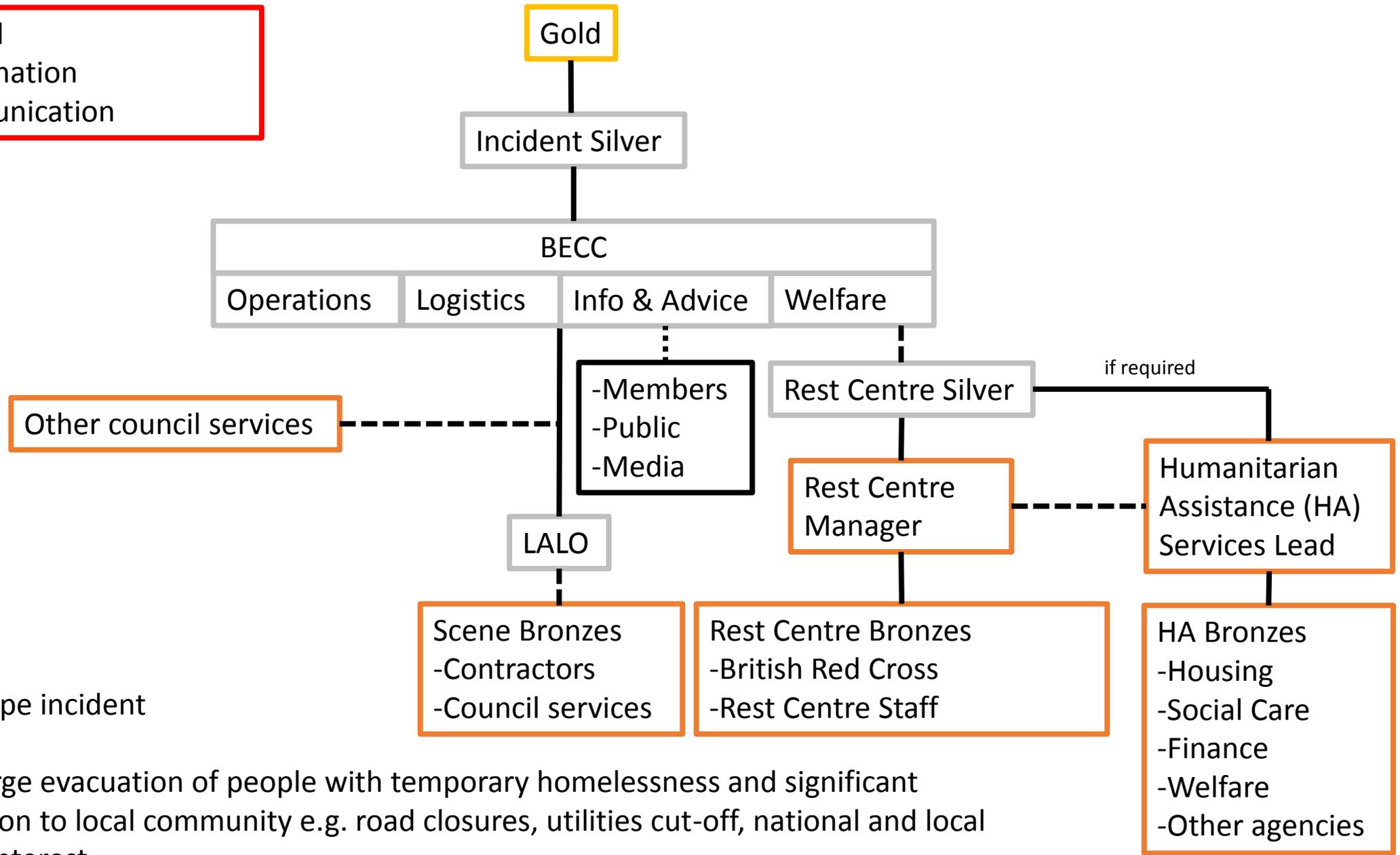


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A Level 2 type incident

Examples

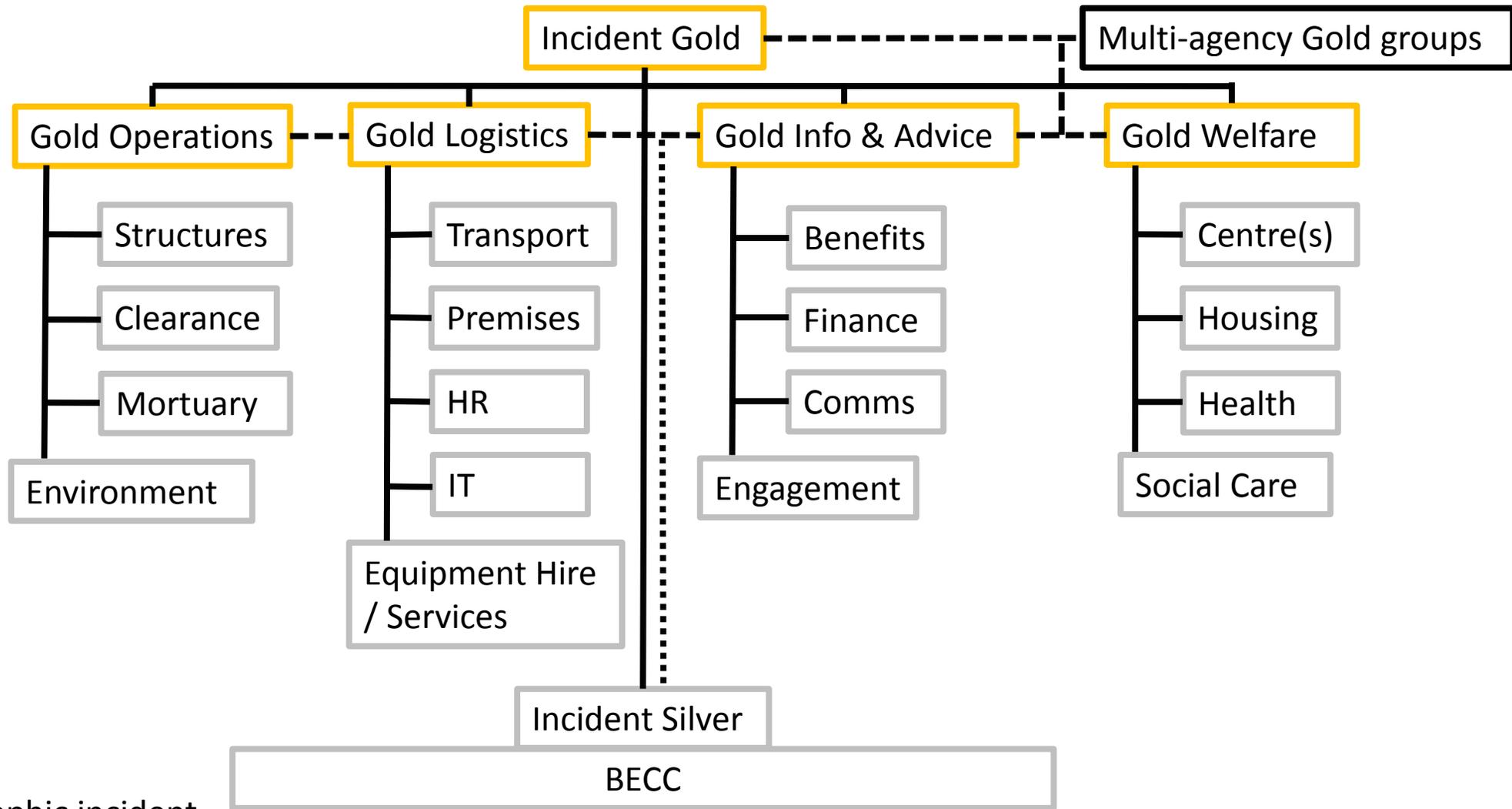
1. Multiple house fire, evacuation of people with possible homelessness and disruption to local community e.g. road closures, utilities cut-off, possible local media interest



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A Level 1 type incident  
 Examples

1. UXB, large evacuation of people with temporary homelessness and significant disruption to local community e.g. road closures, utilities cut-off, national and local media interest



A Level 1 plus type catastrophic incident  
 Examples

1. Explosion or building collapse with numbers of fatalities and casualties, significant infrastructure damage, large evacuation of people with permanent homelessness or displacement and protracted significant disruption to local and wider community with intense media interest

# Recommendations for Local Government Emergency Planning and Resilience for the 2020's

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Date: 3<sup>rd</sup> October 2016  
(Draft v0.7)

Author: Mark Sawyer, Local Authority Panel Secretariat.

Supported by: David Kerry, Technical Advisor to the Local Authority Panel  
Doug Flight, Head of Strategic Policy Group, London  
Councils



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## Executive Summary

### Introduction and Background

This review has been commissioned by the Local Authority Panel to assess the status of local authority emergency planning in London. This necessity arises from recognition of the heightened pressure our authorities are facing and increases in risk. The aim of this review is to suggest steps necessary to efficiently reinforce the service and ensure we can continue to provide effective individual and collective leadership on resilience into the 2020's.

The scope of this review includes; Duty London Local Authority Gold arrangements, contingency planning and operational response functions, arrangements supporting collaborative working, and the means of sharing scarce resource. The two elements excluded are; the London Local Authority Gold Resolution and the principle of all 33 chief executives participation in the London Local Authority Gold rota. This is due to their proven effectiveness to underpin the collective and coordinated approach of authorities to significant incidents.

To support this review, *'The review of resilience arrangements in London: interim findings'* produced in 2014 by Matthew Norwell was considered along with Emergency Planning Monitoring Reports and annual Minimum Standards for London assessments. In addition, the thoughts, case studies and anecdotal evidence provided by experienced emergency planning professionals has proven to be extremely helpful.

### Overall Assessment

There is a developing trend of reduced capacity and capability across London. The ability of our authorities to discharge a leadership role on resilience to the level communities would expect and deserve is under strain. To prevent further degradation of the service and potentially expose ourselves to undesirable levels of risk, this report suggests a number of actions chief executives may wish to consider to bolster the service and enhance resilience. The recommendations identified during this review aim to:

- Establish a corporate resource of professional advice, support and oversight, where not already established, to support authorities to withstand increasing pressures and ensure chief executives have ready access to high quality corporate advice and support in their localities;
- Strengthen collaborative working to better utilise experience, knowledge and expertise;
- Support a more cost effective and efficient service;
- Increase opportunities to share scarce resource;
- Create a more robust Duty London Local Authority Gold arrangement. which will further compliment our leadership on resilience role and participation at the heart of London strategic coordination;
- Establish a more robust and meaningful assurance process to improve corporate oversight.

## Full List of Recommendations

### Corporate Policy

**Recommendation 1:** Consideration should be given to developing a corporate resource of professional advice, support and oversight. This might best be achieved by developing and broadening the role of Emergency Planning Teams to encompass support and oversight of:

- a) Organisational compliance with the Civil Contingencies Act (2004);
- b) Organisational compliance with Minimum Standards for London;
- c) The organisations ability to effectively respond to a localised incident;
- d) The organisations ability to maintain critical services in the lead up to and during emergencies as required by the Civil Contingencies Act and supported by the International Standard for Business Continuity ISO 22301.

To support this aim, consideration should be given to locating emergency planning teams within central directorates or ensure effective lines of reporting and communication are in place to enable them to deliver effective professional corporate level support.

**Recommendation 2:** To support a co-ordinated and efficient approach to maintaining organisational resilience at a time when efficiencies are imperative, consideration should be given to incorporating business continuity functions into the core duties of emergency planning teams, where this is not already the case.

### Governance and Planning

**Recommendation 3:** Common Standards for London Local Authority Emergency Planning Professionals, reflecting core competencies, should be adopted as a matter of policy by all local authorities and then continuously reviewed to support staff recruitment, development and service delivery.

**Recommendation 4:** A Sub-Regional Lead Local Authority should be identified to co-ordinate enhanced collaboration and support a more equal contribution and benefit from sub-regional and regional operational and contingency planning. This arrangement should be underpinned by an output based Service Level Agreement and reviewed against clearly defined success criteria every two years.

**Recommendation 5:** Local Authority Panel Implementation Group (LAP IG) members should accept a more proactive role in:

- a) managing the three year Local Authority Panel Business Plan and co-ordination of sub-regional activity to ensure a balanced distribution of work;
- b) agreeing with respective peers in each sub-regional group the appropriate means of delivering allocated workstreams in accordance with the Service Level Agreement.

## Duty London Local Authority Gold Arrangements

**Recommendation 6:** Local Authority Panel (LAP) membership should carry with it the expectation that members will:

- a) be the local authority representatives on a cadre of multi-agency strategic leads available to Chair Strategic Coordination Groups;
- b) undertake multi-agency training to an accredited standard to prepare them to Chair Strategic Coordination Groups;
- c) step in as London Local Authority Gold (LLAG) when necessary to ensure consistency of representation and ease the transition of Chairing the Strategic Coordination Group from the Metropolitan Police Service or other partner agency to local authorities;
- d) where appropriate shadow the Strategic Coordination Group Chair to ease transition prior to accepting responsibility.

**Recommendation 7**

All chief executives should wherever possible shadow the current LLAG prior to taking over the role during an incident.

**Recommendation 8**

All chief executives should attend periodical training events delivered by accredited trainers and participate in a structured exercise programme to prepare them to undertake London Local Authority Gold duties.

## Borough Response Capability

**Recommendation 9:** All local authorities should support the standardisation work currently being progressed and adopt consistent protocols and procedures for core response functions when published.

**Recommendation 10:** In order to mitigate any reduction in resource available to support an organisational response, a further piece of work should be initiated to consider the means of:

- a) identifying local authority roles which possess the requisite core competencies to support operational response and recovery functions;
- b) identifying the means by which staff undertaking the roles can be incorporated into operational plans;
- c) ensuring staff are available to undertake the requisite level of training and exercises and are released to undertake response roles during emergencies.

## Assurance

**Recommendation 11:** The means by which Minimum Standards for London are formally audited should be agreed by chief executives to offer them the single means by which London local authority emergency planning is accurately assessed.

**Recommendation 12:** Minimum Standards for London should be realigned to more accurately reflect service requirements:

- a) Immediate Response Capabilities (covering both local and LLAG operations);
- b) Contingency Planning to develop capabilities to deal with acute shocks;
- c) Business Continuity Planning and Corporate Assurance;
- d) Longer Term Resilience Strategies to provide resilience for chronic stresses.

**Recommendation 13:** All Minimum Standards for London results should continue to be consolidated to offer an annual assessment of capacity and capability and include the means by which urgent concerns can be escalated to chief executives.

**Recommendation 14:** Greater detail should be added to Minimum Standards for London pertaining to immediate response capabilities, including clearly defined measurable criteria to offer meaningful assurance such as baseline numbers of trained staff, defined response times and length of operation to be sustained, to define the level of capacity and capability to be maintained by local authorities to address local incidents.

## Conclusion

Given the heightened challenges that we face and understanding of the pressures on our services, it will be important to move as swiftly as possible to start to put a stronger and more resilient framework in place.

By implementing the steps detailed in this report, capability and capacity will be enhanced, with added strength and depth established locally and regionally. This will ensure all local authorities are in the most resilient condition to efficiently and effectively deliver individual and collective leadership on resilience with confidence, into the 2020's.

Finally, it is understood that the proposals contained in this report will compliment the Lord Harris review but we should anticipate a further short review will be required following the formal release of his findings. This will allow chief executives to be assured that areas additional to those covered by this review or further opportunities to enhance our individual or collective resilience are duly considered.

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## Main Report

### 1. Introduction

In order to provide the reassurance that our communities deserve, this report sets out a series of steps that London chief executives are asked to consider, to strengthen our individual and collective leadership on resilience, at a time of increasing expectations.

This strengthened response is required to help meet the responsibilities placed on authorities, at a time when localities are facing heightened challenges in terms of both security and broader resilience planning. These challenges, including emerging risks such as cyber attack, terrorism and demands presented by the UK Government counter-terrorism strategy (CONTEST) and climate change, come at a time when local authorities face resource constraints which have crystallised in the reduction of staffing resources dedicated to emergency planning.

The recommendations set out in this report provide a framework for planning and response which will allow us to assure local communities, business and partners that local authorities have the necessary capacity and capability to respond to the risks and threats that we face.

### 2. Background

For some time the Local Authority Panel has been aware of increasing stresses and demands on the emergency planning service. As a result the Local Authority Panel implemented measures to maintain oversight of the changing local authority landscape and the functioning of emergency planning within London. These measures included:

- Commissioning Matthew Norwell in 2014 to review the status of local authority emergency planning in London; see Annex A - Norwell Review Interim Findings and Proposals.
- Review of London Emergency Planning Monitoring Reports collated by London Fire Brigade Emergency Planning;
- Annual review of compliance with Minimum Standards for London.

In anticipation that the stresses and demands will continue to grow, this further review was commissioned.

### 3. Review Findings and Recommendations

#### 3.1 Corporate Policy

##### 3.1.1. *Emergency Planning Service*

Emergency Planning staffing levels are at the lowest point since 2009, with a downward trend established since the 2012 Olympics, see Fig 3.0 and Fig 3.1. This reduction combined with continuing demand for efficiencies across authorities has the potential to significantly affect our ability to satisfy the expectations of our communities and assure them that we possess the appropriate means to prepare and respond, where necessary, to the myriad of resilience challenges that need to be addressed. This includes our ability to deliver effective authority wide support to our communities and develop a culture of community resilience across our localities.



Fig 3.2 Ratio of Emergency Planning Staff per Head of Residential Population

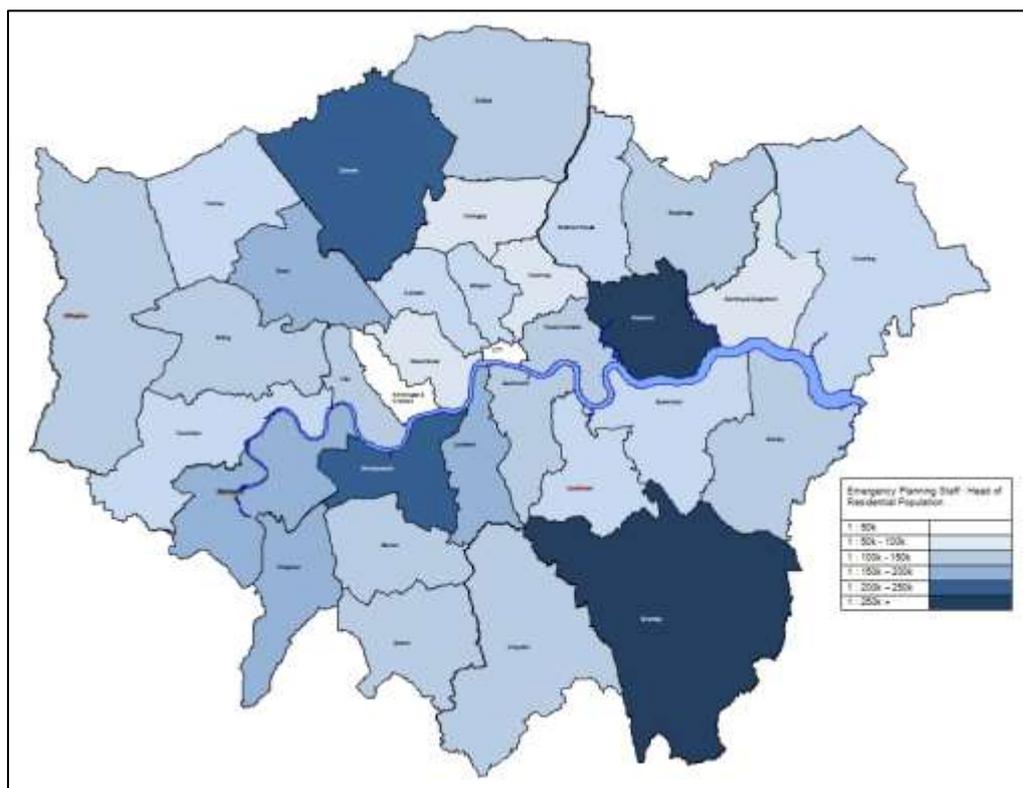
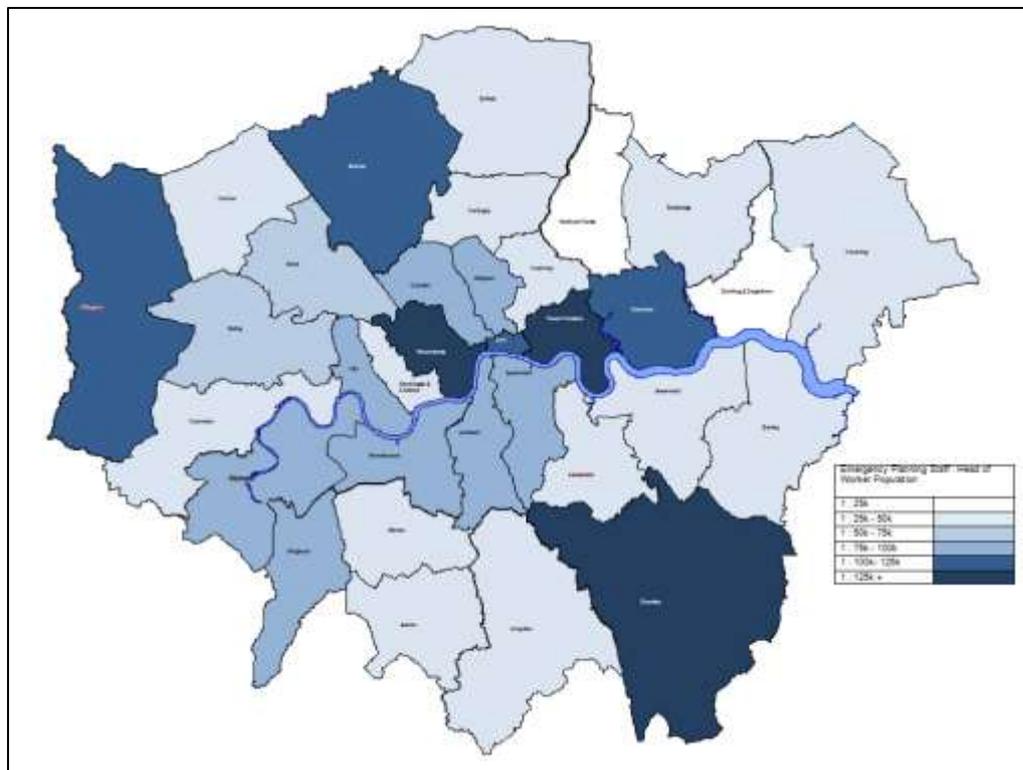


Fig 3.3 Ration of Emergency Planning Staff per Worker Population



Given the need to support our communities in this critical field, chief executives will be mindful of the need for ready access to high quality professional contingency planning advice and support in their localities.

This review has identified that centrally located emergency planning teams may be better positioned to work with and alongside risk management, audit and scrutiny services, in providing a high level of corporate assurance of resilience. By adopting this approach, where not already established, the resilience agenda, including developing a culture of community resilience within localities, will remain close to chief executives. At the same time, central positioning of teams will enhance their corporate oversight of internal structures and changes to the local landscape. This position will also support the delivery of resilience functions through efficient use of corporate resource, people and processes.

Norwell commented in his review: *"It is clear that local authorities should not merely rely on emergency planning teams to manage resilience; instead, an emergency planning team's role should be to ensure that every part of a local authority understands its role and responsibilities in respect of resilience, incident management and business continuity."*

#### **Recommendation 1**

Consideration should be given to developing a corporate resource of professional advice, support and oversight. This might best be achieved by developing and broadening the role of Emergency Planning Teams to encompass support and oversight of:

- a) Organisational compliance with the Civil Contingencies Act (2004);
- b) Organisational compliance with Minimum Standards for London;
- c) The organisations ability to effectively respond to a localised incident;
- d) The organisations ability to maintain critical services in the lead up to and during emergencies as required by the Civil Contingencies Act and supported by the International Standard for Business Continuity ISO 22301.

To support this aim, consideration should be given to locating emergency planning teams within central directorates or ensure effective lines of reporting and communication are in place to enable them to deliver effective professional corporate level support.

### **3.1.2. Organisational Resilience**

The importance of our authorities being in the best possible condition to confront internal and/or external acute shocks and chronic stresses is intrinsically linked to our ability to maintain critical services and deliver a resilient response capability to support our communities. With this in mind, chief executives may wish to consider the efficiency opportunity presented by synergies in skills sets between emergency planning and business continuity professionals and the critical relationship that exists between them. By merging functions, if not already done so, opportunities exist to create a common language and single set of processes. Ultimately this would go some way to creating organisational resilience instead of authorities merely possessing business continuity plans.

By adopting this proposal, an integrated and mutually supportive approach to meeting statutory requirements would ensue. This would be further enhanced by adherence to general concepts contained in International Standards for Business Continuity ISO 22301 and reduced corporate risk by creating a single point of assurance for critical resilience within authorities.

**Recommendation 2**

To support a co-ordinated and efficient approach to maintaining organisational resilience at a time when efficiencies are imperative, consideration should be given to incorporating business continuity functions into the core duties of emergency planning teams, where this is not already the case.

**3.1.3 Emergency Planning Personnel**

Chief executives will be mindful of the need to ensure their stewardship of the resilience agenda is ably supported by competent and motivated professionals. In light of broadening and complex challenges, an opportunity exists to reflect on the necessary attributes required to offer high quality advice and support in our localities. Building on the considerable experience and knowledge currently held by emergency planning teams, it is proposed that common standards for emergency planning professionals are developed and adopted as a matter of principle by all authorities.

The benefits of this approach include:

- assurance of professional competency;
- high quality and consistent emergency plans and procedures; and
- increased capacity to share professional advice and support during protracted incidents.

**Recommendation 3**

Common Standards for London Local Authority Emergency Planning Professionals, reflecting core competencies, should be adopted as a matter of policy by all local authorities and then continuously reviewed to support staff recruitment, development and service delivery.

**3.2 Governance and Planning****3.2.1 Current Assessment**

Minimum Standards for London were introduced in 2007, comprising 16 standards designed to ensure that all local authorities had the appropriate policies and procedures in place to support the London Local Authority Gold (LLAG) arrangements. In 2009, a second tranche of Standards were published detailing the specific requirements of plans and capabilities each authority should maintain. These plans and capabilities range from generic emergency response functions to humanitarian assistance and excess deaths plans.

A review of Minimum Standards for London assessments conducted annually reveals a minimal downward trend in immediate operational response capabilities. Of concern, however, is a significant downward trend in meeting standards relating to plans and capabilities.

These results demonstrate that available resources are focused on maintaining immediate onset capabilities, such as shelter, evacuation and flooding. Slow onset capabilities, such as pandemic flu and excess deaths, and resource intensive capabilities, such as community resilience and business continuity promotion, receive considerably less attention. See Fig 3.4 and Fig 3.5.

Fig 3.4: Minimum Standards for London (Plans and Capabilities) compliance by year.

Assessment	Green	Amber	Red
Dec-15*	72.93%	24.40%	2.67%
Dec-14*	78.27%	21.07%	0.67%
Dec-13* **	75.05%	24.12%	0.82%
Feb-12 (MSLO)	88.80%	10.70%	0.50%
Jan-11	73.44%	24.48%	2.08%

Note: \*Does not include figures for London Borough of Hackney (data not supplied)  
 \*\* No results from LB Tower Hamlets, Newham, Redbridge, Waltham Forest  
 (MSLO) represents the assessment of combined Standards (Plans, Capabilities and Operational Response) undertaken in advance of the 2012 Olympic Games.

Fig 3.5: Minimum Standards for London (Operational Response) compliance by year.

Assessment	Green	Amber	Red
Dec-15	94.70%	5.30%	0.00%
Dec-14	95.00%	5.00%	0.00%
Dec-13	97.16%	2.60%	0.00%
Feb-12 (MSLO)	94.71%	4.73%	0.47%

Review of Minimum Standards for London data also reveals synergies between the levels of compliance with Minimum Standards for London (Capabilities and Plans) and the number of Emergency Planning Professionals in London, see Fig 3.6 and Fig 3.7.

Fig 3.6: London Totals – Green ratings for Minimum Standards for London (Capabilities and Plans) across London.

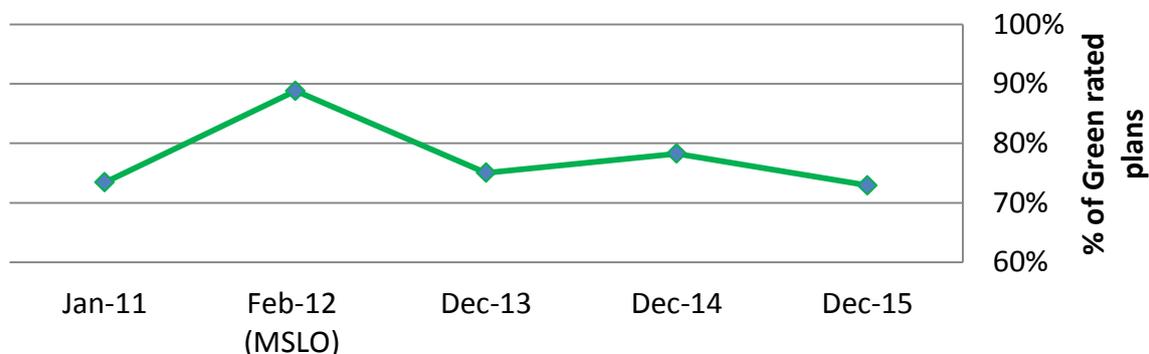
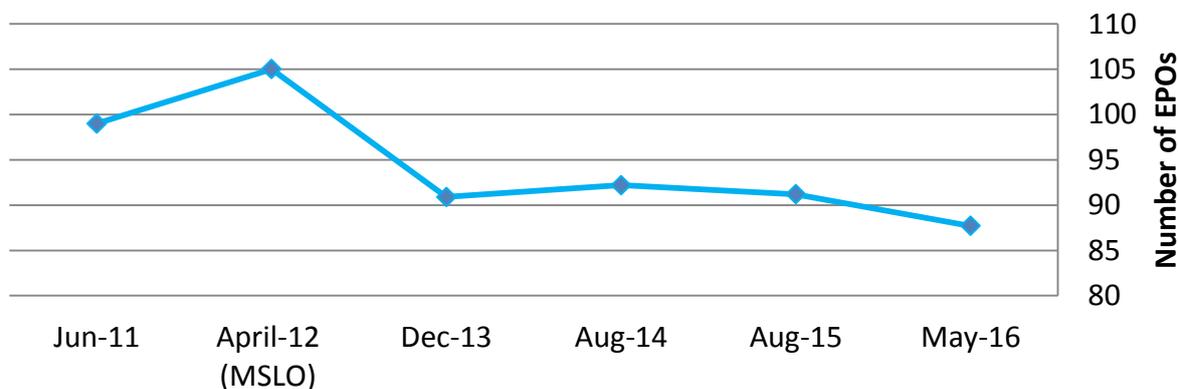


Fig 3.7: London Totals – Number of Emergency Planning Professionals (EPOs) in London.



Note: Data included in Fig 5 and 6 was produced during a review of Minimum Standards for London conducted earlier this year.

### 3.2.2 Collaborative Working

Historically work to support pan London planning, implement resilience strategies as determined by the Local Authority Panel and shared development of good practice at the local level has been undertaken by emergency planning professionals on an informal basis. This arrangement worked well for a number of reasons:

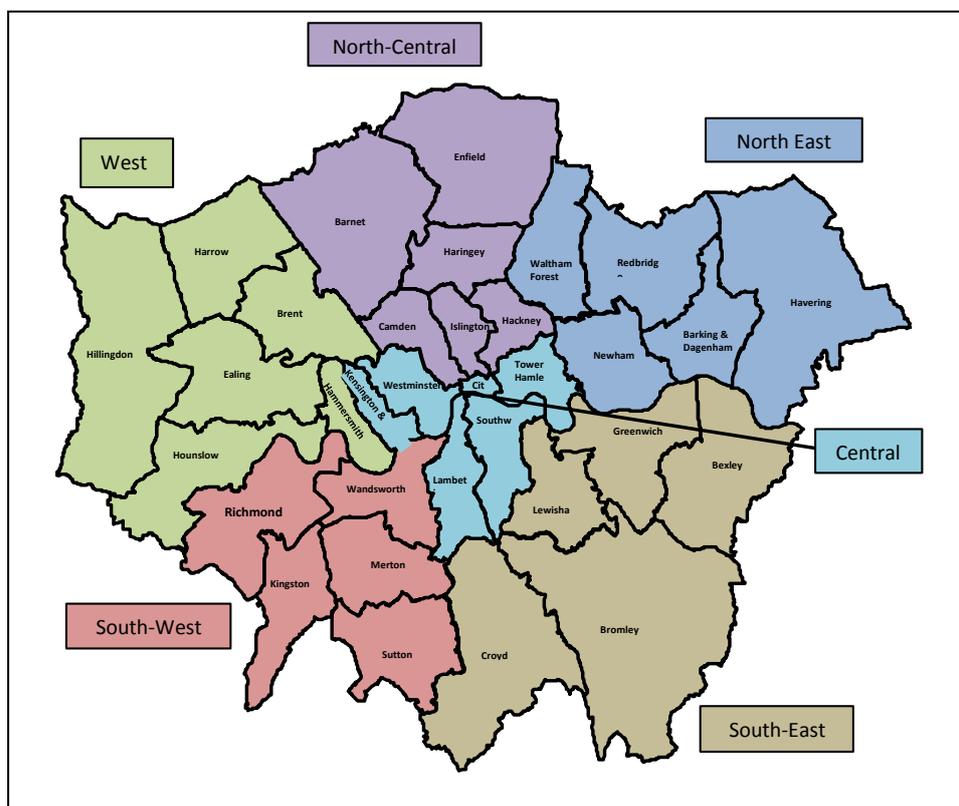
- it supported professional development;
- staff with specific experience or interest had opportunities to be involved; and
- it fostered efficiencies on the basis that the commitment would, over time, be reciprocated by all.

This principle of informal support was used to good effect in planning Exercise Unified Response in 2016 when authorities worked collectively in sub-regional groupings to develop five operational response focused workstreams.

Noting that one staffing model cannot fit all due to differences in local risk profile, priorities and structures, as pressures increase and staffing levels reduce, it is evident that an informal collaborative approach is not sustainable. This is primarily due to local authorities finding it increasingly difficult to commit appropriate levels of staff time and resource. Additionally, the current arrangement does not offer the level of shared efficiencies all authorities should expect.

To support the development of proposals designed to enhance collaboration, see section 3.2.3 Sub-Regional Collaboration, it is suggested that existing emergency planning boundaries offer an ideal basis upon which to initiate change, see Fig 3.8, The sub-regional boundaries have been established for a number of years, strong relationships and shared knowledge already exists between emergency planning teams and a mutual appreciation of local risks, plans and necessary capabilities is more easily achieved.

Fig 3.8:  
Sub-Regional  
Groupings



### 3.2.3 Sub-Regional Coordination

Norwell noted: *“the resilience picture across London verges on the convoluted with significant duplication of services and resources across the capital.”* To oversee a coordinated approach to sub-regional collaboration and ensure enhanced resilience, compliance with the full suite of requirements, consistency across London and efficiency is maximised, a number of options have been considered, including:

- a) merging teams and creating sub-regional emergency planning hubs;
- b) developing sub-regional shared service agreements utilising the same principles underpinning the agreement between the London Boroughs of Barking & Dagenham and Waltham Forest;
- c) establishing sub-regional Service Level Agreements; and
- d) enhancing current informal arrangements. This was immediately dismissed due to recognition that an informal approach is unsustainable, see section 3.2.2.

A key factor influencing change is the Civil Contingences Act (2004). With duties applying to individual authorities as Category 1 responders, essential considerations include:

- retention of local sovereignty;
- the ability to understand and manage local risks; and
- the means of delivering fast, high quality professional advice and support in all localities. For this reason, the creation of emergency planning hubs in each sub-region was discounted.

Having considered all the options, it is proposed that a Sub-Regional Lead Local Authority is identified per area, as detailed in Fig 3.8, to co-ordinate local resilience related activities where efficiencies can be obtained and resilience enhanced. In addition the lead authority would also oversee their sub-regional contribution to regional planning and support to the Local Authority Panel. It is suggested that this arrangement is underpinned by an output based Service Level Agreement to offer assurance to chief executives that the spirit of a more equal contribution and benefit is maintained. By adopting this approach it is proposed that sub-regional arrangements can remain flexible to reflect local needs whilst at the same time accommodate any future changes to the local government landscape in London.

#### **Recommendation 4**

A Sub-Regional Lead Local Authority should be identified to co-ordinate enhanced collaboration and support a more equal contribution and benefit from sub-regional and regional operational and contingency planning. This arrangement should be underpinned by an output based Service Level Agreement and reviewed against clearly defined success criteria every two years.

The current support provided to the Local Authority Panel by the Implementation Group, which comprises membership from all existing sub-regional groupings, see Fig 3.8, includes practitioner advice, support to London wide implementation of the strategy and policy set and identification of emerging issues and their respective solutions.

A recent decision to move the Local Authority Panel Business Plan onto a three year cycle will enhance the opportunity to pre-plan and coordinate the delivery of local, sub-regional and regional workstreams over an extended period. It is proposed that the role of the

Implementation Group is extended to an enhanced business plan management function and oversight of progress. By adopting this approach, the Implementation Group will be effectively positioned to ensure a balanced allocation of work to sub-regional groups on a three yearly basis. Any issues or concerns identified can be raised immediately with the Local Authority Panel as necessary. This approach also offers an effective means of addressing unplanned, emerging or immediate risks as they arise, in a balanced and coordinated fashion.

#### **Recommendation 5**

Local Authority Panel Implementation Group (LAP IG) members should accept a more proactive role in:

- a) managing the three year Local Authority Panel Business Plan and co-ordination of sub-regional activity to ensure a balanced distribution of work;
- b) agreeing with respective peers in each sub-regional group the appropriate means of delivering allocated workstreams in accordance with the Service Level Agreement.

### **3.3 Duty London Local Authority Gold Arrangements**

Principles established in 2004, including the Local Authority Gold Resolution and all chief executives involvement in the Gold Rota, continue to effectively underpin the collective and coordinated approach by all authorities. This combined in practice with their successful application to a far broader range of incidents than first envisaged, has played a fundamental part in increasing awareness amongst partners of the pivotal role local authorities play. Increased public expectation and scrutiny makes it important that these arrangements are further developed to ensure we are even better placed to:

- discharge our community leadership role;
- influence strategic direction and oversee consideration of wider impacts; and
- oversee the seamless transition from response to recovery.

In developing proposals necessary to create more robust arrangements, this review also considered:

- the business case established during Exercise Unified Response, where it was established that chief executives could Chair Strategic Coordination Groups earlier in the response phase than previously envisaged; and
- the following recommendation by Norwell: *“further review the LFB-EP Gold Structure to ensure that on-call arrangements are sufficiently robust.”*

The principle of developing a cadre of Strategic Coordination Group Chairs from across a range of organisations is now actively being pursued. To ensure we effectively support this initiative and establish the means of sustaining commitment it is proposed that this requirement is aligned to membership of the Local Authority Panel. This suggestion is based on the knowledge that Panel members have higher levels of exposure to the London wide resilience agenda.

A further consideration identified by this review and supported by outcomes from Exercise Unified Response is the need to ensure continuity of representation at the strategic level. Although not always possible, it is acknowledged that significant benefit can be obtained by attending Strategic Coordination Groups prior to accepting responsibility, either as the Strategic Coordination Group Chair or London Local Authority Gold.

**Recommendation 6**

Local Authority Panel (LAP) membership should carry with it the expectation that members will:

- a) be the local authority representatives on a cadre of multi-agency strategic leads available to Chair Strategic Coordination Groups;
- b) undertake multi-agency training to an accredited standard to prepare them to Chair Strategic Coordination Groups;
- c) step in as London Local Authority Gold (LLAG) when necessary to ensure consistency of representation and ease the transition of Chairing the Strategic Coordination Group from the Metropolitan Police Service or other partner agency to local authorities;
- d) where appropriate shadow the Strategic Coordination Group Chair to ease transition prior to accepting responsibility.

**Recommendation 7**

All chief executives should wherever possible shadow the current LLAG prior to taking over the role during an incident.

This review noted that the current level of support offered to chief executives in advance of Gold duties by London Fire Brigade Emergency Planning comprises:

- introductory and pre-on call briefings; and
- invitations to participate in regional exercises on an ad-hoc basis.

To ensure we are all in the best possible condition to discharge London Local Authority Gold duties and address post incident enquiries and scrutiny with confidence, a more formalised approach to training and exercising is required.

**Recommendation 8**

All chief executives should attend periodical training events delivered by accredited trainers and participate in a structured exercise programme to prepare them to undertake London Local Authority Gold duties.

### 3.4 Borough Response Capability

#### 3.4.1 Core Response Function

The number of incidents across London requiring local authority involvement, as reported by emergency planning professionals, is continuing to climb. The increase between April and August 2016, see Fig 3.9 and Fig 3.10, reflects flash flooding events but may also reflect the broadening responsibilities undertaken by emergency planning teams and additional demands placed on them due to pressures on the authority as a whole.

Examples of additional demands made in this time period include:

- dealing with reports of traveller encroachments;
- anti-social behaviour and community safety incidents; and
- environmental health related incidents, such as chemical suicides.

Further research will be required to bottom out the influence these additional incidents have on the overall figures and the impact they have on delivering core emergency planning duties.

Fig 3.9: Emergency Planning Monitoring Report –Total Number of Reported Incidents.

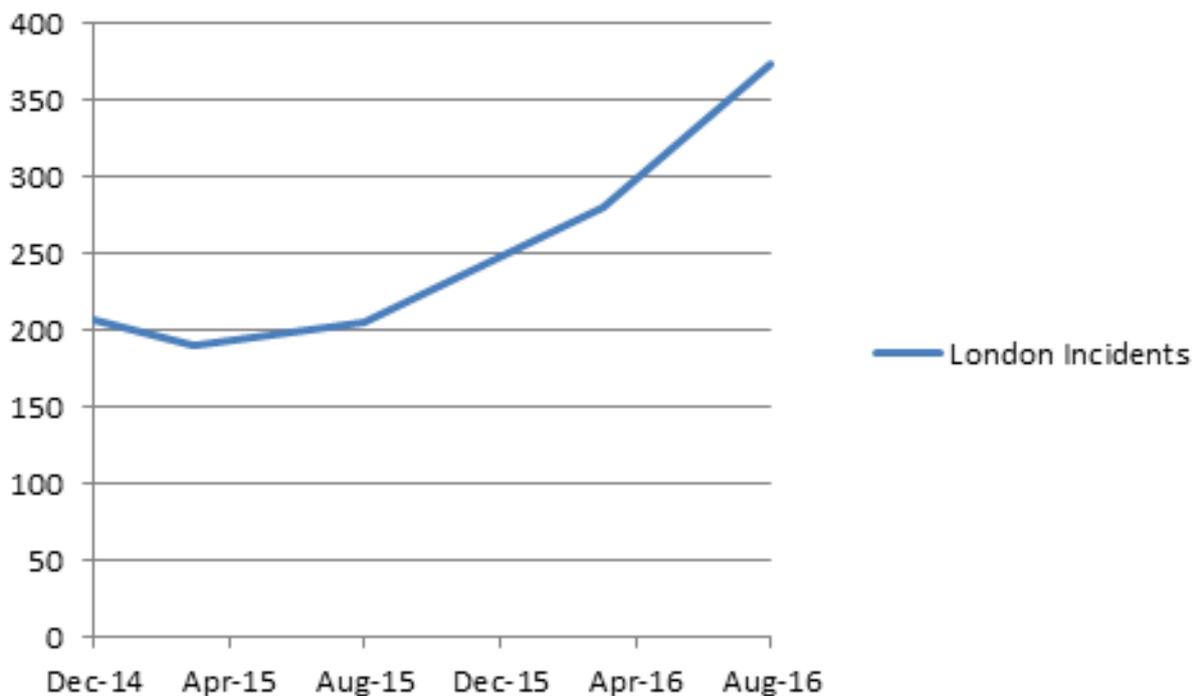
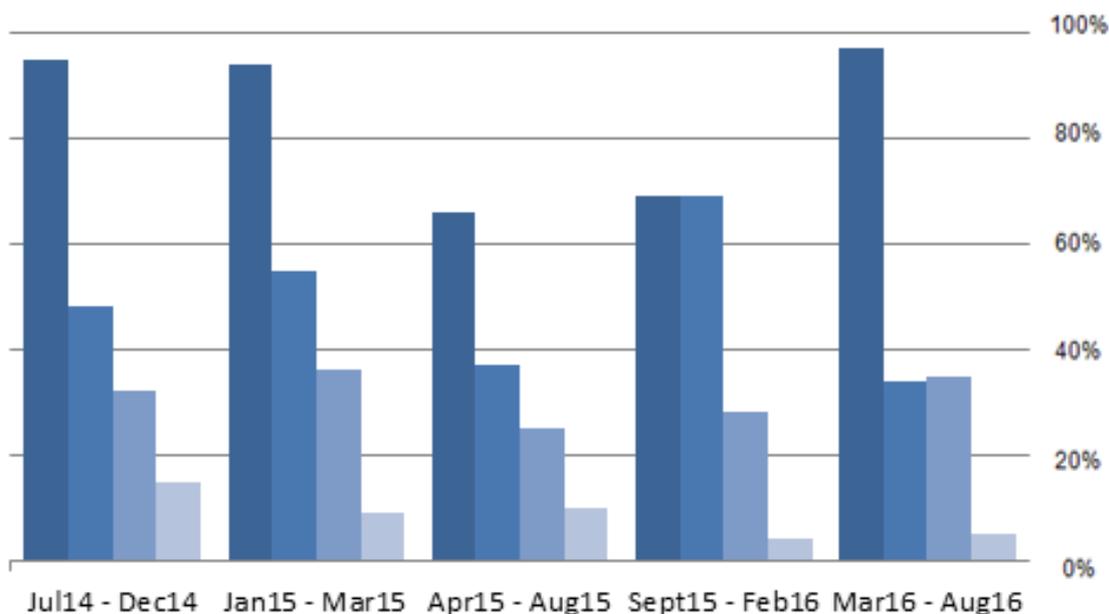


Fig 3.10: Emergency Planning Monitoring Report – Levels of Response to Reported Incidents.

- Emergency Planning Staff
- Local Authority Liaison Officer (LALO)
- Senior Management
- Borough Emergency Control Centre (BECC)



### 3.4.2 Standardisation of Operational Response Capabilities

Adopting a standardised London wide approach to core operational response functions, such as Borough Emergency Control Centres, Rest Centres and humanitarian assistance, as well as that of emergency planning professionals will enhance resilience. The importance of this is best demonstrated by considering the challenges faced by LB Croydon when dealing with a flood related incident in 2014. Due to the scale and protracted nature of the emergency, staff from a significant number of local authorities demonstrated a willingness to help. This support extended into the deployment of emergency planning professionals. This demonstrated that even a fairly well resourced emergency planning team could need assistance, and that a standardised approach to all parts of Croydon's operational response would have enabled staff from other local authorities to more easily integrate and add value.

Although standardisation will need to be delivered in phases, it is evident that this approach provides the means by which pressures on services can be reduced and a leaner and more agile authority wide operational response model delivered. This would ensure all authorities are able to deliver the level of support our communities need and the assurance chief executives require. It is therefore suggested that all authorities should support this standardisation initiative and benefit from:

- Enhanced resilience;
- Increased efficiency with minimal duplication of effort;
- A greater level of assurance with an established set of standards by which authorities can assess themselves against;
- More effective opportunities for mutual aid; and
- Reassurance to multi agency partners that the level and nature of response will be similar and of a high standard regardless of location.

#### **Recommendation 9**

All local authorities should support the standardisation work currently being progressed and adopt consistent protocols and procedures for core response functions when published.

### 3.4.3 Operational Response Roles

The Emergency Planning Monitoring Report, produced every six months, indicates the overall number of staff trained for Borough Emergency Control Centre and Local Authority Liaison Officer roles has remained fairly static for some time. Rest Centre staffing numbers are, however, on a downward trend. This reduction, can to some extent be explained by the number of authorities who have established agreements with the British Red Cross to carry out elements of this function. Although an acceptable practice, this approach does carry an inherent risk that the capacity of the British Red Cross to support a multiple borough or London wide incident would be tested. Although outside of the scope of this report, it is suggested that further work is needed to assess the level of risk this carries.

This review has identified that as pressures continue, any further loss of corporate knowledge or reductions in staff through outsourcing or other means, could increase levels of risk and affect operational response capabilities. A significant further challenge to maintaining operational effectiveness is the ability of managers to release of staff for training and exercising to ensure competency is established and then maintained.

To address these concerns, it is proposed that we initiate a piece of work to look at:

- opportunities to maximise the workforce available to us;
- the means of aligning ‘day jobs’ with operational response roles. This approach is complimented by the standardisation work.
- a more focussed approach to recruiting volunteers; and
- the means by which succession planning can be delivered effectively.

#### **Recommendation 10**

In order to mitigate any reduction in resource available to support an organisational response, a further piece of work should be initiated to consider the means of:

- a) identifying local authority roles which possess the requisite core competencies to support operational response and recovery functions;
- b) identifying the means by which staff undertaking the roles can be incorporated into operational plans;
- c) ensuring staff are available to undertake the requisite level of training and exercises and are released to undertake response roles during emergencies.

### **3.5 Assurance**

#### **3.5.1 Method and Scope of Assurance**

A range of auditing processes are currently applied to the emergency planning service. These range from locally initiated internal audits through to bi-annual national capability surveys conducted by the Cabinet Office. To ensure a baseline standard of resilience planning across local authorities that meets the statutory requirements of the Civil Contingencies Act, Central Government expectations and is commensurate to London’s risk profile, the Local Authority Panel adopted full Minimum Standards for London in 2009.

This review has identified that the Minimum Standards for London approach offers the best opportunity to establish a consistent and accurate assessment of capacity and capability across London. To achieve this, however, the process will need to improve. The current process of self and peer assessment has served its purpose but as pressures mount it is suggested that a more robust and independent method should be applied. Norwell noted in his review: *“the recently introduced EP ‘Minimum Standards for London’ (MSL) have provided a stimulus for local authorities to focus on and raise standards. However, the MSLs rely primarily on goodwill and presume that all local authorities are seeking to improve their resilience arrangements. There is limited oversight of this across London; the consequence is that unsatisfactory resilience performance poses significant reputational risks and would highlight a degree of collegiate failure across London local authorities.”*

It is recognised that there remains an expectation that local authorities will contribute to bi-annual National Capability Surveys, satisfy internal auditing needs and ad-hoc requests for assurance. That noted, good work is already underway to increase the categories addressed by the Standards and enhance assessment criteria to allow a consistent approach to internal or external audit, as necessary. Chief executives will no doubt see this as a positive step and one that compliments the direction of this review.

By moving away from a subjective dominated approach and adopting the proposed enhancements to the process, Minimum Standards for London should become the single point of reference for our authorities to assure individual and collective compliance with London specific criteria and overall resilience across the range of our responsibilities.

**Recommendation 11**

The means by which Minimum Standards for London are formally audited should be agreed by chief executives to offer them the single means by which London local authority emergency planning is accurately assessed.

**Recommendation 12**

Minimum Standards for London should be realigned to more accurately reflect service requirements:

- a) Immediate Response Capabilities (covering both local and LLAG operations);
- b) Contingency Planning to develop capabilities to deal with acute shocks;
- c) Business Continuity Planning and Corporate Assurance;
- d) Longer Term Resilience Strategies to provide resilience for chronic stresses.

**Recommendation 13**

All Minimum Standards for London results should continue to be consolidated to offer an annual assessment of capacity and capability and include the means by which urgent concerns can be escalated to chief executives.

**3.5.3 Meaningful Assurance**

In addition to the changes highlighted in this section, the assurance process should also offer meaningful assessment to confirm that our services are maintaining the appropriate level of resilience and meeting statutory requirements. By adding greater detail to the Standards to reflect baseline levels of operational response capabilities, this will offer the opportunity to assure ourselves that individually and collectively we have the appropriate level of resilience to address the myriad of challenges London now has to confront.

**Recommendation 14**

Greater detail should be added to Minimum Standards for London pertaining to immediate response capabilities, including clearly defined measurable criteria to offer meaningful assurance such as baseline numbers of trained staff, defined response times and length of operation to be sustained, to define the level of capacity and capability to be maintained by local authorities to address local incidents.

**4. Conclusion**

Given the heightened challenges that we face and understanding of the pressures on our services, it will be important to move as swiftly as possible to start to put a stronger and more resilient framework in place.

By implementing the steps detailed in this report, capability and capacity will be enhanced, with added strength and depth established locally and regionally. This will ensure all local authorities are in the most resilient condition to efficiently and effectively deliver individual and collective leadership on resilience with confidence, into the 2020's.

Finally, it is understood that the proposals contained in this report will compliment the Lord Harris review but we should anticipate a further short review will be required following the formal release of his findings. This will allow chief executives to be assured that areas additional to those covered by this review or further opportunities to enhance our individual or collective resilience are duly considered.

## Annex A: Norwell Review

CELC –24 April, 2015

### A review of resilience arrangements in London: interim findings

#### Background

Following the agreement of CELC on 25 April 2014, John Barradell has been working with the Local Authorities Panel (LAP) on a review to identify proposals for the future of resilience arrangements for London and to ensure the continuing influence of LAP over any such arrangements in order to augment London's capability to respond to resilience incidents.

A number of areas of concern triggered this review, specifically the Mayor's desire to move to closer joint working on resilience with London local authorities, resulting in the shift of day-to-day operational responsibility from the London Resilience Team (LRT) to London Fire and Emergency Planning Authority (LFEPA) as well as co-locating the LRT with the LFB-EP.

In previous discussions by CELC on this issue, it has been noted that: the influence of LAP needs to be maintained and supported by appropriate resourcing of LFB-EP and the LRT; any review of resilience should include an appraisal of risk and resources at a geographical level in order to ensure best-practice provision of services, and; the importance of local authorities pragmatically working together in this area as a matter of principle, rather than merely a means of achieving cost efficiencies.

This review follows a number of historic reviews looking at the scope, structure and resources of resilience arrangements across London and key public sector stakeholders. In 2009, a review assessed the support provided by London Fire Brigade Emergency Planning (LFB-EP), recommending that this should be better shaped to meet the needs of local authorities.

#### Context

Emergency Planning (EP) teams in London are getting smaller with an ageing demographic. There is an absence of succession and/or career planning within or across local authorities and there are limited opportunities for progression to senior EP positions within local government. The most common form of advancement for EP staff is promotion to roles outside the sector or to similar roles in the private sector.

The location of EP in organisational structures differs across local authorities, ranging from service departments to corporate support functions to the chief executive's office. This divergence can affect the ability of a local authority's EP function to mobilise a large number of operational staff quickly to help to manage an incident. The reporting lines for EP officials are also important – both in terms of withstanding financial pressures and being able to influence decision-making across the organisation.

In the face of highly challenging financial pressures and potentially diminishing resources, local authorities are experiencing an increase in the scale and complexity of resilience demands. There has been a retrenchment of blue-light and other public sector resilience work, often leaving local authorities as the lead or even the exclusive agency in some areas. Business continuity management and procurement processes are also becoming more challenging in the context of more complex supply chains.

It is clear that local authorities should not merely rely on EP teams to manage resilience; instead, an EP team's role should be to ensure that every part of a local authority understands its role and responsibilities in respect of resilience, incident management and business continuity.

### **Key findings**

- The resilience picture across London verges on the convoluted with significant duplication of services and resources across the capital. Even among practitioners, there are diverging views of EP roles and responsibilities, the inter-relationship between the work of different resilience agencies, and general resourcing arrangements across London. There is an acknowledgement from EP managers that the current situation is unsustainable; nonetheless, they are keen and willing to shape the future of resilience structures for London.
- There are significant areas of new and innovative practice within the resilience sector, which may provide an indication of the future direction of EP in London. For example, Waltham Forest and Barking & Dagenham have effectively shared an EP function since 2009. The arrangement is supported by clearly defined service level agreements, with officers dedicated to specific local circumstances across both local authorities. This structure has recently further expanded as schools and public health agencies have purchased EP services from the local authorities under this arrangement.
- LFB-EP's work to manage the LA Gold on-call arrangements and the London Local Authorities Co-ordination Centre (LLACC) is highly valued and well thought of by chief executives and senior managers, though there is significant demand for a more centrally located facility overseen by the LFB-EP. However, there is lack of visibility of some of LFB-EP's work (aside from the LA Gold and LLACC work) and the processes through which the LFB-EP work programme is developed, agreed and monitored.
- The recently introduced EP 'Minimum Standards for London' (MSL) have provided a stimulus for local authorities to focus on and raise standards. However, the MSLs rely primarily on goodwill and presume that all local authorities are seeking to improve their resilience arrangements. There is limited oversight of this across London; the consequence is that unsatisfactory resilience performance poses significant reputational risks and would highlight a degree of collegiate failure across London local authorities.

## **Initial Recommendations**

1. To further review the LFB-EP Gold Structure to ensure that on-call arrangements are sufficiently robust.
2. The City of London Corporation will explore providing a facility to LFB-EP/LRT to meet the demand for a central location for accommodation, situational awareness and information-sharing.
3. To further review an appropriate level of funding for the LFB-EP support to local authorities.
4. To commission research into scoping best-practice arrangements for sharing resilience services across local authority boundaries, including the establishment of a new group of senior officers comprised of Directors and/or Assistant Directors who have strategic responsibility for EP at a local authority level, as well as other key resilience partners.
5. The City of London Corporation will organise a high-level conference for senior managers across London government, including members of the above new group of senior officers, to increase awareness across the full spectrum of local authority functions of EP and resilience best practice.

# A councillor's guide to civil emergencies



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# Foreword

Recent flooding events in the north of England have once again highlighted the important role of councils in responding to and recovering from civil emergencies. In the case of these forecastable weather related emergencies, thanks to good planning and some advanced warning, councils and their local resilience forum (LRF) partners were able to take some pre-planned actions, such as erecting flood barriers, distributing sand bags and warning the public. This undoubtedly went some way to reducing the overall impact of these devastating floods.

But not all emergencies can be foreseen in this way. How many would have anticipated the fatal air accident on the Shoreham by-pass in summer 2015 and the impact it would have, or, despite the ever present risk of terrorism, the 2005 bombings in London or indeed the atrocities in Paris and Brussels?

As councillors we need to ask ourselves and our officers, 'how well prepared are we to face the unexpected?'

If we are properly prepared, we should be able to cope with whatever might be thrown at us. Councils that work closely within the framework of their LRF to identify and update risks and plan for emergencies will have taken a big step towards ensuring they are ready, but this can't just be left to the experts.

As councillors and community leaders we have an important part to play not just through being involved in responding to and recovering from an emergency, but also through being engaged in the essential planning and preparation needed to ensure resilience and readiness. We have a responsibility to ensure that those charged with supporting our community in the event of an emergency won't get caught out. If the worst happens, we, as elected representatives, are fundamental to ensuring the backing of the public for whatever needs to be done to return to normal. By asking the right questions and ensuring the interests of our constituents are properly represented, we can make a significant contribution to ensuring the overall resilience of our communities.

I welcome the publication of this guide and commend it to you. I hope you will find it useful and encourage you to question how well prepared you personally and your councils are should disaster strike. The questions at the back the guide provide a good starting point for senior elected leaders and portfolio holders, and colleagues sitting on scrutiny committees, to examine the overall preparedness of their council and partners.

My key message would be, please don't leave it to the last minute or until it really is too late.

**Councillor Simon Blackburn**

Chair, LGA Safer and Stronger Communities Board

# Introduction

A **civil emergency** is defined in the Civil Contingencies Act 2004 as:

“an event or situation which threatens serious damage to human welfare in a place in the United Kingdom, the environment of a place in the UK, or war or terrorism which threatens serious damage to the security of the UK”.

Civil emergencies take many forms and advance planning and preparation is vital. Because of the increasing frequency of severe weather related events, flooding, snow, etc and the overall emphasis on climate change, there is a risk of too much focus on preparing for extreme weather with insufficient thought being applied to preparing for other emergencies such as:

- a major explosion and fire (eg Buncefield 2005)
- major disruption to the transport infrastructure (eg the Shoreham air crash 2015)
- a nuclear related incident (eg Windscale fire 1957; Fukushima, Japan 2011; Chernobyl, Ukraine 1986; Three Mile Island, USA 1979)
- a significant chemical accident (eg Bhopal, India 1984; Flixborough 1974)
- terrorism (eg London bombings 2005; Paris 2015)
- health related (eg Flu pandemic 2009).

Plans developed by a local resilience forum (LRF) will be based on a risk assessment, but while risk must be assessed and plans made accordingly, it would be imprudent to rule anything out completely.



**Grade II listed Elland Bridge, Calder Valley, which was seriously damaged by flood water in 2015's Storm Eva**

The principles for preparing for, responding to, and recovering from a civil emergency are much the same whatever the emergency. With civil protection arrangements needing to be fully integrated across all responders; the first principle is anticipation and assessment of risk and the last, effective response and recovery arrangements. This is otherwise known as integrated emergency management; a holistic approach to preventing and managing emergencies.

The following six activities are fundamental to this approach:

Integrated emergency management	Emergency preparedness	Emergency recovery and response
Anticipation	✓	
Assessment	✓	
Prevention	✓	
Preparation	✓	
Response		✓
Recovery management		✓

The bottom line is that if a council and its partners can get the broad principles right they will be in a good position to cope with whatever might come their way.



# Case studies

## Storm Eva Leeds City Council

On 26 and 27 December 2015 Storm Eva caused unprecedented flooding in Leeds. 519 businesses and 1,732 residential properties as well as bridges and council buildings damaged by the floods.

Leeds City Council's emergency control centre was activated and the local authority worked with emergency services, the Environment Agency (EA), Yorkshire Water and the army as part of the response. This included clean up, road signage, community engagement, communications (ie updating the website, handling hundreds of media enquiries), responding to enquiries via a flood email address and telephone helpline and deployment of sand bags to key sites.

The local authority along with community groups and volunteers used press and social media to engage more than a thousand volunteers to work on the clean up across the city, supported by over 100 council officers. Councillors met with those affected, galvanising volunteers and helping with the clean up. Greg Clarke, Secretary of State for Communities and Local Government, HRH Duke of York and Flood Minister for Yorkshire, Robert Goodwill MP all visited Leeds to raise awareness locally and nationally of the impact of the flood.

The West Yorkshire Resilience Forum, which is jointly chaired by the police, fire service and the council, met to ensure there is an effective framework for partnership working to deal with the recovery issues. Leeds City Council is playing a key role in this and has established an officer group to support the recovery arrangements set out in the Leeds Strategic Recovery Plan.

## Shoreham Bypass air crash Adur District Council

On 22 August 2015, a vintage jet aircraft crashed onto vehicles on the A27 during a display at the Shoreham Airshow, killing 11 people and injuring 16 others.

The aircraft broke into four parts on impact, destroying several cars. Fuel escaping from the fuel tanks ignited in a large fireball and plume of smoke immediately following the impact.

Following the crash, the A27 was closed in both directions, stranding those attending the airshow. People were initially able to leave the site only on foot, as the main access from the car parks to the A27 was closed.

Initially the role of Adur and Worthing Councils was to support the emergency services and West Sussex County Council as the tier one and two responders whilst keeping council services running as normal. Council officers also established a stand-alone website for a virtual book of condolence and together with West Sussex County Council opened a charitable fund to support victims of the accident, to be administered by the Sussex Community Foundation, a registered charity.

## Storm Eva Calderdale Metropolitan Borough Council

On Boxing Day 2015 Storm Eva reached Calderdale, causing flooding across 20 miles of the Calder Valley. Some 2,000 homes and 1,000 businesses flooded and large areas were without power for several days.

Calderdale Metropolitan Borough Council is the Lead Local Flood Authority (LLFA) and implemented emergency plans in partnership with the emergency services, Environment Agency, Canal and River Trust, Yorkshire Water, Northern Powergrid and local community groups.

Within hours local volunteers, with council support, had set up hubs in Todmorden, Hebden Bridge, Mytholmroyd, Sowerby Bridge and Elland, which quickly became the heart of each community, providing food, warmth, advice and support to the devastated communities.

Calderdale has local flood groups, with dedicated flood wardens and community based flood stores, which allowed the clean-up to get underway as soon as the floodwater had gone.

The council coordinated the collection and removal of tonnes of waste and debris from across the valley and provided skips for residents and businesses. The highways team inspected the street lights, traffic lights and over 100 bridges in the flood affected areas, including 85 underwater inspections. Grants were allocated to residents and businesses to contribute to the cost of the clean-up and to help make properties more resilient against future flooding.

The scale of the flooding and the subsequent damage to the highways network meant the council's priority quickly became focused on raising sufficient funding from regional organisations and central government to support the recovery.

The extent of the damage to infrastructure means that the repair work is still on-going, but most businesses have now re-opened and residents are returning home as life begins to return to normal across the Calder Valley.



**Burnham Area Rescue Boat,  
Somerset 2014**

# Councils' legal obligations and their role in civil resilience

The Civil Contingencies Act 2004 is the legal framework that sets out the roles and responsibilities of emergency responders in England and Wales. The Act provides a basic framework defining what tasks should be performed and how cooperation should be conducted.

It defines two levels of responder:

- Category 1 – These are organisations which are likely to be at the core of the response to most emergencies. As such, they are subject to the full range of civil protection duties in the Act. All principal councils are Category 1 responders along with the emergency services, health services, and the Environment Agency.
- Category 2 – These are cooperating responders, who are less likely to be involved in the heart of multi-agency planning work, but will be heavily involved in preparing for incidents affecting their sectors. The Act requires them to cooperate and share information with other Category 1 and 2 responders.

All Category 1 responders are subject to the full set of civil protection duties in the Act, which are outlined in **Appendix 1** to this guide.

The type of emergencies to which a local authority would have a duty to respond will be set out in the local community risk register.

## Local resilience forums (LRFs)

In England and Wales, LRFs, which are multi-agency partnerships made up of representatives of Category 1 and 2 responders plus the military, are responsible for identifying and planning for the civil resilience risks for the local police force area.

Local authorities should have a key role in the LRF, including being involved in the development of the community risk register and contributing to local multi-agency response planning. They should also participate regularly in local multi-agency training and exercises, which are a good way to provide assurance on local level preparedness.

Councillors can support this work and also ensure that LRFs are aware of the particular issues in their communities.

## Lead local flood authorities (LLFAs)

LLFAs are county councils and unitary authorities, which have duties (outlined at **Appendix 2**) under the Flood Water Management Act 2010. The Act aims to provide better, more sustainable management of flood risk for people, homes and businesses, help safeguard community groups from unaffordable rises in surface water drainage charges, and protect water supplies to the consumer.

## Providing emotional and practical support to the public in a civil emergency

In addition to what they are required to do under the Civil Contingencies Act, councils also need to bear in mind the following when responding to and recovering from a civil emergency:

- Under the Local Government Act 2000, councils are responsible for ensuring the economic, social and environmental wellbeing of their community. This means that in the event of a civil emergency, as well as taking a leadership role in recovering from the emergency, they have a responsibility to coordinate the provision of welfare support and lead the establishment of key humanitarian assistance facilities.

“Leeds, along with several other areas, witnessed the devastating impact of Storm Eva on local businesses and residents. There is no doubt local government proved to be best placed to react to the crisis. The multi-agency response of council officers, public services and emergency services was exceptional, but it was the hundreds of volunteers who gave up their time to do anything they could to help that was particularly striking. That greatly speeded up the clean-up process especially and helped the areas worst affected to begin to recover and get back on their feet as quickly as possible.”

**Councillor Judith Blake**  
**Leader, Leeds City Council**

- Under the homelessness legislation councils have a duty to secure suitable accommodation for people until a settled home becomes available. This means that in the event of an emergency, they have a responsibility for providing temporary shelter in the first instance and subsequently temporary accommodation in an extended emergency. Councils, registered social landlords and housing trusts have a duty to cooperate in providing assistance on request, where a housing authority asks for help with meeting its homelessness function.

## What can councils do to provide practical and emotional support?

Experience from councils that have had to face the challenges of a civil emergency has shown that keeping communications teams part of the strategic decision-making process and the close involvement of the voluntary sector, were key to enabling them to provide practical and emotional support whilst also fulfilling their statutory duties and are therefore worth considering:

- Effective use of communications:
  - agree the key messages with your communications team before you engage in any communications (eg face to face, social media, local and national press) and ensure that you and other responders clearly and consistently repeat these and any further updates in all future communications
  - ensure that the front page of the council website clearly directs residents and press to up to date information regarding the emergency with clear signposts of where to go for further information if needed and relevant contact details for any other organisations
  - use a variety of channels to communicate the key messages to as wide an audience as possible based on your knowledge of what works best

for your residents. Social media is a good way of communicating with lots of people at the same time, but consider that harder to reach residents such as the elderly may need more direct contact such as public meetings, councillors and officers in key locations to relay information and leaflet/ newsletter drops

- ensure that regular updates are disseminated to all staff via intranet/ line managers and that front line staff are briefed to deliver key messages to residents.
- Setting up a dedicated resource centre/one stop shop with other service providers, particularly the voluntary sector and dedicated case workers.
- Providing access to telephones, computers and help with correspondence.
- Establishing a sub group to coordinate voluntary sector activities.
- Establishing an aftercare group as a sub group of the recovery coordination group (see **Appendix 3**) to provide emotional support to victims, including responders. While this group might be initiated by the council, it could be constituted almost entirely by the voluntary sector who could take over full responsibility for it in due course. Amongst other things it could:
  - establish community support groups for people who want to talk about the incident
  - establish community self-help groups supported by the council and other agencies such as the Environment Agency
  - plan social events to bring displaced communities together.
  - provide a care and counselling service.
- Making arrangements for the receipt and distribution of donations of cash, clothing, furniture, etc. This role could be undertaken by the voluntary sector.

“The flooding we experienced on Boxing Day 2015 was unprecedented. We were badly hit by floods in 2012. At the time these were also described as unprecedented, but it is clear that what was previously a once in 100 years event, or even once in every 50 years, is now happening with much greater frequency. Many homes and small businesses have been flooded several times over the past few years and I know that it has been a struggle.

Council staff, communities and volunteers supported each other during the clean-up operation and established community hubs in the five towns affected by floods. The council dealt with dangerous, flood damaged structures, cleared tonnes of debris and silt and provided assistance packages to householders and local businesses.”

**Councillor Tim Swift**  
**Leader, Calderdale Council**

# Management and coordination of civil emergencies

Emergencies involve a large number of agencies, which need to cooperate and support each other. Procedures and capabilities need to be well integrated for response and recovery work to be effective.

There is a generic national framework for managing emergency response and recovery that is applicable irrespective of the size, nature or cause of an emergency, but remains flexible enough to be adapted to the needs of particular circumstances. This framework identifies the various tiers of single-agency and multi-agency management in emergency response and recovery, and defines the relationships between them. It provides a common framework within which individual agencies can develop their own response and recovery plans and procedures.

## Levels of coordination

There are three levels of multi-agency coordination:

- **strategic** – often referred to as Gold
- **tactical** – often referred to as Silver
- **operational** – often referred to as Bronze.

The roles, responsibilities and management of each level is outlined at **Appendix 3** to the guide.

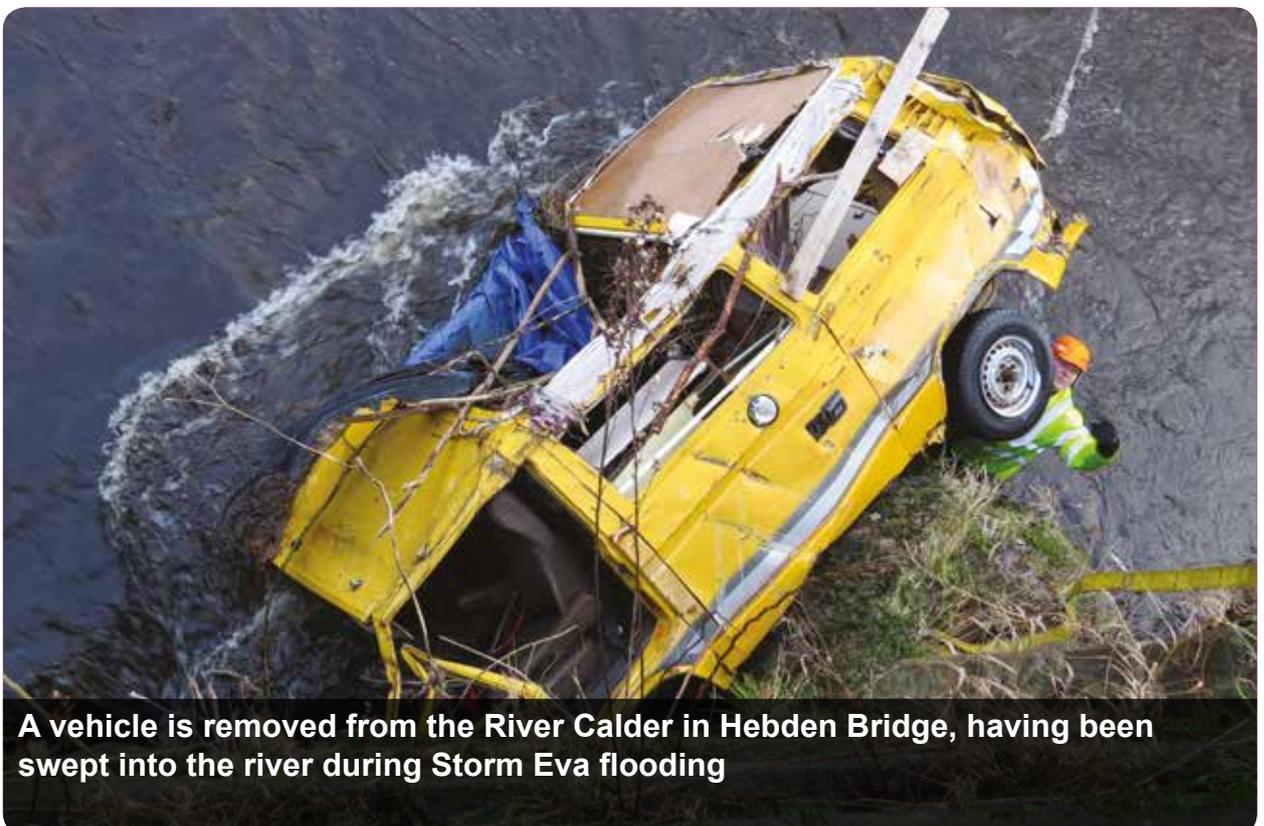
## Funding the response and recovery to civil emergencies

**Response** – The Government operates a scheme of emergency financial assistance to help local authorities to cover costs they incur as a result of work related only to the response phase of emergencies. It is known as the Bellwin Scheme and may be activated by ministers in any case where an emergency involving destruction of, or danger to life or property occurs, and, as a result, one or more councils incur expenditure on, or in connection with, the taking of immediate action to safeguard life or property, or to prevent suffering or severe inconvenience, in their area or among inhabitants. It is important to note that the Bellwin scheme doesn't cover precautionary actions or the recovery from an emergency, is subject to an expenditure threshold, which is published annually, and only applies in England. In Wales it is known as the Emergency Financial Assistance Scheme and is administered by the Welsh Government.

**Recovery** – Councils are expected to make arrangements to bear the costs of recovery in all but the most exceptional circumstances. The Government is clear that it is up to councils to assess their own risk and put in place the right mix of insurance, self-insurance, and reserves. In the event of an exceptional emergency however, individual departments, eg Department for Communities and Local Government (DCLG), Department for Education (DfE), Department for Environment Food and Rural Affairs (Defra) and Department for Transport (DfT) will consider providing financial support for various aspects of the recovery effort. It should be noted that departments will not pay out for recovery costs that are insurable – with the exception of damage to roads. There will be no automatic entitlement to financial assistance even if arrangements are activated. Councils will have to demonstrate need against criteria laid down by the department running a particular scheme. Also the Government will not normally pay out against costs relating to areas where there is already an established government spending programme, or where existing programme spend can be re-prioritised.

“In the longer term, it’s vital to plan on a much larger, more comprehensive scale, if we are to minimise future flooding and strengthen the resilience of our communities. We are now working with our partners to consider how we manage our uplands; whether we need to extend our flood alleviation schemes; how we can ‘flood proof’ homes and businesses and ensure that essential infrastructure such as electrical sub stations are sited away from potential flood spots, so that our communities can bounce back more quickly once the water recedes.”

**Councillor Tim Swift**  
**Leader, Calderdale Council**



**A vehicle is removed from the River Calder in Hebden Bridge, having been swept into the river during Storm Eva flooding**

# Role of leaders and portfolio holders in civil emergencies

As senior politicians, the leader and fellow portfolio holders are the public face of the council and as such have an important role in both ensuring community resilience and responding to a civic emergency. While it is not the role of a councillor to get involved in the delivery of resilience or the strategic, tactical or operational coordination and delivery of response or recovery, they have an important role in providing a political lead on the way in which decisions are made.

## Political leadership

As senior political leaders your central role will be:

- involvement in making key policy decisions and possibly having to consider recommendations from either the strategic coordination group or the recovery coordination group (see **Appendix 3**) on strategic choices
- possibly making representation to government for additional resources and financial assistance
- promoting joint working with parish, city and district authorities
- liaising with other elected representatives (MPs, MEPs, other local authority representatives, etc)
- representing your community in the strategic community recovery committee where relevant
- ensuring recovery issues are mainstreamed into normal functions
- minimising reputational risk to the authority and defending decisions
- ensuring lessons are identified and addressed, (for example, by updating recovery plans), and shared with others who may find them useful.

## Media and communications

When an emergency happens residents often look to local and national media channels for the latest information which is why your communications team play a crucial part in emergency planning, response and recovery, and must be involved in emergency planning at a strategic level.

When many parts of the country flooded in the winter of 2014, council communications teams were at the forefront, sharing information between Members, officers, councils, their partners and the press through community events, traditional print communications and social media. It is therefore essential that your communications team are effectively supported to carry out their role and there are examples where the LGA has been able to help with this through communications advice such media responses and digital media support.

Maintaining good relations with the media will be more important than ever during and after an emergency. You will need to agree key messages with your communications team and working closely with them to be ready to:

- support the communication effort and assist with getting messages to the community, for example by giving interviews to the local and national press, holding public meetings where necessary and engaging with residents on social media, taking care to be consistent with the key information agreed with the communications team
- assist with VIP visits, ensuring that they are sensitive to the needs of the community
- support and assist those affected in how they engage with media interest.

“One of the most important learnings from the tragic events at the Shoreham Air Show was the need to ensure that communications were regular and consistent – whether between Members and officers, the council and its partners, or the council and the media. If clear, concise and accurate information hadn’t been available when it was needed, the potential for causing additional distress in the community could have been enormous.

It was imperative that our messages were aligned with and interview candidates were aware of what was being said by other agencies, so that we could put on a united front during the response phase. We had to balance the needs of our local community with the desire for information from national agencies (who didn’t understand local nuance) so that lines of communication and action remained clear.

I was initially taken aback by the media appetite for information – we received requests for interviews from across the country within hours of the tragedy unfolding, and these kept coming throughout the days and weeks that followed. It was incredibly important to have agreed a number of Members, who could field media interview requests, in advance with our Communications Team – this ensured that there was clarity and consistency for our community in who they were receiving messages from.”

**Councillor Neil Parkin**  
**Leader, Adur District Council**

## Preparing for emergencies

Councils should hold a set of fully developed, tested and up-to-date plans covering a range of different scenarios based on locally identified risk to enable them to play a full and effective part in the response to an emergency.

### Ensuring corporate resilience

As with any issue, assurance that the council is ready in all respects to deal with an emergency can be sought simply by asking senior officers a series of questions and ensuring you get comprehensive and substantial answers backed up by relevant documentation where appropriate. Some suggested questions are at **Appendix 4** to the guide.

In seeking assurance that the council has done all it can to prevent or reduce the impact of an unplanned event, and can continue to deliver services and support vulnerable members of the community, it is also important to seek reassurance that the council’s own **business continuity plans** are sufficiently robust to enable it to continue to operate after disaster has struck. In this respect, it is worth noting that since 2008, there have been at least two major fires that have completely gutted council offices; Melton District Council in 2008 and South Oxfordshire District Council in 2015. Luckily both councils had business continuity plans that enabled them to continue to provide services with only minimal disruption. Would your council be able to do the same?

As senior political leaders, you can:

- discuss with the chief executive and senior officers the main risks to your communities so you can promote and support key actions, which will increase resilience
- work with your communications team to ensure you are familiar with both the internal and external communications channels and processes in an emergency and your role within this

- support the work of your LRF in planning for emergencies and helping them to be aware of the particular needs of discrete groups and issues within communities
- through your role as a community leader, promote awareness and understanding among the general public of the roles and responsibilities of the wide range of agencies that can be involved in managing risk and responding to an emergency so that communities are reassured and have a better idea of who to turn to in the event of concerns arising or emergencies occurring
- seek assurance that the council not only has developed in conjunction with partners on the LRF sufficient plans, but also tests those plans and trains personnel by participating in regular exercises
- encourage all councillors to participate in training and exercises so they are prepared to respond to an emergency and get involved in recovery from it
- understand the functions, ways of working, priorities and constraints of other organisations and in particular, if possible and appropriate, build personal relationships with key personnel, which will facilitate effective working during a crisis
- explore with your chief executive and senior officers whether contracts with suppliers include clear provisions requiring comprehensive plans for continuing service provision in the event of a civil emergency and for assisting with the response to and recovery from an emergency as appropriate and required; for example:
  - care providers should be expected to have across-the-board arrangements for continuity of care in the event of an emergency, including provisions to evacuate care homes and how these provisions would work
  - street cleaning and waste collection contracts should include provision for vehicles and equipment to be used in support of response to and recovery from an emergency
- help raise awareness amongst the communities you serve about the risks posed by climate change and other issues.

“It was clear that previous training initiatives were helping our staff deal with a difficult situation ‘on the ground’, supporting the first and second tier response agencies while keeping our own services running as normal. Regular training, even on desktop exercises, is very important in helping staff and councillors think about the issues they may have to face and, should the worst happen, vital to give them the skills they need to make critical decisions.”

**Councillor Neil Parkin  
Leader, Adur District Council**

In preparing for an emergency, it is important for councils to consider and plan for the roles of officers and councillors during both response and recovery. Experience has shown that where their respective roles have not been clearly established prior to an emergency, or where agreed roles are exceeded or disregarded, the coherence of the council’s position is undermined.

**Ensuring personal resilience**

Resilience is not just about assets and services, personal resilience is important too. Unless everyone has thought through and is clear about their role both during a crisis and during the recovery phase, there is a risk that when disaster strikes, they will be on the back foot from the beginning. Participation in training and the exercising of plans will help with this.

# Responding to an emergency

## Response

Responding to an emergency is a multi-agency activity, during which a council is responsible for:

- providing immediate shelter and welfare for survivors not requiring medical support and their families and friends via evacuation, rest, humanitarian and other centres to meet their immediate to short term needs
- providing medium to longer-term welfare support of survivors (eg social services support and financial assistance which may be generated from appeal funds and also provide help-lines which should answer the public's questions as a one stop shop)(see advice on pages 4-6 on the provision of emotional and welfare support)
- communicate relevant updates to public for information and reassurance
- providing investigating and enforcement officers under the provision of the Food and Environment Protection Act 1985 as requested by Defra
- facilitating the inspection of dangerous structures to ensure that they are safe for emergency personnel to enter
- cleaning up of pollution and facilitating the remediation and reoccupation of sites or areas affected by an emergency
- liaising with the coroner's office to provide emergency mortuary capacity in the event that existing mortuary provision is exceeded
- coordinating the activities of the various voluntary sector agencies involved, and spontaneous volunteers
- providing public health advice and support
- may provide catering facilities, toilets and rest rooms for use by all agencies in one place, for the welfare of emergency response personnel in the event of a protracted emergency; this will depend on the circumstances and available premises.

Senior political leaders will have two main roles during the response phase:

- A corporate role:
  - Ensuring that the council continues to deliver services and provide support to the most vulnerable in the community and to those driven out of their homes.
  - In conjunction with the council's communications team, being a public face for the council in interactions with the media and the wider community; it will be particularly important to take care to avoid issuing contradictory or unconfirmed information to the media and the public. Do this by clearly and consistently repeating the key messages agreed with the communications team in all of your communications, even in social media and face to face interactions with residents.
  - In conjunction with the council's media team keep onsite and remote staff informed by ensuring internal communications are updated in line with external communications.
  - Ensuring that the council is fully and effectively cooperating with all relevant partners, not least the voluntary sector and making best use of all the support offered by the wider general public.
  - A role as a ward councillor, which is outlined in the next section.

“The role of social media was vital in such a time of crisis as it helped us greatly not only get up-to-the-minute updates on problem areas affected, but also to monitor all of the key agencies and to work together to help circulate all essential information to try and keep people informed and safe. It also enabled us to make sure that we could correct any rumours or misinformation, so that everyone could see the factual position coming from official sources.”

**Tom Riordan**  
Chief Executive, Leeds City Council

# Recovering from an emergency

## Recovery

Recovery is defined as the process of rebuilding, restoring and rehabilitating the community following an emergency. Ideally it should begin from the moment the emergency begins and will initially run alongside the response phase. It is more than simply the replacement of what has been destroyed and the rehabilitation of those affected. It is a complex social and developmental process rather than just a remedial process.

It will be multi-faceted and long running involving many more agencies and participants than the response phase. It will certainly be more costly in terms of resources, and it will undoubtedly be subject to close scrutiny from the community and the media. Having begun at the earliest opportunity it should continue until the disruption has been rectified, demands on services have returned to normal levels, and the needs of those affected (directly and indirectly) have been met. It could last months or even years and will normally be led by the council, usually with the chief executive or appropriate strategic director taking the chair of the recovery coordination group.

During recovery councils will also have a large part to play in addressing community needs via drop-in centres and organising anniversaries and memorials as part of the recovery effort.

Senior political leaders will want to be assured that:

- resources and agencies are being effectively deployed and cooperating coherently and well together
- council services and operations return to normal at the earliest opportunity
- communities that have been disrupted by the emergency, and in particular the vulnerable members of the community, receive the long term local support they need once the emergency is no longer

national news and central government has shifted its attention elsewhere

- the community are being kept well informed of plans and progress
- local voluntary sector organisations and the community are fully involved in the recovery process
- a recovery strategy has been developed, supported by a concise, balanced, affordable recovery action plan that can be quickly implemented, involves all agencies, and fits the needs of the emergency
- an impact assessment has been started early with councillors playing a central role in identifying problems and vulnerabilities in their community, which may require priority attention, and feeding those problems and vulnerabilities back to the relevant recovery group; the impact assessment is likely to develop over time from a pretty rough and ready assessment, probably covering the more immediate needs of people, to a more refined assessment of longer-term humanitarian needs and economic development
- lessons learnt from the emergency are being compiled, widely shared and acted upon; follow up actions might include revision of plans, further training, strengthening of liaison with other agencies, etc
- thorough debriefs are being planned and carried out to capture issues identified, recommendations to be implemented, and planning assumptions to be reviewed
- that the community (including businesses) is involved at all stages of recovery; elected members can play a key role in this, chairing public (and business) debrief meetings; they can also be useful for door-knocking rounds, bringing back issues that the community has identified, and providing a trusted point of contact for those with concerns
- information and media management of the recovery process is coordinated by the communications team

- frequent internal communications keep all onsite and remote staff updated with key messages
- effective protocols for political involvement and liaison (parish, district/county/unitary and parliamentary) are established.



# The wider role of councillors in a civil emergency

## Resilience

In planning and preparing for civil emergencies all councillors can play a key role by:

- promoting and encouraging the preparation of community plans
- using their local knowledge to identify local groups and partners who may be able to play a role in recovery
- promoting self-resilience within the community and managing residents' expectations
- actively engaging with community members involved in community resilience work more widely
- ensuring they are familiar with the communications team emergency plans and processes
- scrutinising emergency plans and holding officers to account for the thorough preparation and updating of the plans in conjunction with partners on the Local Resilience Forum (See **Appendix 5** for some suggested questions).

Councillors should wherever possible contribute to the planning process, undertake training and participate in exercises to ensure that they are familiar with what will be expected in an emergency.

## Response

During the response to an emergency, councillors, whose wards have been impacted by the emergency have a key role in:

- providing community leadership in their own wards
- being there to identify the needs of individuals and the wider community and feeding them into to the appropriate part of response organisation via officers representing the council
- signposting members of the public towards the right agency to get the support they need
- communicating information to the public and media as required by the communications team
- supporting and assisting those affected in how they engage with the media.

## Recovery

As community representatives and figureheads in their local community, councillors for the affected community have an important role to play in assisting with the recovery process. Although they have a limited role in the operational response phase, the role of councillors is vital to rebuilding, restoring, rehabilitating and reassuring the communities affected and speaking on their behalf.

Roles in which ward councillors can play a part include:

- Listening to the community – as a councillor and local figurehead, you have a key role as the voice of the community and can therefore:
  - be the eyes and ears ‘on the ground’ by providing a focus for and listening to community concerns
  - gather the views and concerns of the

community, and feed them into the recovery process, through the recovery coordinating group's (RCG) community recovery committee

- provide support and reassurance to the local community, by listening or visiting those affected and acting as a community champion and supporter.
- Using local knowledge – as a member of the community, councillors have unique access to the thoughts, opinions and information relating to their local community. As such, they can play a part in using:
  - local awareness of the thoughts and feelings of the community to identify problems and vulnerabilities the community may have and which may require priority attention and feeding them back to the relevant recovery sub-group
  - local knowledge to provide information on local resources, skills and personalities to the relevant recovery sub-group, in particular local community groups which can also be an important source of help and specialist advice. Working closely with community groups, councillors will also be valuable in knowing how and who is active within a community.
- Providing support to those working on recovery through:
  - providing encouragement and support to recovery teams working within the community
  - working with the communications team to communicate key messages, from the RCG and its sub-groups, to local and national press and to disseminate credible advice and information back to the community, keeping community members involved, including potentially assisting in debrief sessions with the community and managing community expectations along with the wider council
  - actively engaging with community members involved in the recovery efforts.

- Political leadership:
  - scrutiny – getting buy-in and closure at political level, including sign off for funding
  - presenting the case for your community to the strategic community recovery committee where relevant.



**Emergency response on A27 following the Shoreham air crash, 2015**

# Appendices

## Appendix 1

### **Councils' responsibilities under the Civil Contingencies Act 2004**

All principal councils (metropolitan districts, shire counties, shire districts and shire unitaries) are Category 1 or 'core' responders under the Act. As such, they are, alongside the emergency services, some health bodies and the Environment Agency, subject to the full set of civil protection duties in the Act and are required to:

- assess the risk of emergencies occurring and use this to inform contingency planning
- put in place emergency plans
- put in place business continuity management arrangements
- put communications arrangements in place to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency
- share information with other local responders to enhance coordination
- cooperate with other local responders to enhance coordination and efficiency
- provide advice and assistance to businesses and voluntary organisations about business continuity management (local authorities only).

As a Category 1 responder, a council must perform its duties under the Act where:

- the emergency would be likely to seriously obstruct its ability to perform its functions
- it would consider it necessary or desirable to act to prevent, reduce, control, or mitigate the emergency's effects, or otherwise take action; and would be unable to act without changing the deployment of its resources or acquiring additional resources.

Local responders work to a common national framework, but make their own decisions in the light of local circumstances and priorities about what planning arrangements are appropriate in their areas to deliver their duties under the Act.

## Appendix 2

### **County and unitary councils' duties under the Flood Water Management Act 2010 (FWMA)**

Under the FWMA, lead local flood authorities (LLFAs) (all county and unitary councils) are required to:

- prepare and maintain a strategy for local flood risk management in their areas, coordinating views and activity with other local bodies and communities through public consultation and scrutiny, and delivery planning
- maintain a register of assets – these are physical features that have a significant effect on flooding in their area
- investigate significant local flooding incidents and publish the results of such investigations
- establish approval bodies for the design, building and operation of sustainable drainage systems (SuDS)
- issue consents for altering, removing or replacing certain structures or features on ordinary watercourses
- play a lead role in emergency planning and recovery after a flood event.

LLFAs also have a new duty to determine which risk management authorities have relevant powers to investigate flood incidents to help understand how they happened, and whether those authorities have or intend to exercise their powers.

LLFAs and the Environment Agency will need to work closely together to ensure that the plans they are making both locally and nationally link up. An essential part of managing local flood risk will be taking account of new development in any plans or strategies.

If a flood happens, all councils as 'Category 1 responders' must have plans in place not only to respond to flooding emergencies, but also to control or reduce the impact of a flooding emergency.

By working in partnership with communities, LLFAs can raise awareness of flood and coastal erosion risks. Local flood action groups (and other organisations that represent those living and working in areas at risk of flooding) will be useful and trusted channels for sharing up-to-date information, guidance and support direct with the community.

LLFAs should encourage local communities to participate in local flood risk management. Depending on local circumstances, this could include developing and sharing good practice in risk management, training community volunteers so that they can raise awareness of flood risk in their community, and helping the community to prepare flood action plans. LLFAs must also consult local communities about its local flood risk management strategy.

## Appendix 3

### Levels of coordination

The generic national framework for managing emergency response and recovery identifies three tiers of multi-agency management and defines the relationship between them. The three levels are:

#### Strategic

Sometimes colloquially referred to as Gold, its purpose is to:

- consider the emergency in its wider context
- determine longer-term and wider impacts and risks with strategic implications
- define and communicate the overarching strategy and objectives for the emergency response
- establish the framework, policy and parameters for lower level tiers
- monitor the context, risks, impacts and progress towards defined objectives.

A multi-agency **strategic coordination group** (SCG) will be established where an emergency:

- has an especially significant impact
- has substantial resource implications
- involves a large number of organisations
- is expected to last for an extended duration.

An SCG does not have the collective authority to issue commands or executive orders to individual responder agencies. Each organisation will exercise control of its own operations in the normal way. Because of the nature of this group and the need for a council representative to be empowered to make executive decisions, councils will usually be represented by either the chief executive or appropriate strategic director.

The group will be chaired by an appropriate agency depending on the nature of the emergency. The police are particularly likely to chair the group if there is an immediate threat to human life, unless for example it is a major fire, when the chief fire officer would be the likely chair.

For emergencies with significant recovery implications, it would be normal to establish a **recovery coordinating group** (RCG) to take on the role of the SCG once the response phase of the emergency is over. In most cases it would be chaired by the local council chief executive or a strategic director.

#### Tactical

Sometimes colloquially referred to as Silver, the **tactical coordination group** (TCG) will be formed from senior operational officers from relevant agencies. A council will usually be represented at the assistant director/head of service level. The group's role is to jointly conduct the overall multi-agency management of the incident:

- determine priorities for allocating available resources
- plan and coordinate how and when tasks will be undertaken
- obtain additional resources if required
- assess significant risks and use this to inform tasking of operational commanders
- ensure the health and safety of the public and personnel.

#### Operational

Sometimes colloquially referred to as Bronze, this is the level at which the management of the immediate hands-on work is undertaken at the site(s) of the emergency. While individual agencies retain command authority over their own resources and personnel deployed at the scene, each agency must liaise and coordinate with all other agencies involved, ensuring a coherent and integrated effort. It's the role of the operational commanders to implement the tactical commander's plan within their functional area of responsibility.

## Appendix 4

### **Possible questions for leaders/portfolio holders to ask/check on**

How engaged is the council in the LRF?

Are there sufficient officers at each level appropriately trained to participate in multi-agency coordinating groups?

Are all senior staff aware of what the council roles and responsibilities are in local resilience forum multi-agency emergency plans and is the council ready to deliver them?

Have arrangements been made to enable close working with other councils within the LRF in the event of an emergency (eg information sharing, shared communications plan, joint spokespeople, etc)?

Does the LRF have an up-to-date risk register and does it fully reflect risks faced by the council and incorporate climate change risks? Is it sufficiently detailed and comprehensive, written in plain English and understandable to the general public? Is it readily available to the public?

Are there sufficient plans for preventing emergencies; and reducing, controlling or mitigating the effects of emergencies in both the response and recovery phases?

Do the emergency plans fully reflect the identified risks?

Do plans clearly identify vulnerable groups or businesses that are at particular risk?

When were business continuity plans last checked, updated and tested?

Is there a flood risk management strategy in place with adequate systems and resources to implement it?

Is there sufficient up-to-date information on the website to enable residents to contact the council in an emergency during a normal working day and out of hours and does the website make clear to residents what they can expect from the council in a local civil emergency?

When was the website last updated? Is it fully up-to-date and does it fully reflect current arrangements and points of contact?

Does the council have arrangements to generate the resource to respond to calls from residents about short or no notice emergencies out of working hours, particularly during the holidays, eg over Christmas and the New Year?

Are senior members of staff suitably trained in the implementation of the LRF's emergency plans and ready to respond in the event of an emergency?

Are emergency contact numbers for all key personnel, including councillors, available and up-to-date?

Are councillors aware of their role in responding to an emergency and have they had a recent up-to-date communications brief on emergencies to enable them to fulfil their community leadership role and be well informed for any media contact?

Are up-to-date and fit for purpose emergency and business continuity plans in place and are they coherent with local resilience forum plans?

Have lessons learnt from previous emergencies across the country been identified and plans modified accordingly?

## Appendix 5

### **Possible questions for scrutiny committees to consider**

How well is the council cooperating with other key organisations like the Environment Agency and the emergency services?

Have risks to council buildings and facilities (eg schools, leisure centres, libraries, residential care homes, day centres, etc) been properly identified and are mitigations and fall back plans in place?

Is the council conducting active horizon scanning for new risks and working with the LRF to regularly update the risk register?

Is the risk register sufficiently detailed and comprehensive, written in plain English and easily understandable by the general public?

Is the council aware of the impact emergencies could have on local businesses and the local economy and does it have plans to mitigate the impact?

Does the council have the wherewithal to be able to give advice to the commercial and voluntary sectors in the event of an emergency?

Do plans include measures for preventing emergencies and for mitigating the impact of emergencies when they arise?

Do plans reflect lessons learnt from previous emergencies across the country?

Have climate risks and opportunities been built into local growth plans?

Has training been provided to councillors and has training offered been taken up?

What assurance is there that the council has developed and practiced appropriate emergency and business continuity plans and are they coherent with the local resilience forum plans?

When were the council's business continuity plans last tested and how frequently are such tests planned to be carried out?

When was the last time the council participated in an exercise and when is the next exercise planned?

When were response arrangements last reviewed to ensure that newly elected members and staff are fully briefed?

What arrangements does the council have for scaling up the staff resource to not only support the response, but also maintain the delivery of front line services?

Which officers have been appropriately trained to participate in coordination groups and is this sufficient to ensure that the council can participate fully in responding to and recovering from emergencies?

## Useful references

### **Local authorities' preparedness for civil emergencies: A good practice guide**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/368617/Oct\\_2014\\_LA\\_preparedness\\_for\\_emergencies\\_guide.Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/368617/Oct_2014_LA_preparedness_for_emergencies_guide.Final.pdf)

### **Preparation and planning for emergencies: responsibilities of responder agencies and others**

<https://www.gov.uk/guidance/preparation-and-planning-for-emergencies-responsibilities-of-responder-agencies-and-others>

### **Emergency preparedness**

<https://www.gov.uk/government/publications/emergency-preparedness>

### **Emergency Response and Recovery: Non statutory guidance accompanying the Civil Contingencies Act 2004**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/253488/Emergency\\_Response\\_and\\_Recovery\\_5th\\_edition\\_October\\_2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/253488/Emergency_Response_and_Recovery_5th_edition_October_2013.pdf)

### **LGA Guide for communicating during extreme weather**

[http://www.local.gov.uk/documents/10180/6869714/L15-506+Extreme+Weather+Communications+Guidance\\_02.pdf/8e4f3c03-dea8-4d8c-b83b-1412990625e3](http://www.local.gov.uk/documents/10180/6869714/L15-506+Extreme+Weather+Communications+Guidance_02.pdf/8e4f3c03-dea8-4d8c-b83b-1412990625e3)

### **LGA Councillor briefing pack – Resilient communities: Ensuring your community is resilient to the impacts of extreme weather**

[http://www.local.gov.uk/documents/10180/6869714/L15-77+CL+Resilient+c\\_WEB.PDF/a0abfcae-a4db-42ce-abae-55c82d1d7bea](http://www.local.gov.uk/documents/10180/6869714/L15-77+CL+Resilient+c_WEB.PDF/a0abfcae-a4db-42ce-abae-55c82d1d7bea)

### **Flood risk management: information for flood risk management authorities, asset owners and local authorities**

<https://www.gov.uk/guidance/flood-risk-management-information-for-flood-risk-management-authorities-asset-owners-and-local-authorities>

### **Managing flood risk: roles and responsibilities**

[http://www.local.gov.uk/local-flood-risk-management/-/journal\\_content/56/10180/3572186/ARTICLE](http://www.local.gov.uk/local-flood-risk-management/-/journal_content/56/10180/3572186/ARTICLE)

### **Flood investigation report: section 19. Flood and water management act (2010) Upper Calder Valley - 22 June 2012 flood incident**

[www.calderdale.gov.uk/environment/flooding/flood-investigation-06-12.pdf](http://www.calderdale.gov.uk/environment/flooding/flood-investigation-06-12.pdf)

### **Storm Eva - recovery plan**

<http://democracy.leeds.gov.uk/documents/s141257/EB%20Storm%20Eva%20Recovery%20Cover%20Report%20120116.pdf>



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We consider requests on an individual basis.

 <b>Brent</b>	<b>Full Council</b> 22 January 2018
	<b>Report from the Director of Legal and HR Services</b>
<b>Amendments to the Constitution</b>	

<b>Wards Affected:</b>	N/A
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Four
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Debra Norman, Director of Legal and HR Services, 02089371578

## 1.0 Purpose of the Report

- 1.1 This report proposes a number of changes to the council’s Constitution. These principally affect the financial limits on officers’ delegated powers in respect of procurement decisions and the terms of reference of the Planning Committee (and related standing orders) and the Planning Code of Practice. In addition some other minor changes are proposed as set out in the report and/or the Appendices.

## 2.0 Recommendations

- 2.1 To approve the changes to the Constitution proposed in this report and/or contained in the Appendices.
- 2.2 To authorise the Director of Legal and HR Services to amend the Constitution accordingly, including making any necessary incidental or consequential changes.

## 3.0 Detail

- 3.1 During 2017 a number of changes to the Constitution were agreed by the Council, in particular these have involved refreshing the scrutiny call-in procedures, establishing the Audit Advisory Committee, bringing the Policy Framework section up to date and carrying out a restructure of the Constitution to make is shorter and easier to navigate.

- 3.2 This report proposes further changes to increase the financial limits on officers' delegated powers in respect of procurement decisions (which are currently the same or lower than when the Constitution was first adopted in 2002) and to amend constitutional arrangements in respect of planning matters following a recent review.

### **Changing financial limits on officer procurement decisions**

- 3.3 Financial limits on officers' delegated powers in relation to procurement are quite low compared with many other similar authorities. This slows the pace at which the organisation can work and creates unnecessary bureaucracy for routine procurement. Increasing the scope of officer delegation would reduce the number of procurement related reports on the Cabinet agenda and speed up routine procurement.
- 3.4 The Council adopted the Constitution for the first time under the legislation establishing executive arrangements in 2002. The threshold at which decisions to go out to tender and to award contracts had to be referred to the Executive (now Cabinet) was the same then as it is currently in respect of services or supplies contracts (£500k) but £1million (i.e. twice the current threshold) in respect of works contracts.
- 3.5 It is proposed that the thresholds be increased to £2m in respect of supplies and services contract and £5m in respect of works contracts. It is estimated that this will reduce the number of supplies and services contracts in the procurement pipeline which require a member level decision to be reduced by half. Should the relevant Cabinet Member wish any particular contract under the new threshold to be referred to Cabinet for decision, they will be able to require that to happen. For existing tender processes below the new thresholds, an award report will only come to Cabinet if specifically requested by the relevant cabinet member.
- 3.6 The proposed changes are set out in **Appendix 1**. This includes changes to thresholds relating to variations and to provision of services by the council to be more in line with the proposed new procurement decision thresholds.

### **Changes to Planning Matters**

#### ***1. Terms of reference of the Planning Committee***

- 3.7 The terms of reference of the Planning Committee have been reviewed and re-stated as set out in **Appendix 2** to achieve greater clarity and a better focus on strategic, timely and cost effective decision making. The following key changes are proposed:
- (i) With the exception of councillor call-ins, officer referrals and specific Planning Committee requests, only applications recommended for *approval* will be considered by the Committee;

- (ii) Raising the floorspace threshold for a non residential building to be considered at Planning Committee from 500sq. metres to 1,000sq metres;
- (iii) To include within the terms of reference of the Planning Committee clear and comprehensive criteria for valid written objections and councillor referrals/call-in requests (the latter is currently set out in the Planning Code of Practice).
- (iv) Raising the threshold for the number of individual objections triggering Planning Committee consideration from 3 to 8, and from 5 signatures to 10 in respect of petitions;
- (v) Removing the policy consultation function of the Planning Committee as the Local Plan Member Working Group now exists for this purpose;
- (vi) Removing specific references to applications and enforcement action giving rise to the payment of compensation, s106 agreements and highways agreements, tree preservation orders and hazardous substances; and
- (vii) Excluding (but not in all circumstances) section 73 applications, which are minor material amendments to application.

## ***2. Standing orders relating to planning matters***

- 3.8 Proposals to amend standing orders relating to public speaking rights; voting; petitions and Members' right to speak at Planning Committee meetings are all explained and the changes tracked at **Appendix 3**.

## ***3. Planning Code of Practice***

- 3.9 For many years the Council's Members' Code of Conduct has been supplemented by a Planning Code of Practice (the planning code). The planning code provides additional guidance to all members, but members of the Planning Committee in particular, both in respect of how the requirements of the Members' Code of Conduct apply in a planning context and also on the standards of conduct and practices which are specific to planning decision making.
- 3.10 The Council's current planning code was most recently reviewed and subsequently approved in 2014. As part of a wider review of the terms of reference of the Planning Committee and Standing Orders relating to planning procedures, the planning code has been reviewed by the Council's Constitutional Working Group (CWG) with the aim of updating it and improving it in response to local experience and in line with good practice. The opportunity has also been taken to codify advice and guidance issued to Members by the Monitoring Officer from time to time.
- 3.11 More recently, the draft changes have been extended to cover pre-application discussions and discussions about undecided applications between Members

and developers. Further, the draft changes were also reported to the Audit Advisory Committee on 10 January 2018 for discussion.

3.12 The revised planning code is attached at **Appendix 4** and the proposed changes have been tracked. This is a summary of the key changes:

- (i) Additional guidance explaining the difference between predisposition (which is lawful) and predetermination (which is unlawful).
- (ii) The rules on when Councillors can request that a planning application is considered by the Planning Committee (i.e. councillor call-in powers) have been incorporated into the proposed changes to the terms of reference of the Planning Committee and removed from the planning code.
- (iii) Removal of the requirement for planning applications submitted by Planning Committee Members to be decided by the Planning Committee in all cases. Instead normal rules, i.e. the updated and improved terms of reference of the Planning Committee (as proposed) which set out when applications have to or can be considered by the Committee, will apply. The relevant criteria, including the general discretion officers have to refer applications to the Planning Committee, provide proportionate safeguards. However, applications considered under officer delegated powers will be approved by the Head of Planning or the Strategic Director Regeneration and Environment.
- (iv) Additional guidance on lobbying.
- (v) There is a new section on 'Discussions between members and meetings with developers or their representatives'. This in part incorporates into the code ad hoc advice issued by the Monitoring Officer to Members in the recent past and in part strengthens the Council's commitment to being seen to be promoting good practice. The requirements aim to strike a proper balance between promoting public confidence in the integrity of the planning process and the legitimate reality of local government life. Of particular note is the requirement that pre-application discussions or discussions about undecided applications between Members and developers (or their representatives), are arranged, attended and documented by an officer.
- (vi) The section on Planning Committee site visits has been amended: site visits will be agreed by the Chair of the Planning Committee and the Head of Planning and the purpose of site visits has been clarified.
- (vii) The requirement to defer an application if the Planning Committee is minded to grant planning permission contrary to the recommendation of officers has been removed. The inflexibility is no longer considered to be necessary or even appropriate. Instead, there is additional guidance on when Members should consider deferring decisions and the following proportionate safeguards will be written into Standing Orders. The requirement for Members to (1) give relevant and sufficient planning reasons, (2) give officers an opportunity to explain the implications of the

contrary decision, (3) consider deferring the application and (4) to vote not to defer whenever Members are minded to grant or refuse planning permission contrary to the recommendation of officers.

(viii) The requirement for the planning code to be reviewed every three years has been extended to 4 years.

3.13 The planning code is also being independently reviewed by a planning expert. As previously mentioned, the internal review of the planning code is part of a wider review of planning changes to the Constitution which will be reported to Full Council as a complete package of reforms at its next meeting which there is no need to delay. If any recommendations for further improvements are made, the planning code will be the subject of further consideration any additional changes will be reported to Full Council for approval.

### **Other Minor changes**

3.14 Three other minor changes are proposed. It is proposed that in order to enhance the council's engagement with young people, 20 minutes be set aside at alternate council meetings as part of question time for questions to be asked by the Youth Parliament. In addition, a clarification is proposed in respect of the restriction on officer decisions where services are restricted. It is proposed that the Information Governance Manager be designated as the council's Data Protection Officer required under the General Data Protection Regulation from 25 May 2018. These changes are set out in **Appendix 1**.

### **4.0 Financial Implications**

4.1 None directly arising from this report.

### **5.0 Legal Implications**

5.1 These are contained in the body of the report.

### **6.0 Equality Implications**

6.1 None.

### **7.0 Consultation with Ward Members and Stakeholders**

7.1 The proposals in this report have been considered by the council's Constitutional Working Group.

### **8.0 Human Resources/Property Implications (if appropriate)**

8.1 None.

**Report sign off:**

**Debra Norman**

**Director of Legal and HR**

**Resources**



# Appendix 1 – Procurement Threshold Changes

## Part 2 – Procedural Rules

### STANDING ORDERS

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#### 15. Questions from members of the public

- (a) Subject to para (b) members of the public or those employed by or owning a business based in Brent may ask a member of the Cabinet questions on any matter in relation to which the Council has powers or duties of affects the borough.
- (b) Questions shall be submitted fifteen clear working days in advance to the Head of Member and Executive Services and written copies of questions will be provided at meetings.
- (c) The time set aside for questions shall be 20 minutes.
- (d) At the Ordinary meeting following the Annual Meeting and at alternate Ordinary meetings for the rest of the municipal year, an additional 20 minutes shall be set aside for questions from members of the Youth Parliament.

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### CONTRACT STANDING ORDERS

#### 82. Definitions

[Extract from table]

<b>EU Thresholds</b>	The current EU thresholds under European Procurement Legislation for the following types of contracts are: <ul style="list-style-type: none"><li>• in the case of contracts for public works, £4,<del>551,413</del><u>104,394</u></li><li>• in the case of contracts for services or supplies, £<del>181,302</del><u>64,176</u></li><li>• in the case of contracts for Schedule 3 Services, £<del>615,278</del><u>589,148</u></li><li>• in the case of contracts for public works or services concession contracts, £4,<del>551,413</del><u>104,394</u></li></ul>
<b>Low Value Contract</b>	In the case of contracts for services (including Schedule 3 Services) or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of £25,000 and up to the amount which is the current EU Threshold for services and supplies contracts (which is currently £ <del>181,302</del> <u>64,176</u> ).

	In the case of a contract for construction or works: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between £25,000 and up to £250,000, provided that the contract is classified as a contract for works and not services by the European Procurement Legislation.
<b>Medium Value Contract</b>	<p>In the case of contracts for services (including Schedule 3 Services) or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between the amount which is the relevant EU Threshold for services or supplies contracts (which is currently £164,176) and <b>£2m,000</b>.</p> <p>In the case of a contract for construction or works, a contract with an estimated value of between £250,000 and <b>£5m500,000</b>, provided that the contract is classified as a contract for works and not services by European Procurement Legislation.</p>

.....

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

- (a) The Local Authorities (Goods and Services) Act 1970 (“the 1970 Act”) provides that local authorities may enter into contracts to provide goods and services to public bodies defined as such by the 1970 Act. Section 96 of the Local Government Act 2003 provides that local authorities may do for a commercial purpose anything which they are authorised to do for the purpose of carrying on any of their ordinary functions provided this power is exercised through a company within the meaning of Part 5 of the Local Government Act 1989. The general power of competence in the Localism Act 2011 may also authorise the provision of goods, works and services by the Council.
- (b) Before entering into arrangements under any of these provisions, officers must comply with the relevant requirements of Financial Regulation in Part 2 of the Constitution.
- (c) Authority to enter into arrangements under any of these provisions must be agreed by the Cabinet (or if appropriate the General Purposes Committee) where:
  - (i) the contract value would exceed **£150,0001 million** per annum; or
  - (ii) the gross cost to the Council of providing the relevant goods, services or works under the contract is estimated to exceed **£150,0001 million** per annum calculating the full costs over the term of the contract (including any period of extension(s) anticipated by the contract);
  - (iii) where a company is to be set up for the purposes of the arrangements.

- (d) In all cases advice shall be sought from the Chief Legal Officer and the Chief Finance Officer prior to entering into any such arrangement and/or prior to seeking approval by the Cabinet.

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

- (a) Chief Officers have delegated to them power to invite expressions of interest, agree shortlists, invite Tenders, negotiate, award, and terminate contracts in accordance with paragraph 9.5, of Part 3 of this Constitution. No individual Member may enter into a contract on the Council's behalf.
- (b) Where approval to invite expressions of interest is required from the Cabinet (or if appropriate the General Purposes Committee or Pension Fund Sub-Committee) the Cabinet, the General Purposes Committee or the Pension Fund Sub-Committee as the case may be, shall receive and consider a report setting out the pre-tender considerations specified in Standing Order 89 and shall give such approval or approvals as it considers necessary.
- (c) Where approval to award or terminate a contract is required to be obtained or is in any event sought from the Cabinet (or the General Purposes Committee or Pension Fund Sub-Committee), the Cabinet, the General Purposes Committee or the Pension Fund Sub-Committee as the case may be, shall receive and consider a report setting out all relevant information necessary to enable it to give such approval or approvals as it considers necessary.
- (d) Chief Officers are responsible for ensuring that the relevant category manager in the Corporate Procurement Centre is notified of all proposed procurements of or exceeding £25,000 in value. The role of the category manager under this Standing Order 88 is to advise on appropriate procurement routes, ensuring that the service department takes legal advice as necessary.

### Part 3 – Responsibility for Functions

[Extract from officers delegated powers table.]

Power	Exception, restriction or limitation
<p>3(a) to invite expressions of interest, agree shortlists, invite tenders, negotiate, award, enter into and terminate contracts, agreements, deeds or other transactions; to purchase supplies and services; to appoint external consultants; to make minor or consequential changes to any of the documents mentioned above which were previously agreed by the Cabinet or the Council or their committees or sub-</p>	<p>Provided that:</p> <p>(a) In the case of a contract, agreement, deed or transaction where the Council would be in receipt of works, services or supplies (other than the supply of energy through the Local Authority Energy Buying Group administered by Kent County Council ("Laser")) if the value of the contract, agreement, deed, transaction, supply, service, work or consultancy would or would be likely or is estimated at the commencement of any procurement process to exceed <u>£2 million</u> in respect of services, supplies or <u>£5 million in respect of</u> works, such value to be aggregated over the life of the contract (including any possible extension) then:-</p> <p>(i) no expressions of interest shall be invited without the prior approval of the Cabinet (or</p>

<p>committees.</p>	<p>in the appropriate cases the General Purposes Committee);</p> <p>(ii) no contract, agreement, deed or transaction shall be awarded, entered into or terminated without the prior approval of the Cabinet (or in appropriate cases the General Purposes Committee); and</p> <p>(iii) shortlists may only be drawn up and tenders may only be evaluated in accordance with the basis of the evaluation criteria approved by the Cabinet (or in appropriate cases the General Purposes Committee) in accordance with Standing Orders 88(b) and 89(vi).</p> <p>(b) in the case of an agreement where the Council is a service provider to another organisation, the contract value or cost to the Council in providing the service is less than <del>£150,000</del> <u>£1 million</u> per year; otherwise Cabinet approval must be sought in accordance with Standing Order 87(c).</p> <p>(c) In the case of a contract or agreement that does not fall within (a) or (b) above, such as a funding or settlement agreement, the total value passing from the Council to another organisation does not exceed <del>£1 million</del> <u>£250,000</u>.</p> <p>(d) the award of contract or approval of the agreement would not place the Council in breach of European procurement legislation.</p> <p>(e) there is sufficient budgetary provision</p> <p>(f) admission agreements in respect of the pension fund may only be agreed by the Chief Finance Officer and in accordance with criteria adopted by the General Purposes Committee or the Pension Fund Sub-Committee.</p> <p>(g) contracts in respect of the supply of energy through LASER may only be awarded by the Chief Finance Officer</p>
<p>3(b) to extend, vary, renegotiate, novate or assign contracts, agreements, deeds or other transactions.</p>	<p>(a) provided that the extension, variation, renegotiation, novation or assignment would not be in breach of the European Procurement Legislation.</p> <p>(b) provided that the extension, variation, renegotiation, novation or assignment does not substantially alter the terms and conditions of the contract.</p>

	<p>(c) provided that there is sufficient existing budgetary provision.</p> <p>(d) if the extension goes beyond the period of extension provided for in the contract (if any) or is otherwise not in accordance with the extension provisions in the contract:</p> <p style="padding-left: 40px;">(i) in the case of any contract, agreement, deed or other transaction with a life of not more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of six months; or</p> <p style="padding-left: 40px;">(ii) in the case of any contract, agreement, deed or other transaction with a life of more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of one year.</p> <p>(e) provided that in the case of any variation (other than an extension):</p> <p style="padding-left: 40px;">(i) the total value of the variation is less than <del>£250k</del><u>1m</u>; and</p> <p style="padding-left: 40px;">(ii) if the total value of the variation is more than £50k it is not more than <del>50</del><u>520</u>% of the original contract value (calculated over the life of the <del>contract</del> contract including any extensions or possible extensions and adjusted in accordance with any price review mechanism provided for in the contract).</p> <p>(f) provided that in the case of any novation or assignment that the relevant Director is satisfied that the contractor to which the contract, agreement, deed or other transaction is to be novated or assigned meets the Council's requirements for financial standing, health and safety standards and technical expertise.</p>
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## 10. Exemptions, Restrictions and Limitations on Powers Delegated to Officers

10.1 Chief Officers exercising delegated authority shall take all reasonable steps (including the taking of financial, legal and other similar advice) to ensure that no function is exercised or decision taken if, in their reasonable opinion:-

(k) **Transfer or redundancy:**

The exercise of that function or the making of that decision would or would be likely in the opinion of the relevant Strategic Director or the Chief Executive to

result in ~~transfers of staff to or from the Council of more than 20 people or redundancies of more than 20 people~~ a very significant change in the model of service delivery.

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**TABLE 5**

**PROPER AND STATUTORY OFFICER PROVISIONS**

The following definitions are used in this Table:-

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GDPR 2016 = General Data Protection Regulations 2016

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

<b><i>(1) statutory provision</i></b>	<b><i>(2) Function</i></b>	<b><i>(3) Proper Officer</i></b>
National Health Service Act 2006 S73A	Director of Public Health	Director of Public Health
<u>GDPR 2016 Art 37</u>	<u>Data Protection Officer</u>	<u>Information Governance Manager</u>
Generally *	Any other proper officer function not otherwise designated.	Chief Executive

# PLANNING COMMITTEE TERMS OF REFERENCE

## Membership

- The committee comprises 8 councillors or such other number of councillors as Full Council may determine from time to time.

## Terms of Reference

1. To determine the following:

- a. Applications for Planning Permission made under the Town and Country Planning Act 1990; and
- b. Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990,

where the recommendation is for approval and the application falls within at least one of the following categories:

- i. construction of 20 or more dwellings
- ii. outline residential development with a site larger than 0.1 hectare
- iii. construction of a non-residential building exceeding 1,000sq. metres in floorspace outside a designated Strategic Industrial location or Locally Significant Industrial site;
- iv. outline non-residential development with a site larger than 0.1 hectare, outside a designated Strategic Industrial location or Locally Significant Industrial site;
- v. the matter relates to a proposal falling within one of the categories i. to iv. above, and would, if approved, represent a significant departure from one or more of the policies in the Development Plan and, in the opinion of the Strategic Director Regeneration and Environment or the Head of Planning constitute a substantial conflict with the aims and objectives of the relevant policy or policies; or
- vi. 8 or more written objections or a petition containing at least 10 signatures have been received, in accordance with the criteria set out below but only if the application does not relate to:
  - a. alterations to residential buildings including extensions, outbuildings (including garages), walls, vehicular accesses, hardstandings, porches, aerials;
  - b. satellite television dishes or aerials;
  - c. certificates of lawful use of development; or
  - d. prior approvals.

2. To determine the following:

- a. Applications for Planning Permission made under the Town and Country Planning Act 1990; and
- b. Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990,

where at least three Brent Councillors have requested, in accordance with the criteria set out below, that the application be considered by the Planning Committee.

3. To determine or consider any other planning application or planning matter, including pre-application presentations and proposals subject to non-determination appeals, referred to the committee by the Strategic Director Regeneration and Environment or the Head of Planning.
4. To determine any other planning application or planning matter which the Planning Committee has specifically indicated it wishes to consider itself with the exception of proposals subject to non-determination appeals which in the opinion of the Strategic Director Regeneration and Environment or the Head of Planning require an urgent response.

### **Limitations**

With the exception of applications falling within paragraphs 1. vi. or 2. above, section 73 of the Town and Country Planning Act 1990 applications for minor material amendments are excluded unless, in the view of the Strategic Director Regeneration and Environment or the Head of Planning, the minor material amendment raises issues of planning significance not previously considered.

### **Criteria for written objections**

For the purposes of paragraph 1. vi. above, an objection is valid only if, in the opinion of the Strategic Director Regeneration and Environment or the Head of Planning, all of the following criteria are met:

- it is submitted on-line via the Council's Planning Public Access System or it is received by letter or an email\*;
- it is in response to a current application that has been publicised by the Council;
- it includes the person's name and postal address;
- it is from a person who lives or works or carries on a business:
  - in Brent; or
  - in a ward which is actually and directly affected by the application and adjoins Brent but is in a neighbouring authority's area;
- it raises planning considerations that are material and related to the application;
- it clearly states what is being objected to and gives reason(s) which are relevant planning considerations; and
- any material planning objection raised cannot be overcome by imposing planning condition(s) or securing planning obligation(s).

\* Identical, similar or pro-forma letters or emails, which also meet all of the above criteria, will each be treated as a single signature in support of a petition and not as individual objections in their own right.

### **Criteria for Councillor referral**

An application will fall within paragraph 2. above if, in the opinion of the Strategic Director Regeneration and Environment or the Head of Planning, all of the following criteria are met:

- it clearly states that the Councillor wishes the application to be determined by the Planning Committee and explains why it is not appropriate for the application to be determined under officer delegated powers;
- it states whether or not the Councillor has been in contact with the applicant, agent, objector(s) or any other interested party concerning the application and, if so, provides details of the approach(es), including the identity of the person(s);
- it is in response to a current application that has been publicised by the Council; and
- it raises planning considerations that are material and related to the application.

## Proposals to make changes to standing orders on planning matters

### 1. Public speaking rights (SO 57(a))

Currently at Planning Committee meetings, members of the public have the right to speak for up to 2 minutes. It is proposed that this time limit be increased to 3 minutes.

If there are multiple speakers the Chair can limit the number of speakers to two. It is proposed that standing orders make it explicit that the Chair can also encourage two or more objectors or supporters (as the case may be) to share the allotted time of 3 minutes.

### **57. Speaking rights at Planning Committee**

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission, any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do so for a maximum of 3 minutes. Where more than one person wishes to speak on the same application, the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. The Chair may also invite two or more objectors or two or more supporters to share the allotted time of 3 minutes. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants, the Chair and members of the Committee may ask them questions after they have spoken.

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### 2. Voting (SO 61(a))

The fetter on the Planning Committee's discretion to defer 'minded to' decisions to grant planning permission contrary to the recommendation of officers is considered to be unduly inflexible and disproportionate in its effects. There is a need, however, for proportionate safeguards which require members to give reasons, give officers the opportunity to advise of the implications and require members to consider deferring the decision so that the reasons proposed by members can be tested and assessed by officers in a follow-up report. Further, these safeguards should be applied to refusal decisions too.

"61.

- (a) In the case of Planning Committee, if members are minded to grant or refuse planning permission contrary to the recommendation of officers, members cannot proceed to a final vote unless the following conditions have been met:

- (i) each member proposing or supporting the decision has articulated and explained the planning reasons why;
- (ii) the reasons address the issues on which the member disagrees with the recommendation of officers;

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- (iii) officers have been given an opportunity to explain the implications of the contrary decision;
- (iv) if officers advise that there is uncertainty or concern about the validity of the reasons given, members have considered deferring the decision to another meeting to have the reasons tested and assessed by officers in a follow-up report; and
- (v) if members are not minded to defer the decision, the Planning Committee has formally resolved not to defer the decision.”

### 3. Petitions (SO 66)

Standing order 66 deals with petitions. Petitions with at least 5 signatures objecting to a planning application are considered by the Planning Committee when it determines the application.

It is proposed that standing order 66 be amended in line with the proposed terms of reference of the Planning Committee. Namely, that a petition objecting to an undecided planning application would only be considered by the Planning Committee if it has at least 10 signatures; is not an excluded application; it meets the criteria for written objections and if either officers are minded to approve it or the application is recommended for approval.

Petitions supporting a planning application would only be considered by the Planning Committee if, in accordance with the Committee’s terms of reference, at least three councillors had requested that the application be considered by the Committee, officers had referred the application to the Committee or the Committee had reserved the application for itself.

Petitions relating to other planning issues or matters will continue to be subject to the existing rules.

#### “66. **Petitions**

- (a) Any person who wishes to submit a petition under these rules on their own behalf or on behalf of an organisation shall deliver it either in paper form to the office of the Head of Executive and Member Services during office hours or use the Council’s e-petition facility. This must be at least **8 days** before the relevant decision (if the petition concerns a specific decision) is due to be taken.
- (b) No petition shall go forward unless it concerns matters affecting the borough and is signed by at least 5 people who either live, work or study in the borough.
- (c) The Head of Executive and Member Services will establish how many valid signatures the petition has.

(d) Sub-paragraphs (e) to (l) of this Standing Order apply subject to sub-paragraph (m)

(e) Petitions with between 5 and 50 valid signatures:

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- (i) Any such petition shall be referred to the relevant Service Area or Strategic Director who will be responsible for ensuring that the petition is responded to and taken into account in the decision making process as appropriate;

(f) Petitions with 51 or more valid signatures:

- (i) Any such petition shall be notified to the Chair of the relevant Scrutiny Committee and to the relevant Service Area or Strategic Director;
- (ii) Petitions concerning specific decisions planned to be made shall be referred to the decision maker. If the decision maker is a Council committee or sub-committee or the Cabinet or a Cabinet Committee rather than an individual then one person representing the petitioners will be entitled to address the planned meeting of the Council committee or sub-committee or the Cabinet/Cabinet Committee(as the case may be) for up to 5 minutes concerning the petition. Petitions relating to specific decisions to be made by Full Council shall be considered by the next scheduled meeting of the General Purposes Committee or if the next meeting of the General Purposes Committee is scheduled to take place after the relevant meeting of the Full Council then it shall be considered by the Cabinet. The General Purposes Committee or the Cabinet as the case may be may, if it sees fit, make recommendations concerning that petition to Full Council.
- (iii) Petitions not concerning specific decisions planned to be made shall be referred to the Cabinet/Cabinet Committee or to the Council committee or sub-committee (if any)within whose terms of reference the subject matter of the petition falls as determined by the Chief Legal Officer or Head of Executive and Member Services. If it concerns a decision that may be taken at a meeting on some future date then it shall be considered at that future meeting. In all other cases it shall be considered at the next convenient meeting. This paragraph does not apply to specific decisions which have already been made. There is no requirement for specific decisions which have already been made to be re-considered or reviewed.

- (g) At every Ordinary Council Meeting, a list of petitions containing 51 or more valid signatures will be circulated to members of the Council setting out the progress that has been made in dealing with those petitions. The relevant ward member, or in the absence of the ward member, or where the issue is cross cutting, the Chair of the relevant Scrutiny Committee may ask Full Council to note the receipt of a petition without debate. The list will contain the information set out below, provided this has been received by the Head of Executive and Member Services twelve or more days prior to the meeting.

- (h) The information to be included in the schedule described in the previous paragraph is as follows:

- (i) the date the petition was received or closed on-line;

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<#>In the case of any such petitions which relate to a matter which is or could be the responsibility of the Planning Committee the signatures may count as an objection to a development in which case the petition will be considered by the Planning Committee when it considers the matter in question. The Strategic Director of Regeneration and Environment shall decide whether the signatures count as an objection.¶

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- (ii) the name of the person who submitted the petition if a name was given;
  - (iii) the subject of the petition;
  - (iv) the terms of the petition;
  - (v) the name of the committee or person to whom the petition has been referred for action, the date of that referral, and the action taken by that body or person thus far.
- (i) Where the Cabinet/Cabinet Committee or a Council committee or sub-committee considers a petition it shall note the petition and may:-
- (i) make a decision concerning the matter if it has sufficient information before it to do so. This will normally mean an officer's report;
  - (ii) refer it to the relevant Scrutiny Committee for consideration or further research;
  - (iii) hold an inquiry or public meeting;
  - (iv) call for an officer's report to be brought to a future meeting; or
  - (v) refer it to the relevant officer for a formal response.
- (j) Where the relevant Scrutiny Committee considers a petition it shall note the petition and may:-
- (i) call for an officer's report to be brought to a future meeting;

(ii) make recommendations to the Cabinet or the relevant referring committee concerning it; or

(iii) refer it to the relevant officer for a formal response.

(k) If the organiser of a petition feels the Council has not dealt with their petition properly then they may request the relevant Scrutiny Committee to review the steps the Council has taken in response to the petition and that committee may;

(i) decide there is no case to answer;

(ii) ask for an investigation into how the petition was dealt with; or

(iii) make recommendations to the Cabinet.

(l) Where a petition has more than 200 valid signatures, the organiser of a petition may request that the matter is debated at Full Council. Such notice to be received 5 days before the date of the meeting. Any such debate shall be for up to 21 minutes and the conduct of the debate shall be subject to a procedural motion.

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(m) This Standing Order applies to planning applications and other planning issues and matters as follows:

(i) Petitions objecting to a planning application which has not been decided yet:

if the petition:

- has at least 10 signatures,
- objects to a planning application not decided yet,
- is not an excluded application by virtue of paragraph 1(vi) of the terms of reference of the Planning Committee,
- meets all the criteria for written objections set out in the terms of reference of the Planning Committee, and
- concerns an application officers are either minded to approve under delegated powers or recommend approval of or concerns an application which for some other reason will be considered by the Planning Committee.

the petition will be considered by the Planning Committee before it decides the application;

(ii) Petitions supporting a planning application which has not been decided yet:

if the petition:

- has at least 10 signatures,
- supports a planning application not decided yet, and
- if in accordance with the terms of reference of the Planning Committee, at least three councillors have requested that the application be considered by the Planning Committee, or officers have referred the application to the Planning Committee or is an application the Planning Committee has indicated it wishes to consider itself,

the petition will be considered by the Planning Committee before it decides the application;

(iii) Petitions relating to planning applications not covered by the preceding paragraphs:

all other petitions relating to a planning application will be referred to the relevant Strategic Director for a response:

(iv) Petitions relating to other planning issues or matters:

all other petitions relating to planning issues or matters (i.e. planning petitions not covered by the preceding paragraphs) will be dealt with in accordance with the general provisions of this Standing Order.

(n) This Standing Order does not apply to the Alcohol and Entertainment Licensing Sub-Committees. Any petitions received in respect of any alcohol and entertainment license shall be dealt with as set out in the procedure for hearings relating to the Alcohol and Entertainment Licensing Sub-Committees.

#### 4. Members' right to speak at Planning Committee meetings (SO58 (b))

Councillors who are not members of the Planning Committee cannot speak at the committee's meetings except with permission of the Chair. It is custom and practice however that Ward Councillors be allowed to speak – usually for up to 5 minutes.

It is proposed that standing order 58 be amended so that Ward Councillors have a constitutional right (subject to the restrictions imposed by the Members' Code of Conduct) to speak on an application for up to 5 minutes provided 24 hours written notice has been provided.

#### **58. Members' rights to attend and speak at Committees**

(a) Subject to (c) below, members of the Council shall be entitled to attend meetings of Council committees and sub-committees of which they are not members other than the Senior Staff Appointments Sub-Committee and the Staff Appeals Sub-Committees.

(b) Subject to sub-paragraphs (c) and (d), Members attending meetings of committees or sub-committees of which they are not members shall not be entitled to speak except with the permission of the Chair and in no case shall they be entitled to vote.

(c) At meetings of the Alcohol and Entertainment Licensing Sub-Committees, only members who have made relevant representations or are representing a party, will have the right to speak. They will not have the right to vote at such meetings.

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(d) At meetings of the Planning Committee when reports are being considered on applications for planning permission, ward councillors shall be entitled to speak for a maximum of 5 minutes provided that written notice has been given to the Head of Executive and Member Services 24 hours before the commencement of the meeting.

(e) Members may be excluded from a meeting of a committee or sub-committee of which they are not a member if the meeting has excluded the press and public during consideration of any confidential or any exempt information listed in categories 1, 2, 4, 5 and 7 of the Table set out in the Access to Information Rules or category 3 of that Table where it relates to any terms proposed by or to the authority in the course of negotiations for a contract.

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# PLANNING CODE OF PRACTICE

## Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is, in addition to the Brent Members' Code of Conduct, adopted by the Council under the provisions of the Localism Act 2011. Members ~~should~~**must** follow the requirements of the Brent Members' Code and apply this Code in light of the Members' Code. The standards of behaviour expected of officers is set out in a separate Code of Conduct and Conflict of Interest policy which all officers are required to follow. In addition, employees have to follow all other relevant HR policies of the Council as well as the terms and conditions of their contract of employment. The purpose of this Code is to provide more detailed guidance on the standards to be applied by members specifically in relation to planning matters.

The Code seeks to ensure that officers and members consider and decide planning matters in a fair, impartial and transparent manner. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that members of the Planning Committee making such decisions are, and are perceived as being, accountable for those decisions. The Code is also designed to assist members of the Council in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.

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If a member does not abide by this Code the member may put the Council at risk of proceedings on the legality or maladministration of the related decision; and the member may be at risk of either being named in a report to the Standards Committee or Council; or if the failure to abide by the Code is also likely to be a breach of the Members' Code of Conduct, of a complaint being made to the Monitoring Officer.

If you have any doubts about the interpretation of this code, you should consult appropriate officers on the point.

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## General

- 1 Members of the Planning Committee shall determine applications in accordance with the relevant planning national, strategic, local and neighbourhood policy framework, Unitary Development Plan unless material considerations indicate otherwise. The Brent Members' Code of Conduct and the law relating to Brent Council members' disclosable pecuniary interests, personal interests and prejudicial interests must be complied with throughout the decision making process. Decisions should not be influenced by the interests of Councillors or because of pressure exerted by applicants, agents or third parties. Members of the Planning Committee must take decisions in the public interest and take account only of material planning considerations. They should not allow themselves to be influenced by members of the public and applicants, agents or third parties who might approach them and they should not be directed by party politics.

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- 2 The council's planning process is a **formal administrative** process and members of the Planning Committee have a duty to follow the rules of natural justice and in accordance with the council's duty to act in a way that is compatible with Convention rights under the Human Rights Act 1998.
- 3 The rules of natural justice include: the duty to act fairly; the duty to give all those who will be affected by a decision the opportunity of a hearing before a decision is made; and the principle that no person should be a judge in his or her own cause. That principle means that members must be and be seen to be impartial and without bias, and that members should not take part in any decision that affects their own interests.
- 4 The Human Rights that are particularly relevant to Planning decisions are Article 6, the right to a fair hearing; Article 1 of the First Protocol, the right to peaceful enjoyment of a person's property and possessions; and Article 8, the right to respect for a person's private and family life, home and possessions.

### **Bias and Predetermination**

- 5 Members should not take a decision on a matter when they are actually biased in favour or against the application (i.e. **have a direct or financial interest in the application**), or when it might appear to a fair **mind**ed and informed observer that there was real possibility of bias, or where a member has **predetermined the matter** by closing their mind to the merits of the **planning matter decision** before they come to take **a decision on it**.

6 The courts have sought to distinguish between situations which involve **predetermination or bias on the one hand and predisposition on the other. The former is indicative of a "closed mind" and likely to leave the committee's decision susceptible to challenge by Judicial Review or complaint to the Ombudsman. The latter reflects the legal position that a councillor is entitled to have an opinion on a planning matter before it comes to committee provided that he/she remains open to listening to all the arguments presented at the meeting and the possibility of changing his/her mind as a result.**

- 7 Section 25 of the Localism Act 2011 provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.

- 8 Although the Localism Act recognises the reality of the role of members in matters of local interest and debate, it does not amount to the abolition of the concept of pre-determination. A member taking part in a decision on a planning matter must be open to any new arguments about the matter up until the moment of a decision. A member should not comment or make any commitment in advance as to how they intend to vote which might indicate that they have closed their mind. Any planning decision made by a member who can be shown to have approached the decision with a closed mind will still expose the council to the risk of legal challenge.

## **Accountability and Interests**

9 Members of the Council who have business or other interests which may bring them into contact with the Council's planning system on a regular basis should not be considered for membership of the Planning Committee. Those interests might include acting as an agent or consultant with respect to planning applications in the borough.

~~6. — Members of the Council who are consistently unable to support the Council's planning policies should not be considered by their political group for membership of the Planning Committee.~~

10 If a member who is not a member of the Committee makes representations to the Committee, either in person or in writing, the member shall state the reason for wishing to do so. Such a member shall disclose whether or not he/she has been in contact with the applicant, agent, objector(s) or any other interested party concerning the planning matter.

### Interests

11 If a member of the Council has a **personal interest** in any planning application or other matter before the Planning Committee, then the member shall, if present, disclose the existence and nature of the interest before the matter is discussed or as soon as it becomes apparent. If, in accordance with paragraph 12 of the Members' Code of Conduct, the interest is a 'sensitive interest', the member must disclose to the meeting that he/she has an interest that is sensitive but need not disclose the nature of the interest or any other sensitive information. The member may then speak and, if applicable, vote on that particular item.

12 If a member of the Council has a **prejudicial interest** in any planning application or other matter before the Planning Committee, then the member shall, if present, disclose the existence and nature of the interest before the matter is discussed or as soon as it becomes apparent. If, in accordance with paragraph 12 of the Members' Code of Conduct, the interest is a 'sensitive interest', the member must disclose to the meeting that he/she has an interest that is sensitive but need not disclose the nature of the interest or any other sensitive information. If a member has a prejudicial interest in a planning matter the member must withdraw from the room where the meeting is being held and not take part in the discussion or vote on the matter, save that if a member of the public has the right to attend the meeting, make representations, answer questions, or give evidence, then a member will have the same right. Once the member has exercised that right then the member must withdraw from the room for the rest of that item and play no further part in the discussion or vote.

13 If a member of the Council is aware he/she has a **disclosable pecuniary interest** in any planning application or other matter before the Planning Committee, then the member shall, if present, disclose the existence and nature of the interest before the matter is discussed or as soon as it becomes apparent. If, in accordance with paragraph 12 of the Members' Code of Conduct, the interest is a 'sensitive interest', the member must disclose to the meeting that he/she has an interest that is sensitive but need not disclose the nature of the interest or any other sensitive information. If a member has a disclosable pecuniary interest in a planning matter the member must withdraw from the room where the meeting is being held and not take part in the discussion or vote on the matter. If a member has a disclosable pecuniary interest these prohibitions apply to any form of participation, including speaking as a member of the public. In other words, it does not matter in what capacity the member attends

the meeting.

14 If a member has a disclosable pecuniary interest in any planning application or other matter before the Planning Committee, and the interest is not entered in the council's register, and is not the subject of a pending notification, he/she must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the meeting.

15 A failure to comply, without reasonable excuse, with the rules relating to disclosable pecuniary interests can be an offence.

16 If a member of the Council has a disclosable pecuniary interest or a prejudicial interest in a planning application or other matter before the Committee, he/she shall not exercise his or her discretion to require the application or other matter to be referred from officers to the Planning Committee for consideration: ~~and nor shall he/she exercise his/her right to request a site visit.~~

17 For the avoidance of doubt, where a member of the Council is a Freemason or a member of a similar secret society and is aware that the applicant, agent or other interested party in relation to a particular planning application is also a Freemason or a member of the same secret society, the member shall treat this as a prejudicial interest.

18 The Monitoring Officer shall maintain a register of contact made by applicants, agents or interested parties with individual members of the Council on each and every planning application, in which members of the Planning Committee must record approaches referred to in paragraph 26 and other members of the Council may record such approaches if they so wish.

19 If any officer of the Council who is involved in making recommendations or decisions on planning applications has had any involvement with an applicant, agent or interested party, whether or not in connection with the particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare a prejudicial interest in the public register held by the Strategic Director Regeneration and Environment and take no part in the decision making process. The declaration of such interest shall also be recorded in the minutes of the meeting. This public register will be available for inspection at Planning Committee meetings.

20 No officer of the Council shall engage in any paid work for any town planning matter for which Brent is the Local Planning Authority other than on behalf of the Council.

21 In relation to all matters not addressed above, all such officers shall comply with the Royal Town Planning Institute [Practice Advice on Ethics and Professional Standards](#), ~~[Practice Advice Note No.5 relating to Consultancy by Current and Former Employees](#)~~ or ~~or~~ any guidance replacing this.

#### Call in powers

~~10. — Where under the provisions of the Constitution three members of the Council ask for an application or other matter to be decided by Committee rather than by officers, their~~

~~request shall state:~~

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~~(i) — the reason(s) which should solely relate to matters of material planning concern why they feel the application or other matter should not be dealt with under delegated powers; and~~

~~(ii) — whether or not they have been approached by any person concerning the application or other matter and if so, by whom.~~

~~— This information shall then be included in the relevant Planning Committee report.~~

~~— Unless the request and the necessary supporting information outlined above has been provided by both members at least one week prior to the relevant meeting then the matter shall proceed to be determined by officers in accordance with their delegated powers.~~

~~11. — A member considering using the “call in” power should consider whether their objective could be achieved by an alternative means, for example by discussing the matter further with the relevant officer or facilitating a meeting between an objector and an officer, bearing in mind the additional cost to the council when a matter has to be considered by Committee. Where the call in power is exercised the sponsoring member should attend the associated site visit and committee meeting.~~

#### Development proposals submitted by Councillors ~~who sit on the Planning Committee~~

22 ~~If a Councillor submits an application for planning permission they must inform the Council's Monitoring Officer ~~should be informed~~ of such a planning application. If the application can be dealt with under officer delegated powers, the decision must be approved by either the Head of Planning or the Strategic Director Regeneration and Environment. Councillors must not use or attempt to use their position as a Member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage. When Councillors seek to exercise rights that others would have in their situation, they must do so in the same way that a member of public would i.e. at arm's length and using the same official processes. This also applies to Councillors assisting an interested party. ~~submits their own proposal to the Council which they serve, they should take no part in its processing. A Councillor who acts as an agent or representative for someone pursuing a planning matter with the authority should also take no part in its processing.~~~~

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#### Development proposals where the Council is the applicant or landowner

23 Where the council itself is the landowner or planning applicant then a Planning member should consider whether he or she has had such a significant personal involvement in advocating for, preparing or submitting the planning proposal that the member would be likely to be perceived as no longer able to act impartially or to determine the proposal purely on its planning merits. A member would not be required to withdraw simply because they were, for example, a member of both the Cabinet, or a proposing committee, as well as the planning committee. However a member with a relevant portfolio or individual responsibility for implementing a particular policy should carefully consider whether that role makes it inappropriate for them to participate in a particular planning decision.

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## Approaches to members of the Planning Committee

24. A member of the Planning Committee who has been lobbied and wishes to support or oppose a proposal or a Ward Councillor who wishes to campaign for or against a proposal, will not be able to decide the application.
25. If an approach is made to a member of the Planning Committee from an applicant or agent or objector or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the member of the Planning Committee shall:
- (i) inform the person making such an approach that such matters should be addressed to officers or to members who are not members of the Planning Committee.
  - (ii) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered; and
  - (iii) record the approach in the register maintained by the Monitoring Officer under paragraph 18.
26. For the avoidance of any doubt, if the applicant, agent or objector or other interested party attend and/or speak at a Council organised briefing for members of the Planning Committee then that briefing does not constitute an approach which has to be registered with the Monitoring Officer or disclosed under (ii).
27. Where a planning application is to be determined under delegated powers Councillors should not put improper pressure on officers for a particular recommendation or do anything which compromises, or is likely to compromise the officer's impartiality.

## Discussions between members and meetings with developers or their representatives

28. Provided Members comply with the practical requirements of this code and the requirements of the Members' Code of Conduct, there is no legal rule against Members, whether of the same group or not, discussing strategic planning issues, general policy issues or even future decisions.
29. Similarly, joint working, both formal and informal, and dialogue between Members of the Planning Committee and Members of the Cabinet is recognised as a legitimate reality of local government life. Members of the Planning Committee need to ensure that when making planning decisions, they make up their own mind and on the planning merits.
30. Relevant Members of the Cabinet are entitled to meet with developers or their representatives and other relevant stakeholders as part of their role to promote Brent and the regeneration, development and other commercial opportunities available in the borough. In doing so, Members of the Cabinet must always act in the best interests of the council and ultimately in the public interest, and in accordance with the high standards of conduct expected of Members, to ensure that the integrity of the planning process is not undermined and the council is not brought into disrepute.
31. Reasonable care and judgement should be exercised in relation to such meetings, taking into account the purpose of the meeting, the nature of the issues to be discussed and the

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timing. In appropriate circumstances, exercising proper judgement may include ensuring, a record is kept of the meeting. Cabinet Members should make sure it is understood that their participation in marketing events or commercial discussions is separate from the administrative and regulatory roles of Members of the Planning Committee.

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32. Although Members of the Cabinet are entitled to express support or opposition to development proposed in the borough, they cannot use their position as a Member improperly to confer on or secure for any person, an advantage or disadvantage.

33. As pre-application discussions or discussions about undecided applications require particular care, the following additional rules apply. An officer must make the arrangements for such meetings, attend and write notes. The meeting arrangements must include agreeing an agenda in advance.

### **Planning Committee Site Visits**

~~Save as provided by paragraph 14 above, any two members of the Council can request a site visit prior to a meeting of the Planning Committee at which the application in respect of the request is to be considered. The members shall provide the following details at least two weeks before the date of the meeting at which the application is to be considered and a record shall be kept of those details:~~

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- ~~(i) their name;~~
- ~~(ii) the reason for the request; and~~
- ~~(iii) whether or not they have been approached concerning the application or other matter and if so, by whom.~~

~~34. If the details are not provided then the site visit shall not proceed. Alternatively, during any meeting of the Planning Committee, any member of the Planning Committee may request a site visit in respect of any application on the agenda of the meeting. The~~

~~member must give the reason for the request. The purpose of a site visit is to gain information relating to the land or buildings which are the subject of the planning application or other matter to be considered by the Planning Committee. A site visit may also assist members of the Planning Committee in matters relating to the context of the application or other matter in relation to the characteristics of the surrounding area enable Planning Committee Councillors to view the site and to better understand the impact of the development. Councillors can however ask the Planning Officer present questions or raise points of clarification.~~

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35. The Chair of the Committee and the Head of Planning shall agree which sites should be visited in advance of the Committee meeting. A site visit should not be necessary for all proposals, only where a proposal appears to be particularly contentious, is of major importance to the area, or the particular circumstances of the site mean that photos, images and plans do not sufficiently portray the site's context.

36. Members of Planning Committee shall not enter any premises which are the subject of a planning application or other matter or known by them to be likely to become such in order to meet the agent, applicant or other interested party, save in the course of a formal accompanied site visit. In exceptional circumstances such as where a member of the Planning Committee is unable to attend the official site visit that has been

arranged, a site visit by an individual member may be carried out. The Councillor should provided that the member is accompanied by a planning officer avoid making themselves known to the applicant or to neighbours. Accordingly, he/she should not go onto private land, such as the application site or a neighbouring property. The reason for this is that contact between a Planning Committee Councillor and the applicant or a local resident could be misinterpreted as lobbying and may create a suspicion of bias. If such contact is made this should be declared in Committee, but this should not prevent that Councillor from taking part in the consideration of that application.

~~On-site visits applicants or other interested parties shall only be permitted to point out to those members of the Planning Committee attending the site visit the features to look at either on the site or in the vicinity, which are relevant to the application or other matter. No discussion will take place on the merits of the application or other matter.~~

~~37. Whilst on site visits, members of Planning Committee shall keep together as a group and shall not engage individually in discussion with applicants or any members of the public who happen to be there. ~~objectors. Members should take care not to show any apparent partiality to people they already know when acknowledging members of the public or applicants that are present.~~ Members attending the site visit should avoid expressing opinions about the application either to another Planning member, or to any person present.~~

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~~38. Failure to attend a formal site visit shall not bar a Planning Committee Councillor from voting on an item at the Committee meeting that considers it, provided the Planning Committee Councillor is satisfied that he/she is sufficiently familiar with the site.~~

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#### **Membership and Jurisdiction of the Planning Committee**

~~39~~ When the membership of the Planning Committee is determined, care shall be taken to ensure that for each Ward there is always at least one Councillor who is not a member of Planning Committee. This is so that there will always be a Councillor who is not a member of the Planning Committee with whom residents will be able to discuss planning matters.

~~40.~~ Any briefings which may be held prior to the Planning Committee meetings shall be open to all members (and alternates) of the Planning Committee. These briefings can help to speed up decision making by giving officers notice of additional information members of the Planning Committee may require at the meeting.

~~41.~~ All members of Planning Committee, and in particular the Chair, shall be informed from time to time about the relevant provisions concerning access to information contained in the Local Government Act 1972 and in the event of any dispute between members of the Planning Committee and officers as to the application of the 1985 Act, the advice of the Chief Legal Officer or his or her representative shall be obtained forthwith.

#### **Meetings of the Planning Committee**

~~42. As decision makers members of the Planning Committee must not only ask themselves the right questions but must take reasonable steps to acquaint themselves with the relevant information to enable themselves to answer them correctly. If, for example, material amendments are made to an application, and members feel they have not had sufficient time to understand the new information or that the information before them is insufficient, consideration should be given to deferring the decision or,~~

~~if necessary, refusing the application. No material revision to any planning application which might lead to a change in the recommendation of officers shall be considered at Planning Committee unless it has been submitted such reasonable period in advance of the relevant Planning Committee meeting as is agreed by the Development Management Manager/Head of Area Planning and has been the subject of a full appraisal by officers and consultation where necessary and that the minutes shall record the fact that revisions have been made to the application and the reasons for these shall be recorded in the supplementary information.~~

43. ~~At meetings, members of the Planning Committee may be given the opportunity to consider material (e.g. written statements, photos, drawings etc.) circulated by one of the interested parties or the public. As this material may not be relevant or accurate or may otherwise call into question whether an application or matter has been dealt with fairly and properly, members should only consider material which officers have provided or which the Chair or the Committee has authorised.~~

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~~If the Planning Committee wishes to grant planning permission contrary to officers' recommendations the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers' recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the minutes of the meeting.~~

44. ~~Members are entitled to make a decision which is different from the officer recommendation for good reasons. Sometimes this will relate to conditions or terms of a s106 obligation. Sometimes it will change the outcome, from an approval to a refusal or vice versa. If a member is proposing or supporting a decision contrary to the officer recommendation he/she must understand, articulate and explain the planning reasons why. These reasons must address the issues on which the member disagrees with the officer recommendation and be given prior to the vote and recorded in detail by officers. Also prior to the vote, officers must be given an opportunity to explain the implications of the contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the council. Where there is uncertainty or concern about the validity of reasons, members must consider deferring to another meeting to have the reasons tested and assessed by officers in a follow-up report. All of these requirements are the individual responsibility of each member departing from an officer recommendation. Chair shall put to the meeting for approval a statement of either:~~

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~~reasons for refusal of the application, which if approved agreed shall be entered into the minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the minutes of the meeting.~~

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45. Members of the Planning Committee shall refrain from personal abuse and party political considerations shall play no part in their deliberations. Members of the Planning Committee shall be respectful to the Chair and to each other and to officers and members of the public including applicants, their agents and objectors and shall not bully any person. ~~Members of the Planning Committee should not make up their mind before hearing and considering all relevant information at the meeting and should not declare in advance of the vote, how they intend to vote on a particular application or other matter.~~

46. Members of the Planning Committee should not speak to members of the public (including applicants, agents and journalists) during a meeting of the Planning Committee or immediately prior to or after the meeting concerned, other than where permitted by this Code or Standing Orders.

47. When questioning members of the public or the applicant who have spoken at a meeting of the Committee, members of the Planning Committee shall ensure that their questions relate only to planning matters relevant to the particular application, and the question should not be party political.

~~The minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:~~

~~(i) on any resolution of "Minded to grant or minded to refuse contrary to Officers Recommendation";~~

~~(ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.~~

48. A member of the Planning Committee shall not vote in relation to any planning matter unless he or she has been present in the meeting of the Planning Committee throughout the consideration of that particular matter as required by Standing Orders. ~~Any dispute as to whether the member of the Planning Committee in question should be permitted to vote shall be decided by the Chair having taken appropriate advice from legal or other officers present.~~

49. Unless all members of the Planning Committee indicate that they intend to vote in accordance with the officers' recommendation on a particular item, the responsible officer shall be allowed time, at the beginning of the consideration of each application, to summarise his or her advice. If after discussion it appears that any member of the Planning Committee is minded to vote contrary to the officers' recommendation, the officer shall be allowed a further opportunity to respond to new points which have been raised, and to address the implications of a contrary decision.

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### **Member and Officer Relations**

50. Any criticism by members of Planning Committee of officers in relation to the handling of any planning matter shall be made in writing to the Strategic Director Regeneration and Environment and not to the officer concerned. No such criticism shall be raised in public.

51. If any officer feels or suspects that pressure is being exerted upon him or her by any member of the Council in relation to any particular planning matter, he or she shall

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forthwith notify the matter in writing to the Strategic Director Regeneration and Environment.

- 52. Members of Planning Committee shall not attempt in any way to influence the terms of the officers' report or recommendation upon any planning matter.

### **Training**

- 53. Members of the Planning Committee (and substitute members) must participate in a programme of training on the planning system and related matters ~~as decided by the council from time to time agreed with by and organised by officers~~. The programme will consist of compulsory and discretionary elements. If a Member of the Planning committee fails to participate in compulsory elements of the training this may result in that member being asked to stand down as a member of Planning Committee.

- 54. Members should be aware that training is particularly important for members who are new to the Planning Committee and for members who have not attended training in the recent past.

- 55. Where a member has a genuine difficulty in attending any particular training session officers will try when practicable to accommodate a request for an individual or repeat session.

### **Review of Code of Practice**

- 56. The Chief Legal Officer ~~will~~ commission a report independent of the planning service ~~in early 2018, and once every four years thereafter~~ on the operation of this Code of Practice. The report should address the extent of compliance with ~~this~~ Code, contain an analysis of decisions being made against officers' recommendations and set out any appropriate recommendations for improvement.

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 <p><b>Brent</b></p>	<p align="center"><b>Council</b> 22 January 2018</p>
	<p align="center"><b>Report from the Chief Finance Officer</b></p>
<p><b>2017/18 Mid-Year Treasury Report</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	2
<b>Background Papers:</b>	None
<b>Contact Officer:</b>	Archa Campbell Head of Finance Tel: 0208 937 4722 archa.campbell@brent.gov.uk

## 1.0 Purpose of the Report

1.1 This report updates Members on recent treasury activity.

## 2.0 Recommendation(s)

2.1 Cabinet is asked to note the 2017/18 mid-year Treasury report, which has already been reviewed by the Audit Committee and is to be forwarded to the Council.

## 3.0 Detail

### Background

3.1 The Council's Treasury Management Strategy is underpinned by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2011, which includes the requirement for determining a treasury strategy on the likely financing and investment activity for the forthcoming financial year.

3.2 The Code also recommends that Members are informed of Treasury Management activities at least twice a year. This report therefore ensures this

authority is embracing best practice in accordance with CIPFA's recommendations.

- 3.3 Treasury Management is defined as: "The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."
- 3.4 In addition to reporting on risk management, the Code requires the Authority to report on any financial instruments entered into to manage treasury risks.

### **Economic Background**

- 3.5 Growth in the UK economy has slowed in 2017 with both the US and Eurozone now growing at around twice that of the UK. The most recent estimate for UK GDP growth is 0.3% for Q2 with the Eurozone and US running at 0.6%. Arlingclose have advised that the outlook for the UK economy remains challenging to predict following the vote to leave the European Union. Mark Carney, Bank of England governor, after the decision to keep interest rates at 0.25%, referred to uncertainty around the Brexit process "*weighing on the decisions of businesses*".
- 3.6 One of the key drivers of the UK economy, consumer spending has weakened as the effects of inflation out pacing wages starts to take hold. The weakness of the pound has been source of inflationary pressure however our treasury advisors noted that it is unlikely to result in the tightening of monetary policy by the Bank of England with a view to minimise the effects of Brexit on economic activity.
- 3.7 Gilt yields have fluctuated in response to domestic and international events in the first half of the year. The movement in rates at which local authorities can borrow from the Public Works Loans Board (PWLB) on maturity loans is shown in the table below:

### **PWLB Rates**

Period	March 2017	August 2017
1 year	1.0%	1.1%
5 year	1.5%	1.4%
10 year	2.1%	2.1%

- 3.8 The interest rate the Council receives on money market funds has fallen since the previous report and 12 month maturities with local authorities have fallen from 0.6% to 0.4%.

## Debt Management

- 3.9 The Authority continues to qualify for borrowing at the 'Certainty Rate' (0.20% below the PWLB standard rate). This is reviewed on an annual basis and has been confirmed as applying until 31 October 2017.
- 3.10 Alternative sources of long term funding to long-dated PWLB borrowing are available, but the Council will continue to adopt a cautious and considered approach to funding from the capital markets. The affordability, simplicity and ease of dealing with the PWLB represents a strong advantage but the Council, due to its prudent policies and strong balance sheet, is in a position to consider alternatives, and will start to do so in order to finance the investment strategy. However, no new long term loans have needed to be raised so far this year as can be seen in the table below:

	Balance on 01/04/2017 £m	Debt repaid* £m	New Borrowing £m	Balance on 31/08/2017 £m
Short Term Borrowing	0	0	0	0
Long Term Borrowing	415	1.6	0	413.4
<b>TOTAL BORROWING</b>	<b>415</b>	<b>1.6</b>	<b>0</b>	<b>413.4</b>
Average Rate %	4.79	2.57		4.81

\* £28.5m of the PWLB loans are referred to as EIP, whereby the Councils pays down the loans in half-yearly equal installments over the lifetime of the loan. The marginal increase in the average interest rate can be attributed to the Council paying back its EIP loans. This is because the EIP loans have a much lower interest average interest rate of 2.57% compared with the rest of the debt, which is 4.98%

- 3.11 Affordability remains an important influence on the Council's borrowing strategy. Moreover, any borrowing undertaken ahead of need would need to be invested in the money markets at rates of interest significantly lower than the cost of borrowing and involve credit risk. If interest rates seemed likely to rise in the short-term then this approach might need to be reviewed.
- 3.12 The use of internal resources in lieu of borrowing has continued to be the most cost effective means of funding capital expenditure. This has lowered overall treasury risk by reducing external debt and temporary investments. However this position will not be sustainable over the medium term and the Council will need to give careful consideration to its future capital programme and how this is financed. Borrowing options and the timing of such borrowing will continue to be assessed in conjunction with the Council's treasury advisor, Arlingclose.
- 3.13 The persistence of low interest rates means that it would be uneconomic to reschedule debt, because early retirement of the loan would incur a heavy penalty, to compensate the PWLB for having to lend the money on at lower rates. For example, the Council's most expensive loan is £3.05m at a rate of

8.875%, to repay it would cost £0.935m, a 30% premium on the value of the loan before the cost of re-financing. In short, the cost of re-financing our loans under the Government's approach means is not economical. This analysis might change if interest rates returned to historically normal levels.

### Investment Activity

- 3.14 The Council gives priority to security and liquidity and aims to achieve a yield commensurate with these principles.

	Balance on 01/04/2017 £m	Investments Made £m	Investments Repaid £m	Balance on 31/08/2017 £m
Short Term Investments	167.3	499.9	492.1	175.1

- 3.15 There was a £7m upward movement in short-term investments. This is due to a natural pattern of growth in cash in the early part of the year as grant income is frontloaded. However, it is far lower than the £42m upward movement last year, as already purchases of properties (NAIL, PRS and HRA) is having a significant impact on our cashflows with over £25m spent to date. The remainder is made up of higher spend across the Capital Programme. £199m was the average amount of cash held in 2016/17.

- 3.16 The council has undertaken a preliminary analysis of its cash flows, examining the pace at which we are reducing our cash reserves, The analysis was based on forecast capital spend, incoming resources and seasonal variations. This resulted in a prediction that the council will need to borrow towards the end of 2018, limiting our ability to use financial products that generate higher financial returns, as they would require longer time horizons. The council is reviewing its borrowing options which may include short term loans, PWLB borrowing or market loans. The council will also consider the advice of our Treasury management advisors, Arlingclose prior to any borrowing decision being made.

- 3.17 Security of capital has been maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2017/18. New investments were made with the following classes of institutions:

A- or above rated banks;  
AAA rated Money Market Funds;  
Other Local Authorities;

- 3.18 Counterparty credit quality was assessed and monitored with reference to Credit Ratings (the Council's minimum long-term counterparty rating of A- (or equivalent) across rating agencies Fitch, Standard & Poor's and Moody's); credit default swaps; GDP of the country in which the institution operates; the

country's net debt as a percentage of GDP; sovereign support mechanisms; potential support from a well-resourced parent institution; share price. There were two foreign banks on our Lending List, both Swedish (and, therefore, outside the Eurozone), conservatively run and with good ratings and strong financial figures.

- 3.19 All investments in banks and building societies are now undertaken by means of marketable instruments (Certificates of Deposit, CDs). This adds a measure of additional liquidity without sacrificing return, given our maturity limits.

### **Budgeted Income And Outturn**

- 3.20 The Council's external interest budget for the year is £23.3m, and for investment income is £1.4m. The Council is unlikely to achieve the income figure, but this will be compensated for by lower borrowing costs than budgeted. The average cash balances, representing the Council's reserves and working balances, were £191m during the period to 31 August 2017.

- 3.21 The UK Bank Rate increased to 0.50% from 0.25% on 02 November 2017. Short-term money market rates have increased in response to this rise however rates are very low compared to historic rates.

### **Icelandic Bank Investment Update**

- 3.22 £0.2m of the original £10m deposit remains outstanding. It is expected that a further distribution will be made but this depends on the result of litigation currently under way regarding a property investment.

### **LOBOs (Lender Option Borrower Options)**

- 3.23 The Council has a market loan portfolio comprising a total value of £95.5m. Of this, £80.5m are LOBOs with the remaining £15m made up of fixed rate loans. As noted in the previous report, Arlingclose have advised us that some of our other lenders may consider giving up these rights. There was no further changes to the LOBO portfolio since the last update.

### **Compliance**

- 3.24 Officers confirm that they have complied with its Prudential Indicators for 2017/18, which were set in February 2017 as part of the Council's Treasury Management Strategy Statement (TMSS). Details can be found in Appendix 1.
- 3.25 The Committee is asked to note that there was a minor breach of the limits defined in the Treasury Management Strategy. An extra £0.1m was accidentally invested in Blackrock Money Market Fund to take the balance above £10m. The error was promptly discovered and £0.1m was withdrawn from the fund the following day. An investigation into this breach concluded that an error in entry to the Logotech Treasury Management system was the cause. Training has been provided to officers involved in the treasury management process to ensure a recurrence of this issue does not occur again.

## **Summary**

3.26 In compliance with the requirements of the CIPFA Code of Practice, this report provides Members with a summary report of the treasury management activity during the first half of 2017/18. As indicated in this report, none of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

### **4.0 Financial Implications**

4.1 These are covering in the report.

### **5.0 Legal Implications**

5.1 There are no direct legal implications.

### **6.0 Equality Implications**

6.1 No direct implications.

### **7.0 Consultation with Ward Members and Stakeholders**

7.1 None.

### **8.0 Human Resources/Property Implications (if appropriate)**

8.1 No direct implications.

**Report sign off:**

**CONRAD HALL**  
Chief Finance Officer

## Appendix 1

### Capital Financing Requirement

Estimates of the Council's cumulative maximum external borrowing requirement for 2017/18 to 2019/20 are shown in the table below (excluding Private Finance Initiative schemes):

	31/03/2017 Final £m	31/03/2018 Estimate £m	31/03/2019 Estimate £m	31/03/2020 Estimate £m
CFR	581	620	750	900

### Usable Reserves

Estimates of the Council's level of Usable Reserves for 2017/18 to 2019/20 are as follows:

	31/03/2017 Final £m	31/03/2018 Estimate £m	31/03/2019 Estimate £m	31/03/2020 Estimate £m
Usable Reserves	113	90	75	60

### Prudential Indicator Compliance

#### Authorised Limit and Operational Boundary for External Debt

The Local Government Act 2003 requires the Council to set an Authorised Borrowing Limit. This is a statutory limit which should not be breached. The Council's Authorised Borrowing Limit was set at £900m for 2017/18. The Operational Boundary is based on the same estimates as the Authorised Limit but reflects the most likely, prudent but not worst case scenario without the additional headroom included within the Authorised Limit. The Operational Boundary for 2017/18 was set at £800m. The Chief Finance Officer confirms that there were no breaches to the Authorised Limit or the Operational Boundary so far this year; borrowing at its peak was £415m.

#### Upper Limits for Fixed Interest Rate and Variable Interest Rate Exposure

These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. The upper limit for variable rate exposure allows for the use of variable rate debt to offset exposure to changes in short-term rates on our portfolio of investments.

	Limits for 2017/18	Maximum during 2017/18
Upper Limit for Fixed Rate Exposure	100%	100%
Upper Limit for Variable Rate Exposure	40%	0%

## Maturity Structure of Fixed Rate Borrowing

This indicator is to limit large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates. A breakdown of the maturity structure of fixed rate borrowing is provided in Appendix 2.

Maturity Structure of Fixed Rate Borrowing	Upper Limit %	Lower Limit %	Actual Fixed Rate Borrowing as at 31/08/17 £m	% Fixed Rate Borrowing as at 31/08/17	Compliance with Set Limits?
Under 12 months	40	0	29	7	Yes
12 months and within 24 months	20	0	14	3	Yes
24 months and within 5 years	20	0	65	16	Yes
5 years and within 10 years	60	0	5	1	Yes
10 years and above	100	0	301	73	Yes

## Net Debt and the CFR

This is a key indicator of prudence. In order to ensure that over the medium term net borrowing will only be for a capital purpose, the Authority should ensure that the net external borrowing does not exceed the total of the CFR in the preceding year plus the estimates of any additional increases to the CFR for the current and next two financial years.

The Authority had no difficulty meeting this requirement so far in 2017/18, nor are there any difficulties envisaged for future years. This view takes into account current commitments, existing plans and the proposals in the approved budget.

## Total principal sums invested for periods longer than 364 days

This indicator allows the Council to manage the risk inherent in investments longer than 364 days.

The limit for 2017/18 was set at £40m.

The Council's practice since the onset of the credit crunch in 2007 has generally been to keep investment maturities to a maximum of 12 months. At 31 August, the last maturity date in the deposits portfolio was 20 August, 2018.

## Credit Risk

This indicator has been incorporated to review the Council's approach to credit risk. The Council confirms it considers security, liquidity and yield, in that order, when making investment decisions.

Credit ratings remain an important element of assessing credit risk, but they are not the sole feature in the Authority's assessment of counterparty credit risk. The authority considers the following tools to assess credit risk, with advice and support from our advisers, Arlingclose:

- Published credit ratings of the financial institution and its sovereign;
- Sovereign support mechanisms;
- Credit default swaps (where quoted);
- Share prices (where available);
- Economic fundamentals, such as a country's net debt as a percentage of its GDP;
- Corporate developments, news, articles, markets sentiment and momentum.

The Council can confirm that all investments were made in line with a minimum long term credit rating of A- or equivalent, as set in the 2017/18 TMSS.

### **HRA Limit on Indebtedness**

This purpose of this indicator is for the Council to report on the level of the limit imposed at the time of implementation of self-financing by the Department for Communities and Local Government.

HRA Limit on Indebtedness	31/03/2017 Final £m	31/03/2018 Estimate £m	31/03/2019 Estimate £m	31/03/2020 Estimate £m
HRA CFR	128	157	177	190
HRA Debt Cap (as prescribed by CLG)	199	199	199	199
Difference	60	42	22	9

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## Appendix 2

<b>Year</b>	<b>Actual Fixed Rate Borrowing as at 31/08/17 £m</b>
2017/18	28
2018/19	4
2019/20	36
2020/21	24
2021/22	15
2022/23	1
2023/24	1
2024/25	1
2025/26	1
2026/27	1
2027/28	1
2028/29	1
2029/30	1
2030/31	1
2031/32	1
2032/33	1
2034/35	19
2047/48	52
2049/50	5
2052/53	24
2053/54	12
2054/55	17
2055/56	54
2056/57	71
2057/58	29
2059/60	6
2068/69	5
TOTAL	413

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## Full Council – 22 January 2018

### Motion selected by the Labour Group

#### Forward Together: Brent Council's Record of Achievement

This Council knows first-hand that, under a Conservative government, and prior to that, the Lib Dem-backed Tory coalition, local councils across the country have seen their funding cut by more than half.

This Council puts on record that, although immensely damaging to many of the essential services and support that residents and communities depend upon, as a result of the determination and innovation of local authorities of all political persuasions, the fullest impact of austerity has, thus far, been averted.

This Council takes pride in the fact that, in Brent, despite the enormous financial challenge, eight years of Labour stewardship have resulted in major achievements that include:

- Creating a sustainable adult social care service that ensures elderly residents can retain their independence for longer and continue to live with dignity;
- Transforming our libraries service into one of the most successful and most accessible in the country;
- Working in partnership with our schools such that 97% are now rated as either Good or Outstanding, and, as a result, our students are amongst the UK's highest achieving; and
- In concert with developers, generating hundreds of millions of pounds in investment, building thousands of brand new homes of all tenures and affordability, creating good quality, skilled jobs, boosting the local economy, and rejuvenating neighbourhoods across the borough.

This Council recognises that, having managed to achieve so much on behalf of residents, despite huge cuts to its funding by a Conservative government, local Labour councillors have played an integral part in the decision making and scrutiny processes.

This Council looks forward to the 2018-2022 Labour administration; understands that, despite claims to the contrary, Conservative austerity will continue; and embraces the many challenges and opportunities that will present themselves

Councillor Matt Bradley  
Preston Ward

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## **Full Council – 22 January 2018**

### **Motion selected by the Brent Conservative Group**

#### **Save London Taxicards from Mayor Khan's Cuts**

This Council opposes the decision of Mayor Khan - as chair of Transport for London (TfL) - to cut the 2018/19 budget for Taxicards by 13% - affecting around 70,000 users, many of whom live in Brent.

We recognise that this cut will have a significant and direct impact on service users, including some of the most vulnerable and disadvantaged people in London.

Accordingly, we agree that the Chief Executive should write to Mayor Khan urging him to reverse this disastrous decision.

Councillor John Warren  
Leader of the Brent Conservative Group  
Brondesbury Park Ward

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