



## SUMMONS TO ATTEND COUNCIL MEETING

**Monday 25 February 2013 at 7.00 pm**  
Council Chamber, Brent Town Hall, Forty Lane,  
Wembley, HA9 9HD

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.

CHRISTINE GILBERT  
Chief Executive

Dated: Friday 15 February 2013

**For further information contact:** Peter Goss, Democratic Services Manager  
020 8937 1353, [peter.goss@brent.gov.uk](mailto:peter.goss@brent.gov.uk)

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

# Agenda

Apologies for absence

Item	Page
<b>1 Minutes of the previous meeting</b>	1 - 14
<b>2 Declarations of personal and prejudicial interests</b>	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
<b>3 Mayor's announcements (including any petitions received)</b>	
<b>4 Appointments to committees and outside bodies and appointment of chairs/vice chairs (if any)</b>	
<b>5 The 2013/14 Budget and Council Tax</b>	
Report circulated separately.	
<b>Ward Affected:</b> All Wards	<b>Contact Officer:</b> Mick Bowden, Deputy Director of Finance Tel: 020 8937 1460 mick.bowden@brent.gov.uk
<b>6 Community Infrastructure Levy</b>	15 - 32
Government legislative changes mean the Community Infrastructure Levy will replace S106 Planning Obligations as the vehicle for funding the infrastructure that supports growth and development. After two rounds of public consultation and an examination in public, the Council is now in a position to adopt the Brent CIL Charging Schedule. Concurrently, S106 arrangements will be revised through the adoption of the S106 Planning Obligations Supplementary Planning Document. The Executive, at its meeting on 11 February 2013 agreed to submit the recommendations in the report to Full Council for approval.	
<b>Ward Affected:</b> All Wards	<b>Contact Officer:</b> Andrew Donald, Director of Regeneration and Major Projects Tel: 020 8937 1049 andrew.donald@brent.gov.uk
<b>7 Localism Act 2011 - Pay Policy Statement</b>	33 - 46

The purpose of this report is to inform members of the arrangements that have been put in place in Brent Council to meet the requirements of the Localism Act relating to the production of a pay policy statement.

**Ward Affected:** All Wards      **Contact Officer:** Cara Davani, People and Development  
Tel: 020 8937 1909  
cara.davani@brent.gov.uk

**8      Transfer of public health functions - changes to constitution      47 - 56**

This report seeks to amend the Constitution in accordance with the statutory requirements to appoint a Director of Public Health and to provide for the new Public Health functions.

**Ward Affected:** All Wards      **Contact Officer:** Fiona Ledden, Director of Legal and Procurement  
Tel: 020 8937 1292  
fiona.ledden@brent.gov.uk

**9      Urgent business**

At the discretion of the Mayor to consider any urgent business.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
  - Toilets are available on the second floor.
  - Catering facilities can be found on the first floor near The Paul Daisley Hall.
  - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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## LONDON BOROUGH OF BRENT

Minutes of the ORDINARY MEETING OF THE COUNCIL  
held on Monday 21 January 2013 at 7.00 pm

### PRESENT:

**The Worshipful the Mayor**  
Councillor Michael Adeyeye

**The Deputy Mayor**  
Councillor Bobby Thomas

### COUNCILLORS:

Aden	Al-Ebadi
Allie	Arnold
Ashraf	Mrs Bacchus
Baker	Beck
Brown	Butt
Cheese	Chohan
S Choudhary	A Choudry
Colwill	Crane
Cummins	Daly
Denselow	Gladbaum
Green	Harrison
Hashmi	Hirani
Hopkins	Hossain
Hunter	John
Jones	Kabir
Kansagra	Kataria
Leaman	Long
Lorber	Mashari
Matthews	Mitchell Murray
J Moher	R Moher
Moloney	Naheerathan
Ogunro	Oladapo
CJ Patel	HB Patel
HM Patel	RS Patel
Pavey	Powney
Ms Shaw	Ketan Sheth
Krupa Sheth	Singh
Van Kalwala	

### Apologies for absence

Apologies were received from: Councillors Beswick, Clues, Hector, McLennan,

1. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meetings held on 19 November and 10 December 2012 be approved as an accurate record of the meetings.

2. **Declarations of personal and prejudicial interests**

Councillor Leaman declared a non disclosable interest in item 9 by virtue of working for a children's mental health charity.

Councillor Lorber declared a non disclosable interest in item 6 by virtue of being a trustee of Friends of Barham Library.

3. **Mayor's announcements (including any petitions received)**

The Mayor announced the recent achievements of two Brent schools: firstly St. Joseph's Infant school in Wembley, which received a Beacon Award after coming top out of 500 London schools in promoting environmental health and safety. With the support of parents, teachers and other agencies, the pupil-led project succeeded in promoting work-to-school travel using modes of transport other than cars. Secondly, three members of staff of Chalkhill Primary School received Certificates of Commendation from the Royal Humane Society for saving a child's life with prompt and efficient acts of courage and bravery. The three staff administered first aid treatment in a coordinated and efficient manner through the MMR and CPR procedures.

The Mayor congratulated Councillors Leaman and Sneddon on their recent respective marriages and wished both councillors and their new wives all the very best for the future.

The Mayor announced that he had asked that his weekly sheet of engagements be circulated to all councillors and urged them to do what they could to support his future charity events.

In accordance with Standing Orders a list of current petitions showing progress on dealing with them has been circulated around the chamber.

4. **Appointments to committees and outside bodies and appointment of chairs/vice chairs (if any)**

None.

5. **Report from the Leader or members of the Executive**

The Leader reported that the Executive had agreed to the Council seeking accreditation as a London Living Wage employer as part of the vision for Brent to be a fair and equitable employer and for people to receive a fair days pay for a fair

days work. He added that local government was leading the fight for paying the London Living Wage and he hoped this would send a clear signal to contractors in Brent that they must pay a fair wage to their employees. Councillor Pavey was leading on this matter.

Councillor Arnold reported that the Working with Families Strategy had been agreed by the Executive. The strategy would provide a kick-start to the project aimed at improving the services delivered to the borough's most vulnerable families. She outlined the three strands that comprised the project:

- to develop a multi-agency front door (incorporating a multi-agency safeguarding hub) for Brent by July 2013
- to develop a family support service with an integrated short term crisis intervention service by April 2013 working with families with children of all ages
- to develop an aligned services strategy by the end of the month in order to improve and strengthen a wider range of aligned family support services across services and partners.

Councillor Crane paid tribute to the hard work of staff who had gritted the roads and helped maintain services during the recent cold weather. Councillor Crane referred to the report submitted to the last meeting of the Executive which set out a projected need by 2020/21 for up to 21 forms of entry primary school places and 19 forms of entry secondary school places. A strategic review of the Council's secondary school estate had been completed which would pave the way for a phased expansion of places. Phase 1 would see an additional 2 forms of entry provided at Queens Park school by September 2014. Phase 2 included Kingsbury High school accommodating an additional 4 forms of entry by September 2017 and the redevelopment of Gwenneth Rickus building providing additional 6th form capacity. Phase 3 included the redevelopment of Copland and Alperton Community Schools. In the meantime the Crest Academy would be completed in 2014. Councillor Crane expressed his concern over the position the Council was placed in of being accountable for providing school places but not for providing the necessary schools. Plans were not final because pupil numbers could change and because of the impact of the potential establishment of Free Schools.

Councillor Crane referred to the location of Vicar's Green primary school being in Ealing but close to the borough border. In October a joint project with Ealing had been agreed to expand the capacity of the school. Given that 50% of the pupils at the school were from Brent it made sense to share the cost of the project.

Councillor Powney stated that a wide range of environmental projects were underway and two highlights were that the reduction in carbon emissions was exceeding 25% and the amount of waste recycled was up from 30% to 45%.

Councillor Hirani reported that the Executive had agreed to delegate to officers the authority to award call-off contracts from the Supporting People Framework for a period of 2 years with discretionary extensions of one year (x2). He also referred to the change agreed to the Blue Badge scheme which now allowed the Council to levy a charge for the standard issue of a blue badge.

## 6. Questions from the Opposition and other Non- Executive Members

Councillor Hopkins referred to the community functions that took place from the Queensbury pub in Willesden which would be under threat if the redevelopment proposals for the pub were agreed and asked what action was being taken by the Council to protect the provision of these functions. Councillor Butt replied that the One Council programme included a project looking at the provision of youth services. The provision by the Council and by community and voluntary organisations would be reviewed to see what was provided and what was needed. He expressed his wish that the Council could do more but was unable to because of the Government's cut to funding for local government. Efforts were being made to find different and innovative ways to protect residents from the worst effect of the cuts. Councillor Hopkins responded by pointing out that the functions run from the Queensbury pub were not funded by the Council and so wondered how the Council would protect them. She stated that more than a token effort was needed from both the Council and the developer and suggested the provisions under the Localism Act might be used to protect the facilities.

Councillor Choudry asked what efforts the Council was making to promote the uptake of the Living Wage by the Council's partners and contractors. Councillor Butt replied that the Council would be sending a strong signal that it expected its partners and contractors to pay a fair wage to their workers. The Council would look to work in partnership with businesses and Councillor Pavey would be taking the lead on this. Councillor Butt added that he was looking to work further with the employers side by establishing a joint forum and felt such a move would make a real difference for local residents. Councillor Choudry thanked Councillor Butt for his reply.

Councillor HB Patel referred back to two years ago when it was said that the Council needed to cut its budget by £100M over 4 years. He referred to the reductions so far made which showed that with two years to go there was a shortfall of £21.1M. He wondered if the assessment of how much the Council had to save was wrong and had led to scaremongering tactics in order to cut services that had not needed to be cut. He asked if the Council would now decide not to increase its reserves and spend its resources for the benefit of residents. Councillor Butt replied that the Chartered Institute of Public Finance and Accounting (CIPFA) had advised the Council that it had reached the minimum level of reserves it recommended. He stated that the cuts in funding were being made by the Government and the Council would use its reserves when the situation demanded it. Councillor HB Patel responded by saying that the cuts had not been imposed by Government but instead had been made necessary due to the mismanagement of the country's finances by the previous Labour government. He felt it was down to common sense what level of balances were needed and at a time when money in the bank was not generating an adequate yield he felt it should be spent on services and reiterated that reserves should not be increased.

Councillor Brown asked what progress had been made since the last meeting of Council on the arrangements for making permanent appointments to the posts of Chief Executive and Director of Finance. Councillor Butt replied that arrangements were in progress with the interim Chief Executive being tasked with the job. The appointments would be made in due course through the Council's agreed procedures. Councillor Brown responded by expressing the view that the Leader



was allowing the matter to drift and that it was a matter of concern to the whole council as to when permanent appointments would be made.

Councillor Mitchell Murray referred to the troubled families programme and asked if the Council had its trouble shooters and its partners in place to deliver the programme. She also asked what would happen to the Government funding for the programme if the programme did not deliver. Councillor Arnold replied that the programme included 800 identified families and that the key workers had been recruited and partners were in place to deliver on the programme. She confirmed that payment would be by results so it was important to press hard to deliver the outcomes. This presented an opportunity to tackle a number of issues in a holistic way. Councillor Mitchell Murray thanked Councillor Arnold for her answer.

Councillor Hunter stated that planning permission was granted for new floodlighting in Gladstone Park in 2009 and the floodlighting was installed soon after. She asked why therefore were the rugby club and other local sports clubs still waiting for the lights to be connected. She asked if it was agreed that the rugby club should get a refund because it had paid for a service that it had not received. The Council had consistently failed to keep local members updated despite numerous requests for information and updates. Councillor Powney replied that he was not familiar with the situation described by Councillor Hunter and so would get officers to provide an answer and submit a timeline for a solution to the problem. Councillor Hunter responded by saying that enthusiastic club members were leaving because of the lack of facilities which was a great shame.

Councillor Pavey asked about the news that Michaela Free School intended to locate within the borough. Councillor Arnold replied that confirmation had been received from the Department for Education that a site had been bought in Wembley for the Michaela Free School and this was without any consultation with the Council. She referred to the Government's diversion of funds towards the provision of free schools. She expressed concern at the recent news and would be approaching the school to seek assurances over its plans. Councillor Pavey shared the concern expressed by Councillor Arnold. He responded by saying that he served on the governing body of a primary school which worked hard to educate local children only for the threat that they would be handed over to unqualified teachers working in free schools. He stated that the education sector should not be run for profit and hoped the Council would take a strong position on this.

Councillor Lorber referred to CIPFA's recent report about libraries which showed how poorly Brent compared to similar councils following the library closures that had happened in the borough. The future of the libraries had been frequently debated and there had been conflicting views over the implications but the CIPFA report suggested that those who said it would result in a worse service were right. He asked if his concern was shared over the low number of active borrowers in Brent which the CIPFA report suggested showed that the library service did not engage as well with the population when compared to other authorities. He also asked when a rethink on library policy would happen. Councillor Butt replied that the CIPFA report referred to an out of date period when the library service was undergoing significant change and it did not correlate with the present position. All the borough's libraries except the Town Hall library had been modernised and a new library would soon be provided at the Civic Centre. Usage figures now showed an increase and the decisions taken on the library service were now being justified.

It was Government action that had forced the Council to take hard decisions on the budget but funds were being used in the most efficient and effective way. Councillor Lorber submitted that the Council needed to take serious account of the CIPFA report which set out that the borough had the fewest number of libraries as a proportion of population, that the number of active users had declined, that 25% less than other authorities was spent on the service and that there was poor use of volunteers. Councillor Lorber felt facilities could be improved if there was a more positive approach to using volunteers. He felt there had to be a change in Council policy and that funding streams to local government allowed the Council to invest more in its library service.

Councillor Van Kalwala referred to the reduction in the local government settlement recently announced and the impact this would have on the local community. He asked for reassurance over how the Council would manage with further reduced resources. Councillor R Moher replied that £100M had already been taken by the Government and the 2014/15 settlement would require a further £17M saving. She stated that it was difficult to reassure members over this. The Government had originally stated that it was a 4 year savings programme but this had now been extended and would continue to most affect the poorer members of the community. Councillor Van Kalwala responded by referring to the complexity of the settlement but pointing out that whilst Brent had a reduction in its spending power of £1.5M, St Albans Council's reduction was £95,000. This showed that the people of Brent were being badly affected by the actions of the present government.

Councillor Beck asked for reassurance that the Council would formally object to the massive block of flats that A2 Dominion had proposed for the Edgware Road on the Brent/Barnet border. This would present a burden on the quality of life for local residents with any compensating benefits only going to Barnet. He asked would the planning application be opposed. Councillor Powney replied that this was a planning matter and he was sure that officers would consider the application and be sure to submit any objections considered necessary. Councillor Beck responded that he understood a revised application had been submitted before Christmas last year and there was only two weeks left to object. He submitted that it was important that the Council stood up for its residents.

## **7. Reports from the Chairs of Overview and Scrutiny Committees**

Councillor Mashari presented the report from overview and scrutiny and invited councillors to submit any questions on its content to the respective chair.

NOTED

## **8. Changes to constitution**

RESOLVED:

that the changes made to the Constitution providing for the Director of Legal and Procurement to act as a Returning Officer for any elections of Councillors and as Electoral Registration Officer, shown as tracked changes in Appendix 1 to the report submitted, be agreed.

## 9. Motions

### 9.1 Credit unions

Councillor Butt moved the motion circulated in his name. He referred to the last 2 years during which what he regarded as the biggest decline in living standards had taken place; millions of households had been pushed deeper into poverty which had been made worse by cuts to welfare benefits. He stated that increased poverty led to increased debt. Credit Unions were a viable and ethical alternative to the loan shark companies and he felt there was much more that could be done to promote the use of them. Representatives of the Credit Union for Brent and Ealing (CUBE) were present at the meeting. Councillor Lorber expressed support for Credit Unions and referred to what he thought was the related issue of the proliferation of betting shops, which had made it easier for people to gamble. Councillor Lorber asked how CUBE had been selected out of all the credit unions operating and whether a proper selection process had been undertaken. He felt it was important that the Council did what it could to ensure people received proper advice about debt. Councillor Kansagra supported the motion and felt that the Council needed to do what it could to provide assistance and advice to those people who found it difficult to manage their finances.

Following a vote the motion was declared unanimously CARRIED.

RESOLVED:

- (i) that Council notes with alarm the unfettered growth of Pay Day Lenders in the borough and recognises the role that they play in increasing poverty and debt across Brent;
- (ii) that Council welcomes the progress being made by the "Movement for Change" to highlight the dangers posed to the community by Pay Day Lenders and in promoting credit unions as an alternative;
- (iii) that lenders charging interest at rates of 4,000% have no place in a modern society;
- (iv) that Council regrets that excessive interest rates as charged by Pay Day lenders are hampering the UK's economic recovery and causing misery to the already financially excluded;
- (v) that Council notes the Government's determination to increase the number of members of credit unions, recognises that in order to provide the best service for those that are financially excluded an equal number of members need to be paying into their credit union accounts by payroll deduction;
- (vi) that the well-established and productive partnership between CUBE, the credit union for Brent and Ealing and Brent Housing Partnership be continued;
- (vii) that Brent Council becomes a Corporate Member of the credit union subject to there being no legal constraints;

- (viii) that CUBE be promoted to tenants and residents across the borough;
- (ix) that improved access to CUBE for Brent Council staff be provided;
- (x) that the Council's partners and other employers in Brent be encouraged to allow payroll deduction so that their staff can more easily develop a savings culture;
- (xi) that representations be made to Brent MPs to support a rate cap on Pay Day lenders when next the opportunity arrives in Parliament;
- (xii) that schools in Brent be encouraged to use materials provided by the Personal Finance Education Group to improve the financial capability of the borough's school children;
- (xiii) that Councillor Pavey be appointed to champion Credit Unions across the Borough.

## 9.2 **Scrap the April parking charge increase**

Councillor Cummins moved the motion circulated in his and Councillors Beck, Cheese, Hashmi, Hopkins, Lorber, CJ Patel and Shaw's names which sought to scrap the April parking charge increase. He added that people were worried about the economy and yet the Council appeared to think it was acceptable to take more money from the motorist. There had been massive increases in charges and a decline in the high streets. Councillor Cummins submitted that people tended to go where there was free parking and these charges were dramatically affecting local businesses. Councillor J Moher stated that increases in charges were being kept to around the inflation rate at 3%. The charges were not being increased twice in one year. A decision had been taken to move to annual increases and the increase in January 2013 related to the year 2012/13 when there had been no increase. In addition, some people would not face an increase if they used low emission cars. Others faced an increase because it had been 11 years since the last increase. Councillor J Moher denied the parking account was used simply to raise money and stated that the income all went on providing improved transport services. Councillor HB Patel stated that whilst the Leader spoke of improving the lives of residents this was not happening with parking charges increasing and libraries closing. He referred to increases in penalty charges introduced in 2011/12 and submitted that neighbouring boroughs had reduced their charges thereby encouraging people into their areas. He suggested that the first half hour parking should be free.

Following a vote the motion was declared LOST.

## 9.3 **Parking charges**

Councillor Kansagra moved the motion circulated in his name which sought to request the Executive to review parking charges and introduce one hour's free parking in appropriate shopping areas. He referred to neighbouring boroughs, especially Harrow, which he submitted did a better job of supporting businesses to flourish. He felt proud that Brent had not increased its parking charges over the years and stated that it was not good for the environment when people could not leave their cars at convenient places. Councillor J Moher moved an amendment to

the motion. He pointed out that the Executive was already undertaking a review and this would include proposals to charge by the minute and to introduce a lower charge for an initial period. Councillor Hashmi referred to examples of where it was difficult to park that were personal to him. He added that the parking revenue account was down on the previous year and suggested that the high streets would soon close down as supermarkets with car parks continued to be supported. He urged that small businesses be supported and parking charges reduced.

The amendment to the motion was put to the vote and declared CARRIED.

RESOLVED:

- (i) that it be noted that due to huge government cuts in its grant the Labour Administration has had to raise parking charges in the borough as a means of paying for transport-related services and that it plans to increase charges in 2013 in line with inflation;
- (ii) that it be noted that as parking charges have gone up, some revenue collected has decreased; the Council is aware of the serious repercussions for businesses who are suffering from a lack of trade as a result of the deep recession, supermarket competition and on-line shopping, as the Portas report concluded, with parking charges being just one of seventeen factors identified;
- (iii) that it be noted that the Executive is currently reviewing the parking charges in the borough in order to aid residents and support local businesses in these difficult economic times.

#### 9.4 **Childcare**

The motion circulated in Councillor Mashari's name was put to the vote and declared CARRIED.

RESOLVED:

- (i) that the great economic and social value of helping parents of young children to return to work or enter employment be recognised but the difficulty meeting the high child care costs and find suitable part time positions be understood;
- (ii) that in order to support young families, the arrangements for accommodating part-time contracts be reviewed, the use of community benefit clauses to enshrine provision for child care in future tenders be investigated and the Mayor of London be lobbied to adopt part-time weekly Oyster cards

#### 9.5 **Impact of welfare benefits up-rating bill on people with disabilities**

The motion circulated in Councillor Oladapo's name was put to the vote and declared CARRIED.

RESOLVED:

- (i) that the fact that households which include disabled people are more likely to be affected by the Government's decision to restrict most benefits to below-inflation increases be deplored;
- (ii) that it be noted that the Government's own impact assessment of the welfare benefits up-rating bill shows households where someone is disabled "are more likely to be affected than those where there is not a person who describes themselves as disabled";
- (iii) that the restrictions which will leave some households with disabled people having to choose between eating and heating on a regular basis be noted;
- (iv) that the Government be called on to immediately reverse its decision for the sake of disabled families across the UK.

#### 9.6 **Sustainable Communities Act**

The motion circulated in Councillor Colwill's name was put to the vote and declared unanimously CARRIED.

RESOLVED:

That Brent Council:

- (i) supports the bottom up process set up by the Sustainable Communities Act that enables councils to drive action and assistance that central government gives councils to promote thriving local economies and communities;
- (ii) notes that the Act gives councils the power to make proposals to government for action and assistance from government to promote sustainable communities, and that those proposals can be for, but are not restricted to, new powers, removal of bureaucratic hurdles or a transfer of public money and related function from central control to local control;
- (iii) notes that the Act defines sustainable communities broadly, that definition having the 4 aspects of:
  - the improvement of the local economy,
  - protection of the environment,
  - promotion of social inclusion and wellbeing, and
  - increasing participation in civic, political and democratic activity;
- (iv) resolves to use the Act by inviting residents to come forward with proposals for action and assistance from central government and submitting those proposals, along with others the Council may have, each year; and
- (v) further resolves:
  - to inform the local media of this decision;
  - to write to local MPs, informing them of this decision; and

- to write to Local Works (at Local Works, c/o Unlock Democracy, 37 Gray's Inn Rd, London WC1X 8PQ or info@localworks.org) informing them of this resolution.

#### 9.7 **Children held in police cells under the Mental Health Act**

The motion circulated in the names of Councillors Beck, Hunter, Leaman and Lorber's was put to the vote and declared CARRIED.

RESOLVED:

- (i) to note that:
  - the results of a recent BBC investigation which revealed 347 children in England were detained in police cells under the Mental Health Act in 2011 with some being held for more than 24 hours and the youngest children being just 11 years old,
  - that often these children had committed no criminal acts,
  - that under the Mental Health Act children suspected of being mentally ill and in "need of care or control" can be taken to a safe place for assessment and that in exceptional circumstances, when psychiatric units or children's homes are unavailable, they can be placed in police cells;
- (ii) that the view of the Health Minister, Norman Lamb, that holding children who are unwell and have committed no crime in police cells is "completely unacceptable" be supported and that spending long periods of time in police cells is likely to increase a child's mental distress;
- (iii) that it be recognised that the police currently may have no alternative but to take children to police cells as the only place of safety and that the Association of Chief Police Officers admits that this is 'not the best answer' and concern be expressed that the Metropolitan Police were one of the few police forces not to respond in detail to the BBC's Freedom of Information request;
- (iv) that the Lead Member for Crime and Public Safety be requested to contact the Metropolitan Police to ask whether this practice occurs within Brent and if it does to bring together the Police, the Council and the local NHS to make sure that it ends as soon as is practically possible.

#### 9.8 **Future of social care**

An amendment to the motion circulated in the names of Councillors Beck, Brown, Hopkins, Hunter, Lorber and Shaw was tabled, put to the vote and declared CARRIED.

RESOLVED

- (i) to note that the report of the Commission on Funding of Care and Support chaired by Andrew Dilnot was sent to the Chancellor of the Exchequer and the then Secretary of State for Health on 4 July 2011 recommending, inter alia, that:

- a) a cap should be set on an individual's contributions, and
  - b) the upper threshold for means-testing should be raised;
- (ii) that the Social Care White Paper published in July 2012 represents progress towards these objectives but does not go nearly far enough to address the pressing needs of the Country;
- (iii) that the Government be called upon to:
- a) bring forward legislation to implement these two proposals without any further delay, and
  - b) ensure that the necessary funding provided to all local authorities is based upon the demographics of the eligible population rather than an arbitrary formula;
- (iv) that the Chief Executive be requested to write to the Secretary of State for Health outlining these concerns.

#### 9.9 DNA database

The motion circulated in the names of Councillors Beck, Hopkins, Hunter and Lorber was put to the vote and declared CARRIED.

#### RESOLVED:

- (i) that in a fair society it is not right that innocent people can have their DNA stored by the state and so it is noted with concern that since 2004, the UK's National DNA Database (NDNAD) has been permitted to hold DNA samples of any individual arrested of an offence, regardless of whether that individual was actually charged or convicted;
- (ii) that it be noted that over million people, who have never been given a conviction, caution or formal warning are estimated to be on the National DNA database and acknowledges that the European Court of Human Rights found indefinite DNA retention to be in violation of Article 8;
- (iii) that whilst recognising that DNA evidence can be an important tool in criminal investigations, the indefinite retention of the DNA of innocent people constitutes a disproportionate intrusion by the state;
- (iv) that the Government's announcement that all DNA samples held for innocent people will be destroyed by May 2013 be welcomed and the provisions within the Protection of Freedoms Act 2012 ending the illiberal policy of permanent DNA retention for individuals not charged or convicted of any crime be endorsed;
- (v) that the Metropolitan Police's Early Deletion Request Scheme be supported and the Metropolitan Police be called upon to ensure that this is adequately publicised among Brent residents and a link to the Early Deletion Request Scheme be placed on the Council's website and the scheme be highlighted in the next edition of the Brent Magazine.




10. **Urgent business**

None.

The meeting closed at 8.35 pm

COUNCILLOR MICHAEL ADEYEYE  
Mayor

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	<p><b>Full Council</b> 25 February 2013</p> <p><b>Report from the Director of Regeneration &amp; Major Projects</b></p>
For Action	Wards affected: ALL
<p><b>Community Infrastructure Levy and S106 Planning Obligations</b></p>	

## 1.0 Summary

- 1.1 Government legislative changes mean the Community Infrastructure Levy will replace S106 Planning Obligations as the vehicle for funding the infrastructure that supports growth and development. Authorities will collect Community Infrastructure Levy contributions from developers to pay for the infrastructure requirements created by new development, with S106 Planning Obligations restricted in the main to site specific matters.
  
- 1.2 After two rounds of public consultation and an examination in public, the Council is now in a position to adopt the Brent CIL Charging Schedule. Concurrently, S106 arrangements will be revised through the adoption of the S106 Planning Obligations Supplementary Planning Document (Appendix 1), as agreed at Executive on 13<sup>th</sup> February 2012.
  
- 1.3 The Executive, at its meeting on 11 February 2013 agreed to submit the recommendations below to Full Council for approval.

## 2.0 Recommendations

That Council:

- 2.1 Approve the Brent CIL Charging Schedule, with a CIL commencement date of 1<sup>st</sup> July 2013, subject to the procedures surrounding the settlement of such a date.
  
- 2.2 Authorise adoption of the S106 Planning Obligations Supplementary Planning Document, as agreed by the Executive on 13<sup>th</sup> February 2012, to come into effect concurrently with the CIL commencement date of 1<sup>st</sup> July 2013.

- 2.3 Authorise that CIL can be paid in instalments in line with the policy detailed below (3.2.3 and 3.2.4)

### **3.0 Background**

- 3.0.1 The Planning Act 2008 (“PA 2008”) and Community Infrastructure Levy Regulations 2010 (“the 2010 Regulations”) (subsequently amended in 2011 and 2012) have introduced legislative changes to the planning framework which make the Community Infrastructure Levy (“CIL”) the government’s preferred vehicle for the collection of pooled development contributions to fund the infrastructure needed to support growth and development. The new regulations restrict S106 agreements to necessary site related matters, and will limit the local use of S106 planning obligations for pooling developer contributions. CIL will replace the Council’s S106 standard charge on planning agreements. CIL is predicted to provide increased funding for infrastructure compared with S106, as CIL will apply to more development schemes, including smaller developments, which often contribute little under the current S106 system.
- 3.0.2 CIL is chargeable on most development resulting in a net increase of more than 100m<sup>2</sup> of floorspace or where one or more dwelling are created by the development. Material change of use, or conversion, of any land or building is not development for the purposes of CIL. Charities and minor development also have exemptions from CIL and Affordable Housing has relief from CIL.
- 3.0.3 Executive agreed to move towards the adoption of CIL in October 2011. After consulting on the Preliminary Draft Charging Schedule in the winter of 2011 and the Draft Charging Schedule in the summer of 2012, officers submitted the Draft Charging Schedule to the Planning Inspectorate in September 2012 and an Examination in Public was held in November 2012.

### **3.1 Brent CIL Charging Schedule**

Brent’s Draft Charging Schedule was examined at an Examination In Public (EIP) in November 2012 before an independent inspector. The Inspector considered representations made by objectors who wanted the CIL charge amended or removed and also considered the Council’s evidence in support of the CIL. The Planning Inspector’s Report (Appendix 2) sets out his conclusions on the main issues raised at the EIP. He finally concludes that, as amended, the Brent Community Infrastructure Levy satisfies the requirements of Section 212 of the PA 2008 and therefore meets the criteria for viability in the 2010 Regulations (as amended) and therefore recommends that the Charging Schedule be approved.

Prior to closing the EIP, the Inspector gave an opportunity for the public to be re-consulted on a change that the Council sought during the examination. This was to lower the CIL charge on retail warehouse clubs (from £40 per sqm to £14 per sqm) as a consequence of evidence submitted by Costco. The Council accepted Costco’s evidence and put forward the change. During the public consultation that took place after the hearing, there was one objection to the proposed change. The objector argued that warehouse clubs should be

treated as other retail uses and this would be in line with statutory guidance on the matter. The Inspector has rejected this argument in his report (paragraphs 45 and 46). The objector has made further representations to the Council arguing that the Council accepted that warehouse clubs were the same use as retail uses and that only now has the Council changed it's mind and that they are different uses. In response, the Council argues that in our position statement we specifically refer to warehouse club uses as sui generis uses (i.e. a different use from retail use) and that is how they are presented in the Charging Schedule. In the Council and Costco position statements, and our statement of common ground with Costco, there is not only acceptance of warehouse club uses being sui generis uses, but also reference to the recognition of the nature of Costco Warehouse Clubs being a combined warehouse/retail use (being 65% warehouse and 35% retail), a matter accepted by the Secretary of State.

To be clear, your officers accept the evidence for a £14 per sqm CIL rate for warehouse clubs and that warehouse clubs are sui generis in use. The Inspector concludes in paragraph 19 of his report that there is no reason why the Council should not choose to base its Charging Schedule on the Use Classes Order. New guidance issued in December of last year (para 35 of the CIL Guidance December 2012) notes that the definition of "use" for generating a Charging Schedule is not tied to the classes of development in the Town and Country Planning Act (Use Classes) Order 1987, although that Order does provide a useful reference point. Officers therefore conclude that there is a sound basis for adopting the Charging Schedule (attached as Appendix 3) and the proposed CIL rates set out below:

#### **Charging Schedule - Rates of CIL**

<b>Use</b>	<b>Charge per sqm</b>
Residential (Use Classes C3 & C4), Residential Institutions, except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui Generis)	<b>£200</b>
Hotel (Use Class C1)	<b>£100</b>
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants & Cafes (Use Class A3), Drinking Establishments (Use Class A4), Hot Food Take-aways (Use Class A5), Office (Use Class B1a), All Sui Generis uses except Student Accommodation, Hostels, HMOs, Public Transport Stations, Theatres, Water and wastewater infrastructure, Fire stations and fire service facilities, Police stations and police facilities, and Warehouse Clubs	<b>£40</b>
Warehouse Clubs (Sui Generis)	<b>£14</b>
Assembly and Leisure, excluding Public Swimming Pools (Use Class D2)	<b>£5</b>

<p>Light Industry and Research &amp; Development (Use Class B1b&amp;c), General Industrial (Use Class B2), Storage &amp; Distribution (Use Class B8), Health, Education, Public Libraries, Museums, Public Halls and Places of Worship (Use Class D1a-h), Hospitals (Use Class C2), Public Swimming Pools (Use Class D2), Public Transport Stations, Theatres, Water and wastewater infrastructure, Fire stations and fire service facilities, and Police stations and police facilities (Sui Generis)</p>	<p><b>£0 (Zero Charge)</b></p>
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**\*The above charge will apply across all of Brent, in addition to the Mayoral CIL of £35 per sqm.**

### 3.2 Implementation

3.2.3 The main purpose of this report is to formally adopt the Council's CIL Charging Schedule. Officers will produce a further report in around the summer of 2013 setting out options for CIL expenditure. CIL will apply to all planning permissions issued on or after the Charging Schedule comes into effect. Officers recommend Council approve a commencement date of 1<sup>st</sup> July 2013 to allow, where practicable, pending planning applications to be decided, business systems to be updated across services, final notice to be given to the development community as to the proposed change, and other transitional administration to be completed.

3.2.2 Officers will publish the Charging Schedule on the Councils website and also, as agreed at Executive on the 13<sup>th</sup> June 2012, issue a statement to the effect that the Council will make discretionary relief from the Community Infrastructure Levy in exceptional circumstances available in the borough and will consider in kind land payments in satisfaction of the Community Infrastructure Levy.

3.2.3 The CIL Regulations require that CIL be paid in full within 60 days of the commencement of any chargeable development, however also allow charging authorities to issue an instalments policy. Instalments policies aid the viability and deliverability of development proposals. Payment of CIL by instalments improves development cashflow, for which the difficulty of financing tends to be proportionate to the size of development, the level of costs and the length of the build programme. The Mayor introduced a Londonwide CIL on the 1<sup>st</sup> April 2012 which is intended to raise £300 million for Crossrail. Mayoral CIL in Brent is charged at £35m2. The Mayor is expected to introduce an instalments policy which will apply to not only Mayoral CIL but, in the absence of local instalment policies, any CIL charges adopted by London boroughs. The Mayor's instalment policy requires

- Developments with a CIL liability value\* < £500,000 should make a single payment not more than 60 days after commencement.

- Developments with a CIL liability value\*  $\geq$  £500,000 should have the option to make two payments
  - The greater of £500,000 or half the value of the total payment 60 days after commencement; and
  - The remainder 240 days after commencement (i.e. 180 days + 60 days allowance).

3.2.4 Brent's Local Development Framework identifies a number of strategic development sites across the borough which have the capacity for sufficient development to potentially yield multimillion pound CIL payments. Officers recommend that a local instalment policy be introduced on the adoption of the Brent CIL which follows the Mayor's instalment policy, but introduces an additional payment structure for such larger strategic developments.

- Developments with a CIL liability value\*  $\geq$  £3,000,000 should have the option to make three payments
  - The greater of £1,000,000 or one third of the value of the total payment 60 days after commencement; and
  - The greater of £1,000,000 or one third of the value of the total payment 240 days after commencement; and
  - The remainder 450 days after commencement

\*CIL liability value = Mayoral CIL liability value (where no Borough CIL exists); or cumulative Mayoral + Borough CIL liability value (where Borough CIL exists)

### **3.3 Spending CIL: Strategic Infrastructure Plan & Regulation 123 List**

3.3.1 Brent's Infrastructure & Investment Framework (I&IF) was agreed as part of the Council's Local Development Framework Core Strategy in May 2009 and sets out the major infrastructure needs of the growth areas and other areas in the borough. In preparing for CIL officers updated the I&IF. Global infrastructure costs now stand at £406m, with significant pressure on school places requiring greater capital spend on education and driving the bulk of the uplift verses the 2009 figures.

3.3.2 Whilst the I&IF demonstrates demand for infrastructure to support growth it is not comprehensive and in particular is currently silent on the prioritisation of spend. Officers propose to draw up a Strategic Infrastructure Plan (SIP) to present to members in the spring. The SIP will build on the I&IF and provide a comprehensive picture of the borough's strategic infrastructure needs, then map out and assess the regenerative benefits associated with each infrastructure project. The I&IF already demonstrates that CIL, when combined with other sources of capital investment and funding, will not deliver all the borough's strategic infrastructure needs. Prioritisation is inevitable, and careful consideration of the regeneration benefits associated with identified

infrastructure projects is therefore essential.

- 3.3.3 The SIP will also need to address the procurement challenges thrown up by the introduction of CIL. Where previously developers often built out infrastructure works under S106 agreements, now the Council will increasingly have opportunities to directly procure infrastructure works to be funded through developer cash contributions secured through CIL. The Council will want to ensure the best possible value for money in such cases but will also need to coordinate closely with the developer community to ensure timely delivery and that development does not stall due to lengthy procurement process. The Council also recognises that in some cases, for example larger strategic development projects where infrastructure is heavily integrated into a broader capital construction programme, developers may be better placed to deliver infrastructure projects and joint procurement exercises may need to be undertaken. Specialist legal advice will be required in order to determine what options will be available to the Council within State Aid legislation and will inform the SIP procurement strategy.
- 3.3.4 The Council's Regulation 123 list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL will be derived from the SIP. In addition, the government had indicated through the Localism Act, that a proportion of CIL would be spent in accordance with the wishes of the local community. Further clarification of what this will mean has now been announced by the Planning Minister and it is anticipated that the necessary Order will be in place in the spring of this year. The proportion of CIL to be allocated for 'community spend' will be 15%, increasing to 25% within areas covered by an adopted Neighbourhood Plan. It is understood that in areas where there are no Parish Councils, the Council will control the spend and in areas covered by a Neighbourhood Plan, the Council will remain the accountable body. The government has also confirmed that there will be no relaxation or change at the present time to allow CIL receipts to be spent on affordable housing.

#### **4.0 Legal Implications**

- 4.1 The legal implications detailing the statutory framework for CIL are already covered in the body of this report. As mentioned above, the Community Infrastructure Levy (CIL) is a new planning charge that came into force on 6<sup>th</sup> April 2010. It allows local authorities to raise funds through a tariff based approach from developers undertaking new building projects in their area. The money can be used to fund a wide range of infrastructure that is needed as a result of development. It applies to most new buildings and charges are based on the size and type of new development. If Members are minded to elect to levy CIL then the Council as a charging authority will have to prepare and publish a charging schedule. Details of this are contained in this report to which the Director of Legal and Procurement has had an input.
- 4.2 The charging schedule will sit within the Local Development Framework but will not form part of the statutory development plan nor will it require inclusion within the Local Development Scheme.



4.3 In permitted circumstances the Council will still insist on a developer entering into S106 obligations. However, this requirement will only be used where the identified pressure from a proposed development cannot effectively be dealt with by conditions and the infrastructure requirement is not covered by CIL. Consequently, standard charging will therefore be removed from S106, which will now focus on these mitigations:

- New streets, Travel Plans, Permit Free schemes
  - Sustainability, Code for Sustainability Homes, BREEAM
  - Affordable Housing – including definitions, off site provisions and in-lieu contributions
  - Street tree planting and landscaping
  - Local employment and training provision
  - Community and cultural facilities
- 
- Other obligations, such as: public access / community agreements, public rights of way; community or affordable workshop space; servicing agreements; CCTV; highways improvements, adoption of new highways (S38 /S278 agreements); listed building improvements; allowance of future connection of the site to any Decentralised Heat / Energy network (in areas with a proposed DHE Network); contributions for loss of D1 space (Policy CP23); contributions for significant under provision of amenity space; join and adhere to the Considerate Contractors scheme.

4.4 As soon as practicable after the charging authority approves a charging schedule in accordance with section 213 of the PA 2008 it must comply with the following procedural steps—

- (a) publish the charging schedule on its website;
- (b) make the charging schedule available for inspection at the places at which documentation was made available for the Draft Charging Schedule consultation
- (c) give notice by local advertisement of the approval of the charging schedule, that a copy of the charging schedule is available for inspection, and of the places at which it can be inspected;
- (d) give notice to those persons who requested to be notified of the approval of the charging schedule that it has been so approved; and
- (e) send a copy of the charging schedule to each of the relevant consenting authorities.

## 5.0 Financial Implications

### **Estimated CIL receipts vs. Current S106 receipts**

5.1 CIL has the potential to form a major future source of revenue for the Council, supporting its infrastructure work and associated administrative costs. CIL is part of a new mix of funding including retained business rates and New Homes Bonus and provides an opportunity to link the Council's revenue generating activities and the LDF strategy to deliver regeneration and growth.

- 5.2 CIL is a new and different system of securing infrastructure to support development and is not intended to replicate S106 collection. The Council must set rates that meet infrastructure requirements and continue to bring forward viable development. Officers have set the proposed CIL rates with this in mind. However, as a subsidiary exercise we have estimated projected receipt of both so that members could get some idea of potential outcomes. It is indeed the case that S106 and CIL are likely to be broadly similar on larger scale mixed sites. This is not a surprise because it means that both S106 and CIL are set at rates that have not or will not hamper development. Officers have also estimated the potential annual CIL take against S106. It is predicted that this may be slightly higher than overall S106 annual sums, mainly because CIL will be applied to a wider range of development sites and CIL will be applied to developments at a smaller scale than S106. The key principle that Members must have in mind is that CIL provides a reasonable sum for infrastructure without hindering development proposals. The intention is not to set CIL at a maximum – indeed any CIL sum that is too high will prevent development and add nothing to the overall fund. The real benefit of CIL is that CIL is not so restricted by area or type of infrastructure expenditure as S106 and can be planned and spent on a borough wide basis, linking with the Council's capital programme.

### ***Reimbursement of expenditure incurred and repayment of loans***

- 5.3 Charging authorities may not borrow on the strength of getting future CIL revenue to pay for a piece of infrastructure early, however CIL Regulations cover circumstances where a charging authority can apply CIL to reimburse expenditure already incurred on infrastructure. Where a charging authority, other than the Mayor, has borrowed money for the purposes of funding infrastructure, it may apply CIL to repay that money if certain conditions are met, most notably that the amount of CIL that can be applied to repay borrowed monies is conditional on Secretary of State direction.

### ***Payment and Non-Payment of CIL***

- 5.4 The Council will be able under certain conditions to accept one or more land payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development.
- 5.5 Late interest is chargeable at 2.5% above the Bank of England base rate from the due date of payment of CIL and in the case of non payment of CIL authorities can order relevant development activity to cease.

## **6.0 Diversity Implications**

- 6.1 Most S106 agreements are directly linked to planning policy requirements that have been the subject of public consultation and examination, and an equalities impact assessment. The planning strategy for Brent (London Plan and the LDF) reflects the needs of the borough's diverse community.

The Community Infrastructure Levy will assist the Council in funding a wide range of infrastructure projects across the Borough which will be not only

support growth, but at the same time help to meet the needs of local people. The Localism Bill will require the Council to consult with communities regarding the CIL collected within their area and which infrastructure projects that CIL will be spent on, including local projects. This will require the allocation of CIL to be both transparent and accountable, thereby helping to ensure an equitable distribution of CIL across the borough and that communities are given a level of infrastructure funding that is appropriate to the impact of new development within their area.

An Impact Needs / Requirement Assessment has been undertaken and is available as a background paper to this report.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

- 7.1 A specialist vacant post within Planning was filled in November 2012, with the remit having been broadened to cover CIL. The Council has the ability to use a small proportion (up to 5%) of local CIL receipts to cover administrative costs; the Council are also entitled to a small proportion (up to 4%) of Mayoral CIL to cover the costs of collecting Mayoral CIL.

### **Background Papers**

CIL Executive Report dated 17<sup>th</sup> October 2011  
CIL Executive Report dated 13<sup>th</sup> February 2012  
CIL Executive Report dated 13<sup>th</sup> June 2012  
Impact Needs / Requirement Assessment 6<sup>th</sup> January 2012

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## **S106 Planning Obligations**

### **Summary**

Section 106 agreements (s106) are legal agreements between local authorities and developers, which are usually linked to planning permissions. These are also sometimes known as planning gain, planning benefits, community benefits or planning obligations. s106 agreements are used when there is a requirement to mitigate the impact of a development and the impact itself cannot, due to legislative restrictions, be dealt with through the imposition of planning conditions on the permission. Where they are required, developers would normally be expected to complete any s106 agreement before permission can be issued.

The introduction of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010, as amended, will result in significant changes to the way that developments contribute towards the provision of infrastructure that is required to support sustainable growth across the borough. Whilst previously contributions towards infrastructure were secured through s106 legal agreements, under a tariff, or standard, charging approach, in the future this approach will become less effective as a means of providing the necessary infrastructure due to restrictions on the pooling of contributions due to be introduced in April 2014. Instead, in the future, the Council will seek to secure contributions towards Infrastructure through the imposition of a Community Infrastructure Levy which will provide a more appropriate and flexible way of securing contributions towards infrastructure from new developments.

Despite these changes to infrastructure funding, s106 agreements will continue to provide a valuable means of securing other site specific mitigation required in order to make developments acceptable in planning terms. This could include ensuring that developments meet sustainability objectives or provide sufficient levels of affordable housing although s106 agreements could be used to secure a much wider range of measures providing that they are:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

This Supplementary Planning Document (SPD) proposes to replace the previous s106 Planning Obligations SPD, which included a standard charge, with a policy document focused on mitigating the direct impacts of development.

### **Scope of the Supplementary Planning Document (SPD)**

This document has been developed as part of the London Borough of Brent (LBB) Local Development Framework (LDF). The Town and Country Planning (Local Development) Regulations 2004, as amended, requires local authorities to go through an independent examination of their Development Plan Documents (DPD), and the Council has already adopted the Core Strategy 2010, and the Site Specific Allocations 2011. The Council is also progressing, in parallel with this document its Community Infrastructure Levy Charging Schedule.

This Supplementary Planning Document, once adopted, will form part of the Local Development Framework and will be a material consideration in the determination of planning applications. However, as the document is supplementary to higher level policy although it is required to go through a period of public consultation, it is not required to go through an independent examination.

### **Policy**

This SPD has been produced in accordance with the following planning legislation and policy documents.

- Community Infrastructure Levy Regulations 2010, as amended
- Planning Policy Statement 12 : Local Spatial Planning
- Circular 05/05 - Planning Obligations
- The London Plan 2011
- The London Borough of Brent LDF Core Strategy

In particular, this guidance is intended to supplement the policies and supporting text contained in the LDF Core Strategy. Within the Core Strategy the following policies are considered to be of particular relevance in terms of supporting the general imposition of appropriate planning obligations.

- CP14 – Public Transport Improvements
- CP15 – Infrastructure to Support Development
- CP18 – Protection and Enhancement of Open Space, Sports & Biodiversity
- CP19 – Brent Strategic Climate Change Mitigation and Adaptation Measures
- CP21 – A Balanced Housing Stock
- CP23 – Protection of existing and provision of new Community and Cultural Facilities

## Standard Heads of Terms

Wherever possible, on all major developments, and on other developments that would be unacceptable in planning terms without adequate mitigation, the Council will seek to secure measures through s106 agreements that would allow sustainable development to proceed. Whilst it is acknowledged that the Heads of Terms for any s106 agreement should be based on the specific impacts of the proposed development, many proposals raise similar planning issues and therefore the following list has been produced as a guide to those Heads of Terms that are most likely to be included within any s106 agreement. This list is not intended to be in any way exclusive, or exhaustive, in terms of the planning obligations that may be considered necessary by the Council to make a particular development acceptable in planning terms. For example, some sites may have specific constraints, such as exceptional heritage or flood risk sensitivities, which will require the drafting of bespoke Heads of Terms to provide the necessary mitigation.

<p>Transportation</p> <p>Prior to any Occupation, repave, or reinstate, the footway adjoining the development to Council standards.</p> <p>Adhere to a 'Permit-Free' scheme whereby occupants of the development would not be entitled to permits for any on-street controlled parking zone</p> <p>Prior to any Occupation, submit for approval and adhere to a Travel Plan, including the provision of further mitigation if the targets within the Travel Plan are not met. The Travel Plan should be compatible with the i-trace software, or any successor.</p> <p>Prior to any Occupation to submit for approval and adhere to a servicing agreement.</p> <p>Prior to occupation, undertake agreed access and/or highway improvements. If this involves work to the public highway this may need to be subject to an agreement under s278 of the Highways Act 1980.</p>
<p>Sustainability</p> <p>Sustainability - submission and compliance with the Council's Sustainability check-list ensuring a minimum of 50% score is achieved. Compliance with appropriate Code for Sustainable Homes/ BREEAM, and carbon reduction standards in line with current local and regional planning policies. Adherence to the Demolition Protocol, with compensation should it not be delivered.</p> <p>An appropriate reduction in the sites carbon emissions through on-site renewable generation, which has no detrimental effect on local Air Quality</p> <p>Design in and allow a future connection of the site to any Decentralised Heat / Energy Network (in areas with a proposed DHE Network).</p> <p>Provide compensatory measures for any adverse impacts on biodiversity</p>
<p>Housing</p> <p>Specify the quantity and type of Affordable Housing to be provided on site. Normally Affordable Housing provision will be required on sites which have the capacity to provide 10 or more homes</p>

and be defined and delivered at an appropriate level, tenure and unit size mix, including family accommodation, which contributes towards the wide range of borough household needs. Normally affordable housing provision will be required on-site, but in exceptional circumstances this may be provided off site or through cash in lieu contributions which may be pooled (subject to any legislative restrictions)

To secure the occupation of student housing to specified educational institutions

#### Public Realm & Open Space

Prior to any occupation provide street tree planting, and other landscape improvements, along the public frontage of the site.

To provide compensatory measures for any under provision of amenity space, when developments are assessed against the Council's amenity space standards

Provide, prior to occupation, and maintain a CCTV system.

#### Employment

Prior to a Material Start, inform in writing Brent In2 Work (or any successor) of the projected amount of construction jobs and training spaces. During construction target 1:10 of the projected amount of construction jobs to Brent residents and for every 1:100 jobs provide paid training for a previously unemployed Brent resident or Brent school leaver for a 6 month period.

Provide affordable employment or retail space within a development

#### Community & Cultural

Provide new, or compensatory, community or cultural facilities

Provide public access through a community agreement should the development include facilities suitable for community or cultural use

#### Miscellaneous

Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.

Join and adhere to the Considerate Contractors scheme

To ensure consistency and to provide developers with an outline of what is expected in terms of obligations, standard Heads of Terms have been established which will be provided to developers and agreed at the earliest point. The Heads of Terms will form an integral part of any report that may go before a planning committee, establishing the basic points of any agreement.



## **Infrastructure**

The infrastructure required to mitigate the impact of new development and support sustainable growth will predominantly be delivered through the Community Infrastructure Levy (CIL).

Sometimes the Council will still use s106 powers but this will be limited to funding local site specific measures in line with the tests set out in CIL regulations 122 and 123. For example to compensate for the loss of facilities existing on a development site, such as the loss of a school, open space or community facility or compensation for the loss of a site's value, e.g. nature conservation.

The Council will make discretionary relief from CIL in exceptional circumstances available in the borough, in line with the CIL regulations (55-58). The council will issue a statement to this effect after adoption of any local CIL charge in line with Regulations (56).

The Council will also consider in kind land payments in satisfaction (of whole or part) of the CIL amount due, in respect of any particular development, in line with CIL regulations 73 and 74.

In conclusion the main burden for infrastructure will fall on CIL. S106 Planning Obligations are intended to deal with mostly site related and local matters.

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# Charging Schedule



## London Borough of Brent

### Planning Act 2008 - Community Infrastructure Levy Regulations 2010

The London Borough of Brent is a charging authority according to Part 11 of the Planning Act 2008 and may therefore charge the Community Infrastructure Levy on development within Brent. The Council intends to charge differential rates of CIL to be determined by the land use of a proposed development (expressed as pounds per square metre) as set out in the following table.

#### Charging Schedule - Rates of CIL

Use	Charge per sqm
Residential (Use Classes C3 & C4), Residential Institutions, except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui Generis)	<b>£200</b>
Hotel (Use Class C1)	<b>£100</b>
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants & Cafes (Use Class A3), Drinking Establishments (Use Class A4), Hot Food Take-aways (Use Class A5), Office (Use Class B1a), All Sui Generis uses except Student Accommodation, Hostels, HMOs, Public Transport Stations, Theatres, Water and wastewater infrastructure, Fire stations and fire service facilities, Police stations and police facilities, and Warehouse Clubs	<b>£40</b>
Warehouse Clubs (Sui Generis)	<b>£14</b>
Assembly and Leisure, excluding Public Swimming Pools (Use Class D2)	<b>£5</b>
Light Industry and Research & Development (Use Class B1b&c), General Industrial (Use Class B2), Storage & Distribution (Use Class B8), Health, Education, Public Libraries, Museums, Public Halls and Places of Worship (Use Class D1a-h), Hospitals (Use Class C2), Public Swimming Pools (Use Class D2), Public Transport Stations, Theatres, Water and wastewater infrastructure, Fire stations and fire service facilities, and Police stations and police facilities (Sui Generis)	<b>£0 (Zero Charge)</b>

**\*The above charge will apply across all of Brent, in addition to the Mayoral CIL of £35 per sqm.**


### **Calculating the Chargeable CIL**

CIL applies to the gross internal area of the net increase in development. The amount to be charged for each development will be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended). When calculating the CIL liability for a development the relevant rate (R) is the differential rate relating to each specific use as set out in this Charging Schedule.

This Charging Schedule has been issued, approved and published in accordance with Part 11 of the Planning Act 2008 and the Community Infrastructure Regulations 2010, as amended.

Following an Examination In Public this Charging Schedule was approved by the Council on 25<sup>th</sup> February 2013

This Charging Schedule takes effect on 1<sup>st</sup> July 2013

	<p><b>Full Council</b> 25 February 2013</p> <p><b>Report from the Interim Assistant Director People and Development</b></p>
<p><b>Localism Act 2011 – Pay Policy Statement</b></p>	

## 1.0 Summary

- 1.1 Section 38(1) of the Localism Act 2011 requires England and Welsh local authorities to produce a pay policy statement for 2012/13 and subsequent financial years. The Act does not apply to local authority schools. The purpose of this report is to inform members of the arrangements that have been put in place in Brent Council to meet the requirements of the Act.
- 1.2 The pay policy statement for Brent is attached. The statement is consistent with the specific requirements of the Act detailed in the body of this report and sets out all the factual pay information in relation to those requirements. The Act requires the statement to be produced on an annual basis by 31 March each year.
- 1.3 A review of pay and terms and conditions has been undertaken as part of the One Council Programme. Details of the changes implemented on 1 January 2013 are shown in the attached pay policy statement.
- 1.4 The Act requires the pay policy statement to be approved by a meeting of Full Council.

## 2.0 Recommendation

- 2.1 It is recommended that the draft Pay Policy Statement attached to this report be approved as an accurate and factual representation of the council's pay arrangements for 2013/14. Any updates required during the year will be brought back to a future meeting of Full Council for approval.

## 3.0 Detail

### **Requirements of the localism Act 2012**

- 3.1 The Localism Act 2011 sections 38-43 requires local authorities in England and Wales to publish a pay policy statement for each financial year beginning with 2012-13. This provision of the Act does not apply to staff in local authority schools.

- 3.2 The Act sets out the matters which must be included in an authority's pay policy statement as follows:
- the remuneration of its "chief officers";
  - the remuneration of its "lowest-paid employees" (together with the definition of "lowest paid employees" adopted by that authority for the purposes of the statement, and the reasons for adopting that definition); and
  - the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.
- 3.3 For the purposes of the statement the Act defines who is included under the term "chief officer". It includes the Head of Paid Services (Chief Executive), the Monitoring Officer, the statutory chief officers (directors) as well as non-statutory chief officers and deputy chief officers (managers who report directly to a chief officer).
- 3.4 Remuneration is also defined widely and includes not just basic pay/salary but also any bonuses, charges, fees e.g. election fees or allowances, benefits in kind, increases in/enhancements of pension entitlements and termination/severance payments. Remuneration in relation to employees who are not chief officers is also similarly widely defined.
- 3.5 The statement must set out the authority's policy on a number of specific aspects of chief officer remuneration:
- the level and elements of remuneration for each chief officer;
  - the remuneration of chief officers on recruitment;
  - increases and additions to remuneration for each chief officer;
  - the use of performance related pay for chief officers;
  - the use of bonuses for chief officers;
  - the approach to final payments to chief officers when they leave the authority; and
  - the publication of and access to information relating to remuneration of chief officers.

These are the policies a local authority complies with when appointing a chief officer or when a chief officer's employment is terminated.

- 3.6 The policy statement must be published on the authority's website and in any other manner the authority considers appropriate. There is no requirement to include specific numerical data on pay and reward within the statement. However, it is necessary to consider how the information in the statement fits in relation to the information authorities are already required to publish. For example, the Code of Recommended Practice for Local Authorities on Data Transparency and the Accounts and Audit Regulations 2011.

#### **Brent's Pay Policy Statement**

- 3.7 The policy statement for Brent has been prepared incorporating all of the above requirements. The statement is attached to this report. There are no new proposals or policy changes attached to the statement as the information reflects current practice and is strictly factual in nature.
- 3.8 The introduction to the statement refers to the People Strategy 2010 -14 which sets out the council's strategic priority to "build an agile and efficient workforce that adapts to change easily". This includes a review of financial and non-financial rewards and benefits offered by the council. With effect from 1 January 2013 a

simplified pay and grading scheme and a new core contract with standard terms and conditions was introduced. The key changes are detailed in the attached statement.

- 3.9 Brent's senior managers covered are those in the top three tiers in the management structure - the Chief Executive (Tier 1), Directors (Tier 2), Assistant Directors (Tier 3). This includes all statutory and non-statutory chief officer posts.
- 3.10 All references to terms and conditions in the statement are factual. Where appropriate a link to the relevant pay policy e.g. the council's pension arrangements, has been included.
- 3.11 In keeping with the requirements of the Act, the statement will be published on the internet with links to pay policy and information where appropriate.
- 3.12 As set out in the summary to this report the annual pay policy statement must be approved at a meeting of Full Council and published by 31 March each year. The information the Authority is required to publish is factual, based on the current pay arrangements. There are no requirements to make any changes to those arrangements. This meeting of Full Council is requested to approve the Pay Policy Statement for the Financial Year 2013/14.

#### **4.0 Financial Implications**

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

#### **5.0 Legal Implications**

- 5.1 The contents of the statement comply with regulation 38 of the Localism Act 2011. The approval of the pay policy will satisfy the technical requirements of regulation 39 of the Localism Act 2011.

#### **6.0 Diversity Implications**

- 6.1 There are no diversity implications arising from this report.

### **Background Papers**

Brent pay policy and pay information and arrangements

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**Interim Assistant Director People & Development**

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# **BRENT COUNCIL PAY POLICY STATEMENT**

**Financial Year 2013/14**

**March 2013**

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# BRENT COUNCIL PAY POLICY STATEMENT

Financial Year 2013/14

## Purpose

The Council's pay policy outlines Brent's policy on pay and benefits for all employees (excluding schools) and has been developed to meet the relevant statutory provisions of the Localism Act 2011.

The pay policy will be reviewed on an annual basis and any changes will be approved in advance of each new financial year.

The pay policy statement can be amended during the course of any financial year, but only by a resolution of the full council. If it is amended during the year to which it relates, the revised version of the statement will be published as soon as reasonably practicable.

## Strategic Context

The current and future pay and benefit arrangements are embodied in the council's People Strategy 2010/14. The council's Borough Plan and One Council programmes provide the strategic framework for the council's workforce and people priorities.

The overarching objective for the People Strategy is to have the right people, with the right skills, attitudes and experience, in the right place at the right time to enable the organisation to progress towards its vision, mission and live up to the values it holds dear.

Key objectives of the 2010/14 People Strategy are to:

- prepare the council's workforce to move and operate successfully when the Civic Centre opens in 2013;
- reduce staffing costs and raise overall productivity of the workforce through new ways of working;
- build a new, sustainable organisational model which is agile and fit for purpose.

The council is committed to being a good employer, has an excellent track record in employing a workforce which reflects the community and in order to recruit and retain a high quality workforce will pay its staff at salary levels which will attract top performers.

## **Review of Employee Benefits**

The council's pay arrangements and terms and conditions will have an impact on the ability of the council to fully realise its objectives and in ensuring the workforce is 'fit for purpose' and able to adapt its working arrangements for transition to the new Civic Centre. Under the One Council programmes and People Strategy umbrellas the pay policy and terms and conditions have been reviewed. The aim was to ensure fair and equitable pay and benefits arrangements to enable the council to recruit and retain a flexible, talented and performance focused workforce. A new core contract with revised terms and conditions was introduced and became effective on 1 January 2013. The key changes are:

- pay and grading has been simplified and standardised by moving to the GLPC pay spine
- A flexible core contract has been introduced
- A 36 hour working week - 5 days over 7, for all staff (with the exception of senior officers)
- A modern and flexible benefits package will be launched in March 2013
- Overtime has been standardised
- Lump sum payments for mileage have been abolished and all staff who use their car will claim mileage at HMRC rate of 45 pence per mile for the first 10,000 miles. This is a non taxable mileage rate.

## **Council Pay Rates and Scales**

Pay scales are reviewed annually in line with the National Joint Council agreements and are effective from 1 April.

The following pay scales have been adopted by the council:

- [GLPC Pay Scales](#) (job evaluated) (main pay scales)
- Senior Manager Pay Scales (senior managers)
- [Soulbury Pay Scales](#) (Education Psychologists, Advisors &,Inspectors)
- [Youth and Community](#) Pay Scales
- Teaching Pay Scales (for centrally employed local authority teachers)

## **Remuneration of Senior Management (Chief Officers)**

The council defines its senior management as the top 3 tiers in the management structure. This includes all statutory and non-statutory Chief Officer and Deputy Chief Officer roles. It comprises the Chief Executive, directors and assistant directors.

Currently the [pay, expenses and declaration of interest](#) are published for the Corporate Management Team which comprises the Chief Executive and the directors.

The council may, in exceptional circumstances, employ senior managers under contracts for services. The council generally will aim to pay such individuals at a rate consistent with the pay of directly employed staff performing a comparable role although there may be circumstances where a higher rate is warranted over the short term.

## **Remuneration of Lowest Paid Employees**

The council defines its lowest paid employees as those staff paid on the lowest established grade and scale point which in Brent is Scale 2 spinal point 10 of the GLPC Pay Scales currently £16290pa

## **London Living Wage**

The council has implemented the London living wage. This rate will apply to all staff who currently receive less than £8.55 per hour. This will not apply to apprenticeships and interns on training contracts

## **Pay Multiple**

The 'pay multiple' is the ratio between the highest paid salary and the lowest/median average salary of the council's workforce. The council's highest paid employee is the Chief Executive whose post is currently vacant and the current pay multiples are

Median salary is approximately 1:5

Lowest salary is approximately 1:9

The council has not set a target for a maximum multiple. The pay multiples have been reduced significantly from 2011/2012 as a result of the reduction in the Chief Executive's salary and the introduction of the minimum living wage.

## **Pay Grading**

Single Status was introduced in 2009 for staff on the main pay scales. Single Status introduced common job evaluation schemes and pay scales for the council's former manual workers, administrative, professional, technical and clerical employees with the exception of education psychologists, nursery nurses, youth & community workers, chief officers and the chief executive.

Senior staff, including chief officers have, locally determined rates of pay which are linked to national negotiations for the determination of pay awards. A revised pay and grading structure for senior officers is being proposed and will be made effective on 1 April 2013, after concluding consultation with affected officers. The new pay and grading structure will cap the maximum salary for the Chief Executive at £185,000p.a., which is £10,000 pa. less than the current maximum.

### **Local Conventions for the GLPC Job Evaluation Scheme**

Virtually all local authorities and organisations that use the GLPC Scheme have Local Conventions in place. Without Local Conventions, evaluators may interpret these terms differently – and hence gradings can be affected and consistency lost.

The council is planning to introduce Local Conventions to ensure that the scheme is applied consistently and fairly to all employees.

### **GLPC (General London Provincial Council) pay spine**

The council moved to the GLPC pay spine on 1 January 2013. It is very closely aligned to the existing NJC (National Joint Council) pay scales. The change is very minimal for most staff.

The pay grades have not changed.

### **Public Health Transfer**

Following major changes to the public health system, responsibility for public health will be transferred to local authorities with effect from 1 April 2013. A maximum of 18 staff will be transferring into the council under NHS terms and conditions including pay. A Director of Public Health will be recruited who will be employed on Brent terms and conditions.

### **Pay on Appointment**

All employees, including chief officers, are normally appointed on the lowest pay spinal column point for their job evaluated grade. Employees may be appointed at a higher point, where they are currently earning more than the lowest pay spine for the role and where it is considered that they already possess the skills and experience needed to justify such a higher salary.

The council delegates authority to the Senior Staff Appointments Sub-Committee to make recommendations to the Council on the appointment of all officers at assistant director level and above.

## **Annual Pay Progression**

Brent's pay policy is primarily based on evaluated pay grades, which each have a salary range comprising a number of incremental points. Other pay grades are nationally prescribed but also have incremental progression arrangements. Most employees incrementally progress through the pay grade for their job. Progression will normally be one increment (pay spine column point) on 1 April each year until the top of the grade is reached for those on the main pay scales (separate arrangements apply during the first year of service where the start date is between 1 October and 31 March) and on the anniversary of joining for those on senior manager pay scales.

Pay progression is subject to satisfactory performance and can be withheld as a disciplinary sanction.

## **Performance Related Pay and Bonuses**

Council employees including the Chief Executive and chief officers do not receive performance related payments or bonuses.

## **National / Regional Pay Agreements**

The council operates the national (JNC/NJC) and regional (GLPC) collective bargaining arrangements for pay and conditions of service for all employees, including the Chief Executive and chief officers. Pay is increased in line with national and regional pay agreements.

Exceptionally, there has been no annual pay award to any group of staff since April 2009. The Local Government Association has confirmed a pay freeze of inflationary pay awards for local government employees for 2012/13, which has resulted in a 3 year pay freeze. The government has also set a maximum public sector pay increase limit of 1% for 2013/14 and 2014/15. The pay award for 2013/14 has not been confirmed but is likely to be 1%.

The last national pay agreement award for the Chief Executive and chief officers was implemented in April 2008.

The last national pay agreement award for all other non-teaching employees was implemented in April 2009.

## **Market Supplements**

The council may apply [market supplement](#) payments to jobs with recruitment or retention difficulties in order to recruit or retain staff with special skills, experience or knowledge.

## **Fees for Election Duties**

Election fees paid to employees (including chief officers) who assist in elections are in line with the rates agreed by the Government whenever general, regional or European elections occur. Where local elections occur fees will be determined using the cross-London agreed rates.

## **Pension**

All non teaching employees are able to join the Local Government Pension Scheme. Teachers are able to join the Teachers Pension Scheme. Benefits for both schemes are paid in accordance with government regulations. NHS employees who transfer to the council under TUPE will have access to the NHS Pension Scheme.

## **Pension Auto Enrolment**

From October 2012, employers will automatically enrol workers into a workplace pension who:

- are not already in a qualifying pension scheme
- are aged 22 or over
- are under State Pension age
- earn more than £8,105 a year (this figure is reviewed every year), and work or usually work in the UK.

## **Payments on Termination of Employment**

In the event that the council terminates the employment of an employee on the grounds of redundancy the terms of the council's redundancy and early retirement arrangements will apply.

## **Re-employment of Employees**

Section 7 of the Local Government and Housing Act 1989 requires that every appointment to paid office or employment in a local authority shall be made on merit.



The re-engagement of employees, including chief officers, who were made redundant is subject to the council's re-engagement policy (contained within the council's Managing Change Policy). The policy sets out the minimum period a former employee must wait before being eligible to work for the council again, as well as outlining other restrictions.


## **Tax avoidance**

All permanent Brent staff including senior managers are paid through payroll which means that all taxes are deducted at source. A review of temporary staff has recently been concluded and it is Brent's policy to cover vacancies through the use of approved agency workers or by appointing staff on fixed term contracts. Temporary workers providing services through their own companies will be carrying out projects and generally not covering permanent roles apart from in exceptional circumstances. Where these situations do occur they will be limited in duration, usually to less than 6 months.

## **Publication and access to information**

Brent's annual Pay Policy Statement will be published on the website where it can be easily accessed. Information about chief officers remuneration is published on the council's website [www.brent.gov.uk](http://www.brent.gov.uk) in the section **Senior staff salaries**

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	<p style="text-align: center;"><b>Full Council</b> 25 February 2013</p> <p style="text-align: center;"><b>Report from Director of Legal and Procurement</b></p>
For Action	Wards affected All
<p style="text-align: center;"><b>Transfer of Public Health Functions – changes to the constitution</b></p>	

## 1.0 Summary

- 1.1 To amend the Constitution in accordance with the statutory requirements to appoint a Director of Public Health and to provide for the new Public Health functions.

## 2.0 Recommendation

- 2.1 To agree the Constitutional changes resulting from the transfer of public health functions from the National Health Service to the Council as shown in **Appendix A**.

## 3.0 Details

- 3.1 Section 30 of the Health and Social Care Act 2012 (“HSCA”) amends the National Health Service Act 2006 (“NHSA”) and provides that each local authority must appoint a Director of Public Health who will have responsibility for the exercise by the local authority of its functions relating to public health. The Director of Public Health is therefore a Statutory Chief Officer. The Director of Public Health will be required to prepare an annual report on the health of the people in the local authority’s area (Section 73B NHSA) which the council must publish. The HSCA also sets out a number of other statutory duties and responsibilities of the Director of Public Health and these are identified in general terms within the proposed changes to the Constitution.
- 3.2 The Council must act jointly with the Secretary of State in the appointment of the Director of Public Health. Statutory guidance sets out the process for recruitment and appointment. The Council must also consult the Secretary of State before terminating any appointment. Standing Orders relating to staff have been amended accordingly.
- 3.3 The public health functions are to be carried out within existing Council departments.

#### **4.0 Financial Implications**

None.

#### **5.0 Legal Implications**

The legal implications are included in the body of this report.

#### **6.0 Diversity Implications**

None

#### **Background Papers:**

Brent Council Constitution  
Executive report dated 12 November 2012

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**Director of Legal and Procurement**

## DEFINITIONS OF TERMS USED IN THE CONSTITUTION

Projects; Environment and Neighbourhood Services; Finance and Corporate Services; ; Legal and Procurement; Customer and Community Engagement; Strategy, Partnerships and Improvement; Children and Families

- **Corporate Strategy** means the document adopted by the Council setting out the Council's vision, values and key commitments for the next four years.
- **Council Functions** are those functions of the Authority which cannot be exercised by the Executive. These functions may be carried out by the Full Council, a Council Committee, Council Sub-Committee, Joint Committee of the Council, officers or any other person authorised by the Full Council to carry out Council functions. Council Functions cannot be carried out by the Executive.
- **Day** means a clear working day unless it is clear from another part or section of this Constitution that a different or alternative meaning is intended for the purposes of that part or section.
- **Delegated Powers** are powers to make decisions which are delegated by a decision making body to another decision making body or decision maker, such as an officer.
- **Deputy Mayor** means a councillor, not being a member of the Executive, appointed by the Mayor to act as his or her deputy. In the absence of the Mayor, the Deputy Mayor will perform the functions of Mayor except that the Deputy Mayor will only chair a Full Council meeting, in the absence of the Mayor, if chosen to do so by the members of Full Council at that meeting.
- **The Director of Public Health (DPH) is the officer appointed by the Council pursuant to National Health Service Act 2006 S73A. The DPH has the responsibilities and duties prescribed by statute, most particularly write the annual report on health of the local population, to improve public health, to carry out public protection and improvement functions delegated to the DPH by the Secretary of State, to plan and respond to emergencies that present a risk to public health**
- The **Executive** is the part of the Council which is responsible for implementing the Council's Policy Framework and Budget. The Executive is made up of the Leader and nine other councillors chosen by the Leader. The Executive will carry out all of the Authority's functions which are delegated to it by the Leader and that are not the responsibility of any other part of the Authority, whether by law or under the Constitution.
- **Executive Arrangements** are defined in section 10 of the Local Government Act 2000 as arrangements by a local authority-
  - (a) for and in connection with the creation and operation of an Executive of the authority; and
  - (b) under which certain functions of the authority are the responsibility of the Executive.
- **Executive Committees** are committees set up by the Executive or by the Leader and to which the Executive or the Leader has allocated Executive

<p>Director of Regeneration and Major Projects</p>	<p>Regeneration, urban renewal, economic development, building new education facilities, statutory land use, planning, development and building control, street naming and numbering, strategic transport planning, housing regeneration, affordable housing development, corporate property, facilities and premises management, Civic Centre Programme. All permanent and temporary housing, including temporary accommodation for asylum seekers, right to buy management, private sector housing services (including related environmental health functions), liaison and transactions with Housing Associations and homelessness and housing strategy.</p>
<p>Director of Environment and Neighbourhood Services</p>	<p>Arts, Libraries, museums, archives, environment, environmental health (other than in relation to private sector housing), highways and emergency operations, Brent transport services, transportation, streetcare, refuse and street cleansing, parks, parking and open spaces, cemeteries and mortuary, , licensing, street trading, trading standards, health and safety, contaminated land, accident prevention and emergency planning, waste management and recycling, street lighting, CCTV monitoring, pollution control, food safety, pest control, land charges, , , sport and leisure, leisure centres, London 2012.</p>
<p>Director of Strategy, Partnerships and Improvement</p>	<p>Policy development, strategic planning, improvement and efficiency programme, performance, partnership working, community safety, overview and scrutiny, complaints, liaison with the Ombudsman.</p>
<p>Director of Customer and Community Engagement</p>	<p>Media relations, internal and external communications, consultation with residents and other service users including Area Consultative forums, ward working and festivals, design and corporate identity, filming in the Borough, translation, interpretation, development of corporate diversity policies and advice on diversity policies and procedure, One Stop Shops, call centre, nationality service, Registrar of Births, Deaths and Marriages, and Mayor's Office.</p>
<p>Director of Legal and Procurement</p>	<p>Legal services, elections, member services, committee services, Standards Committee, Freedom of Information Act Section 36 determinations,, corporate procurement.</p>

**Head of Paid Service, Monitoring Officer and Chief Finance Officer and other  
Statutory Chief Officer posts**

13.3 The Council has made the following designations:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Director of Legal and Procurement	Monitoring Officer
Director of Finance and Corporate Services	Chief Finance Officer
Director of Children and Families	Director of Children's Services
Director of Adult Social Services	Director of Adult Social Services
<u>Director of Public Health</u>	<u>Director of Public Health</u>

### Structure

13.4 The Chief Executive determines and publicises a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

### Functions of the Monitoring Officer

13.5 (a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by councillors, officers and the public.

(b) **Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council or to the Executive in relation to an executive function, if he or she considers that any proposal, decision or omission has, may or would give rise to unlawfulness or to any maladministration which has been investigated by the Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) **Conducting investigations**

The Monitoring Officer will conduct investigations into matters referred to him or her by the Standards Committee and make reports or recommendations in respect of them to the Standards Committee.

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

**Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

13.8 The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**Functions of the Director of Public Health**

- 13.9
- (a) to write the annual report on the health of the local population
  - (b) to take steps to improve public health
  - (c) to plan for and respond to emergencies which present a risk to public health
  - (d) to carry out such public health functions or health protection functions as the Secretary of State may delegate or specify in regulations
  - (e) to co-operate with the police, probation service and prison service in accordance with the local authority's duties under Section 325 of the Criminal Justice Act 2003
  - (f) to be responsible for the Council's public health response under the Licensing Act 2003

**Conduct**

13.910 Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in the Constitution.



**STANDING ORDERS RELATING TO STAFF****74. Declaration by Candidates**

- (a) The Assistant Director, People and Management will draw up a statement requiring any candidate for appointment as an officer to disclose any relationship to a councillor or employee of the Council.
- (b) No candidate related to a councillor or a Chief Officer or the partner of such a person should be appointed without the authority of the Chief Executive.

**75. Seeking Support for Appointment**

- (a) Any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council shall be disqualified and wording to this effect shall be included in any recruitment information.
- (b) No councillor will seek support for any person for any appointment with the Council nor give a written reference or testimonial for any person for any appointment with the Council.

**76. Appointment and Dismissal of Staff not Covered by Standing Order 77 or Standing Order 82 (Director of Public Health)**

- (a) Appointment and dismissal of, and taking disciplinary action against, a person appointed to or holding a paid office or employment under the Council (as defined by the Local Authorities (Standing Orders) (England) Regulations 2001) must be discharged, on behalf of the Council, by the Chief Executive or his or her nominee and may not be discharged by councillors. This is subject to paragraph (c) below and except in the case of the posts mentioned in Standing Order 77b) or in the case of a person appointed in pursuance of section 9 of the Local Government and Housing Act 1989 (assistants for political groups).
- (b) The persons who have been nominated by the Chief Executive pursuant to paragraph (a) above are those listed in Paragraph 2.4 of Part 4 of the Constitution and persons authorised by them to act on their behalf.
- (c) Members will not be involved in the dismissal of any officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or in accordance with Standing Orders 79 or 80 or where the dismissal is required to be made by members by virtue of any legislative provision or any term or condition of any contract of employment.
- (d) In the case of the appointment or dismissal of the Assistant Director, People and Development the acts required under these Standing Orders Relating to Staff to be done by the Assistant Director, People and Development shall instead be done by the Chief Executive or a person nominated by him or her for that purpose.

**77. Appointments to Senior Management Posts**

- (a) The Assistant Director, People and Development shall be consulted on all appointments to posts covered by this Standing Order.
- (b) This Standing Order shall apply to the posts of:-
  - (i) the Chief Executive;

Management may proceed to give notice of the dismissal to the employee.

- (e) In the case of the dismissal of the Chief Executive the proposed dismissal must be approved at a meeting of Full Council before notice of dismissal is given.

**80. Staff Appeals Against Dismissal**

Appeals by members of staff against dismissal for misconduct shall be heard by the Staff Appeals Sub-Committees.

**81. Political Assistants**

An appointment of an assistant to a political group pursuant to section 9 of the Local Government and Housing Act 1989 shall be made in accordance with the wishes of that political group and in accordance with the provisions of that Act and any other applicable legislative provision.

The provisions include:

- (i) There shall be no more than one political assistant for each group that qualifies.
- (ii) Where a group does not qualify the group is prohibited from being allocated a political assistant.
- (iii) Parties must have at least 10% of the membership of the authority to qualify for a political assistant.
- (iv) On application of the rules the Labour Group and Liberal Democratic Group are allocated political assistants.

**82. Appointment and Dismissal of the Director of Public Health**

- (a) The arrangements for the appointment of the Director of Public Health are set out in the National Health Service Act 2006 Section 73A (as amended by the Health and Social Care Act 2012). The Council must have regard to the statutory guidance issued concerning the recruitment and appointment processes
- (b) The Local Authority must act jointly with the Secretary of State in the appointment of a Director of Public Health
- (c) Before terminating the appointment of the Director of Public Health the Local Authority must consult the Secretary of State

RESPONSIBILITY FOR FUNCTIONS

and Directions) Regulations	petitions.	
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	All references to the proper officer.	Democratic Services Manager unless otherwise specified in the Regulations or the Constitution.
Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer.	Chief Executive
Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988	All references to the proper officer	Director of Environment and Neighbourhood Services
Section 36 FOIA 2000	Qualified person for decision on exempt information not to be disclosed	Director of Legal and Procurement
Regulation 4 LASSNHSCR 2009	All references to the responsible person	Director of Adult Social Services
Local Democracy, Economic Development and Construction Act 2009 S31	To provide and support to overview and scrutiny committees	Director of Strategy, Partnerships and Improvement
<a href="#">National Health Service Act 2006 S73A</a>	<a href="#">Director of Public Health</a>	<a href="#">Director of Public Health</a>
Generally *	Any other proper officer function not otherwise designated.	Chief Executive

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