

	<p align="center"><b>Full Council</b> 18 November 2024</p>
	<p align="center"><b>Report from the Corporate Director of Law &amp; Governance</b></p>
<p><b>Resources and Public Realm Committee Chair's Update Report</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Council
<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>List of Appendices:</b>	One Appendix A: Resources & Public Realm Scrutiny Committee Work Programme 2024/25
<b>Background Papers:</b>	None
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## 1.0 Executive Summary

1.1 To present Full Council with progress updates on the activities of the Resources and Public Realm Committee since the last Full Council meeting held on 19 September 2024.

## 2.0 Recommendation(s)

2.1 To note the update from the Chair of the Resources and Public Realm Scrutiny Committee.

## 3.0 Detail

### 3.1 Contribution to Borough Plan Priorities & Strategic Context

3.1.1 The work of the Committee contributes to the delivery of all of the strategic priorities set out in the Borough Plan 2023-2027. It seeks to ensure Council decision-making remains transparent, accountable and open, resulting in improved policies and services.

### 3.2 Background

3.2.1 Brent Council has two scrutiny committees; the Resources and Public Realm Scrutiny Committee and the Community and Wellbeing Scrutiny Committee. The Council is also a member of the North West London Joint Health Overview and Scrutiny Committee (NWL JHOSC).

3.2.2 A scrutiny committee can look at anything which affects the borough or its inhabitants, subject to its remit.

3.2.3 Brent Council Standing Orders allow for the chairs of the scrutiny committees to report to ordinary Council meetings on the activities of their committees<sup>1</sup>.

#### The Resources and Public Realm Scrutiny Committee

3.2.4 The remit of the Resources and Public Realm Scrutiny Committee is set out in the Council Constitution under the Terms of Reference for scrutiny committees<sup>2</sup>. The remit of the Committee includes:

*Corporate policy, partnerships and resources; Budget; Customer services; Commercial services; Planning policy; Environmental policy; Public realm; Employment and skills; IT; Recycling; Regeneration; Transport and highways; Community safety; Property; Emergency planning and business continuity.*

3.2.5 The Committee is also the Council's "crime and disorder committee" for the purposes of Section 19 of the Police & Justice Act 2006 and as such may review or scrutinise decisions made, or other action taken, in connection with the discharge of the crime and disorder functions by the responsible authorities (as defined by section 5 of the Crime and Disorder Act 1998) who make up the Safer Brent Partnership, in order to make reports or recommendations to Full Council.

3.2.6 Since the last update to Full Council on 19 September 2024 the Resources and Public Realm Scrutiny Committee has met two times (2 October 2024 and 5 November 2024).

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<sup>1</sup> Brent Council Constitution, Part 2, paragraph 36.

<https://democracy.brent.gov.uk/documents/s123308/Part%202%20April%202022%20Procedural%20Rules.pdf>

<sup>2</sup> Brent Council Constitution Part 4.

<https://democracy.brent.gov.uk/documents/s123310/Part%204%20May%202022%20Terms%20of%20Reference%20.pdf>

2 October 2024

- 3.2.7 The Committee heard from the Leader of the Council and received a report from the Corporate Director of Law & Governance on the Barham Park Trust Committee's decisions from its meeting on 10 September 2024 on Strategic and Operational Property Matters relating to Barham Park. This discussion was a result of a successful and valid call-in request in accordance with Standing Order 14<sup>3</sup>.
- 3.2.8 The call-in claimed that no detailed cost estimates were provided before approving the preferred option ('bronze option'), nor was a draft investment strategy shared to confirm the Council's capacity to fund the £1.7 million refurbishment, despite previous commitments. The call-in also highlighted that the development options, including the bronze option had not been subject to any consultation with interested parties such as existing tenants or users of Barham Park. Likewise, it noted that no consultation took place prior to authorising officers to draft proposals for expanding the Trust's charitable purposes for submission to the Charity Commission.
- 3.2.9 It was alleged that the delegation of powers in managing trust operations had proven ineffective in recent years, with issues such as uncollected rent and unrecovered service charges leading to missed income opportunities. To prevent similar issues, it was proposed to pause the delegation of responsibilities to the Director of Property & Assets to enable a comprehensive review of the Trust's governance arrangements.
- 3.2.10 The call-in also argued that the decisions to authorise the Director of Property & Assets to renew the expired leases at 660 Harrow Road for Units 1, 2, and 8, and to lease Unit 7 at the same location for "meanwhile use" should be referred back to the Trust Committee for reconsideration, detailing specific requirements that the Director of Property & Assets should be asked by the Trust Committee to follow in fulfilling these responsibilities. Referring the decision back for reconsideration would also enable clarification on who would be responsible for any potential costs or risks associated with a possible clawback of the Sure Start grant for Unit 8, should the unit be vacated before the current grant agreement ends.
- 3.2.11 A further recommendation was put forward that the decision for the Director of Property & Assets to implement service charges for all tenants under their lease terms be reconsidered by the Trust to enable a requirement that future services charges are adjusted to reflect the building's deterioration. Similarly, that the decision regarding the agreement for the Director of Property & Assets to negotiate repayment plans with tenants in arrears be re-evaluated to add stipulations on interest charges and repayment deadlines.

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<sup>3</sup> Brent Council Constitution, Part 2, paragraph 14.

<https://democracy.brent.gov.uk/documents/s142988/Part%202%20May%202024%20Procedural%20Rules.pdf>

3.2.12 On another note, the call-in requested that the decision regarding the Trust's agreement for the Director of Property & Assets to continue negotiations with Zenaster Properties Ltd on the potential amendment to the restrictive covenant at 776 and 778 Harrow Road be referred back to the Trust Committee. The alternative course of action sought was that such work was suspended until several conditions were met, including outlining the value the Trust would receive from lifting the covenant and consulting stakeholders to determine whether they were in favour or against the proposal.

3.2.13 In responding to the call-in, the Leader of the Council reminded members that that the building and land originally gifted to the Council had not been accompanied with any funding for its maintenance or management. This necessitated the Trust's investment of rental income to upkeep the estate - a responsibility the Leader believed the Trust had fulfilled diligently. To ensure the estate's sustainability, it was crucial for it to be self-sufficient and non-reliant on external funding.

3.2.14 The Committee subsequently questioned the financial investment needed to move forward with the desired proposals associated with the preferred option and the potential risks of pursuing these options ahead of developing a Business Plan and obtaining the necessary Charity Commission approvals. Members were informed that the architects' work had helped clarify the possibilities of the three initial options, although officers would further explore value for money and mitigation strategies as part of long-term investment planning. At this stage there was a sufficient level of detail to provide an outline of initial cost proposals for the bronze option, which was assessed as requiring approximately £1.7m based on current market conditions. This would primarily need to be funded through capital borrowing, although this did not rule out the possibility of exploring other options. Nonetheless, the work required to prepare an appropriate Investment Strategy and Business Plan could progress with the decisions taken by the Trust Committee.

3.2.15 Members also probed why the public and tenant organisations were not given an opportunity to speak at the Barham Park Trust Committee meeting on 10 September 2024. The Leader explained that the decisions were made to facilitate meaningful engagement and consultation moving forward. The next step, pending the call-in outcome, would be to individually engage with existing tenants, considering their unique lease arrangements at 660 Harrow Road. The insights gained from these discussions would inform matters such as the engagement with the Charity Commission regarding potential modifications to the Trust's charitable purposes that could enable other or commercial uses of part of the building.

3.2.16 Other key areas of discussion included:

- Robustness of training offered to trustees
- The mechanisms to review the Trust Committee's governance arrangements
- Effectiveness of the current delegation of responsibilities
- Future use of Unit 7
- Unit 8 and potential clawback provisions

3.2.17 Having considered all viewpoints, including the submissions made by local residents and tenant organisations, the Committee upheld the original decisions made by the Barham Part Trust Committee.

#### 5 November 2024

3.2.18 Under 'Matters Arising', the Chair of the Committee, Cllr Conneely, confirmed the following membership for the Budget Scrutiny Task Group:

- Cllr Rita Conneely
- Cllr Kathleen Fraser
- Cllr Janice Long
- Cllr Ithesham Afzal
- Cllr Michael Maurice

3.2.19 It was noted that the group would bring an evidence-based recommendations report on the Draft Budget 2025/26 to the Resources and Public Realm Committee meeting on 28 January 2024 to then be discussed and agreed by the Committee. Subject to approval, the report from the Committee would then be forwarded to Cabinet for consideration at its meeting on 10 February 2025, alongside the report from the Corporate Director of Finance and Resources on final budget proposals for 2025/26.

3.2.20 The Chair went on to highlight the amendments that had been made to the Scrutiny Work Programme 2024/25 (changes highlighted in red and italics in Appendix A). It was echoed that the programme was a living, flexible document, responsive to the needs of Brent residents. The programme had therefore been revised on this basis.

3.2.21 The Committee then heard from the Deputy Leader and Cabinet member for Finance & Resources, Councillor Mili Patel, and received a report from the Corporate Director of Finance & Resources on the Council's Quarter 2 2024/25 financial performance. This highlighted a total forecasted overspend of £14.8m, consisting of £0.4m against the Dedicated Schools Grant (DSG) and £14.4m against the General Fund revenue budget. Similar to Quarter 1, it was highlighted the overspend identified against the General Fund revenue budget correlates to the high level of pressures in the Housing Needs and Support service; Namely the costs associated with the rising numbers of homeless households in temporary accommodation, the lack of available accommodation leading to greater reliance on expensive providers to meet statutory duties, housing subsidy loss, and the newly identified budgetary risk for 2024/25 related to 'Supported Exempt Accommodation'.

3.2.22 Key areas of debate included:

- Implications of the Autumn Statement 2024
- Accuracy of budget forecasting – e.g. why 'Support Exempt Accommodation' not identified sooner as a budget pressure?
- Robustness of mitigations in addressing overspend areas
- Low Council Tax collection rates

- Effectiveness of spending controls e.g. how creative have they been? How useful have they been?
- Alternative avenues explored by the Council to generate additional income e.g. how has the Council explored funding options with partners, match-funding, and/or grant opportunities that it could be eligible for?
- Resilience of reserves

3.2.23 The Committee subsequently reviewed a report on the findings of the Local Government Ombudsman regarding a failure to attach a condition to a 2012 planning consent for a change of use of a site in Kingsbury Road. It was set out within the officer's report for the application that a condition should be attached to the consent which requires the turning area to be kept clear in order to allow vehicles to turn within the site and therefore enter and exit in a forward direction, however in error this condition was not attached to the planning application, leading to the complaint in question.

3.2.24 The Local Government Ombudsman last year found fault in the way that the Council dealt with this planning application and recommended that the following actions were undertaken to ensure that the oversight in question is less likely to happen again:

- a) apology to the complainant for the disappointment and frustration caused by the fault;
- b) a review of the council's practices and procedures; and
- c) the consideration of whether the council has any power to require safe vehicular access to and from the site.

3.2.25 The Ombudsman had also recommended that the outcomes were reported to the relevant council oversight and scrutiny committee in relation to actions a) an apology to the complainant; and b) a review of the Council's procedures and practices.

3.2.26 The Chair highlighted that while the Ombudsman's recommendations had been fulfilled outside the committee meeting, it was important for transparency that members' feedback to officers be made publicly available in the meeting minutes for the benefit of residents. Thus, it was confirmed that the Committee's past enquiries were centred around evaluating the robustness of current processes and procedures, including any improvements implemented to prevent similar errors in the future, as well as seeking assurances on whether the error was an isolated incident or a systemic issue. Gerry Ansell, Director, Inclusive Regeneration and Employment reiterated that thorough reviews and audits had been conducted since the error and expressed confidence in the quality control measures now in place. To provide additional assurance, it was agreed that the Committee would revisit the agenda item in approximately 18 months to evaluate the effectiveness of the said changes in light of the introduction of a new IT system.

3.2.27 The Director, Inclusive Regeneration and Employment, then presented a report on the collection, allocation, and spend of Strategic Community Infrastructure Levy (SCIL) and Section 106 Agreement contributions made pursuant to the of the Town and Country Planning Act 1990 (S106) over the last 10 years,

including information on any unallocated funds and spending priorities. Members observed that SCIL allocation and spend were in alignment with planning documents such as the Local Plan and Infrastructure Delivery Plan, although raised concerns about the relatively low SCIL expenditure to date. This prompted further questions regarding the effectiveness of SCIL allocation and spend in meeting borough plan priorities and addressing local needs. The department was subsequently challenged on whether it could adopt a more proactive and creative approach to directing investment into high-priority budget areas, such as key departmental budgetary pressure or risk areas.

3.2.28 Other points of focus included the additional mechanisms that could be utilised to gather resident and councillor feedback more effectively on the SCIL spending strategy, as well as how communication updates to stakeholders on SCIL-funded projects could be enhanced.

3.2.29 Similarly, key areas of discussion for Section 106 contributions included:

- Effectiveness of the current strategy for managing unallocated funds
- Mechanisms in place for robust contract monitoring and reporting
- Process for enforcing s106 agreements, including the options available to the Council to ensure compliance

Next meeting: 28 January 2025

3.2.30 The next meeting of the Resources and Public Realm Committee will be held on 28 January 2025. As it currently stands, members will review the following items:

- Budget Scrutiny Task Group 2025/26 Findings
- Safer Brent Partnership Report 2023/24
- People Strategy (formerly known as Workforce Strategy)

#### **4.0 Stakeholder and ward member consultation and engagement**

4.1 Members of the Committee continue to be fully engaged in the development and delivery of the scrutiny work programme.

#### **5.0 Financial Considerations**

5.1 There are no financial considerations for the purposes of this report.

#### **6.0 Legal Considerations**

6.1 There are no legal considerations for the purposes of this report.

#### **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

7.1 There are no EDI considerations for the purposes of this report.

#### **8.0 Climate Change and Environmental Considerations**

8.1 There are no climate change and environmental considerations for the purposes of this report.

## **9.0 Communication Considerations**

9.1 There are no communication considerations for the purposes of this report.

**Report sign off:**

***Debra Norman***

Corporate Director, Law & Governance