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Brent

## MINUTES OF THE COMMUNITY AND WELLBEING SCRUTINY COMMITTEE

Monday 12 February 2024 at 6.00 pm

Held as a hybrid meeting in the Conference Hall – Brent Civic Centre

PRESENT: Councillor Ketan Sheth (Chair), and Councillors Collymore (Vice-Chair), Afzal, Ethapemi, Fraser, Molloy, Mistry, Rajan-Seelan and Smith, and co-opted members Ms Rachelle Goldberg and Mr Alloysius Frederick

In attendance: Councillors Muhammed Butt, Shama Tatler, and Gwen Grahl

### 1. **Apologies for absence and clarification of alternate members**

- Councillor Matin
- Councillor Begum

### 2. **Declarations of interests**

Personal interests were declared as follows:

- Councillor Mistry – signatory of the call-in

Councillor Sheth highlighted that his register of interest could be found on the Brent website.

### 3. **Call-In: Cabinet Decision (15 January 2024) - Acquisition of a property in Wembley for the Brent Childrens Care Home Project**

In opening the item, the Chair advised that, in accordance with Standing Order 14, the meeting had been arranged to consider a call-in submitted by five members of the Council in relation to a decision made by Cabinet on 15 January 2024 to acquire a property in Wembley for the Brent Children's Care Home Project.

In considering the call-in, the Chair reminded the Committee that the line of questioning must remain specifically within the remit of the call-in and that issues raised on anything wider would not be valid and ruled out for consideration.

Having clarified the basis of the call-in, the Chair then proceeded to invite Councillor Maurice to outline the reasons for the call-in as a representative of the members who had supported the call-in.

In presenting the call-in, Councillor Maurice highlighted the following key issues as the basis for which the decision had been called-in:

Councillor Maurice began by highlighting that, as councillors, members were corporate parents and had a duty to house and help looked after children and young people. He stated that the members who submitted the call-in did support the concept of care homes for looked after children but had been contacted by residents concerned about the impact this care home would have on those in neighbouring properties. He advised the Committee that the property was in a quiet road within the Barnhill Conservation Area, where houses were often double the average price of a property in Brent. As such, it was felt by the representatives of the call-in that money was being spent on an unsuitable and costly

property, where there was existing and more economical Council stock available. There had previously been a care home in Woodcock Hill which residents stated had been the source of drug dealing and anti-social behaviour, which had been sold at a low price to an employee of the Council. The call-in representatives asked why this property was not considered for the care home instead by the Council. Another care home in Barn Way had been felt by residents to be poorly managed and the source of anti-social behaviour, with police attendance on numerous occasions. There had been several complaints made to the Council regarding the care home and it was only with the intervention of MP Barry Gardiner that the care home closed down. Because of this experience, it was felt by residents that the proposed new children's care home would result in anti-social behaviour, affecting the wellbeing and harmony of the residents who lived in the area currently. There was also an already established care home within metres of the proposed new children's care home. The members in support of the call-in had heard there had been no public consultation on the project with residents, although noted that there would be future consultation with neighbours if the purchase was to go ahead. Councillor Maurice highlighted that there had been no planning permission applied for, and those in support of the call-in queried the rationale for that, as it was felt the development would affect the character of the area. In summing up, Councillor Maurice felt that the proposal would have a significant impact on the neighbouring residents, and, as the proposal had not been subject to planning permission or public consultation, asked for the matter to be reconsidered at Cabinet.

The Chair thanked Councillor Maurice for summarising the reasons for the call-in. As no members had questions for Councillor Maurice, he used his discretion as Chair to invite a member of the public to address the Committee.

Ms Ursula Jarocki, a local resident of Barnhill Ward, addressed the Committee in relation to her objections to the purchase of the Wembley property for a children's care home. She explained that residents had previously experienced issues around drug taking, anti-social behaviour and fights, with at least 10 police attendances within 9 months, in relation to the now closed privately managed children's care home in Barn Way. Residents had made complaints to Brent in relation to the issues, and it had taken parliamentary intervention before the care home had been closed. Ms Jarocki noted that Brent was now looking to open a Children's Care Home for looked after children and young people with social, emotional and behavioural needs in the same area, and highlighted that there was already a children's care home less than 15 metres from the proposed property. Ms Jarocki felt that the Council's Care Home plan brought a new meaning to changing the character of an area, and there was a feeling that the proposal had not been disclosed to residents as there had been no consultation. She did not feel that the residents had received assurances from the Council or ward councillors in relation to the project and had concerns that residents would experience similar issues as when the Barn Way care home had been still running. Residents wanted to see a community impact assessment and asked for the rationale as to why the Council would not be seeking planning permission in relation to the proposals. Ms Jarocki expressed that residents appreciated children needed support and care, but there were already residents needing support in the area including children, elderly and disabled residents who had an entitlement to safety, security, respect, stability and peace. Ms Jarocki requested the Council continued to consider existing stock, such as Grove Park Pavilion, which she viewed as a more effective offer for the project.

The Chair thanked Ms Jarocki for her contribution to the meeting. As there were no further members or members of the public wishing to speak, he invited Councillor Gwen Grahl, as Cabinet Member for Children, Young People and Schools, to respond to the issues raised.

In responding to the issues raised, Councillor Grahl highlighted that she was proud to present the Residential Children's Care Home project to the Scrutiny Committee. She felt it was an important initiative that would support the most vulnerable children and young people in the borough whilst also delivering substantial cost savings to the Council. She

hoped to provide reassurance to the residents present at the meeting and work collaboratively with residents to make the project a success, expressing that this was a unique opportunity for residents to welcome looked after children into their neighbourhood and support their journey into adulthood.

In explaining the decision made by Cabinet, Councillor Grahl highlighted that the Council was in urgent need of a Children's Care Home in Brent and currently supported 314 looked after children. Every councillor was a corporate parent and had an obligation to protect and keep looked after children safe. The majority of looked after children would be placed with a local foster carer, but having residential placements available was a vital alternative option. In 2021, the Independent Review of Children's Social Care highlighted residential provision as a key priority for social care reform. The review identified the high costs and profiteering of private companies as one of four significant problems preventing children from growing up in a secure and stable environment, and the review recommended reforms that were deemed urgent and unavoidable. For example, the review strongly advised that children's residential care homes should be under local authority control, avoiding the need for unregulated and expensive accommodation that was sometimes many miles away from the child's community.

Councillor Grahl reassured residents that the care homes they had identified as the source of previous anti-social behaviour issues were not Council owned care homes but privately owned semi-independent homes which were unregulated by Ofsted, and this was what the Council aimed to avoid with the proposal. She expressed that the use of private sector companies for children's social care had not only brought about a deterioration in the quality of care children received, but it also inflicted financial pressure onto Councils. Privatised children's care homes had an average profit margin of 22.6% between 2016 and 2020, which was paid for in part by residents' Council tax. Often, children were not placed in the areas of greatest need but where housing was cheapest, with some children sent over 100 miles away from Brent. The average weekly cost of those residential placements was over £7,000.

In continuing her response, Councillor Grahl highlighted that, often, care experienced young people had experienced significant trauma in their lives, with 66% of care experienced young people having experienced abuse or neglect. She expressed that those children urgently needed a stable and loving environment that was close to their schools, friends and communities. She noted that the residents had described their street as a quiet area and that was exactly where those children would want to grow up as well. Councillor Grahl felt that the call-in text had mischaracterised care experienced young people as a nuisance to society. She highlighted that she worked closely with care experienced young people, and had always been very inspired by their determination and positivity, and felt that they had as much right as any other young person to have a decent and comfortable way of life. She queried whether the residents would respond in the same way if a family of four was moving into the property. As part of the proposal, Michelle Gwyther (Head of Forward Planning, Performance and Partnerships, Brent Council) had been engaging with children and young people so that they could contribute to the design and layout of the building so that it reflected the needs of children and young people and there had been some creative ideas raised.

In relation to concerns raised regarding the financial impact of the proposal, Councillor Grahl highlighted that the proposal was match funded by Central Government's Department for Education (DfE), which had been entirely supportive of the project, with the rest funded through borrowing. The proposal projected savings of approximately £290,000 per year, and those savings had already been factored in to the 2024-25 draft budget.

In concluding her response, Councillor Grahl expressed that she was proud of the initiative for the Council to open a local authority ran residential children's care home, which she

highlighted was a good example of effective financial planning which demonstrated how Brent could be a compassionate borough. She hoped the Committee would recognise the impact the proposal would have on a very vulnerable cohort in need of better care provision. She highlighted the Brent Labour Manifesto 2022 which promised that no child would be left behind and that Brent would be the best borough for young people to flourish which the Council had a democratic mandate to deliver. She felt that to delay the project any further would be to badly let down Brent's children and young people, who were relying on the Council for their future.

The Chair thanked Councillor Grahl for her response and moved on to questions from the Committee. In considering the reasons for the call-in, the contributions from residents, and the response from Councillor Grahl, the Committee raised the following points:

In response to a query about when the children's residential care home project was first proposed, Councillor Grahl confirmed that the business plan for the project had been presented to Cabinet just under 1 year ago, and had been included in the 2022-23 budget approved by Full Council.

The Committee highlighted that the call-in document had questioned whether the proposal provided value for money, and sought reassurance around the financial impact of the decision. Councillor Grahl advised the Committee that the project was designed to save a substantial amount of money, and would save on the 20% the Council paid in profits to privately owned care homes. Currently, the Council spent large amounts of money on residential children's care due to the lack of residential care placements currently available, at an average of £7,700 per week. The proposal would give the Council more control over the placements it gave children and would also save money. The project had been supported and match funded by the DfE, with half the cost provided by the Council and half the cost provided by DfE.

One of the points raised in the call-in document was around planning permission for the care home and the fact it was proposed in a conservation area. The Committee asked whether there was a requirement for planning permission under the National Planning Policy Framework or Brent's Planning Policy. David Glover (Development Management Service Manager, Brent Council) addressed the question, explaining that, in his professional opinion, planning permission was not required. Most property uses were categorised into use classes, and within each use class there were a number of similar uses. Planning permission was not required to change use category within the same use class. For example, if a property was categorised as use class C3, which covered dwelling houses, there were three main categories of use within that use class. One category was homes occupied by individuals or families that were related or cohabiting (C3A). One category was dwellings occupied by up to 6 residents living together as a single household where care was provided for those residents (C3B). The third category was dwellings occupied by up to 6 residents living together as a single household where care was not provided (C3C). Based on the information provided, his view was that the care home fell within the second use class category - dwellings occupied by up to 6 residents living together as a single household where care was provided. In terms of living together as a single household, there was no requirement for those residents to be related. There was no intention to have more than 6 people residing in the children's residential care home at any one time, so the property would fall within use class category C3B. The previous use for the property was a single family dwelling house under use class category C3A. As both use categories sat within the same use class, C3, his opinion was that planning permission was not required. This was based on the Town and Country Planning (Use Classes) Order 1987 (as amended).

Similarly, the Committee asked whether the fact the property sat within a conservation area had any impact on whether the Council required planning permission to proceed. David Glover confirmed that conservation area status was only considered where planning permission was required. The considerations would look at the character of the conservation area and whether a proposal materially affected the heritage significance of that conservation area. Within a conservation area, there were restrictions on what you could do within permitted development, but this did not affect whether you could use a property for different use categories within use class C3, meaning the purchase of the property and use of the property as a children's care home was not affected by Barnhill's conservation area status.

The Committee noted that one of the reasons for call-in was that there had been a lack of consultation with local residents. Members queried whether due process had been followed in this regard. Nigel Chapman (Corporate Director Children and Young People, Brent Council) advised that there was no statutory requirement on the Council to do any formal consultation in relation to the purchase of the property. He highlighted that if a family moved into the local area there would be no requirement to consult residents on whether the family moved in. There was no change of use class so there was no consultation requirements under planning legislation either. As outlined in the report, the Council would want to ensure it worked closely with local residents and neighbours if the purchase went ahead in order to support the development and encourage an effective, strong and positive arrangement for the home. Councillor Muhammed Butt, Leader of the Council, added that the Council followed due diligence and guidance in relation to purchasing properties and was ensuring, through the purchase of the property, that it safeguarded the future of the children and young people it looked after. He added that the purchase was a commercial matter and any leak into the public domain could risk the negotiation.

Further discussing consultation, the Committee raised the guidance on the Local Government Association (LGA) website titled 'Guide to effective engagement'. The guidance stated that, regardless of any legal imperative to consult, engagement with residents was the right thing to do. The Committee queried what considerations were given to consulting at an earlier stage, regardless of the fact it was not required by statute. Councillor Grahl responded that there would not have been an appropriate time or way to consult with residents in the process prior to the purchase of the property, which had not yet been purchased. She highlighted that the Council did not yet own the property and therefore it would not have been appropriate to consult residents regarding a property it did not own, but officers would look to consult in an appropriate way once the property was purchased in order to garner resident views and experiences. Shirley Parks (Director for Safeguarding, Partnerships and Strategy, Brent Council) added that, following the purchase and once the home was open and running, the Council would look to set up a group which included the local Resident's Associations and local residents for regular consultation via a forum. She acknowledged that the care home would only be a success for this group of vulnerable young people if the Council and residents worked together to understand and address concerns. The Council did not want the project to have negative impacts for the residents or the children. She added that a local authority run children's care home would mean the Council had control over the management of the home, unlike the previous private sector care home in the area where the Council had no influence.

The Committee then asked officers and members to address the call-in point regarding the anti-social behaviour residents had experienced with the previous care home. Nigel Chapman explained that close joint working would be done with local safer neighbourhood teams, as any effective registered manager would do at a children's home, to ensure they were aware of the care home. The Council would work in a diligent and supportive way with all partners and local neighbours to ensure a collaborative approach to supporting an effective home.

Another ground for the call-in was that the area should be treated with respect. Councillor Grahl confirmed she could see no reason that housing looked after children would be disrespectful to the area, and highlighted that these were children and young people who needed to be looked after and cared for like everybody else's children.

In response to why the Council had not considered building a larger development that could house more children and young people, Councillor Grahl explained that children wanted to grow up in something resembling a household where they had trusted adults they could turn to. The Council wanted children and young people to grow up in the same type of environment where other children and young people would grow up. It would not be appropriate to build a large development and the need was not there as the Council worked hard to ensure the vast majority of looked after children were placed with a foster carer. It was only in rare cases, such as placement breakdowns or where a child came into care with very short notice, where there was a need for a residential placement, so there was only need for the smaller property. In addition, building a large new development would cost substantially more.

The Committee asked whether any other property options were looked at aside from a larger development. Neil Martin (Head of Capital Delivery, Brent Council) informed the Committee that the Council had looked at a number of properties across the borough and took into consideration factors such as neutrality, transport links, access to schools and access to open spaces. The property the Council was looking to purchase was a good size with over 200 square metres of space, had 6 bedrooms to accommodate for the capacity the Council were looking for, and was a reasonable price. He highlighted that the cost of the property was slightly cheaper than a similar sized property on the same road that had sold 9-10 months previously, therefore there was value for money. Officers also weighed up the cost of the purchase against the level of expenditure required to refurbish the property to make it fire safe and separate rooms.

The Committee asked for clarification on the difference between the adolescent young children in the privately run care home on the same road and the cohort of children the Council would be placing in the Council run residential care home. Nigel Chapman explained that there would be no difference between the type of children who would go to an independent home or a local authority run home. The issue was that the independent market had filled a gap where, on the whole, local authorities had moved away from in terms of providing their own accommodation, but there was a short supply and growth in demand in the market. Having a local authority run home gave a lot more control and flexibility for the Council to make its own decisions for its children. Councillor Grahl explained that a local authority run care home would be of better quality than a privately run care home because there would be permanent quality staff, compared to private companies who often employed staff on temporary contracts with poor wages. The care home would have democratic oversight where residents would be able to raise issues and the Council address them, which was not possible with a privately run care home. In addition, private care homes tended to be very short-term financial projects that would be closed down quickly if they were no longer deemed profitable.

The Committee summed up their views on the proposal for the children's care home and whether the call-in merited referring the decision back to Cabinet. In summing up, they highlighted that bringing children back into the borough instead of placing them in costly out of borough residential homes was a gain for those children and also lessened the financial burden on the Council. Children with social, emotional and behavioural needs would benefit from being nearer to where they could get support. The Committee had heard and understood that planning permission was not required for the property and there was no further considerations required in relation to Barnhill's Conservation Area Status. As such, the Committee was of the view that the Council had not overlooked any statutory requirements to take this decision. The Committee felt that diligent work had been done by

all officers involved and were reassured that the Council would work, consult and engage with residents to ensure the care home was a success. Whilst one Committee member felt that there was a lack of consultation and therefore the decision should be referred back to Cabinet, the majority of the Committee had no objections to the decision that had been made and therefore felt there was no merit in the call-in request to send the decision back to Cabinet for reconsideration.

It was therefore **RESOLVED** as a final outcome of the call-in to confirm the original decision made by Cabinet on 17 January 2024 to agree the purchase of a property in Wembley for the Children's Residential Care Home project with it noted that the decision would therefore take immediate effect following the meeting.

4. **Exclusion of the Press and Public**

There were no items that required the exclusion of the press or public.

5. **Any other urgent business**

None.

The meeting closed at 7:20 pm  
COUNCILLOR KETAN SHETH, Chair

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