



Resources and Public Realm Scrutiny Committee

Wednesday 3 April 2019 at 6.00 pm

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

Membership:

Members

Councillors:

Kelcher (Chair)
Kansagra (Vice-Chair)
Nerva
Gill
S Butt
Gbajumo
Kabir
Mashari

Substitute Members

Councillors:

Aden, Ethapemi, Hassan, Johnson, Kennelly, Long and
Stephens

Councillors:

For further information contact: Bryony Gibbs, Governance Officer
020 8937 1355; bryony.gibbs@brent.gov.uk

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

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 significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then 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 of 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 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 is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item **Page**

1 Apologies for absence and clarification of alternate members

2 Declarations of interests

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.

3 Deputations (if any)

To hear any deputations received from members of the public in accordance with Standing Order 67.

4 Call-In of Executive Decision - Carlton and Granville Centres Site - South Kilburn 1 - 20

A decision made by the Cabinet on 11 March 2019 in respect of the “*Carlton and Granville Centres Site - South Kilburn*” report from the Council’s Strategic Director of Regeneration and Environment has been called-in for consideration by the Resources and Public Realm Scrutiny Committee, in accordance with Standing Order 14.

Date of the next meeting: Monday 15 April 2019



Please remember to set 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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 <p style="font-size: 24pt; font-weight: bold; margin-top: 10px;">Brent</p>	<p style="font-size: 18pt; font-weight: bold; margin: 0;">Resources and Public Realm Scrutiny Committee</p> <p style="font-size: 16pt; margin: 0;">3 April 2019</p>
<p style="font-size: 16pt; font-weight: bold; margin: 0;">Report from the Director Performance, Policy & Partnerships</p>	
<p style="font-size: 16pt; font-weight: bold; margin: 0;">Call-In of Executive Decision - Carlton and Granville Centres Site – South Kilburn</p>	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Three: <ul style="list-style-type: none"> • Appendix A – Call-in form • Appendix B – Cabinet (11 March 19) report Carlton & Granville Site – South Kilburn • Appendix C – Call-in Protocol
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Thomas Cattermole, Head of Executive and Member Services Thomas.Cattermole@brent.gov.uk Tel. 020 8937 5446

1.0 Summary

- 1.1 A decision made by the Cabinet on 11 March 2019 in respect of the “*Carlton and Granville Centres Site - South Kilburn*” report from the Council’s Strategic Director of Regeneration and Environment has been called-in for consideration by the Resources and Public Realm Scrutiny Committee, in accordance with Standing Order 14.

2.0 Recommendation

- 2.1 That the Committee considers the call-in and agrees to one of the following outcomes:
- 2.1.1 The Committee does not wish to refer the matter back to the decision maker or to Council, at which point the decision is deemed to be confirmed and takes effect immediately following the meeting; or

- 2.1.2 The Committee decides to ask the Cabinet to reconsider its decision, in light of any observations of the Committee; or
- 2.1.3 Having had regard to the advice of the Director of Legal and HR Services or Chief Finance Officer, the Committee considers the decision is contrary to the Council's Budget or Policy Framework, at which point it refers the matter to the next practicable meeting of the Council, subject to the provisions of Standing Orders

3.0 Background

- 3.1 At the meeting held on 11 March 2019, Cabinet considered the report from the Strategic Director of Regeneration and Environment, "*Carlton and Granville Centres Site – South Kilburn*" where it was **RESOLVED**:
- a. Cabinet approved the continuation of Phase 2 of the project at the Carlton and Granville Site in South Kilburn to planning submission on the basis of design Option 3 presented in the report;
 - b. to engage with South Kilburn Trust regarding possible future management arrangements of the Carlton/Granville Centres;
 - c. to note that Property Services would immediately engage with ULFA as set out in the report and to trigger the break clause as set out in the lease;
 - d. to approve in principle that funding will come from different sources as set out in Appendix 2 of the report with the intention to seek Cabinet approval to enter into any necessary agreements with the Greater London Authority or South Kilburn Trust in due course.
- 3.2 The Cabinet decision has subsequently been called-in by 5 members, with details of the call-in attached as Appendix A to this report.
- 3.3 The Cabinet report from 11 March 19, on which the called-in decision is based is attached at Appendix B to this report.
- 3.4 The procedure for dealing with the call-in and the conduct of the Scrutiny Committee meeting is attached at Appendix C of this report.

4.0 Financial Implications

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

5.0 Legal Implications

- 5.1 There are no direct legal implications from this covering report.

6.0 Equality Implications

6.1 There are no direct equality implications arising from this covering report.

Report sign off:

PETER GADSDON

Director Performance, Policy &
Partnerships

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APPENDIX 1 - CALL-IN FORM

For the Attention of: The Head of Executive and Member Services

From: Councillor Abdirazak Abdi

Date: 13 March 2019

A call in request must be submitted in accordance with the requirements of Standing Order 20, within 5 days of the relevant decision being made or in the case of a key decision made by officers, within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules.

Decision: Carlton & Granville Centres Site - South Kilburn (Cabinet, 11 March 2019)

Date of decision (or date of public notice for officer decisions): decision published 12/3/19

Five non-cabinet members making request (Note: all five members do not have to be listed on or sign the same form):

	Name of councillor	Signature <i>(only required if submitted in hard copy)</i>
1	Cllr A Abdi	Submitted by email on 13 Mar 2019
2	Cllr Chan	Submitted by email on 13 Mar 2019
3	Cllr Hector	Submitted by email on 13 Mar 2019
4	Cllr Pavey	Submitted by email on 13 Mar 2019
5	Cllr Hassan	Submitted by email on 14 Mar 2019

Please provide below an explanation as to why you are calling in the decision and if you are calling in all or part of the decision:

(Note: according to the Protocol On Call-in (Part 7 of the Constitution), call-in requests will not be considered valid if they:

- *are used as a means of gaining information/understanding or discussing general concerns with Members and officers,*
- *duplicate a call-in on the same issue within the previous six months,*
- *are based on reasons already discussed by the relevant Scrutiny Committee prior to the decision being made,*
- *concern a decision of the Cabinet referring a matter to Full Council for consideration*

- concern operational management decisions, or
- are otherwise considered by the Chief Executive to be frivolous, vexatious or clearly outside the call-in provisions.)

Cllr Abdi: I request a call in of the cabinet decision of 11 March 2019 concerning the Carlton Granville Community Centre.

I would like to suggest that we do not part develop this site. The population of South Kilburn is increasing and this decision risks the future use of the site as a community facility. I am in favour of option 4 of the report presented to the cabinet. Any shortfall of social housing can be put right by increasing the number of social homes on the peel site which is a approximately 20/30 metres from the Calton/Granville Centre. The proposed number of homes on the peel site is 308, of which 42 properties are at social rents.

I suggest that we find alternatives ways of investing and making the Carlton and Granville Buildings fit for purpose.

Cllr Chan: My decision to support a call in is not so much as my agreement (or indeed, disagreement) with any of the various positions so much as my concern that the community – including the various groups which represent the different stakeholders and residents – has not been properly heard.

Please provide below an outline alternative course of action to the decision being called in:

Cllr Abdi: Any shortfall of social housing can be put right by increasing the number of social homes on the Peel site which is approximately 20/30 metres from the Calton/Granville Centre. The proposed number of homes on the Peel site is 308, of which 42 properties are at social rents.

I suggest that we find alternatives ways of investing and making the Carlton and Granville Buildings fit for purpose.

'I am in favour of option 4 of the report presented to the cabinet'

Please return this form to Thomas Cattermole, Head of Executive and Member Services, by email (from your individual email address) at Thomas.cattermole@brent.gov.uk or in hard copy (with signatures) and in person on the fourth floor of Brent Civic Centre.



Cabinet
11 March 2019

**Report from the Strategic Director
of Regeneration & Environment**

Carlton and Granville Centres Site – South Kilburn

Wards Affected:	Kilburn
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt - Appendix 2 is not for publication as it contains the following category of exempt information as specified in Part 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (Including the authority holding that information)"
No. of Appendices:	Two: <ul style="list-style-type: none"> • Appendix 1: Development options • Appendix 2: Indicative costs and funding options (EXEMPT)
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Emma Sweeney Senior Project Management Email: emma.sweeney@brent.gov.uk Tel: 020 8937 1650 Property Matters: Nick Ljustina Operational Director of Property and Assets Email: nick.ljustina@brent.gov.uk Tel: 0208 937 5025

1.0 Purpose of the Report

1.1 This paper updates Members on the current position of two phases of the project at the Carlton and Granville Site in South Kilburn and seeks approval to take forward the next phase of the project.

2.0 Recommendations

2.1 To approve the continuation of Phase 2 of the project at the Carlton and Granville Site in South Kilburn to planning submission on the basis of the design option presented at paragraphs 5.2.5 – 5.2.7.

- 2.2 To agree to engage with South Kilburn Trust regarding possible future management arrangements of the Carlton/Granville Centres.
- 2.3 To note that Property Services will immediately engage with ULFA as set out in Para 10 below and to trigger the break clause as set out in the lease
- 2.4 To agree in principle that funding will come from different sources as set out in appendix 2 with the intention to seek Cabinet approval to enter into any necessary agreements with GLA or SKT in due course.

3.0 Background

- 3.1 Cabinet will recall that the initial Cabinet report regarding redevelopment and investment proposals for the Carlton and Granville Centres was received in July 2016 from the Interim Strategic Director of Resources. A significantly revised proposal was submitted to Cabinet in November 2016 following public consultation.
- 3.2 This November 2016 Cabinet report had broad backing from all sectors but with some reservations until the long term proposal was more settled.
- 3.3 The November 2016 Cabinet paper had the following recommendations:
 - Agree to the Phase 1 of the Carlton and Granville Centres site redevelopment being the refurbishment and reconfiguration of the Granville Centre to allow for an interim Enterprise Hub to be established.
 - Delegate authority to Head of Estates Regeneration in consultation with the Lead Member for Regeneration, Growth, Employment and Skills to enter into all agreements with the Greater London Authority in respect for the funding for the refurbishment of the Granville Centre.
 - Delegate authority to the Chief Executive in consultation with the Lead Member for Regeneration, Growth, Employment and Skills to enter into legal agreements, including any lease with the South Kilburn Trust (SKT) and also with the GLA to secure their funding contribution; in return for project delivery of the interim Enterprise Hub by March 2018.
 - Delegate authority to the Chief Executive in consultation with the Lead Member for Regeneration, Growth, Employment and Skills to oversee scheme development through further viability testing, local consultation, and planning consent;
 - Approve the procurement of an architecturally led multidisciplinary design team to develop a detailed planning application for redevelopment of Carlton and Granville Centres site as Phase 2 of the work. Irrespective of which procurement option is selected, Officers will report back to Cabinet to seek Member approval to award the proposed contract, once a preferred design team has been identified.

3.4 Phase 1

- 3.4.1 In November 2016 Brent entered in to an agreement with the GLA and also completed an agreement and lease with the South Kilburn Trust. The Estates Regeneration team led a design team and a main contractor to deliver Phase 1 consisting of refurbished community and workspace areas.
- 3.4.2 The refurbishment was successfully completed in April 2018. The South Kilburn Trust opened the Community and Enterprise Hub in May 2018 and a number of businesses from the SK Studios moved in along with new tenants.
- 3.4.3 The project has been well received and has generated a lot of local interest.
- 3.4.4 The funding agreement with the GLA was completed on time and to budget and is one of the schemes being used to showcase the London Regeneration Fund.
- 3.4.5 There is a high level of local sensitivity concerning this site and therefore consultation has been key to addressing those concerns and engendering local support.
- 3.5 Throughout the project there have been resistors to this change. The project has faced opposition since its inception in July 2016. A revised paper to Cabinet in November 2016 approved the development onto phase 2 of the project and a commitment of £1m to do so. As part of this approval, a consultation strategy was implemented to ensure existing users were involved throughout. As such Key Stakeholders meetings have been held regularly since this time.
 - 3.5.1 Focussing on the phase 2 element of this project there have been a series of consultations, open drop in events, individual meetings and workshops with stakeholders/existing building users.
 - 3.5.2 The designs have been fully considered for this difficult site in accordance with the comments from the community.

4.0 Phase 2

- 4.1 Following on from the November 2016 Cabinet report, Officers in Estates Regeneration have, in parallel to delivering Phase 1, made significant progress on the design aspects of Phase 2. Adam Khan Architects have been appointed to bring forward the long term proposals for this site and are working through RIBA Stage 3.

Subject to agreement from Cabinet the scheme will then be submitted for planning to approval of the recommendations contained within this report by Cabinet.

- 4.2 The indicative programme for this development is set out in brief below:

Contractor Procurement	– Q3, 2019
Start on site	– Q1, 2020

NB. This timescale will only be met if procurement of a contractor is via a framework. If not this project will seek further cabinet approval later in the year.

5.0 Design development for phase 2

5.1.1 The design has been developed and adjusted in consultation with the existing users and information about the existing buildings has been established. The community and workspace elements have been well developed and have been discussed in detail with each of the proposed users. These community elements will be:

- Children's Centre/Family Hub
- Granville Plus Nursery School
- Enterprise Space managed by South Kilburn Trust
- Community Space managed by South Kilburn Trust

5.1.2 Estates Regeneration will also instruct Adam Khan Architects to seek to include suitable space for the proposed Kilburn Hub given Members approval at Cabinet in September 2018 to roll out this initiative beyond Harlesden.

5.2 Ancillary Residential development

5.2.1 This site was added in to the South Kilburn Programme as part of the revised Masterplan in late 2016.

5.2.2 As this is an additional site it has provided the opportunity to review the housing tenure offered in South Kilburn different to the more typical average target of 50% affordable/50% private offer.

5.2.3 In July 2016 this site was identified for up to 100 residential units. This number is no longer considered by Officers to be realistically achievable as it would require the full demolition of the existing buildings, which is not a supported option.

5.2.4 In the remit given to Adam Khan Architects they were required to consider the social fit of the housing on this site as part of the consideration of the design in relation to the strong community presence. A range of development options were considered by Adam Khan Associates and officers, these are set out for background information in Appendix 1 with the recommended option set out below in full.

Recommended Design Option

5.2.5 Approximately 23 units delivered in response to the consultation outcome. This option endorses the principle of a less dense scheme whilst still achieving the benefits housing provides on the site, specifically better community safety with 24 hours passive surveillance of the outdoor spaces below.

- 5.2.6 The reduced in housing presented in this option will ease the community objection that Officers recognize as being focused on the housing impact. It will also resolve technical issues regarding the build and management of the space and should provide a more acceptable level of development as the taller housing element is removed from this option
- 5.2.7 It should be recognised that viability will have to be considered and some private housing may be required however the preference is for Council Housing.

5.3 Management options

- 5.3.1 Phase 1 community and enterprise hub is managed by South Kilburn Trust. Granville Plus Nursery School is managed by their Governing Body and Granville Children's Centre is managed by Barnardo's. The buildings they occupy are managed directly by Brent as is the Carlton Centre.
- 5.3.2 The Council has a contractual relationship with South Kilburn Trust for Phase 1 and there is a wish to engage with South Kilburn Trust with a view to them continuing to manage the service delivery of an Enterprise Hub under an agreement with the Council for Phase 2.

5.4 Existing Buildings/Users

- 5.4.1 The established users of The Granville (South Kilburn Trust), Granville Plus Nursery School and Granville Children's Centre will be worked around in terms of building work and we will ensure their services continue throughout the build. This will be done in partnership with these organisations, as key stakeholders, to ensure a successful outcome – there is likely to be some disruption in the environment they operate in but their services will continue to run.
- 5.4.2 The Carlton Centre was recently let to ULFA. This group are new to the site and as such are not part of the key stakeholders group so there is no provision for them to remain in the long term plans.

6.0 Financial Implications

- 6.1 The designs (based on the recommended option – 5.2.5) have been reviewed by a quantity surveyor and the cost breakdown is summarised in Appendix 2. As indicated in paragraph 2.4 officers will report back to cabinet with firm budget proposals prior to entering into agreements.
- 6.2 Based on the various funding options, if the scheme delivered 100% social housing the council could be required to contribute up to £7m to fund the whole scheme (including the community and enterprise elements). However with the introduction of shared ownership and/or private housing elements this contribution falls by as much as 80%. This is an important consideration given the question of affordability within the HRA and the requirement for the HRA to be self-financing.

7.0 Legal Implications

- 7.1 Cabinet in November 2016 gave the Chief Executive in consultation with the Lead Member for Regeneration, Growth, Employment and Skills wide delegation to oversee scheme development through further viability testing, local consultation, and planning consent. However, following local consultation and the identification of the preferred design option, Members continued support for the development is sought.
- 7.2 In relation to the management of the Carlton/Granville Centres, the South Kilburn Trust would need to enter into a deed supplemental to the lease setting out management arrangements to ensure that they are required to maintain and repair the building to a good standard of repair.
- 7.3 In view of the fact that the lease to ULFA was contracted out of the security of tenure provisions of the Landlord and Tenant Act 1954, the service of the notice to operate the break clause will enable the Council to obtain vacant possession of the building. Further information about arrangements with ULFA is contained in Section 10.
- 7.4 As detailed in Section 6, it is proposed that the budget for Phase 2 is met from a variety of sources. Where funding is proposed from outside bodies, it will be necessary for Officers to negotiate the terms of the contribution with a view to entry into legally binding agreements to secure the funding commitment. This point will return to cabinet once a detailed breakdown of other funding sources can be established.
- 7.5 The site will need to be appropriated to planning purposes in accordance with under section 122 of the Local Government Act 1972 and 203 of the Housing and Planning Act 2016. Permission will need to be obtained from Cabinet to appropriate the site once planning permission is obtained.
- 7.6 The appropriation will override certain third party rights that may currently exist on the site. It is therefore important to identify what (if any) rights will need to be overridden and build in a period of consultation with those that may be affected by the appropriation.

8.0 Equality Implications

- 8.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 8.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected

characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

8.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.

8.4 An estate wide equality impact assessment has been carried out for this site.

9.0 Consultation with Ward Members and Stakeholders

9.1 Since November 2016 there have been regular meetings with key stakeholders. This series of meetings has included existing users of the buildings as well as Kilburn ward members and the lead member for Regeneration, Highways and Planning.

10.0 Property Implications

10.1 Whilst the Granville is now under the management and responsibility of the South Kilburn Trust the Carlton Centre is the responsibility of the Council. Following the termination of council uses (Brent Start) at the building in April 2017 it was marketed to save on holding costs and potentially deliver an income stream in the interim. The building was marketed as follows:

- Maximum term 5 Years with bids confirmed up to £150k PA; Of the 7 bidders all required rights to renew except for one applicant, ULFA, who were prepared to proceed without;
- Further to a review of the timeframe, as outlined in the November 2017 Cabinet report, the Council revised the term to a 3 year lease with break clause after 18 months and, on this basis, agreed a rent of £1 pa. Once timescales were agreed the lease completed on 29th March 2018.

10.2 The key terms agreed with the final single bidder, ULFA, were:

- 3 year lease from 29th March 2018 with a Break Clause, operable by either party, to terminate on 6 months notice which can be served after the 1st year of the term;
- The Lease is outside LTA 1954 (no right of renewal).
- £1 pa rent with the tenant obligation to keep the property in 'good condition throughout' and cover running costs.
- They were also able to reach agreement with the Concorde Café to allow them to remain at the property.

It is estimated by Property Services that over an 18 month occupation that the Council will have saved over £150-£200k by implementing the lease. It should be noted that there are no budgets for maintaining vacant building and hence

the reason while meanwhile users are sought. Recent experience of squatters in 3 buildings has highlighted security and costs of putting good damage.

ULFA have nearly completed a full internal decoration and opened in July 2018.

- 10.3 29th September 2019 is the earliest date the lease can be brought to an end and vacant possession obtained. As the project is running to timescale, with estimated work commencement in November 2019 subject to funding and procurement of contractor, it is recommended that Property Services trigger the break at the earliest opportunity and are required to ensure vacant possession at that point. To avoid any issues arising it is also suggested that Property Services engage with ULFA at the earliest opportunity to reinforce the temporary nature of their current occupation.

Report sign off:

AMAR DAVE

Strategic Director of Regeneration and Environment

Carlton & Granville Centres Site – South Kilburn Development Options 1-4

1.0 Option 1

53 units provided meeting a mixture of housing tenure to meet a section of the community which may not be catered for in the existing South Kilburn programme this would include:

- 9 Family Homes. Affordable Housing for medium to large families
- 18 units for the New Accommodation for Independent living initiative for those who have extra care or support needs, arranged in 3 co-living clusters.
- 15 Move-On Homes for single people who are homeless or on the housing waiting list
- 11 Down-size/accessible homes aimed at elderly residents already in South Kilburn wishing to down-size.

2.0 Option 2

53 units provided all of one tenure.

Having met with the Operational Director for Adult Social Care to discuss the NAIL programme in further detail this site could be ideally suited to accommodate the biggest demand in this service from older people needing extra care.

This NAIL programme is still to deliver 400 of the required homes in a bid to provide a replacement for residential care. This is known to be the biggest revenue savings programme at Brent Council, and something we could accommodate on this site.

External community activity is an excellent fit for these residents and there would be an excellent blend of services in the activities already happening in The Granville for older people and the day time services sought by this section of the community. Benefits may also be found between this and the childrens services on site.

The minimum number of units this scheme would need to provide is 40 plus accommodation for care staff to cover the night time care required.

3.0 Option 3 (Recommended)

Approximately 23 units delivered in response to some of the consultation responses. This option endorses the principle of a less dense scheme whilst still achieving the benefits housing provides on a site, specifically community safety with 24 hours passive surveillance of the outdoor spaces below.

A reduction in housing presented on this option will respond to the community concerns on scale of development and residential impact on this community site. It also resolves technical issues regarding the build and management of the space and should provide a more acceptable level of development as the taller housing element is removed from this option

It should be recognised that viability will have to be worked through and some private housing may be required however the preference is for affordable units.

4.0 Option 4

No housing delivered as part of the longer term plans this option would still require refurbishment of the existing buildings for community and enterprise use. Financial impacts would need to be further considered.

Appendix C

PART 5

CODES AND PROTOCOLS

Protocol on Call-in

PROTOCOL ON CALL-IN

1. Introduction

- 1.1 The basic premise of call-in is that it is a failsafe mechanism enabling non executive Councillors to make the Cabinet, Cabinet Committee, Cabinet Member or an officer making a key decision, re-consider a particular decision if it is of major concern or in Members' eyes profoundly flawed.
- 1.2 The statutory guidance on call-in states that there needs to be an appropriate balance between effectively holding the executive to account, being able to question decisions prior to them being implemented and allowing effective, efficient decision making. It also balances the need to make the process accessible and the need to ensure that call-in procedures are not abused or used to delay or slow down the decision making process.
- 1.3 As call-in can inevitably result in a delay to the implementation of decisions it should not be used for party political purposes to seek to further discuss a decision that some members do not agree with. Equally, the rights of non executive members to call-in a decision and exercise their right to question the decision, the decision maker and consider alternative options needs to be respected.
- 1.4 This protocol is designed to provide a locally agreed framework within which call-in can operate, a clear set of criteria against which an otherwise valid call-in request can be judged and a format for the effective conduct of the meeting considering the call in.

2. What is a call-in?

- 2.1 A decision made by the council's Cabinet or a Cabinet committee, or a key decision by an officer, can be called in for review before it is implemented. Decisions can be called in by five non-executive members or by the Scrutiny Committee. If a Cabinet decision is called-in, that decision cannot normally be implemented until it has been considered by a scrutiny committee. An urgency procedure is in place in Standing Orders for any decision that cannot afford to be delayed.
- 2.2 The Scrutiny Committee is required to meet within 15 working days of the date on which a call-in is accepted as valid. The Committee may decide to refer the matter back to the Cabinet or other decision maker, along with the reasons why the Committee thinks it should be reconsidered. The Cabinet or other decision maker will then decide whether to implement the original decision or review the decision based on the views of the Scrutiny Committee. Alternatively the Committee can decide that the matter should not be referred back to the Cabinet or other decision maker in which case the original decision will be implemented.

3. The call-in process

- 3.1 A call in request must be submitted in accordance with the requirements of Standing Order 14 within 5 days of the relevant decision being made or in the case of a key decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. When submitting the call in request members must either complete the call-in form available [LINK]) or include in their written request all the information required by the form. In particular this includes:

- an explanation as to why they are calling in the decision and if they are calling in all or part of the decision(s).
 - an outline of the suggested alternative course of action.
- 3.2 When a call-in request is submitted the Head of Executive and Member Services Which meets the requirements of Standing Order 14(b)((i) – iv) the Head of Executive and Member Services will refer it to the Chief Executive, who, in consultation with the Head of Policy and Scrutiny (the council’s designated Scrutiny Officer) and the Director of Legal and HR Services, will decide whether or not an otherwise valid call-in conforms with the following requirements of this protocol. The call-in request will be assessed against the following criteria:
- Is the call-in process being used as a means of gaining information / understanding or discussing general concerns with Members and officers? If this could be achieved through the general overview and scrutiny process or by talking to the relevant officer or lead member informally the call-in will not be valid,
 - Does the call-in duplicate a recent call-in on the same issue? If the call-in duplicates another call-in made within the previous 6 months it will not be valid,
 - Have the reasons for calling in the decision already been discussed by the Scrutiny Committee? If the reasons for calling in the decision have been discussed by the Scrutiny Committee prior to the decision being made the call-in will not be valid,
 - Call-in of a decision of the Cabinet referring a matter to Full Council for consideration will not be valid,
 - Call in of operational management decisions taken by officers will not be valid
 - If the call in request is considered by the Chief Executive to be frivolous, vexatious or clearly outside the call-in provisions it may be deemed invalid.

Prior to deciding the validity the Director of Legal and HR Services and the Head of Policy and Scrutiny may seek clarification from the members concerned.

4. The Conduct of the call-in Meeting

- 4.1 Scrutiny Committees are official committees of the council and it meets in public.
- 4.2 The purpose of a call-in meeting is for non executive members to examine and consider the decision made by the Cabinet, Cabinet Committee, or officers (in respect of key decisions) and for members of the committee to make suggestions and recommendations they consider appropriate to the decision maker. The Scrutiny Committee meeting provides an opportunity for members to seek clarification of the methodology used in enabling a decision to be made, as well as explore work undertaken by officers culminating in the matter coming before the decision maker .
- 4.3 The relevant Cabinet Portfolio Holder and chief officer (or his/her representative) will be invited to attend the scrutiny committee meeting to explain the reasons for the decision, respond to the issues raised in the call-in request and answer questions at the meeting.

- 4.4 It is the chair of the scrutiny committee's responsibility to manage the meeting effectively by applying standing orders, maintaining good discipline and fostering a culture of respect. All contributions to the meeting should go through the chair and the chair should ensure that no purely personal disagreements or comments are allowed to continue.
- 4.5 To ensure that the meeting is effective the procedure at the meeting (subject to the Chair's discretion) shall be as follows:
- (a) The chair will ask a representative of the members who called in the decision to set out the reasons for the call in for up to 5 minutes. In the event that different members have identified different reasons the chair may in their discretion as more than one member to speak in which case the available time under (b) below shall be shared equally between the members.
 - (b) The chair will consider whether to permit any member of the public who has made a request to address the meeting to do so, the rules relating to members of the public addressing a meeting as set out in Standing Orders apply. Members of the public can be allowed to speak for 2 minutes. If a number of requests to speak have been received then the chair should seek to limit the number of contributions to avoid hearing the same points repeated and should seek advice from the Head of Executive and Member Services about how this should be managed.
 - (c) All of the members of the public who it has been agreed will address the meeting will be heard prior to the lead member and any relevant officers being asked to respond to the issues raised by the call-in.
 - (d) The lead member shall then be invited to respond to the issues raised in the call in.
 - (e) The chair will then invite members of the committee to question the lead member and officers and discuss the issues. Members who are not members of the committee but wish to ask a question can be invited to do so.
 - (f) Having considered the call-in invite members of the committee are required to come to one of the following conclusions:
 - That the matter should be referred back to the decision maker for reconsideration with reasons for its request and what the committee wants the decision maker to do.
 - That it does not object to the decision and the decision can be implemented.