



**Brent**

**SUMMONS TO ATTEND COUNCIL MEETING**

**Monday 18 September 2017 at 7.00 pm**  
Conference Hall - Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

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

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

CAROLYN DOWNS  
Chief Executive

Date: Friday 8 September 2017

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

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

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

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

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

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

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

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

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

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

The business relates to or affects:

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

or

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

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

# Agenda

Pages:

## **1 Apologies for Absence**

To receive any apologies for absence for Members.

## **2 Minutes of the Previous Meeting**

1 - 22

To confirm as a correct record, the attached minutes of the previous meeting of Full Council on 10 July 2017.

## **3 Declarations of interests**

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

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

To receive any announcements from the Mayor.

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

To agree any appointments of Members to Committees, in accordance with Standing Order 37 (g).

## **6 Reports from the Leader and Cabinet**

To receive reports from the Leader and Cabinet in accordance with Standing Order 38.

## **7 Annual Report from the Leader**

To receive an annual report from the Leader in accordance with Standing Order 42.

## **8 Deputations (if any)**

To hear any deputations received from members of the public in accordance with Standing Order 39.

<b>9</b>	<b>Questions from Members of the Public</b>	23 - 30
	To receive questions from members of the public to be put to members of the Cabinet in accordance with Standing Order 39A.	
<b>10</b>	<b>Petitions</b>	
	For Councillors to refer to petitions received and debate any petition with more than 200 signatures in accordance with the Council's petition rules and Standing Order 68.	
<b>11</b>	<b>Non Cabinet Members' Debate</b>	
	To enable non-Cabinet Members to debate an issue of relevance to Brent in accordance with Standing Order 39B and to receive any reports from Cabinet Members on issues previously raised.	
<b>12</b>	<b>Questions from the Opposition and other Non-Cabinet Members</b>	31 - 42
	For Questions to be put to members of the Cabinet in accordance with Standing Order 40.	
<b>13</b>	<b>Report from Chairs of Scrutiny Committees</b>	43 - 72
	To receive reports from the Chairs of the Council's Scrutiny Committees in accordance with Standing Order 41.	
<b>14</b>	<b>Report from the Vice-Chair of the Audit Advisory Committee</b>	73 - 76
	To receive a report from the Vice-Chair of the Audit Advisory Committee in accordance with Standing Order 41A.	
<b>15</b>	<b>Changes to the Constitution</b>	77 - 112
	Full Council is asked to agree the changes to the Constitution as specified within the attached report.	
<b>16</b>	<b>Treasury Management Outturn Report 2016/17</b>	113 - 126
	This report updates Members on Treasury Management activity and confirms that the Council has complied with its Prudential Indicators for 2016/17. The report was approved by Cabinet on 24 July 2017 and has been forwarded to Council, in compliance with CIPFAs Code of Practice on Treasury Management.	

## 17 Motions

127 - 132

To debate the motions submitted in accordance with Standing Order 45.

## 18 Urgent Business

At the discretion of the Mayor to consider any urgent business, in accordance with Standing Order 37 (r).



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

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

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## LONDON BOROUGH OF BRENT

Minutes of the ORDINARY MEETING OF THE COUNCIL  
held on Monday 10 July 2017 at 7.00 pm

### PRESENT:

**The Worshipful the Mayor**  
Councillor Bhagwanji Chohan

**The Deputy Mayor**  
Councillor Arshad Mahmood

### COUNCILLORS:

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

## **Mayor's Statement – Order of Business**

Before the formal business of the meeting began the Mayor informed members of a change to the order of business from the original summons. He stated that due to the significant interest in agenda item number 15, Fire Safety in High Rise Tower Blocks, he intended to move this item to number seven on the agenda. He outlined that the agenda order would therefore be re-arranged accordingly to reflect this. He also explained that there would be no non-Cabinet Members' Debate (agenda item 10 of the original summons) at the meeting.

The Mayor then invited Councillor Warren (Leader of the Brent Conservative Group) to put forward a procedural motion which related to the business of the meeting. Councillor Warren stated that the Council should have attached greater significance to the agenda item on Fire Safety in High Rise Tower Blocks and called for Members to agree to defer the item to an extraordinary meeting of the Council to be held on 17 July 2017.

Carolyn Downs (the Council's Chief Executive) clarified that in accordance with the Council's Constitution and the legal notice required to be given before Council meetings, any proposed extraordinary meeting would need to take place on 18 July 2017 as opposed to 17 July. Councillor Warren accepted this amendment to his motion and requested a recorded vote.

*(Councillor Van Kalwala joined the meeting at 7.06pm)*

The amended motion was put to a vote and declared **LOST**.

Voting was recorded as follows:

### **FOR** the motion (2):

Councillors Ms Shaw and Warren.

### **AGAINST** the motion (53):

Councillors Aden, Agha, Ahmed, Allie, Bradley, Butt, Carr, Chan, S Choudhary, Colacicco, Collier, Colwill, Conneely, Crane, Davidson, Denselow, Dixon, Duffy, Ezeajughi, Farah, Harrison, Hirani, Hoda-Benn, Hossain, Hylton, Jones, Kabir, Kansagra, Kelcher, Long, Marquis, Mashari, Maurice, McLeish, McLennan, Miller, Moher, J Mitchell-Murray, W Mitchell-Murray, Naheerathan, Nerva, M Patel, R Patel, Perrin, Pitruzella, Shahzad, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Tatler, Thomas and Van Kalwala.

### **ABSTENTIONS** to the motion (2):

Councillors Chohan and Mahmood.

The Mayor also asked Members to agree to suspend Standing Order 48 of the Council's Constitution to ensure that the meeting could go beyond 10.00pm, if required.

It was **RESOLVED** that:

- (i) The business for the meeting be re-arranged in the following order:
  - Agenda Item Number Five – Appointments to Committees and Outside Bodies and Appointment of Chairs/Vice Chairs;
  - Agenda Item Number Six – Deputations;
  - Agenda Item Number Seven – Fire Safety in High Rise Tower Blocks;
  - Agenda Item Number Eight – Reports from the Leader and Cabinet;
  - Agenda Item Number Nine – Questions from Members of the Public;
  - Agenda Item Number Ten – Petitions.
- (ii) The rest of the business for the meeting follow in the same order as per the original agenda summons; and
- (iii) Standing Order 48 of the Council’s Constitution, which related to the guillotine procedure, be suspended pre-emptively.

## 1. **Apologies for Absence**

The Mayor outlined that direct apologies for absence had been received from Councillors Aslam Choudry, Daly, Pavey and Khan.

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

The Mayor invited Councillor Warren to move his amendments to the minutes of the previous meeting which had been tabled. These included additional detail for the minute content of agenda item six, Changes to the Constitution, and agenda item nine, Calendar of Meetings for 2017/2018.

Councillor Warren said he accepted that minutes were not intended to reflect verbatim what Members said but that his amendments reflected some additional key points that he had raised at the meeting itself.

Councillor Warren’s first amendment was tabled as follows:

- *Agenda Item 6 – Changes to the Constitution*

*Add at end of second paragraph.....Cllr. Warren recognised that the “Buttistas” on the Council believed it was heresy to challenge this Standing Order*

The first amendment was put to a vote by a show of hands and was declared **LOST**.

Councillor Warren’s second amendment was tabled as follows:

- *Agenda Item 9 – Calendar of Meetings for 2017/2018*

*Add new paragraph after “residents in attendance*

*In response, Cllr. Warren stated that he and Cllr. Shaw would not apologise for doing their job and continuing to challenge the Labour administration, unlike Cllr. Colwill who was a Labour apologist.”*

The second amendment was put to a vote by a show of hands and was declared **LOST**.

The Mayor asked Members to approve the minutes as included in the original summons through a vote by show of hands. The vote was declared **CARRIED** and it was therefore **RESOLVED** that the minutes of the Annual Meeting of the Council be approved as an accurate record. Councillors Warren and Ms Shaw recorded their dissent on the result of the vote.

### 3. **Declarations of Interest**

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

- (i) Councillor Harrison declared a personal interest in respect to agenda item number seven of the agenda, Fire Safety in High Rise Tower Blocks, in that she was a current member of the Brent Housing Partnership (BHP) Member and Resident Panel Board;
- (ii) Councillor Long declared a personal interest in respect to agenda item number seven of the agenda, Fire Safety in High Rise Tower Blocks, in that she had a sister who lived in high rise tower block; and
- (iii) Councillor Duffy declared a personal interest in respect to agenda item number seven of the agenda, Fire Safety in High Rise Tower Blocks, in that he had a cousin who lived in a high rise tower block.

Councillor Collier raised a point of order on whether it was a reasonable request for Members to declare whether or not they were landlords. Looqman Desai (the Council's Senior Solicitor, Governance) explained that this agenda item had given Members the opportunity to declare any interest they deemed relevant to any item on the agenda and it was not for anyone present at the meeting to demand any further disclosure of interests by Members.

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

The Mayor stated that he was honoured to be in the chair for his first Full Council meeting as Mayor of Brent and stated that he would always do his best to promote the extremely good work of the Council with integrity and pride.

He referenced the tragedies that had occurred since the Annual Meeting of the Council, in particular the Grenfell Tower Fire, and placed on record his personal thanks to the staff at Brent Council who had been part of the Grenfell Tower Response Centre.

He continued that the thoughts of everyone at the Council had been with those whose lives had been affected by the Manchester, London Bridge and Finsbury Park terrorist attacks.

He asked everyone present to observe a two minutes silence for the victims of all of these tragedies.

*A two minutes silence was observed.*

The Mayor offered his congratulations to the three Members of Parliament within the borough for their recent respective general election victories. He also thanked the Council's Returning Officer, Carolyn Downs, and her team who had ensured that the election had been successfully organised at short notice.

He also paid tribute to the UK Armed Forces in their role defending the UK and its interests and noted that UK Armed Forces Day had been observed on 25 June 2017. He also encouraged Members to attend an event at the Civic Centre to remember the victims of the Srebrenica atrocity and make a collective pledge to Live the Lessons of Srebrenica.

The Mayor invited Members to support the first fundraising event of his Mayoral year in support of his chosen charities which would take place on 1 September 2017.

He concluded by wishing everyone a happy Pride Festival 2017 and mentioned that Brent and Harrow Council staff had joined the march in Central London as part of the festival.

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

The Mayor referred Members to the second supplementary pack which contained a list of appointments and resignations from some of the Council's Committees, Sub-Committees and other bodies.

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

- (i) Appointment of David Ewart as Co-Opted Member and Chair of the Council's Audit Advisory Committee;
- (ii) Appointment of David Ewart as Independent Member and Chair of the Council's Pension Board;
- (iii) Resignation of Sarah Mansuralli (Chief Operating Officer, Brent Commissioning Group) as a full voting Member of the Council's Health and Wellbeing Board, Sheikh Auladin (Deputy Chief Operation Officer, Brent Commissioning Group) is nominated to take her place, as a full voting Member;
- (iv) Appointment of Keir Hopley as Independent Person to the Council's Standards Committee;

- (v) Appointment of Nigel Shock as Independent Person to the Council's Standards Committee;
- (vi) Resignation of Councillor Claudia Hector as full Member of the Council's Alcohol and Entertainment Licensing Main Committee, Councillor Sabina Khan is nominated to take her place, as full Member; and
- (vii) Resignation of Councillor Rita Conneely as full Member from the Council's Teachers' Joint Consultative Committee.

## 6. Deputations (if any)

The Mayor outlined that the Council had received a formal deputation on the Council's Controlled Parking Zones (CPZs) from Willesden Green resident, Ms Sophie Simmons. Councillor Tom Miller (Willesden Green ward) introduced Ms Simmons.

Sophie Simmons began by stating that she was a resident of Whitby Apartments on Robson Avenue in Willesden Green. She explained that Robson Avenue was a largely residential area in close proximity to the Burnley Medical Practice. She said that the parking provision in the area had not matched the population growth and that parking on Robson Avenue was very limited. She said that the problems had been exacerbated by Robson Avenue not being covered by a CPZ when other surrounding roads had been. She outlined that this meant that the majority of residents were not able to park on the road and were forced to drive to an area outside of the CPZ to park, often over a mile away from their houses. She concluded that the simplest and most cost effective solution for the Council would be to include Robson Avenue within the neighbouring CPZs (Zones GS and HW). She said she would be willing to meet and work with the Council in order to address these concerns.

Councillor Southwood (Lead Member for Environment) responded and thanked Ms Simmons for having raised these issues. She noted that there were approximately 33,000 parking spaces in Brent to accommodate 56,000 households, which inevitably led to parking challenges in the borough. She said that the Labour Administration wanted to make it as easy as possible to travel by sustainable transport but also wanted CPZs to be effective so that those who needed to drive and park were able to. She explained that a review of the CPZs in Brent was due to be discussed at the Council's Cabinet meeting on the 24 July 2017 and that Robson Avenue was included as part of the review. She also explained that any proposed changes would mean that the Council would have to start a statutory public consultation process with residents in the area, but specified that changes were likely to be supported by the Council if there was a clear desire from the majority of local residents for inclusion within a CPZ.

The Mayor also outlined to Members that another request to speak had been received late, but that he proposed that Standing Order 39(c) be suspended to allow the resident to address the Council. He specified that the Lead Member for Housing and Welfare Reform would respond to the remarks during the course of the full debate on high rise safety in tower blocks.

It was **RESOLVED** that Standing Order 39(c) be suspended to allow Mr Pete Firmin to speak on high rise safety in tower blocks.

Pete Firmin stated that he was the Chair of the Alpha, Gorefield Houses and Canterbury Court Tenants Residents Association in South Kilburn. He said that this organisation stood in solidarity with all those affected by the Grenfell Tower fire and that their main concern was to ensure that no disaster like the one at Grenfell or any lesser disasters could ever happen anywhere in Brent. Members heard that there had been a number of assurances from BHP after Officers had met residents in South Kilburn, but that unfortunately residents had remained to be convinced. He referenced the planned removal of cladding on Swift House and George House (properties managed by Quadrant in South Kilburn) and also a new roof being required for George House. He mentioned that fire safety problems appeared to be increasingly prevalent in private sector high rise buildings. He urged the Council to publish fire safety assessments in full for residents to read; to improve its consultation process with residents and tenants associations; and for the Council to commit to end outsourcing. He detailed a number of issues which his tenants and residents association had raised to the Council of which he felt had not been taken seriously enough. He specifically raised the problems of BHP, Council and other vehicles having used routes which had been designed for access by the emergency services. He concluded that the Council needed show that it would seriously listen to its residents, and urged the Council to abandon its plans for additional tower blocks as part of the South Kilburn regeneration scheme.

## **7. Fire Safety in High Rise Tower Blocks**

The Mayor outlined the rules of procedure for the item, and introduced a panel of Officers who would be on hand to respond to any specific questions from members during the course of the debate. The panel included: Phil Porter (the Council's Strategic Director, Community Wellbeing), Mark Davidson (Borough Commander, London Fire Brigade), Peter Gadsdon (the Council's Director of Performance, Policy and Partnerships), Rohal Bhandari (the Council's Team Leader of District and Commercial Services) and Alice Lester (the Council's Head of Planning).

Councillor Farah (Lead Member for Housing and Welfare Reform) introduced the item and stated that the tragedy which occurred at Grenfell Tower on 14 June 2017 had been a wake-up call for all Councils. He said that it remained vitally important to consider what Brent should do next and that the debate would assist in ensuring that all options were explored. He emphasised that he had confidence in how Brent had responded to the tragedy and paid tribute to the support that the Council had provided to the Royal Borough of Kensington and Chelsea (RBKC) in the aftermath of the fire. He outlined that he was proud that the Council had proposed to go above and beyond what was required on existing fire and safety regulations for its housing stock, to ensure that all residents felt re-assured and safe within the borough. He urged all Members present to contribute and stressed the importance of the debate being carried out in a calm and respectful manner.

Mark Davidson (Borough Commander, London Fire Brigade) gave an overview of the action that the London Fire Brigade (LFB) had taken since the fire and offered some specific detail on what LFB's policies were with regards to tackling fires in high rise tower blocks. Members heard that, post-Grenfell, the Department of Local Government and Communities (DCLG) had asked all local authorities and social

housing providers to provide detailed information about their residential tower blocks and to submit any identifiable cladding materials on these blocks for testing. He noted that LFB had established a taskforce for an inspection process of 380 identified high rise buildings London-wide and that any building which failed the Government's test on cladding samples had been immediately prioritised. With regards to Brent, Members heard that, at the time of the meeting, two high rise buildings (Hornby Court in Willesden and Elizabeth House in Wembley) had failed these tests and had been inspected further by LFB.

Mr Davidson explained that LFB inspections of high rise buildings were focused on two key elements of building's structure, these were: access for the emergency services and common parts (the building's central shaft; staircase; wet or dry riser main pipe; and the means of escape). He noted that LFB were not involved in fire safety inspections within individual rooms but that they would check that fire risk assessments, a duty of the landlord, had been kept up-to-date. He mentioned that LFB aimed to inspect each high rise building at least once per year. Members also heard detail on the 'stay put' guidance which LFB gave to residents if a fire broke out in another part of their building. Mr Davidson outlined that, overall, this policy had been successful since it was first employed in the 1960s as long as the building had been built and maintained to an acceptable standard. He noted that the investigation into why the fire had spread so quickly at Grenfell was ongoing, but that the stay put guidance was likely to remain because LFB felt that this was usually the most effective means of keeping people safe.

The Mayor then opened the debate up to Members.

Councillor Ms Shaw (Deputy Leader of the Brent Conservative Group) referenced the Council's recent meetings with residents of the Watling Gardens tower block in Mapesbury ward. She questioned what action the Council had been taking to re-assure residents in her ward, Brondesbury Park, and across the borough that all of the Council's housing stock would be safe from this type of tragedy both now under BHP and when the management of the service was brought back in-house. She also questioned the future staffing arrangements of the housing service and how this would lead to improvements.

Phil Porter (the Council's Strategic Director of Community Wellbeing) responded that the Council had plans to communicate with all BHP residents after the meeting, in order to give residents a broader picture of what action the Council had agreed to take. He said that a lot of important issues had been raised by residents at the Watling Gardens meeting and that the Council was also planning to hold drop-in sessions with residents at every one of its 37 high rise tower blocks. He outlined that Officers would be present at these drop-in sessions to log concerns and respond to all of them accordingly. He stated that improvements were already being made within BHP and that it had supported the Council's previous investments on fire safety, but that the Council would not rest on its laurels and had continued to assess its fire safety procedures in conjunction with BHP.

Councillor Ezeajughi stated that since the Grenfell tragedy he had been in regular contact with the residents of two high rise buildings within his ward (Shackleton House and Amundsen House). He said that residents had raised concerns on: a lack of sprinklers within the buildings; a lack of awareness of the proper procedure to follow if there was a fire; and a lack of fire alarms installed. He said that the

Council needed to re-assure residents on the steps it was taking to address fire safety issues across the borough. He also called on the Government to draw up a more stringent set of policies for enforcing fire safety regulations in high rise tower blocks and to provide the funding required to local authorities in order to keep their residents safe. He concluded that he believed that the installation of sprinklers in all high rise tower blocks was an immediate priority.

Councillor Long outlined that she was the Chair of the Council's new Housing Scrutiny Committee and that one of the Committee's first actions would be to set up a new task group on fire safety in the borough. She said that on the whole, high rise tower blocks were not dangerous buildings and highlighted to Members that deaths in tower block fires in Scotland were at their lowest level ever. However, she did also point out that there were still areas which could be addressed in the future such as making sure that all buildings were fitted with working smoke alarms and improved access for emergency vehicles to respond to incidents across the borough.

Councillor Chan stated that the UK had now experienced seven years of austerity in the Government's management of public finances and questioned the extent to which cuts had negatively impacted on Brent's emergency planning preparation and what the Council could do to mitigate against this.

Councillor Stopp criticised the Conservative Group's motion at the end of the agenda, which condemned the leader of the Labour Party for the politicisation of the Grenfell Tower fire. He outlined his belief that this issue had been politicised after the leadership of RBKC refused to resign in the immediate aftermath to the tragedy and because the state of the housing market highlighted how deeply divided the country had become under the Conservatives. He stated that the tragedy of Grenfell had made this divide clear and that this was the legacy of the Conservative Government.

Councillor Colacicco asked the Borough Fire Commander when London would receive taller cranes and what his view was on the installation of sprinklers as a fire safety mechanism.

Councillor Shahzad said that all Councillors were concerned about the safety of the residents within their wards and that there were huge lessons to be learnt from the Grenfell tragedy. He thanked the Officers at Brent Council who had supported RBKC and highlighted the work which had been undertaken to ensure that all of the Brent's high rise tower blocks were safe. He noted that the tests on cladding which took place at Watling Gardens had re-assured residents, but that there were other fire safety concerns raised by both himself and residents which needed to be addressed. He also outlined that he had launched an appeal in support of the victims of Grenfell and their families and urged all Members to contribute.

Councillor Thomas said that he was concerned for tenants in the borough, as it was clear that the tenants at Grenfell had felt that RBKC had not listened to them in the years that proceeded the fire. He spoke about Brent Council being in the process of bringing BHP back in-house and questioned what structures would be in place so that tenants' voices would be empowered to ensure that the Council would listen to their concerns.

Councillor McLeish also referenced the motion by the Conservative Group which condemned the Labour Party for the politicisation of the Grenfell Tower fire. He retorted that it was the Conservative Government that had relieved RBKC of its role in providing support for survivors of the tragedy because their response had been inadequate. He thanked Brent Council's Chief Executive, Carolyn Downs, for her role in leading the coordination of humanitarian assistance from different boroughs across London. He explained that in 2013 an independent inquiry had found a number of fire safety problems with Grenfell Tower. He also mentioned that although the building was insured for £20million, a legal firm had estimated that the overall cost of the tragedy could reach £1billion. He concluded that this had become a political issue as taxpayers money was being used to pay for RBKC's incompetence.

Councillor Duffy said that everyone had been shocked by the events at Grenfell. He commented that the fire had highlighted the poverty and neglect which were prominent on some housing estates. He said that RBKC's leadership had had no choice but to step down, and also condemned the leadership of the London Borough of Camden. He said that, on the whole, Brent's own response to the fire had been reasonable but that there were still lessons to be learnt on some of the fire risks which had been identified. He also said that the response from the Lead Member for Housing and Welfare should have been quicker. He also added that Senior Officers and the leadership of the Council had not fully addressed some of the issues raised by Members.

On the funding proposals within the report, Councillor Duffy questioned the financial implications for residents if the housing revenue borrowing cap was agreed to be increased, as proposed in recommendation 2.2. Conrad Hall (the Council's Chief Finance Officer) explained that funding was presently ring-fenced between the Housing Revenue Account (HRA) and the Council's General Fund. He noted that if the cap was not lifted and additional borrowing was undertaken from within the HRA, this would lead to a re-prioritisation of items within programmes for future capital works. He explained that if the cap was agreed to be raised, the interest costs would be met over time from HRA funds. Councillor Duffy criticised the funding proposal as it stood, and argued that it was tenants who would ultimately pay the price for the additional measures.

Councillor S Choudhary praised Brent's Officers who had assisted in response to the Grenfell Tower fire. He stated that the tragedy had demonstrated the clear need for a second escape route within every high rise building. He advocated the idea of a second staircase on the outside of the building, which he felt could assist in such a situation. He said that the Council had been restricted in many ways because of national planning laws and urged the leadership to ask the Government to address this issue nationally.

Councillor Kansagra (Deputy Leader of the Conservative Group) emphasised that it was important to be able to have a civilised debate in order to learn from the events of Grenfell Tower. He said that he hoped landlords in the borough would take note of the debate and that he was disappointed that there were not more landlords in attendance. He also stressed that Members were themselves corporate landlords, and it was vitally important for the Council to ensure that a tragedy like this was avoided in Brent. He stated that there were a number of questions to be asked which included: how to establish the optimum way to extinguish fires in high rise

tower blocks given the limited reach of fire hoses; and whether the fire brigade had made any changes to its health and safety approval criteria to the cladding panels on the side of high rise buildings.

Councillor Kelcher associated himself with the remarks made by fellow Labour Councillors which condemned the Conservative Group's motion as part of agenda item number 16 on the agenda. He stated that the past seven years of the Government's austerity measures had unpicked the social fabric of the country and this had been proved by RBKC 'penny-pinching' to save £5,000 on cheaper cladding rather than pay for non-flammable cladding to protect their residents. He stated that the Council should pursue best practice with regard to fire safety inspections. He questioned whether the Council had enough staff to be able to carry out proper fire safety inspections on all building development work, particularly in the light of the amount of private development within the borough. He also asked whether LFB had carried out an equipment audit at all of the local fire stations and additionally whether the fire service were engaged with distributing and educating people on working fire alarms.

At this point of the debate, the Chair invited the Borough Fire Commander, Mark Davidson, to answer some of the points raised. Mr Davidson responded to Councillor Kelcher's question on an equipment audit and outlined that in terms equipment, each station in the borough was located strategically and had been equipped to the same level and standards. He said that when LFB's fire safety building inspections took place, this would be combined with a talk to residents on escape plans, smoke alarms and general guidance about safety in the home. He noted that LFB were currently working through inspections of their highest priority high rise buildings, and that they would then work down the list of buildings accordingly. He also explained to Members, in detail, LFB's typical procedure for tackling a fire in a high rise building. He additionally mentioned that there was no such thing as a formal fire safety certificate, and it was Building Control teams who would formally sign off on the safety of buildings. With reference to Councillor S Choudhary's point on a second escape route, Mr Davidson said that this tended not to be needed if buildings had a protected stairwell and that this would also ultimately be a planning issue rather than a fire brigade issue. He spoke about LFB's review of aerial appliances in tackling fires and highlighted that fires tended to be fought from inside the building. Members also heard that LFB had petitioned for the mandatory installation of domestic sprinkler systems for decades but there had been no political will to address this. He concluded on Councillor Chan's question on whether Government cuts had affected the fire service and outlined that LFB had a minimum target of six minutes for the first engine to arrive at an incident after being called, and that this was achieved 90% of the time London-wide.

Councillor R Patel commented on the issue of sub-letting within Grenfell Tower, and how it had meant that the exact number of lives lost might never be known. He added that the tragedy highlighted the daily struggle of ordinary people and that the wellbeing of tenants in Council housing had not been high on the Conservative Party's priority list. He called on the government to lift the 1% public sector pay cap and also for the government to suspend the leadership of RBKC by appointing an independent body to lead the Council until the local elections in May 2018. He concluded that London voters were increasingly turning against the Conservatives, which would make the capital a 'no-go' area for them in electoral terms.

Rohail Bhandari (the Council's Team Manager, District and Commercial Services) responded to Councillor Kelcher's question on the Council's resources for fire safety inspections and stated that although Brent's staffing levels in this area were largely unchanged since 2005, there remained an issue nationwide about recruiting more young people into building control jobs or jobs as surveyors. He emphasised that these jobs were subject to competition and that private sector organisations could often offer more attractive job packages than local authorities. He said that this had contributed to a difficulties in retaining staff.

Councillor Mashari questioned whether the Council had responded to all concerns raised by Council tenants or if there was a backlog. She also asked whether the Council had reviewed its policies on both building control and planning and how these areas could be utilised to prevent a tragedy such as this in future. She also put forward that the Council's Planning Committee should be a model for best practice, and actively scrutinise the fire and safety plans for developers and their planned developments going forward.

Councillor Kabir emphasised the need for the Council to ensure it enhanced the needs of residents with special needs, so that they had the maximum safety arrangements in place during emergencies.

Councillor Colwill (Leader of the Conservative Group) asked the Borough Fire Commander for an indication as to whether the fire was caused by a fridge explosion and why it had engulfed the building so quickly. Mark Davidson responded to this point directly and stated that as the police investigation was ongoing, he was not able to comment on this matter. Councillor Colwill also asked the Council's Social Services Team to take on board that there were disabled people on the top floor of Grenfell Tower, and that this should never be the case in Brent's high rise buildings.

Councillor Ms Shaw called on Members to work together to address this issue and highlighted the perceived lack of community engagement across the borough. She also asked that the Council's Strategic Director for Community Wellbeing work with LFB to visit and offer assurances to residents in tower blocks in Brondesbury Park. Phil Porter re-iterated that he was keen to work with Councillors on all forms of communication with residents in order to re-assure them on the fire safety standards of the Council's housing stock.

Rohail Bhandari responded with reference to Councillor Mashari's points and stated that there were 60 to 70 properties, generally high rise buildings, which the Council had contacted to request that they carry out audits and fire risk safety assessments. On building control policies being reviewed, he said that the Grenfell Tower investigation would reach a conclusion on this and he expected that the legislation would be upgraded if deemed necessary.

Councillor Tatler (Lead Member for Regeneration, Growth, Employment and Skills) thanked the Borough Fire Commander, Mark Davidson, for his attendance at the meeting and asked him to pass on Brent Council's collective thanks to the first responders who saved lives on the night of the Grenfell Tower tragedy. She referred to earlier comments from Members about South Kilburn and stated that she frequently visited the area, and that the current regeneration schemes were committed to improving the lives of residents. She added that she was disgusted by

the recent comments of the Secretary of State for Communities and Local Government, Sajid Javid MP, about the failings of accountability in local government. She stressed that it was the Conservative Government which had deregulated building control regulations and presided over the failings of 'permitted development' policies. She outlined her belief further that local government needed to be at the heart of these policies and that building control assessments should be completed by local authorities rather than independent assessors.

Alice Lester (the Council's Head of Planning) explained the key details of permitted development rights (office premises being converted to residential properties without the need for full planning permission) and the numerous problems associated with these. She directed Members to recommendation 2.3 of the report which asked the Government to urgently consider the revocation of the permitted development rights for office to residential conversions. She also referenced Councillor Mashari's question on the role of the planning and explained that as building regulations were the regulatory system for fire safety, this did not fall under the Planning Department's remit for assessments. She said that the focus therefore needed to be on building regulations being fit for purpose. In terms of planning policy and whether high rise towers were appropriate for the borough, she said that this could be fed back into the review of Brent's Local Plan. She said that any from a planning perspective any policy change would likely be focused on place making and appearance rather than fire safety because this did not fall wholly under their jurisdiction.

Phil Porter answered Councillor Thomas' earlier point on resident engagement and said that the Council had been consistent on the importance of resident engagement and scrutiny throughout the review of BHP and that it only wanted to strengthen residents' voices going forward. He specified that the new Housing Scrutiny Committee was due to consider co-opting residents as part of the Committee's composition that a separate resident and tenant panel board panel was also in place.

Councillor W Mitchell-Murray outlined her disappointment that the borough's registered social landlords were not present at the meeting. She also questioned why there appeared to be one rule for RBKC and different rules for other Councils. She also urged the Council to ask the Government to address changing the current planning laws for high rise tower blocks.

Councillor Nerva paid tribute to both the community spirit which had been prevalent since the disaster and to the Brent Officers who had assisted the response effort. He questioned what had been learnt from RBKC's poor emergency planning procedures, and asked Members to consider how consistent emergency planning policies could be implemented London-wide. He also mentioned water pressure within the Borough, and called for assurances from Thames Water that a heavy take of water would be maintained during an emergency. He urged the Council to: do more to lobby the Government on changing the permitted development laws; do more to ensure that fire safety standards are upheld more rigorously in the private sector; conduct a piece of work on bike storage throughout the borough; and ensure that housing associations were present at all future meetings on fire safety with residents in high rise tower blocks.

*(Councillor Marquis left the meeting at 9.05pm.)*

Councillor Miller (Lead Member for Stronger Communities) recalled that around the time he was elected to municipal office, he campaigned against the previous London Mayor's decision to close a number of fire stations. He asked whether these closures had provided a clear challenge for LFB.

Mark Davidson responded to Councillor Miller's question directly, stating that the current London Mayor, Sadiq Khan, had asked for recommendations on resources from LFB. He outlined that the outcome of the consultation was likely to be due over the next few months. In response to Councillor Nerva's point on water pressure, Mr Davidson said that fire engines had high volume pumps and that Thames Water were present at all assessments of these. On Councillor Ms Shaw's point on fire safety visits to high rise tower blocks, Mr Davidson outlined that LFB undertook home fire safety visits on a daily basis, which included high rise buildings. He outlined that LFB were more than happy to conduct these visits and that they could be requested from resident associations, housing associations or individuals themselves. He also clarified that this type of LFB visit were to give advice and guidance to residents and were not formal fire safety inspections.

Councillor Duffy mentioned that fires were most likely to start in kitchens, and questioned whether the Council had assessed the cost of having sprinklers fitted in Council owned buildings that did not have them already. Carolyn Downs outlined that recommendation three of the fire safety report proposed an itemised and costed programme of work being presented to Cabinet in October 2017, which would include the relevant costings for sprinklers being fitted.

Carolyn Downs responded to Councillor Nerva on emergency planning procedures and said that it had been clear that the processes in place at RBKC had not worked effectively in the aftermath of the fire. She said that there had been a need for them to ask for help in this scenario and that a process of mutual aid had been forthcoming. She stated that, as Chief Executive, she had been reviewing Brent's emergency planning procedures and she said that the Council needed to do more on planning for humanitarian aid assistance as this was a crucial area after a disaster had occurred. She also mentioned that it would be important to engage with the Council's Audit and Scrutiny Committees to ensure that the emergency planning structures in place were deemed to be robust enough.

Phil Porter responded to some of the additional queries raised within the debate. He said that there remained a dedicated BHP email address for dealing with tenants' and leaseholder's concerns and that the Council was committed to responding to any issues which arose. He stated that the Council had also been working with housing associations, as detailed within the report, and that it was evident that they were taking this issue very seriously. With regards to points on private sector licensing, he explained the details of the Council's borough-wide Extended Licensing Scheme and specified that this would give the Council greater enforcement powers in relation to fire safety. He concluded by referring to Councillor Colwill's point on where disabled people were placed in high rise buildings and said that the Council would never want to force older or disabled people to move from their homes, but was aware of the need to balance this with the need to ensure resident safety. He explained that the Council would be looking at personal information boxes in its assessment of fire safety to ensure that it had

the best intelligence about where people with additional needs were living and that each had a personal evacuation plan.

Councillor Nerva questioned what the Council was doing to address 'isolated owned occupiers' whom he felt had a level of fire safety far below what was envisaged on page 12 of the fire safety report. Peter Gadsdon (the Council's Director of Policy, Performance and Partnerships) responded that communication was key in this instance and that it was important to encourage residents to be thinking about safety measures that could be implemented in their houses. He mentioned the creation of the Brent Advice Partnership and that this would assist in liaising with relevant voluntary sector organisations in order to reach out to these vulnerable people. He also noted it was likely that this issue would be looked at by the new Housing Scrutiny Committee.

Councillor Butt (Leader of the Council) thanked the panel for attending and answering Members' questions. He stated that the fire at Grenfell was unprecedented and that the Council had reacted by reviewing all of the fire safety provisions for its housing stock. He stressed that the safety of residents remained paramount and thanked LFB for their re-assurances to residents during this period. He also praised the work of some of the registered housing providers in the borough who had put staff on the ground around the buildings 24 hours a day in the aftermath to ensure that residents had extra re-assurance of fire safety within these properties. He said that the proposals within the report went above and beyond what was required and that it was important that the building control and permitted development laws were challenged nationally and that local government was given more powers in both areas. He also mentioned that the Council's leadership had spoken with Roberta Blackman-Woods MP (Shadow Minister for Local Government and Housing) to ensure that Brent's concerns were fed into the national housing picture. He concluded that the measures proposed within the report were a good starting point and intended to give further assurance to residents that the Council was always on their side.

Discussions ensued on the recommendations within the report. Members agreed that recommendation 2.2, as presented within the agenda pack, would be deleted and that the wording in recommendation 1 would delete the line *'to be financed initially by additional borrowing'*.

Councillor Collier declared that he was the Chair of Generation Rent and also raised that the recommendations within the report did not fully address issues prominent in the private rented sector, such as whether all dwellings were fit for human habitation. He also pointed out that despite it being mentioned several times during the course of the debate, there was no recommendation which asked the Government to review building control laws to ensure that local authorities regained the ability to adequately inspect buildings for the purpose of building control approval. Councillor Collier also made a wider point on the potential for bad governance within an authority with a large majority. Members agreed that two additional recommendations be drawn up to capture Councillor Collier's points on a review of building control and licensing laws for landlords who own private sector dwellings.

To conclude the debate, Councillor Farah thanked the panel for their responses and the residents who had attended the meeting. He emphasised that the Grenfell

Tower fire tragedy had prompted Brent to look at its own strategies for fire safety within its housing stock and emergency planning. He acknowledged that there had been a lot of valid issues raised during the debate and that these would all be dealt with accordingly. He stressed that it was vitally important to listen to residents' concerns and re-iterated that this would continue when the Council's housing stock had been brought back in-house. Members heard that none of the issues raised would be taken lightly, and Councillor Farah thanked them for their time.

The amended recommendations were put to a vote by show of hands and declared **CARRIED**.

It was therefore **RESOLVED** that:

- (i) A £10million increase to the Council's 2017/2018 Capital Programme, in order to meet the cost of enhancing the fire safety measures in the Council's housing stock, be agreed;
- (ii) The Council's Chief Executive be asked to write to the Government as a matter of urgency to request that the Government provide direct financial support meet the costs incurred;
- (iii) The Council's Chief Executive be asked to write to the Government as a matter of urgency to request that the Government urgently consider revocation of the permitted development rights for office to residential conversions, in order to ensure that such proposals go through the proper planning process to enable full consideration of all relevant planning considerations;
- (iv) It be noted that a report which proposed an outline programme of works would be taken to the Council's Cabinet meeting on 24 July 2017;
- (v) It be noted that a report with a fully itemised and costed programme of work would be prepared for Cabinet consideration and approval by October 2017, and that its implementation would be monitored by the Housing Scrutiny Committee;
- (vi) The Council's Strategic Director of Community Wellbeing be asked to write to Registered Providers in the borough to request that they keep the Council updated as to the status of their Fire Risk Assessments for the high risk tower blocks that they were responsible for within the borough;
- (vii) The Council's Chief Executive be asked to write to the Government as a matter of urgency to request that the Government review the use of building control teams from the private sector and other Councils to inspect buildings for the purposes of building control approval, which can mean a total lack of oversight by the relevant local authority inspectors of the fire risk level in some privately owned high rise blocks; and
- (viii) The Council's Chief Executive be asked to write to the Government as a matter of urgency to request that the Government address whether licensing laws for landlords in the private sector are stringent enough to ensure that all dwellings are fit for human habitation.

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

*(Councillor Shaw left the meeting at 21.41pm)*

Councillor Butt referred Members to the key decisions taken since the 23 January 2017 meeting of Full Council which had been tabled and circulated around the Council Chamber. He specified that due to the number of agenda items which remained at the meeting, Cabinet members had agreed to waive their reports at this meeting and would provide their reports at the next meeting of Full Council.

It was **RESOLVED** that the reports from the Leader and the Cabinet would be deferred and reported in full at the next meeting of Full Council on 18 September 2017.

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

The Mayor outlined that no questions from Members of the Public had been received for this meeting in accordance with Standing Order 39A.

## 10. **Petitions**

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

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

As had been mentioned during the Mayor's statement at the beginning of the meeting, it was explained to Members that the Leaders of the Council's political groups had agreed to waive the Non-Cabinet Members debate at this meeting in order to allow more time for Members to discuss and debate Fire Safety in High Rise Tower Blocks.

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

The Mayor invited the eight Members who had asked a question to the Cabinet (as detailed within the agenda pack) to ask a supplementary question should they wish.

- (i) Councillor Crane thanked Councillor McLennan for her initial answer to his question. As a follow-up, he pointed out that residents in Fryent ward had rejected austerity at the 2017 General Election and questioned what additional steps the Council could take to spend more on residents' priorities such as roads repairs and infrastructure investment.

Councillor McLennan (Deputy Leader of the Council) stated that the Council had continued to face fierce financial challenges but that the Council had implemented projects which it encouraged residents to access in order to improve the areas that they lived in. She referenced the Neighbourhood Community Infrastructure Levy, 'Love Where You Live' Grants and Section 106 agreements as the means for funding improvements in local areas. She concluded that it was positive that a recent Local Government Association

(LGA) Peer Review had outlined that the Council's financial approach had been the right one.

- (ii) Councillor Colacicco thanked Councillor Southwood for her initial answer to her question. As a follow up, she asked for clarification that the Lead Member was referring to fracking in Brent amid recent rumours of exploratory drilling in the NW10 postcode.

Councillor Southwood confirmed that no licence had been granted within the London Borough of Brent to undertake fracking work. She made clear that Brent's position from 2013 remained unchanged and that fracking was not welcome anywhere in the local area. She also referenced Councillor Crane's earlier question on investment in infrastructure and hoped that all Members would support the Cabinet as continued to make the case for greater investment in the Council's roads and pavements.

There were no supplementary questions from Councillors Conneely, McLeish, S Choudhary, Krupa Sheth, Colwill and Ms Shaw.

*(Councillor Thomas left the meeting at 9.50pm.)*

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

Councillor Kelcher (Chair of the Resources and Public Realm Scrutiny Committee) stated that the Community and Wellbeing Scrutiny Committee would have its first meeting of the municipal calendar on 11 July 2017 which would introduce the Committee's annual work plan.

Councillor Long (Chair of the Housing Scrutiny Committee) explained that the new Housing Scrutiny Committee had not yet met but was due to discuss fire safety and the BHP transfer at its inaugural meeting. She said that housing was area which had never been scrutinised too rigorously by the Council. She mentioned that the Traveller Site would be discussed at some point during the year, and that the Committee were also looking for Members and residents to be part of relevant task groups. She hoped that the Committee would help to inform the key decision making process within the borough.

Councillor Ketan Sheth (Chair of the Community and Wellbeing Scrutiny Committee) directed Members to the content of his report within the published agenda pack for an update on the work of the Community and Wellbeing Scrutiny Committee.

It was **RESOLVED** that the content of the reports be noted.

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

Councillor Nerva (on behalf of Councillor Aslam Choudry, Vice-Chair of the Audit Advisory Committee) began by thanking both the Independent Chair and Independent Member of the Audit Advisory Committee for their studious work. He said that the Committee had undertaken some important work recently and urged Members to refer themselves to the Committee's work on: debt charges on high interest rates; the capital programme; anti-fraud; scrutiny of KPMG's charges to the

Council to investigate residents' complaints. He stated that the Committee aimed for best practice in its functioning, rather than solely working in ways to achieve value for money. He explained the Committee had an obligation to advise the Cabinet about relevant aspects of its decision making and encouraged all Members to take an interest. He agreed with Councillor Collier's point on the potential for poor governance in authorities with large majorities which was made during the fire safety debate, and outlined that the Audit Advisory Committee also had a role to ensure that this did not happen in Brent.

It was **RESOLVED** that the content of the report be noted.

## 15. **Changes to the Constitution**

*(Councillor Jones left the meeting 10.01pm)*

Councillor Butt introduced the report from the Chief Legal Officer which proposed a number of constitutional changes. He explained that these included a change to clarify the powers of the Chief Executive in order for her to make urgent decisions in the event of an emergency and additional changes to the Council's partnership arrangements and collaborative procurement.

The Mayor invited Councillor Warren to move his amendments which had been tabled and circulated around the chamber.

Councillor Warren outlined that he had no problem with the recommendation within the report itself, but was minded to propose some additional recommendations. He said that he had raised the issue to delete Standing Order 13 in the past and would continue to do so because of the unnecessary constitutional stipulations which needed to be met before a vote could be held. He also called on Members to agree to the deletion of Standing Order 27(d) (Special Meeting) as there was no procedure of how a special meeting would ever be called in place of an extraordinary meeting, and therefore this standing order was unnecessary.

Councillor Butt responded and stated that the Local Government Act 2000 stipulated where the Council stood on votes of no confidence. He said that the second amendment was a valid point, however it would need to be looked at more closely in future at the Council's Constitutional Working Group and that Councillor Warren was welcome to attend to discuss further.

Councillor Mashari raised concerns about the number of times that the Constitution had been amended at Full Council meetings in recent years. She requested that Members each be given a hard copy of the Constitution and that the changes over the last five years be detailed and explained to Members. Carolyn Downs explained that there would be a vast expense for the Council if a hard copy was produced for all Members and asked Members to specifically request a copy if they wanted one.

Councillor Collier questioned the extent that the Council was covered by the Constitution for shared service agreements between different authorities when there had been a severe service failure by one of the Councils involved.

Carolyn Downs responded that this was entry in shared services was a contractual matter that the Audit Committee had looked at in the past and could be looked at again by a future meeting of the Committee.

Councillor Warren's first amendment was tabled as follows:

- *Delete Standing Order 13 (Vote of No Confidence)*

The first amendment was put to a vote by shows of hands and declared **LOST**.

Councillor Warren's second amendment was tabled as follows:

- *Delete Standing Order 27(d) (Special Meeting)*

The second amendment was put to a vote by show of hands and declared **LOST**.

The substantive recommendation, as detailed within the report from the Chief Legal Officer, was put to the vote by show of hands and declared **CARRIED**.

It was therefore **RESOLVED** that:

- (i) The change to the Constitution be approved and that Chief Legal Officer be authorised to amend the Constitution accordingly; and
- (ii) A report on how contractual arrangements for shared services are formed, be considered by a future meeting of the Audit Advisory Committee.

## 16. **Motions**

### ***(i) Motion from the Labour Group – Government Funding for Fire Safety***

Councillor Conneely introduced the motion from the Labour Group. She said that she had worked with vulnerable young people and street homeless adults in Kensington and Chelsea for seven years. She said that the ultimate goal had been to move vulnerable individuals into a Council flat, because it was thought to guarantee them safety in every aspect of life. She highlighted that years of deregulation on building control standards and austerity imposed by the Conservative Government had undermined this, and had bred a culture of cost-cutting at the expense of residents' safety. She referenced the measures that Brent had agreed to take in response to the fire, and added that the Council was under no illusion that these would be easily afforded. She concluded that this formed the basis for the Labour Group's motion which sought clarity on funding for any post-Grenfell fire safety related works.

Councillor Warren said that he was disappointed by the Labour Group's failure to acknowledge the reasons that austerity measures had been taken. He stated that the last Labour Government had left a massive deficit in the country's finances which needed to be addressed immediately in 2010. He suggested that local government had its own role into helping to reduce the deficit because of the financial mistakes Labour had made in the past.

The motion was put to a vote by show of hands and declared **CARRIED**.

**(ii) Motion from the Conservative Group – Grenfell Tower Tragedy**

Councillor Davidson introduced the motion from the Conservative Group. He said that he and his Conservative colleagues had been deeply dismayed by the events at Grenfell. He said that hearts remained with the families of the tragedy and also offered his thanks to the emergency services and Brent Officers who assisted with the response effort. He praised Brent's calm and measured approach in the aftermath and stated that the Government had also approached the issue sensibly. He cited the funding committed by the Government to help to rehouse the victims and the immediate review of high rise buildings across all local authorities, which included testing on any cladded buildings. He stated that the Conservative Group had put forward their motion because it was felt that there was no need to politicise such a terrible tragedy. He said that the Shadow Chancellor, John McDonnell MP, had inspired hatred with his comments after the disaster and that this did a disservice to the victims. He called for a calm and sober investigation into the causes of fire that mirrored the assured approach Brent had taken.

Councillor Butt stated that the Labour Group simply could not support the premise of the motion. He said that the Conservative Government's cuts to local government finances and subsequent role in the tragedy needed to be accounted for. He criticised the Conservative Group for bringing the motion forward and stated that the Government had caused more confusion and delay in its response. He said that there was no confidence in the planned inquiry and also that the £5,500 offered to victims would not recompense victims in any way. He called on the Government to provide the funding necessary for fire safety improvements in local communities to ensure that all residents were safe.

Councillor Davidson responded and highlighted that mistakes had been made by Governments of both parties, and commented that the deregulation of fire safety building control had begun in 2005 under Labour. He added that it was embarrassing for the whole country that so many tower blocks had failed the recent fire safety tests. He said that it was infantile to politicise the issue and that he had been alarmed by some of the comments being shouted by residents from the public gallery. He stated that this type of behaviour was linked to the comments made by the Labour Party's national leadership after the fire and re-iterated that a calm approach was needed.

The motion was put to a vote by show of hands and declared **LOST**.

**(iii) Motion from the Brent Conservative Group – Tricycle Theatre**

Councillor Warren introduced the motion from the Brent Conservative Group. He said that it had now become clear that the Labour Group had raised council taxes as a means to fund organisations that they were biased towards, like the Tricycle Theatre. He questioned why the Labour Group felt the award of a £1million grant to the Theatre was such a good news story and referenced its feature in the Brent magazine. He stated that there were community groups within the borough who had been shocked by the decision to award £1million to Tricycle Theatre and put

forward that a bidding system to allow other community groups to also benefit from part of this grant should have been put in place. He also questioned why a grant had been given to an organisation which had a poor record on artistic discrimination and emphasised the Theatre's cancellation of the Jewish Film Festival.

Councillor Davidson stated that Councillor Warren's motion was mean-spirited and followed on from a failed campaign against the Willesden Temple. He referred to the cancellation of the Jewish Film Festival and said that whilst he had also been critical of the cancellation, the Tricycle Theatre had apologised and that it was time to move on from the issue. He said that Councillor Warren should have applauded the work of Tricycle Theatre because it was a cultural asset to the borough and that the Conservative Group rejected the motion outright.

Councillor Tatler encouraged Councillor Warren to attend Cabinet meetings in order to voice his concerns on the Council's key decisions. She questioned why he was so against the Tricycle Theatre as it was a vital community resource, particularly in its work cultural work with young people, child refugees and the Irish traveller community. She also pointed out that Brent Council held the freehold to the Tricycle Theatre building and that it was in the Council's best interests to protect and maintain its assets.

Councillor Warren responded that he frequently attended Cabinet to speak on contentious issues, but was often denied permission to speak by the Leader. He said that he had attended the relevant Cabinet meeting in question to speak on several items, but had not been granted the opportunity to do so.

The motion was put to a vote by show of hands and declared **LOST**.

#### 17. **Urgent Business**

The Mayor stated that there was no other urgent business to transact.

The meeting was declared closed at 10.27 pm

COUNCILLOR BHAGWANJI CHOCHAN  
Mayor

## Questions from Members of the Public

**Full Council – 18 September 2017**

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

My question is specifically around Wembley Park and the regeneration currently on where lots of old buildings are coming down to create new buildings and flats.

I would like to know how the Council is preparing to serve all the thousands of residents that will be living in these flats by 2020 and the pressure on local services that this will put, i.e. Transport, healthcare, schooling, police, welfare etc.

What are the strategies in place or planned so along with Wembley Stadium, Arena, London Designer Outlet (LDO) and Brent Civic Centre, the authorities are able to cope with the pressure expected on them?

**Response:**

The Council takes a plan-led approach to the regeneration of the borough, in order to prevent development schemes coming forward in an ad hoc, unplanned fashion. Wembley has a comprehensive planning framework, including the dedicated Wembley Area Action Plan (adopted 2015), which sets out how development of the area will progress. The ongoing regeneration provides and plans for infrastructure and facilities to support current and future residents across the Wembley area, including:

- 7 hectare public park
- New 3 form entry primary school, including a 2 form entry nursery school, plus 2 additional forms of nursery provision
- Primary health care facility (1500m minimum)
- Contributions towards secondary education in the wider area
- 6-lane 25m swimming pool available at local authority facility rates
- Significant investment in and improvement to the main rail and underground stations to improve capacity and the environment
- Community facility fund of £1.4m plus to spend on community projects

- Physical transport improvements e.g. the Triangle, Wembley High Road and elsewhere, together with significant developer contributions to Transport for London (TfL) for public transport, including buses

Developers have additionally contributed a significant cash sum of Community Infrastructure Levy, part of which will be spent on neighbourhood projects, and the remainder on strategic infrastructure needs to support growth in the immediate Wembley area and wider Brent Borough.

The Local Plan and in particular the Wembley Area Action Plan sets out the regeneration and development strategy for the Wembley area. The Local Plan is now to be refreshed and to examine how the whole Borough will develop over the next 15-20 years. Everyone is invited to get involved in this exercise and various public sessions are being held across the Borough throughout September for people to come along and contribute.

**2. Question from Ms Dowell to Councillor Southwood, Lead Member for Environment:**

I am concerned about the increase of systematic fly tipping in and around Selwyn Avenue, Bruce and Alric Avenue.

Although this is removed by the contractors it defeats the object. I am told by other residents that they see vans dumping their rubbish.

We have a high volume of rental properties which has also caused a problem.

I would like to know how much does it cost to send the contractors out to collect and why doesn't the council look at prevention?

I was told by the environment team last year that would look into it.

I am fed up with the dumping environment as I pay council tax and expect more.

**Response:**

The removal of illegally dumped rubbish is covered by the cleansing service specification within the Council's Public Realm Contract. The cost of this service is included in the overall circa £17m annual cost for the Contract; this is a fixed cost and not a variable charge dependent on the number of incidents the contractor responds to.

The Council takes illegal rubbish dumping very seriously and through a combination of enforcement, education and community engagement, we continue to work hard to make an impact on this problem.

Colleagues from Veolia (Brent's Public Realm contractor) inspect illegally dumped waste for direct evidence and refer their findings onto the enviro-crime enforcement team. This evidence, together with evidence obtained through other direct referrals to the council and investigations by the enviro-crime enforcement team, has resulted in hundreds of fines being issued and a large number of successful prosecutions. In 2016/17, there were 629 cases which led to these such sanctions being imposed, and following a change in penalty level in 2016, Brent issued the second highest number of fixed penalty notices in the country for illegal rubbish dumping.

The Council uses a range of tactics to assist in combating illegal rubbish dumping, including deployment of surveillance utilising our new in-house environment patrol team to carry out high visibility patrols and conducting out of hours in areas known to be environmental crime and antisocial behaviour hotspots in the borough.

These operations include CCTV officers in the Brent Control Room, who monitor and support the patrols on the ground. We do not advertise when, where or how we conduct this surveillance, to ensure it is as effective as possible.

Of course, preventing illegal rubbish dumping also requires assistance and cooperation from local residents, as they can help us by reporting and identifying people who they see illegally dumping waste. We encourage residents to report any incidents of illegal rubbish dumping in as much detail as possible online via the council's website. All reports are logged, and as mentioned above, waste is searched for evidence before being cleared to enable us to take enforcement action wherever possible. Data on all reports received is collated to enable the council to build a full picture of the problem 'hot spots' across the borough, so we can properly prioritise the deployment of our officers.

In terms of the specific areas highlighted in the question above, the enviro-crime enforcement team have conducted a site visit to inspect the problem and developed an appropriate action plan for the locations to include visits by our environmental patrol team, surveillance of the area and our contractor, Veolia, carrying out door knocking in the area to provide information on how waste should be disposed of and how instances of illegally dumped waste can be reported.

**3. Question from Mr Adow & Mrs Macolin to Councillor Farah, Lead Member for Housing and Welfare Reform:**

We have been on the social housing waiting list over 20yrs for a 4 bed property. Even though we been living in a 3 bed flat for the last 7yrs we are not allowed to bid for a 3 bed house and we have seen people joining the list and without waiting a year being found permanent housing.

We can understand if that family has very specific needs like illness or disability, but all the others we cannot understand why they can't be placed in temporary accommodation at least 5yrs. What is wrong with a first joined first housed system as it is now a local system many feel is open for abuse? Please see our bidding for the last 5 years to understand why we have pointed this out to you.

All we are asking is for a place we can call home. Our children question this all the time and we apologise in advance if we have expressed our feelings wrongly.

**Response:**

First of all, there is no need to apologise for asking a reasonable question about the long wait for a home. It is not always easy to understand the way the housing system works but we hope this brief explanation will help.

To be able to bid, applicants must fall into one of three priority bands on the system – A, B or C, with Band A representing the highest priority, including the kinds of medical priority mentioned in the question. Households to whom a full homelessness duty has been accepted, as in this case, are placed in Band C. Households within each band are then given priority based on the date they first applied (the “priority date”). To this extent, the system is “first come, first served” and those waiting longest in each band have the greatest priority. In most circumstances, the household in the highest band with the earliest priority date making a bid will be accepted first. In practice, the highest priority households will not always bid and the opportunity to do so will fall to the next in line. There may also be cases where a property does not become available through Locata because the council makes a direct offer, usually to meet an urgent need. However, it should not be the case that applicants are advised they cannot bid, unless there is a particular restriction on a property, for example because it is only available to a household with a wheelchair user.

There is a severe shortage of larger affordable homes. In the five years since 2012, 122 four bedroom homes have been let, 71 of them to households in Band C. The current shortest waiting time for 4 bedroom homes is 11 years and the longest 24 years, although it should be stressed that the upper figure is distorted by the number of households who do not bid for a range of reasons.

Officers would be happy to meet with Mrs Malcolin and Mr Addow to discuss their situation and advise them how they can make best use of Locata.

**4. Question from Mr Grigg to Councillor M Patel, Lead Member for Children and Young People:**

When a young person turns 18 and leaves care, they find themselves suddenly grappling with many challenges of living independently, including managing household budgets and paying bills. All too often there has not been the appropriate financial education to support this transition and they can rapidly fall into dangerous cycles of debt. Care leavers have described that they didn't know what council tax was or that they needed to pay it and what a frightening experience it can be to receive letters and visits from bailiffs,

As the corporate parent to approximately 400 care leavers in Brent, will Brent Council follow the 25 councils across the country who have adopted a council tax exemption for care leavers up to the age of 25? This is a relatively low-cost policy that will have great benefit to vulnerable care leavers and also save the council from the future ramifications of problem debt for residents and the costs of debt collection.

**Response:**

Brent Council is committed to providing an effective support package to all of our young people that have left care - ensuring young people are able to manage their finances effectively is an important part of that work. As an example, in January 2017 our staffing arrangements were realigned in response to our growing numbers of care leavers and also to enhance the quality of our support. The Children and Social Work Act 2017 requires Local Authorities to publish a Local Offer for care leavers and the Council anticipates completing this piece of work before the end of the calendar year. Contained within our Local Offer we plan to seek Cabinet's approval to exempt our care leavers from the requirement to pay Council Tax.

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

Full Council – 18 September 2017

**1. Question from Councillor Chan to Councillor M Patel, Lead Member for Children and Young People:**

Could the Cabinet lead for Children and Young People please give an update on this year's performance by Brent's GCSE and A-Level students and would she comment on that performance in the context of successive Tory governments' underfunding of state education?

**Response:**

The Department for Education (DfE) changed the headline measures of school GCSE performance in 2016. These headline measures are based upon student progress and attainment in eight GCSE subjects, and will be published in January 2018. To enable comparisons with previous years, this summer, Brent Council has collected the provisional proportion of Brent students attaining five GCSE A\*-C equivalent grades including English and mathematics. The provisional average for all Brent schools is 66 per cent, an increase of three percentage points compared to the August 2016 average of 63 per cent. This is the first year that students have taken the new style, more challenging GCSE qualifications in English and mathematics, which the government introduced to ensure that young people are better prepared for further study and employment. As a consequence there has been a decrease in the national average for the proportion of young people attaining equivalent A\*-C grades (or 9-4 grades under the new system) in the more demanding English Literature and mathematics examinations.

The provisional 2017 A Level results were the first awarded following significant reform to 13 A Level subject qualifications in 2015. The reformed A Levels contain new content, introduced to meet the requirements of higher education, and less non-examination assessment. Examinations for these subjects now take place at the end of the two year course (the results of AS qualifications no longer contribute towards the final results). Brent's pass rate has increased to 99 per cent from 98 per cent in 2016, which is one percentage point above the national pass rate (98 per cent), and the proportion of examination entries awarded A\* increased to 11 per cent which is three percentage points above the national average. Brent's proportion of A\*-B grades has increased to 57 per cent,

also a three percentage point increase compared to last year, which is four percentage points above the national average of 53 per cent.

With improved outcomes at A Level and at GCSE (against the previous headline measure) it is not possible to draw conclusions about the impact of school funding on results. However, I would like to congratulate school staff and students on the improved outcomes at both A Level and GCSE at a time when there is increased pressure on resources.

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

Could the Cabinet lead for Housing give an update on the homelessness support and temporary accommodation situations in this borough, please?

**Response:**

Homelessness applications and acceptances have increased across London but the local position has improved, with implementation of the Temporary Accommodation Reform Plan having a significant impact. In April 2014 the total of 3,300 households in temporary accommodation was the highest in England and included 300 households in bed & breakfast. The current total is just over 2,500, with bed and breakfast occupancy fluctuating but averaging no more than 30 households at any one time.

The Homelessness Reduction Act will come into effect from April 2018 and recent work has focussed on preparing for this change, which will impose new duties on councils to offer homelessness prevention advice and support to any homeless person, whether or not they have a priority need for housing. Invest 4 Brent is buying a substantial number of properties that will allow the council to meet its rehousing duties through the private rented sector, while plans for the upgrade of Knowles House to provide much better facilities for more homeless families are well underway,. The new £1.8m Single PASS outcomes-based homelessness prevention programme for single homeless people, jointly funded by the Department for Communities and Local Government (DCLG) and the council following a successful bid to the DCLG Trailblazer Fund will go live in mid-September and the wider Single Homeless Pathway programme will follow later in the year. The first homelessness prevention Social Impact Bond to be implemented in the UK is also due to go live by the end of the month.

Brent's good practice on homelessness has featured in the new LGA report "Housing our Homeless Households", available at <https://www.local.gov.uk/housing-our-homeless-households-full-report>.

**3. Question from Councillor Harrison to Councillor Hirani, Lead Member for Community Wellbeing:**

In light of recent reports on the government's failure to adequately recruit and retain medical professionals across the UK, can the Cabinet lead for Community Wellbeing give an update on the situation in Brent and, if relevant, neighbouring boroughs in which our residents might access health and care services?

**Response:**

The reported recruitment and retention concerns are a real issue in Brent. It impacts on London in particular when you think about the cost of living and housing which inevitably has an impact on being able to afford to live and work in London. We are continually pushing for key worker housing and our biggest local acute Provider London North West Hospital Trust has been awarded University Hospital status after being granted membership of the Association of UK University Hospitals which will increase the attractiveness for younger medics to work in our local health economy. However, fundamental change is needed in the Government's approach in developing our own as the current high tuition fees and the changes to Bursaries will and are already having an impact on finding the doctors and nurses of the future.

Finally, it is also worth turning our attention to non-medical staff as well and I am proud of the work my colleague and Deputy Leader Cllr Margaret McLennan has been doing and her hard work has resulted in London North West Hospital Trust adopting the London Living Wage.

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

In light of recent reports as to the volume of mental health related incidents being referred to the Metropolitan police, could the Cabinet lead for Community Wellbeing set out how Brent's ability to proactively manage and effectively support those of our residents in need of some form of help has been impacted by government cuts to funding?

**Response:**

The number of calls handled by the London Metropolitan police in which someone was concerned about a person's mental health is hitting record levels. On average 315 a day, or about 13 an hour calls are raised across London. We work closely with the Police and the NHS mental health teams to ensure we coordinate responses between us. Housing play a crucial role too. When people experience crisis, we have effective wrap around services to ensure we prevent additional crisis and people are supported to live independently in the community afterwards. Proactively managing and preventing crisis is where the real difficulty lies. It is also a very challenging environment. Government policy changes on Welfare, Housing, Employment and Disability benefits has an inevitable impact on people's mental health. When people are being impacted by Government policies to an extent where it impacts on basic essentials, such as being able to afford to eat have a roof over their heads and play an active role in society, it is no wonder that people are being driven into desperation. Government policy needs to change to stop having such a detrimental impact on people's mental wellbeing.

**5. Question from Councillor A Choudry to Councillor Tatler, Lead Member for Regeneration, Growth, Employment and Skills:**

Would the Cabinet lead for Regeneration, Growth, Employment and Skills set out what has been achieved as a result of Brent's various partnerships with private sector developers, please?

**Response:**

The simple answer is that we've been able to build thousands of new homes – much needed new homes of all tenure that we would not otherwise have been able to build.

Private sector investment and development is delivering a significant amount of the regeneration needed to achieve the spatial vision for the borough set out in the adopted Local Plan. Private sector developers are instrumental in delivering new homes, employment opportunities and infrastructure, particularly in the borough's identified growth areas.

Wembley is the borough's largest growth area and Quintain Estates & Development have invested over £1bn and committed to spending a further £2bn to develop the area around Wembley Stadium. Quintain have delivered the Wembley Arena refurbishment with a new public square, new 361-bed Hilton Hotel, the London Designer Outlet with 80 retail stores, 20 restaurants and coffee shops, and 9-screen cinema, community facilities, plus 1,000 new homes and 660 student accommodation rooms. Quintain are accelerating development with the next phase planned to include a 3 form primary school to cater for up to 630 pupils, 1.5 million square feet of commercial space supporting 7,200 jobs, 7 acre public park with two multi-use games areas and a lake, improvements to public transport, pedestrian crossings and cycle routes, plus 4,000 much needed new homes. Other private developments in the Wembley area have and are delivering new homes, hotels, student accommodation, retail and commercial spaces, plus a 6 lane 25m swimming pool available at local authority facility rates.

South Kilburn is home to the South Kilburn Estate, where the Council is approximately half way through a large scale 10-15 year regeneration programme. Transformational change is being successfully delivered in the area, including 2,400 new homes (with around 1,200 made available to existing South Kilburn residents), new larger high quality urban park, new local primary school, new health facilities, an improved public realm and a site-wide energy solution. Whilst the Council owns much of the land in South Kilburn and has to date taken a master developer lead in shaping and driving the programme forward, it is private developers and registered provider partners with their investment, commercial skills and appetite for risk, who have been instrumental in delivering the new built environment on the ground to date.

In all the other growth areas of Alperton, Burnt Oak/Colindale and Church End, and elsewhere in the borough, we see regeneration coming forward to meet the housing, employment and infrastructure needs of a growing population. Regeneration only happens through the efforts of both the public and the private sector in planning, investing and delivering the development that can accommodate growth. All development is also required to provide contributions to the Community Infrastructure Levy (CIL) in Brent, with circa £20m CIL collected to date, part of which will be dedicated to neighbourhood projects, and the remainder invested in the strategic infrastructure needed to support growth across the borough.

Latest GLA figures show that housing supply in LB Brent increased by 6,800 homes over the 6 years since the Local Plan Core Strategy adoption, marginally above the GLA target of 6,700 homes over that same period. With LB Brent's population projected to continue to grow in the short, medium and long term, and increasing housing needs and targets, private sector investment and development will continue to be critical to ensuring that sufficient new housing, employment floor-space and supporting infrastructure is built, to ensure growth is sustainably accommodated in the borough moving forward.

6. **Question from Councillor Kelcher to Councillor Miller, Lead Member for Stronger Communities:**

What steps is the Cabinet Member taking to crack down on late night noise nuisance and pollution in the south of the borough, and what assurances can he give to local residents that when they report these problems their concerns will be listened too and acted upon?

**Response:**

(a) Steps taken to crack down on late night noise nuisance:

The Nuisance Control Team is responsible for regulation and enforcement of all types of nuisance including noise, smoke, odour and light. The majority of complaints received at night relate to neighbour noise and the council effectively responds to late night noise by operating a reactive service from 6pm to 2am every night of the week. A single patrol consisting of two officers responds to the complaints which are forwarded to the council via an out-of-hours call centre or by emails sent directly to the team or via an online form. The team have developed the online service request over the last 3 months to increase options for reporting as well as responding to requests for this as a preferred reporting route for residents. Furthermore, if the call centre experiences a high call volume, this will ensure residents can log a nuisance in minimal time.

Many of the calls received by the council are reported as occurring in the south of the borough with reactive responses operating in such areas for a significant proportion of any shift. The council will prioritise calls on a 'first come, first served basis' unless calls relate to a significant issue (such as a rave or loud party affecting a number of households), or are identified as a priority by the council or the police. Ideally we aim to respond to, and investigate calls within 1 hour of reporting and will often contact the caller after the initial report to ensure that the problem initially reported is ongoing at the time we are ready to visit. At times of heightened need the service may not always be able to respond within the preferred timeframe or for that occurring evening. Offering assurance to this, it is not always necessary however to address noise nuisance on the night it is reported. In such circumstances, the council will always follow up, and look to investigate as soon as possible the next day during the day shift. We will decide appropriate steps to take and where possible issue warnings and advise of the consequences if further complaints are received. This is most effective in dealing with isolated events such as one-off family parties or if we are just logging calls to build an evidence base for ongoing investigations.

Our focus is always to offer relief to as many callers as we can. We do operate until 2am, however the council may suspend the service for a short while to deal with a backlog of cases to ensure residents are most effectively responded to. As a result we do not take or log calls:

- Which are anonymous or where insufficient detail of the problem is provided to enable us to investigate;
  - That are outside our remit – councils do not take action to address noise nuisance from ordinary domestic activities or poor sound insulation;
  - Unless we have a realistic chance of being able to investigate the complaint and feedback to complainants regarding the action taken.
- (b) Assurances for Brent residents suffering noise that when they report these problems their concerns will be listened to and acted upon?

In terms of work undertaken, cases investigated, resolved and enforcement action taken we compare favourably than with other local authorities. We offer a service for 15 hours a day from Monday to Friday and 8 hours on both Saturday and Sunday. Many other local authorities have deleted night services completely or only operate for 8 hours per day.

The council can provide guidance or advice to callers during the day time and every weekday the council has at least one duty officer and routinely 2-3 duty officers to respond to complaints, answer queries and undertake follow-up work and enforcement during our day time service. We also undertake work to address noise issues at source before it becomes a problem by preventing noise issues arising from industrial plants, pubs, clubs and construction sites via licensing controls and planning controls.

The council will deal with many types of cases proactively during day shifts and may issue verbal or written warnings via informal or formal means, issue noise abatement notices to prevent future occurrences, contact and warn landlords or registered property owners about noise problems reported and seek their assistance in resolving issues associated with their tenants.

For residents suffering noise we offer feedback on the night unless they specify they do not want the council to call them back. When reporting noise nuisance we request callers advise us of the latest time to call back and endeavour to do so. The council aims to update callers by email, text message, letter or call back the next working day wherever possible. When issues are reported to the council, a case file provides a reference number to simplify future reporting.

The Nuisance Control Team continues to work with wider department services to develop and improve shared working where issues have persisted and/or cross over into other service areas. Development of the Enforcement Practitioners Group has progressed this process where an increased partnership response has helped to develop positive outcomes for residents which may have taken more time to overcome if we had been working in isolation. We hope this partnership response will soon develop further via the proposed new department Neighbourhood Managers. This extra resource will benefit the team not only to

better progress outcomes for more long-term issues but also to help increase capacity to respond to residents where priority issues surface via increased 'on the ground' support for assessment and partnership response.

The below captures the recent service developments we have progressed to try and ensure optimum customer service for our residents moving forward. We anticipate that the below will improve the caller experience regarding our service and will continue to identify other improvements where we can:

- Undertaken a further review of the guidance we provide to our daytime and night time call centres to make sure they are providing the correct advice to callers;
- Conducted weekly briefing and updates with our night time call service providers to improve customer service, the quality of responses and call response rates;
- Undertaken a review of our web pages for the same above reason;
- Progressed improvement work on our online form which will include additional information to advise callers of further actions, provide a better option for them to track progress with their case and provide additional guidance regarding nuisance;

We will consider other practical suggestions from members for improving the service if they meet budgetary constraints.

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

BHP are proposing to build flats on a small area within the perimeter of Frontenac, Donnington Road, NW10. At present this area is full of washing lines, and residents want to keep it that way.

Residents are understandably furious that BHP can even contemplate this project with the obvious resulting loss of light, loss of space, loss of privacy and the significant fire access problems that would result.

Will you urge BHP to withdraw these proposals? If not, will you as a first act of the new in-house arrangements for Brent Council inform residents that this project will not proceed?

**Response:**


The development proposals at Frontenac are part of the Brent Housing Partnership's Infill Development Programme, and will provide 3x3bed and 1x2bed homes. The Infill programme is a relatively small part of the Council's broader ambition to mitigate the worst impact of the housing crisis by making 1000 new affordable homes available each year. Subject to planning permission, the homes will provide much needed family accommodation for the borough.

Further to the resident consultation event in May 2017, BHP is in the process of revising the proposals by taking residents' feedback on board and they will contact residents with an update before submission of the scheme for planning. BHP are doing what they can to respond to residents issues, for example:

- There will be a new drying area for all residents in the revised plan as a direct response to the issues raised in this question and at the consultation;
- BHP are developing a new landscaping plan, again as a result of the consultation, with the aim of mitigating the loss of amenity space (because of the new building) by increasing the usefulness of the remaining space;

The proposals comply with The London Plan, national & local planning guidelines and will be subject to scrutiny on the issues of loss of daylight/sunlight, amenity space, overlooking & access to emergency services as part of the planning process.

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 <b>Brent</b>	<p style="text-align: center;"><b>Full Council</b> 18 September 2017</p> <p style="text-align: center;"><b>Report from the Director of Policy, Performance and Partnerships</b></p>
For Action	Wards Affected: ALL
<p style="text-align: center;"><b>Report from the Chair of the Resources and Public Realm Scrutiny Committee, Councillor Matt Kelcher</b></p>	

## 1.0 Summary

- 1.1 This report provides a summary of the work carried out by the Council's Resources & Public Realm Scrutiny Committee in accordance with Standing Order 14. The report covers the period from 10<sup>th</sup> July 2017 to present, detailing programme of work and items discussed during the committee meeting on the 11<sup>th</sup> July.

## 2.0 Detail

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

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

Councillor Matt Kelcher (Chair)  
Councillor Joel Davidson (Vice-Chair)  
Councillor Abdi Aden  
Councillor Lia Colacicco  
Councillor George Crane  
Councillor Ernest Ezeajughi  
Councillor Sam Stopp  
Councillor Roxanne Mashari.

## 3.0 Engagement and development

Ahead of the committee's second meeting of the 2017-18 municipal year, members of the committee visited Harlesden High Street in preparation of the follow up review on the Brent high street initiatives report that will be presented on 5 September 2017.

The Chair of the R&PR will be attending a Centre for Public Scrutiny training course on 12<sup>th</sup> September, that will focused on effective chairing skills.

#### **4.0 Committee Meetings**

Since the last chair's report in July the Resources & Public Realm Scrutiny Committee has met twice. A summary of the meeting follows.

On 11 July 2017, the committee received the following reports:

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

The Chair introduced the report on the committee work programme for 2017/18 and detailed the strategic approach taken in developing the programme, which is included as an appendix to this report. The resulting work programme covered a broad range of items and policy areas across corporate resources, regeneration and environment, transport and community safety and extended beyond the council to include an item on employment and employability in Brent, to which the Department of Work and Pensions will be invited to contribute. Recognising the significance of the council's Digital Strategy, many of the reports to be presented to the committee would also include comment on the Digital element. As part of the committee's commitment to make its work programme strategic, it will include in its annual report at the end of the year a dedicated section which will encompass its findings and work in relation to digital strategy and delivery.

Members noted that site visits undertaken by the committee during this period had been extremely valuable and had enhanced the committee's ability to scrutinise the issues presented. As such the committee has agreed an number of visits that will support the items of 2017-18 work programme.

In the subsequent discussion, it was noted that a report on Outcome Based Reviews (OBRs) was due to be submitted to the committee at its next meeting and officers were requested to review what consideration was given to past Task Group reports by those undertaking the OBRs. The Chair also clarified to the committee that any members wishing to be involved in proposed Task Groups should indicate their interest to the Chair and Scrutiny Officers.

##### **4.2 *Strategic Overview of the Council's Funding***

The committee received a presentation outlining the council's funding position, highlighting key risks and obligations, and noting the current level of uncertainty resulting from the absence of the Local Government Finance Bill from the Queen's Speech on 21 June 2017. In concluding the presentation, Andrew Ward outlined a number of key developments in local government finance including: business rates devolution and the potential to join a London pool if devolution of the rates was to proceed; school funding and the national funding formula; Adult Social Care and NHS integration; and, the Homelessness Reduction Act.

In the subsequent discussion, the committee questioned how the council was responding to the current uncertainty. Clarity was sought regarding the reported figure of £4.5m procurement savings and the challenges that this

target had presented. Further comment was sought on the £1.25m income to be generated via civic enterprise. It was queried how the council would capitalise on the increased use of Wembley Stadium and particularly, what the revenue benefit was for the council of the use of Wembley Stadium by Tottenham Hotspurs. Questions were raised regarding the anticipated level of revenue from the in-house litter enforcement team, whether this could be maximised by a more aggressive deployment of the team and how this had been accounted for in the budgeting process. The committee questioned what work had been undertaken to identify how the council would meet the £13m funding gap for 2019/2020. A member highlighted the need to safeguard pensions and meet any percentage increase in staff pay and questioned how prepared the council was to meet these eventualities. Members sought information on Brent's comparative position to other local authorities with regard to per capita cost of services and business rates generated in the borough.

#### *4.3 Proposed Scope for Scrutiny Task Group on the use of Food Banks in Brent*

The Chair introduced the report setting out the proposed scope for the Scrutiny task group on the use of food banks in Brent. The task group had been requested by members following a noticeable increase in the usage of food banks, both in Brent and nationally. It was proposed that the task group would look at Brent, London and the national picture, with a focus on understanding the issue and the current position of central government, local authorities and other public sector partners. Specifically, the task group would analyse four key areas: understanding the drivers and scale of the problem; policy and practice; the experience of the resident; and, public perception. Members' attention was drawn to Appendices A and B to the report detailing in full the proposed scope and terms of reference for the task group respectively.

In the subsequent discussion, members agreed that a visit be conducted by the task group to a food bank as part of the research undertaken and questioned how the conclusions of the task group would be taken forward by the council. The Chair emphasised that currently there was no legislation around this issue, nor any formal council policy in place. There was an opportunity to ensure that the council was at the forefront of responding to this issue, reflecting on partnership working and providing a clear steer locally.

On 5 September 2017, the committee received the following reports:

#### *4.4 Brent Outcome Based Reviews (OBRs) Update*

The committee received a presentation on the outcomes and learning from the council's first three Outcome Based Reviews (OBRs) and outlining the progress made on the ongoing OBRs. The committee heard that OBRs encompassed working with a wide range of stakeholders to re-imagine ways of working and to jointly develop and test solutions.

The first OBRs were carried out in 2016 and had focussed on housing for vulnerable people, employment support, and welfare reform and regeneration. Building on the learning from the first set of OBRs, three more had been established for 2017 focussing on domestic abuse, adolescents on the edge of care and gangs. These were currently at the information-gathering phase,

and the next steps included undertaking more community and professional research including ethnographies, focus groups with perpetrators, and professional interviews with other services, horizon scanning, in-depth case analysis, and financial modelling. Following this the OBRs would progress to the development and testing stage.

#### *4.5 Follow Up Review on Brent High Street Initiatives*

The committee received a report from the Strategic Director of Regeneration and Environment, which provided a performance analysis of the newly recruited town centre managers, the digital high streets project and the now in-house uniformed litter patrol service. It was noted that members of the committee had undertaken a site visit to Harlesden high street to support their scrutiny of the various initiatives.

The committee heard that two of the three town centre manager positions had been appointed in May 2017 and recruitment for the remaining position was ongoing. Twelve-month plans had been written by the Town Centre Managers in consultation with ward members, business representatives and council services. Officers updated members on the Digital High Streets project and advised that the pilot had run in Wembley from January 2017. The committee was updated regarding the progress made with regards to the in-house uniformed litter patrols which had commenced on 13 July.

#### *4.6 Update on Recommendations of S106 and Community Infrastructure Task Group*

The committee was provided with updates on each of the recommendations made by the 2016 S106 and Community Infrastructure Task Group. The Cabinet member explained that some recommendations were further along than others, due to their varying levels of complexity.

The committee queried the issues encountered in recruiting to the neighbourhood CIL officer posts, as well the rate of progress in utilising CIL funds.

#### *4.7 Update on the Devolution of Business Rates Task Group*

The lead Cabinet member made the committee aware that there was not a Finance bill in the Queen's Speech this year, but that the business rates pool for London boroughs is going ahead and this could mean a possible £4.8 million for the council in 2018.

Members asked officers about measures that small businesses might take to avoid paying the correct business rates, as well as about the rates paid by Wembley Stadium and if they had received any tax reliefs. The committee asked about mixed use premises, and sought information on the number of office spaces converted to housing.

### **5.0 Upcoming Scrutiny Meetings and Activities**

The next meeting of 2017-18 is scheduled for 7 November 2017 and the items which it will consider are:

- Annual Report on Complaints 2016/17
- Update on South Kilburn Regeneration Programme
- Factors making welfare and benefits claimants vulnerable
- Community Access Strategy, and
- Food banks and poverty task group report.

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**Full Council**  
18 September 2017

**Report from the Director of Policy,  
Performance and Partnerships**

For Action

Wards Affected:  
ALL

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

**1.0 Summary**

This report provides a summary of the activities carried out by the Community and Wellbeing Scrutiny Committee in accordance with Standing Order 41. The report covers the period from 10 July 2017 and details its work programme, visits and engagement, committee discussions and training.

**2.0 Detail**

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

Cllr Ketan Sheth, Chair  
Cllr Suresh Kansagra, Vice-Chair  
Cllr Ahmad Shahzad OBE  
Cllr Lesley Jones MBE  
Cllr Claudia Hector  
Cllr Neil Nerva  
Cllr Aisha Hoda-Benn  
Cllr Rita Conneely.

In addition, the committee has six co-opted members, representing the Anglican diocese, Roman Catholic diocese, governors of primary schools, governors of secondary schools, Muslim faith schools and Jewish faith schools. They have been co-opted for the purposes of school education.

Members of the committee have now finalised their annual work programme for 2017-18, which is set out in Appendix A. The work programme has built-in capacity to ensure there is the flexibility to respond to issues as they arise and which residents may suggest.

## **2.2 Engagement and development**

As part of the 2017/18 Work Programme members will be considering which visits they will want to make as part of their reports and which experts in particular policy areas from outside the local authority can complement the committee's work.

Since the last chair's report, Councillor Sheth has contributed an article to a publication produced by the Institute of Local Government (INLOGOV) at the University of Birmingham, reflecting in particular on the overview and scrutiny of Child and Adolescent Mental Health services (CAMHS). Councillor Sheth also attended a meeting of Brent Youth Parliament (BYP) in July and gave a presentation about the work of the committee focusing on young people's issues, and how BYP members can be involved.

## **2.3 Committee Meetings**

Since the last chair's report, the Community and Wellbeing Scrutiny Committee has met once on 19 July. The committee received the following reports:

### *Sustainability and Transformation Plan (STP)*

Councillor Krupesh Hirani, Cabinet Member for Community and Wellbeing, updated committee members about the Sustainability and Transformation Plan (STP). The committee learned that building primary care capacity at the Central Middlesex Hospital was one of the priorities as it had been decided that the hospital would become a centre for elective admissions with day surgeries and minor surgeries complementing the existing services. In addition, it was noted that the STP had changed since it was announced because extra money had been allocated for social care and additional STP funding had been provided. Councillor Hirani said that these were important changes that required cross-borough working which would also help influence what had been happening on a local level.

### *Children's Oral Health in Brent*

The committee heard that Brent's children have some of the worst oral health outcomes in England, with dental extractions remaining the top cause for elective hospital admissions in children. However, National Health Service England (NHSE) has awarded a new five-year Community Dental services (CDS) contract to Whittington Health NHS Trust from 1 April 2017 with funding for oral health promotion staff remaining with NHSE. Brent Public Health would provide £20,000 towards this.

The Cabinet Member for Community Wellbeing, Councillor Hirani, told members that work had been undertaken with the borough's children centres to address not only oral health, but also obesity as there was a close correlation between the two issues.

He said that prevention was important to combat both issues, and cited the council's Slash Sugar campaign as an example of the council's aware-raising to aid this.

The Director of Public Health Dr Melanie Smith commented that there had been a strong partnership between Public Health, NHSE and Brent's dental practices, which had demonstrated that efforts to improve children's oral health had been co-ordinated.

Some members of the committee expressed their views about the importance of promoting fluoride varnish, school visits by dentists, and encouraging residents to register with a dentist – and that the council's website could be better used to communicate important messages. It was agreed that particular focus was required in Harlesden, where there are high numbers of dental admissions to hospital.

#### *Primary Care Transformation*

The report was presented by Brent Clinical Commissioning Group (CCG). Members of the committee were told that some of the challenges faced by Brent CCG were a growing number of people aged 85 and over, demand on services, financial pressures, a dated infrastructure, and issues related to recruitment and retention of GPs.

A committee member asked what measures were being taken to ensure that vulnerable residents were not adversely affected by changes to primary care delivery. The CCG said that one of the groups disproportionately affected by primary care transformation was new residents because they might not have a GP and may have found it difficult to register. Therefore, the CCG stressed the importance of informing residents what they could do if a practice refused to register them. The CCG said that all practices had defined catchment areas and maintained an open register so if a practice refused a new registration, this could result in a complaint.

The committee felt it was important that patients were kept informed through effective communication from the CCG, working with the council and using GP surgeries to display important information. The committee also emphasised the key part that health service provision should play in the planning process for large developments.

#### *Child and Adolescent Mental Health Services (CAMHS) Task Group*

Councillor Shahzad presented his task group report to the committee. The Committee heard that the task group had agreed four recommendations for Brent CCG, on increased investment in support in schools, reminding schools of referral pathways, a peer support programme, and a network of community champions; as well as one jointly for the CCG and Brent Council, to arrange an event for parents modelled on the council's It's Time to Talk events. Hamza King (former member of Brent Youth Parliament) spoke about his role in the task group and highlighted the importance of including the perspective of young people in the borough in the work of the group. Councillor Shahzad said the task group had spoken to a wide number of stakeholders while it was completing its report. Committee members also agreed that an update on CAMHS provision in Brent be provided at a future meeting of the committee. The committee endorsed the recommendations in the report.

## **2.4 Scrutiny and Cabinet**

The recommendations of the CAMHS task group were presented to Brent Council's Cabinet on 11 September, and there will be a presentation to the Brent Health and Wellbeing Board on 5 October of the task group's report.

## **3.0 Upcoming Scrutiny Meetings and Activities**

The next meeting of the committee is on 19 September, where it will consider:

- Local Safeguarding Children's Board annual report
- Brent Safeguarding Adults' Board annual report
- identification of female genital mutilation in Brent
- scoping document for the home care task group.

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**Community and Wellbeing Scrutiny Committee Work Programme 2017-18**  
**Wednesday 19 July 2017**

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

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

Tuesday 19 September 2017

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

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

Wednesday 22 November 2017

Agenda	Item	Details	Cabinet Member/Member	Attendees
1.*	Brent Local Area SEND Inspection	Assess the action plan in place as a result of CQC-Ofsted local area inspection and how improvements will be implemented by the local authority and Brent CCG.  Assess progress of recommendations made by committee in March 2017.	Cllr Mili Patel, Cabinet Member, Children and Young People	Gail Tolley, Strategic Director, Children and Young People  Sheik Auladin, Interim Chief Operating Officer, Brent CCG
2.**	Local Offer for Care Leavers	Review the effectiveness of existing Local Offer for care leavers and any changes resulting from new policy or legislation.	Cllr Mili Patel, Cabinet Member, Children and Young People	Gail Tolley, Strategic Director, Children and Young People

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

Wednesday 31 January 2018

Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	GP Practices in Brent	Review accessibility to GP practices in the borough including opening times, location, appointments and waiting registers.  Evaluate to what extent the recommendations of the 2015 scrutiny task group have influenced accessibility.	Cllr Krupesh Hirani, Cabinet Member for Community Wellbeing	Sheik Auladin, Interim Chief Operating Officer, Brent CCG  Sarah McDonnell, Assistant Director for Primary Care, Brent CCG
2.	PLACE scores	Evaluate why certain PLACE scores for hospitals in the Trust have been below average, what action plan has been put in place and what improvements were made.	Cllr Krupesh Hirani, Cabinet Member for Community Wellbeing	North West London NHS Healthcare Trust

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

Wednesday 28 February 2018


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

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

Wednesday 28 March 2018

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

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

 <p><b>Brent</b></p>	<p align="center"><b>Full Council</b> 18 September 2017</p> <p align="center"><b>Report from the Director of Policy, Performance and Partnerships</b></p>
<p>For Action</p>	<p align="right">Wards Affected: ALL</p>
<p align="center"><b>Report from the Chair of the Housing Scrutiny Committee, Councillor Janice Long</b></p>	

## 1.0 Summary

This report provides a summary of the work carried out by the Council's Housing Scrutiny Committee in accordance with Standing Order 41. The report covers the period from the end of the previous Full Council meeting on 10 July 2017 to present, detailing committee members, planned training, programme of work and items discussed during the committee meeting.

## 2.0 Detail

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

The membership of the committee for 2017/18 is:

Councillor Janice Long, Chair  
 Councillor Reg Colwill, Vice-Chair  
 Councillor Shafique Choudhary  
 Councillor Mary Daly  
 Councillor Patricia Harrison  
 Councillor Orleen Hylton  
 Councillor Sandra Kabir  
 Councillor Kana Naheerathan

The committee also has agreed to appoint a co-optee who is a leaseholder of a Brent Housing Partnership (BHP) property, and another who is a BHP tenant

(the process for appointing these is currently in progress, and this is elaborated on below).

On 27 June 2017, a member-led workshop developed a work programme for 2017/18 with input from officers. This was done by filtering items according to the criteria for scrutiny and deciding what subjects or ideas would be appropriate for a task group report and what would be appropriate for a committee report. The Cabinet member for Housing & Welfare Reform also attended the workshop.

The annual work programme for the municipal year 2017/18 was agreed at the first meeting of this committee on 14 July 2017. A certain degree of flexibility has been included within the work programme to ensure agenda items can be shifted between scrutiny meetings in order to respond to items based on public and corporate concerns.

## **2.2 Engagement and development**

Members of the committee undertook a visit to Lynton Close Traveller's Site on 4 August 2017 to understand the needs and concerns of the residents. As part of the 2017/18 Work Programme members will be considering which other visits they will want to make as part of their reports and which experts in particular policy areas from outside the local authority can complement the committee's work.

The Chair attended a meeting on Air Quality organised by the London Scrutiny Network on 14 July 2017, for the purposes of meeting colleagues from across London.

## **2.3 Committee Meetings**

Since the Full Council meeting on 10 July 2017, this committee held its inaugural meeting on 14 July. The scrutiny committee received the following reports:

### *Fire safety measures for tower blocks across Brent*

The report focused on enhanced fire safety measures across Brent Council properties as a response to the fire at Grenfell Tower in June 2017. This report provided members with an update on the 2017-18 housing works programme in relation to fire safety measures for tower blocks across Brent.

The areas of focus included: Fire Risk Assessment Programme; fire safety improvement works; improved awareness of the mitigation measures in place for civil emergencies; awareness across different public agencies; and responding to wider public interest. There were details of the council's commitment to spend £10 million on a package of enhanced fire safety measures for high rise blocks such as sprinklers, smoke detectors and fire alarms. Officers also reported that council and BHP officers are developing a fully itemised and costed programme of fire safety works for council consideration and approval in October 2017. The report also mentioned that a letter would be sent to the Secretary of State asking the Government to meet this £10 million cost increase to the Council's 2017/2018 Capital Programme.

Officers mentioned that 12 fire-related Freedom of Information inquiries were received compared with two inquiries on fire safety and expenditure in the whole year 2016-17.

Members had an opportunity to ask further questions on the report relating to fire safety assessments, costing, impact on tenants and leaseholders and quality of contractors work. A member asked a question in relation to the number of contractors and sub-contractors and overall quality of contractors' work, as often tenants were charged higher than normal rates for even simple repairs. A further question on monitoring illegal subletting was posed to the officers present.

The committee was keen to communicate to the Cabinet member that residents would not be asked to pay the additional £10m being proposed for additional fire-works. A task group proposed at the scrutiny meeting on 14 September 2017 will review types of fire incidences, cause of death, fire safety measures and fire safety awareness campaigns in Brent with a specific focus on low-rise properties (up to nine storeys).

*Update on Transition back to the Council and the BHP Transformation programme*

The report provided an overview of the transition of the Housing Management function from Brent Housing Partnership (BHP) to Brent Council, following the Options Review carried out last year. The Housing Operations Transformation programme, which is a fundamental review of the service's operating model, was required irrespective of the decision to bring the service back to the Council. It outlined the transfer of 11,000 council properties back to the Council. The changes included the BHP retaining significantly reduced responsibilities for 329 properties. This is as a consequence of the June 2017 Cabinet decision to retain this separate company in the short term and reassess as Invest4Brent (I4B) develops as a company over the next 18 months. The BHP board retains the right to take decisions regarding service delivery, as it remains legally responsible for delivering services up until 2nd October 2017.

The officers outlined BHP contracts will novate to the Council, which will ensure the council is able to utilise these contracts pending any re-procurement of contracts by the council itself. Prior to agreeing to the novation or assignment of contracts to the council, officers will undertake relevant due diligence to assess the risks and appropriateness of any novation or assignment.

Members had an opportunity to ask further questions about the existing multiple contracts across the borough, in particular Veolia's, which had been causing a lot of issues. A further question was posed on land ownership and "un-adopted land" as one of the main source of issues with regard to contracts.

The committee requested officers provide a report on BHP performance data, resident engagement strategy and map of all BHP properties in each ward at the next scrutiny meeting on 14 September 2017.

### *Co-opted members*

The report set out a suggested process for appointing co-opted members to the committee, taking into account evidence from other London Boroughs with co-opted members to their housing scrutiny committees. The report highlighted the importance of including the voices of BHP tenants and leaseholders by co-opting one of each to the committee. The need to further explore the inclusion of registered providers was also mentioned.

The recommendations included a competitive recruitment process for two posts – one each from BHP leaseholders and tenants. The selection would be overseen by a panel composed of members of this committee and officers from the Policy & Scrutiny team. The original timeline outlined in the report has been extended until end of November 2017 to increase the number of potential applications along with measures to attract interest from residents.

### **3.0 Upcoming Scrutiny Meetings and Activities**

The upcoming meeting on 14 September 2017 will consider the following items:

- i. BHP performance data, resident engagement strategy and map of all BHP properties in each ward;
- ii. Rent and management of Travellers site;
- iii. Implementation of actions previously recommended by Local Government Ombudsman;
- iv. Scope – task group on Fire Safety of low-rise domestic properties (up to nine storeys);
- v. Review and update the Committee's Work Programme 2017-18 (attached as an appendix to this report).

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## Housing Scrutiny Committee Work Programme 2017-18

Thursday 27 July 2017

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

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

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

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

**Wednesday 1 November 2017**

<b>Agenda</b>	<b>Item</b>	<b>Objectives for Scrutiny</b>	<b>Cabinet Member/Member</b>	<b>Attendees</b>
1.	Brent based Registered Providers (RP) delivery of social housing	<ol style="list-style-type: none"> <li>1. Use of existing assets</li> <li>2. Future strategy for Brent</li> <li>3. Welfare issues addressed by RP (methods, means, and areas of collaboration with LBB)</li> <li>4. Commitment and action between RP and their section 106 commitments</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance;</li> <li>4. One registered provider (TBC).</li> </ol>
2.	Brent's Housing Associations: scrutiny task group report (July 2016)	<ol style="list-style-type: none"> <li>1. Evaluate progress on recommendations from original report to CWB Scrutiny Committee in July 2016.</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance;</li> <li>4. John Magness, Head of Housing Partnerships</li> </ol>
3.	Housing complaints	<ol style="list-style-type: none"> <li>1. Scrutinise housing complaints from annual complaints report and determine key messages;</li> <li>2. Scrutinise handling of vexatious complaints;</li> <li>3. Review new complaints handling mechanism after</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance</li> </ol>

		BHP dissolved		
4.	Scrutiny Committee's Work Programme 2017-18	The report updates Members on the Committee's Work Programme for 2017-18	Cllr Janice Long	1. Sanjan Haque, Senior Policy Officer

**Tuesday 16 January 2018**

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

		between RP and their section 106 commitments		
4.	Scrutiny Committee's Work Programme 2017-18	The report updates Members on the Committee's Work Programme for 2017-18	Cllr Janice Long	1. Sanjan Haque, Senior Policy Officer

Thursday 22 Feb 2018


Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	Leaseholder services	Section 20 consultation process: 1. notice of intention; 2. notification of estimates; 3. notification of award of contract;	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	1. Phil Porter, Strategic Director Community Wellbeing; 2. Hakeem Osinaike, Operational Director Housing; 3. Minesh Patel, Head of Finance;
2.	BHP Development plans	1. Size of portfolio; Value of portfolio; 2. Management and usage plans beyond integration of BHP within LB Brent Housing; 3. Financial forecast.	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	1. Phil Porter, Strategic Director Community Wellbeing; 2. Hakeem Osinaike, Operational Director Housing; 3. Minesh Patel, Head of Finance
3.	Brent based Registered Providers (RP) delivery of social housing	1. Use of existing assets 2. Future strategy for Brent 3. Welfare issues addressed by RP (methods, means, and areas of collaboration with LBB) 4. Commitment and action between RP and their section 106 commitments	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	1. Phil Porter, Strategic Director Community Wellbeing; 2. Hakeem Osinaike, Operational Director Housing; 3. Minesh Patel, Head of Finance; 4. One registered provider (TBC).

4.	Scrutiny Committee's Work Programme 2017-18	The report updates Members on the Committee's Work Programme for 2017-18	Cllr Janice Long	1. Sanjan Haque, Senior Policy Officer
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**Wednesday 21 Mar 2018**

Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	'Find your home' programme	<ol style="list-style-type: none"> <li>1. Performance of the scheme in Brent;</li> <li>2. Understand whether programme is fit for purpose based on social needs;</li> <li>3. Understand the relationship with welfare reform;</li> <li>4. Impact on homelessness with special focus on Children &amp; Young People.</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance.</li> </ol>
2.	Homelessness Reduction Act	<ol style="list-style-type: none"> <li>1. Role of the Trailblazer programme in delivering reduction in homelessness;</li> <li>2. Council's preparation for the delivery of the new legislation.</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance.</li> </ol>

3.	Brent based Registered Providers (RP) delivery of social housing	<ol style="list-style-type: none"> <li>1. Use of existing assets</li> <li>2. Future strategy for Brent</li> <li>3. Welfare issues addressed by RP (methods, means, and areas of collaboration with LBB)</li> <li>4. Commitment and action between RP and their section 106 commitments</li> </ol>	Cllr Harbi Farah, Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance;</li> <li>4. One registered provider (TBC).</li> </ol>
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 <b>Brent</b>	<p style="text-align: center;"><b>Full Council</b> 18 September 2017</p> <p style="text-align: center;"><b>Report from the Vice-Chair of the Audit Advisory Committee</b></p>
For Information	Wards Affected: All
<p style="text-align: center;"><b>Report from the Vice-Chair of the Audit Advisory Committee</b></p>	

## **1.0 Purpose of the Report**

- 1.1 This report provides a summary of the activities carried out by the Council's Audit and Audit Advisory Committees since the meeting of Full Council on 10 July 2017.

## **2.0 Recommendations**

- 2.1 Full Council is asked to note the content of the report.

## **3.0 Detail**

- 3.1 The committee has not been scheduled to meet since the last update was provided to Council. However, given the importance of future work it is nonetheless appropriate that this brief update is brought to Council.
- 3.2 Brent remains committed to open and transparent governance, and welcomes external scrutiny, which is why it has ensured that the committee continues to have two independent members and that their role is enhanced. As previously noted, under s102(1) of the Local Government Act 1972, the independent members were formerly unable to vote. By reconstituting however, almost all the business under the Audit Advisory Committee, which operates under different legislation, can be voted upon by the independent members. They thus continue to have an equal voting status to elected councillors.
- 3.3 Going forward, the Committee will continue in its key role of reviewing standards of control, the management of risks and scrutinising key financial information such as the accounts and lending and borrowing. The key items that the committee will consider at its next meeting are set out in the paragraphs below.

- 3.4 The committee is scheduled to discuss the quarterly Internal Audit and Investigations Progress Report. This provides an update on the progress against the internal audit plan for the period 1 April 2017 to 31 August 2017. It is important for the Audit Advisory committee to note this progress and track its deliverability, comparing statistics and resolutions. The committee will also have to consider preparation for the Peer Review of the internal audit function. This is in accordance with the Public Sector Internal Audit Standards (PSIS). An initial assessment will be carried out internally, followed by an external review in the spring of next year.
- 3.5 The committee will also discuss the Statement of Accounts along with the Auditor's report. It is the responsibility of the Audit Committee to consider any issues raised by the external auditors as part of the process of approving the annual statement of accounts. Referred to as the ISA260 report, the basis for this consideration is the "report to those charged with governance". The report is produced by the Council's external auditors, KPMG, following completion of the audit of accounts. The intention of the report is to identify any changes to the accounts, unadjusted mis-statements or material weaknesses in controls identified during the audit work. It also provides the findings from the value for money conclusion for the year.

The committee will therefore be asked to review the report to those charged with Governance from KPMG and:

- consider the key issues and recommendations;
- consider the corrected audit differences;
- approve the statement of accounts; and
- approve the letter of representation to KPMG.

As the Statement of Accounts sets out how the Council accounted for over £1bn of public money and shows the financial performance of the Council for the year 2016/17, it is essential that proper consideration is given to the auditor's report on them.

- 3.6 Council will recall from previous reports that the Local Audit and Accountability Act 2014 (the Act) brought to a close the Audit Commission. The Act established transitional arrangements for the management and supervision of existing contracts for external audit (eventually extended to 2017/18), and detailed future arrangements (for 2018/19 onwards) for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England. These arrangements were outlined in a report to Audit Committee in March 2016, and allow the Council to procure and appoint auditors through either:
- setting up its own independent auditor panel,
  - with other authorities (or authority) to set up a joint independent auditor panel, or to

- opt into a sector-led arrangement, (Public Sector Audit Appointments or PSAA) which would allow a body, designated 'appointing person' to complete the process for a large number of authorities.

Council has approved the third option and have subsequently been advised by PSAA that the proposed auditor for 2018/19 onwards would be Grant Thornton. This is subject to an ongoing consultation, and the committee will formally review the proposal at its next meeting.

- 3.7 In the area of Governance, the committee will review the performance and management of I4B Holdings Ltd. I4B Holdings Limited is the Council's wholly-owned company aiming to provide 300 units of private rented sector accommodation at affordable rates.

The company was established in December 2016 and since then, governance, legal, administrative and financial controls have been put in place to facilitate delivery of the intended outcomes.

The strength and sufficiency of the controls put in place to ensure that the company is operating effectively and delivering the council's planned outcomes at reasonable cost will be scrutinised in detail to provide independent assurance.

- 3.8 At the September meeting the committee will also scrutinise the council's borrowing and treasury investments to ensure that they are in accordance with agreed policy, in compliance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2011 and that the Council is not being exposed to unreasonable risks.

- 3.9 The committee will also be reviewing progress on delivering the capital programme.

#### **4.0 Financial Implications**

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

#### **5.0 Legal Implications**

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

#### **6.0 Equality Implications**

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

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

- 7.1 Not applicable

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

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

**Background Papers**

None

**Contact Officers**

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 <b>Brent</b>	<p style="text-align: center;"><b>Full Council</b> 18 September 2017</p> <p style="text-align: center;"><b>Report from the Chief Legal Officer</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p><b>Changes to the Constitution</b></p>	

## 1.0 Summary

- 1.1 This report proposes a number of changes to the council's Constitution to reduce its length and complexity. In addition, some minor updating and clarification changes are proposed.

## 2.0 Recommendations

- 2.1 To approve the changes to the Constitution proposed in this report and contained in the Appendix.
- 2.2 To authorise the Chief Legal Officer to amend the Constitution accordingly, including making any necessary incidental or consequential changes.

## 3.0 Detail

- 3.1 The purpose of the Constitution is to set out the fundamental principles and procedures which govern the operation of the council. Local Authorities are required by the Local Government Act 2000 to adopt a Constitution which contains a copy of the Council's standing orders, its code of conduct for members and the detailed information required by the Local Government Act 2000 (Constitutions) (England) Direction 2000.
- 3.2 The Council is free to change its Constitution from time to time, provided it continues to comply with the Direction. As set out in the constitution, changes may be:
- agreed at a Full Council meeting;

- notified to the Chief Legal officer (and by her to Full Council) where they relate to decisions by the Leader under his statutory powers as to responsibility for the discharge of executive functions and membership of the Cabinet;
- in limited circumstances, made by the Chief Legal Officer and (unless they are minor) notified to the Council. These notified changes will cease to have effect if the Council doesn't agree them.

This ensures that the Constitution is a living document which accurately reflects current legislation and council policy and priorities.

- 3.3 Although the Constitution has been changed from time to time since it was adopted, it is largely in the same format as when it was originally adopted following the implementation of the Local Government Act 2000. It is often commented that it is too long and unwieldy. With this in mind, the structure of the Constitution has been reviewed to reduce duplications and to propose removal of some information which is not required to be part of the Constitution and could be easily maintained outside it.
- 3.4 The main changes that are proposed are explained below. The Appendix also includes explanatory footnotes for some of the changes proposed.
- 3.5 Part 2 (the Articles) of the Constitution contains material which is either duplicated elsewhere in the Constitution or does not need to be included. It is therefore proposed that the Articles be removed in their entirety and either merged into other Parts of the Constitution or maintained outside it where appropriate. This will reduce the length of the Constitution and also reduce the risk of inconsistency arising between Parts of the Constitution. Sections which have been moved into other Parts of the Constitution are shown in dark blue italics in the Appendix. The following is proposed in respect of the sections not required to be included in the Constitution:
- Information about the Brent Connects Forums to be held on the Brent Connects area of the council's website
  - Information about staff consultative bodies to be held on the HR area of the Intranet
  - Information about the Youth Parliament to be held on the Youth Parliament area of the council's website.
- 3.6 Part 3 (Standing Orders) and Part 6 (Rules and Procedures) both contain rules and procedures and so it is proposed that these Parts be joined into a single Procedural Rules Part for ease of reference. In addition changes are proposed to remove duplication between Standing Orders and the Access to Information Rules and to move some provisions to a more logical position. Changes to the wording of Standing Orders and other Rules and Procedures are tracked in the attached appendix. **This Part is now numbered Part 2.**
- 3.7 Part 4 (Responsibility for Functions) is proposed to in future contain some information moved from Standing Orders which fits logically in that Part and this is shown in the Appendix. In addition, it is proposed that out of date information be removed from Table 3. **This Part is now numbered Part 3.**

3.8 The proposed amendments are shown in the Appendix to the report. Additions to the existing text are underlined and deletions are indicated by crossing through.

#### **4.0 Financial Implications**

4.1 None.

#### **5.0 Legal Implications**

5.1 These are addressed in the body of the report.

#### **6.0 Diversity Implications**

6.1 None.

#### **Background Papers**

None

#### **Contact Officers**

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Tel: 020 8937 1578

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# Appendix

## Changes to PART 1 - INTRODUCTION

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## CONTENTS

### Part 1 Introduction

Contents  
Summary  
Definitions  
Decision Making Structure Chart  
List of Cabinet Members and Portfolios

### Part 2 ~~Part 2~~ ~~Articles of the~~ Procedural Rules<sup>1</sup>

#### Standing Orders

Constitution

Overview and ~~Scrutiny Committees~~

~~Article 7~~ ~~The Cabinet~~

~~Article 8~~ ~~Regulatory and other Committees~~

~~Article 9~~ ~~The Standards Committee~~

~~Article 10~~ ~~Consultative Forums~~

~~Article 11~~ ~~Other Bodies and Panels~~

~~Article 12~~ ~~Joint Arrangements~~

~~Article 13~~ ~~Officers~~

~~Article 14~~ ~~Decision Making~~

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### ~~Part 3~~ ~~Standing Orders~~

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Petitions/Deputations

Miscellaneous

Sealing and Signing of Documents

Standing Orders Relating to Staff

Contract Standing Orders

Access to Information Rules

Financial Regulations

Scheme of Transfers and Virements

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<sup>1</sup> The Articles have been removed and Part 2 now consists of the old Part 3 (Standing Orders) and the old Part 6 (Other Rules and Procedures) and is called "Procedural Rules".

**Part 3 Responsibility for Functions**

General

Table 1	Functions which cannot be exercised by the Cabinet
Table 2	Functions where the Council has a choice of exercising them through either the Cabinet or the Council and the person or body to whom, if any, the function has been delegated
Table 3	Functions not to be the sole responsibility of the Cabinet
Table 4A	The membership and terms of reference of the Highways Committee
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Table 5	Proper and Statutory Officer Provisions
Table 6	List of functions that may only be exercised by Full Council

~~Part 4~~ ~~Part 5~~ Terms of Reference for Council Committees and Sub-Committees

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~~Part 6~~ ~~Other Rules and Regulations~~<sup>2</sup>

- ~~1. Access to Information Rules~~
- ~~2. Financial Regulations~~
- ~~3. Scheme of Transfers and Virements~~

**Part 5** ~~Part 7~~ **Codes and Protocols**

- Brent Members' Code of Conduct

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~~Part 8~~

**Part 6** Members' Allowance Scheme

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<sup>2</sup> Moved to Part 2 – Procedural Rules

# SUMMARY

## 1. The Council's Constitution

*The Constitution was first adopted by Full Council on 22 May 2002 and is reviewed and updated from time to time by Full Council. ~~Brent Council has agreed a new Constitution.~~ The purpose of the Constitution is to:*

- *support the active involvement of citizens in the process of local authority decision-making;*
- *help councillors represent their constituents more effectively;*
- *enable decisions to be taken efficiently and effectively;*
- *create a powerful and effective means of holding decision-makers to public account;*
- *ensure that no one will review or scrutinise a decision in which they were directly involved;*
- *ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and*
- *provide a means of improving the delivery of services to the community*

*Where this Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.*

~~which~~The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. Some of the procedures are required by law, while others are a matter for the Council. The Constitution is divided into ~~86~~ Parts<sup>3</sup>. These contain the ~~Articles of the Constitution, the Council's~~ Standing Orders and other rules, codes, protocols and the Members' Allowance Scheme. In particular, Parts ~~32~~ and ~~43~~ set out the rules governing the conduct of the Council's business and which part of the Council is responsible for various functions.

## 2. ~~The Articles~~

~~Article 1 of the Constitution commits the Council to providing clear leadership to the community and supporting the active involvement of citizens in the process of local democracy. It also commits the Council to help councillors represent their constituents more effectively, enable decisions to be taken transparently, efficiently and effectively; and to provide a means of improving the delivery of services to the community. Articles 2 – 15 explain the relationship between citizens and the Council; and the rules governing the Council's business. The full list of Articles is:~~

~~The Constitution (Article 1)  
Members of the Council (Article 2)  
Citizens and the Council (Article 3)  
The Full Council (ARTICLE 4)  
The Mayor (Article 5)~~

<sup>3</sup> The reduction in the number of Parts reflects the removal of the Articles and the combining of the old Part 3 (Standing Orders) and the old Part 6 (Other Rules and Procedures).

~~Scrutiny Committees (Article 6)~~  
~~The Cabinet (Article 7)~~  
~~Regulatory and other Committees (Article 8)~~  
~~The Standards Committee (Article 9)~~  
~~Consultative Forums (Article 10)~~  
~~Other Bodies and Panels (Article 11)~~  
~~Joint Arrangements (Article 12)~~  
~~Officers (Article 13)~~  
~~Decision Making (Article 14)~~  
~~Finance, Contracts and Legal Matters (Article 15)~~

## **23. The Full Council**

The Council is comprised of 63 **members**, otherwise called councillors who are elected every four years. *Three councillors are elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission for England and approved by the Secretary of State. Only registered voters of the Borough or those living or working in the Borough will be eligible to hold the office of councillor. There are other restrictions on who can hold office as a councillor including having attained the age of 18 at the date of nomination, citizenship and absence of any other disqualification. The term of office of councillors will start on the fourth day after being elected and will finish at the end of the third day after the date of the next regular election*

*All councillors will:*

- *collectively be the ultimate policy-makers;*
- *represent their communities and bring their views into the Council's decision-making process;*
- *be involved in decision-making;*
- *be available to represent the Council on other bodies;*
- *maintain the highest standards of conduct and ethics;*
- *contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;*
- *effectively represent the interests of their ward and of individual constituents; and*
- *respond to constituents' enquiries and representations, fairly and impartially.*

Councillors are democratically accountable to the residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for ensuring training is provided to members and advising councillors on, and overseeing their compliance with, the Code of Conduct.

*The Monitoring Officer maintains a Register of Interests of councillors and co-opted members of the Authority pursuant to section 29 of the Localism Act 2011 which is available at the Council offices and published on the Council website.*

*All Councillors and co-opted members are required to complete a standard form listing their interests. The Register is updated by the Monitoring Officer,*

*or such other officer nominated by him or her, upon notification by councillors and co-opted members of any changes.*

*The Register of Interests is available for inspection by the public at the offices of the Council at all reasonable hours and the electronic version of the Register is available on the Council's website.*

Councillors meet together at meetings of Full Council where they decide the Council's overall policies and set the budget each year. The Council also has an important role in appointing the Leader of the Council and holding to account the Cabinet and others exercising executive functions. Meetings of the Council are normally open to the public.

### **34. The Leader, Cabinet and the exercise of executive functions**

*The Council is operating a Leader and Cabinet form of executive arrangements.* The Leader of the Council is a member of the Council who is elected to the post by the other members at a meeting of the Full Council. The Leader chooses between 2 and 9 other councillors to form the Cabinet. The Cabinet is responsible for putting policies, which Full Council has approved, into effect. The Cabinet is the part of the Council which is responsible for most of the Council's day-to-day decision making not delegated to officers. A list of the Cabinet members, their portfolios and their addresses are given in this Part 1.

*The following parts of this Constitution constitute the executive arrangements of Brent Council:*

- (a) ~~Article 6 (Scrutiny Committees) and such~~ *Such* part of the Standing Orders in Part ~~32~~ as relate to the Scrutiny Committees;
- (b) ~~Article 7 (The Cabinet) and such~~ *Such* part of the Standing Orders in Part ~~32~~ as relate to the Cabinet;
- (c) ~~Article 12 (Such part of the Standing Orders in Part 2 as relate to Joint Arrangements);~~
- (c) ~~Article 14 (Decision-making)~~ and the Access to Information Rules as set out in Part ~~65~~;
- (e) Part ~~43~~ (Responsibility for Functions)

### **45. Role and function of the Mayor**

*The Mayor is elected by other members of the Council at the Annual Meeting and the Deputy Mayor is chosen by the duly elected Mayor to act as his or her deputy. The Deputy Mayor will, generally, act in the absence of the Mayor.*

*The responsibilities of the Mayor include:*

- *to uphold and promote the purposes of the Constitution, and to interpret the application of the Constitution to Council meetings when necessary;*

- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not in the Cabinet are able to hold the Cabinet to account;
- to promote public involvement in the Council's activities;
- to attend such civic and ceremonial functions as the Council as he or she determines is appropriate; and
- to present the Community Champion Awards.

~~[Paragraph number 5 is not used]~~

## **56. Principles of decision making**

All decisions of the Council will be made in accordance with the following principles:

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness;
- clarity of aims and desired outcomes; and
- explaining the reasons for a decision and the options considered.

The council, a committee, sub-committee or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations of any person will follow a proper procedure which accords with the requirements of natural justice and the european convention on human rights

## **6. Scrutiny**

Effective, independent and rigorous examination of the proposals and decisions made by the Cabinet are a significant feature of the Council's arrangements and provide a key role for non-executive members. Overview and scrutiny is the mechanism for holding Cabinet publicly to account. ~~This function gives non-cabinet members a significant opportunity to contribute to the proposals of the Cabinet, for example concerning the budget, as well as contributing to development of policy, reviewing the impact of policy decisions on the Borough and reviewing the quality of service performance.~~ The Council has established three Scrutiny Committees, the Community and Wellbeing Scrutiny Committee, the Resources and Public Realm Scrutiny Committee and the Housing Scrutiny Committee, to support the work of the Cabinet and the Council as a whole.

The Scrutiny Committees shall comprise 8 members of the Council who shall not be members of the Cabinet. The Community and Wellbeing Scrutiny Committee shall also comprise of 4 voting education co-opted members and 2

*non-voting education co-opted members appointed in accordance with Standing Order 5450. Members, chairs and vice chairs of the Scrutiny Committees will be appointed by Full Council.*

The Scrutiny Committees hold the Cabinet and others to account by scrutinising their decisions, examining performance and asking questions of decision-makers and service providers. Unless the decision is urgent, if the rules set out in Standing Order 20 have been followed, all Key Decisions and a decision which has been made by the Cabinet or by Cabinet Committees can be called in for scrutiny and will be considered by the relevant Scrutiny Committee.

They may recommend that the decision maker reconsider the decision but cannot block a decision indefinitely or impose their own views.

The Scrutiny Committees are also involved in strategic and cross-cutting issues by supporting the Cabinet in the development and review of policy, overseeing health matters, and reviewing the performance of other partners and the Local Strategic Partnership work programme.

*The Scrutiny Committees will establish an annual work plan which identifies areas suitable for review and scrutiny and will establish commissions and or panels to undertake specific time limited work. The Scrutiny Committees will meet at regular intervals throughout the municipal year and will meet as and when required in relation to any Call in. An annual report on the activities of the Scrutiny Committees will be produced and published.*

## 7. Other Committees

In addition to the committees specifically mentioned above, the Council has established a number of committees and sub-committees to deal with audit, staffing, planning, licensing, health, standards, safeguarding, equalities and pension related functions.

*Some Council Committees include members who are not councillors. These are the Standards Committee, the Community and Wellbeing Scrutiny Committee, the Pension Fund Sub-Committee, the Audit Advisory Committee, the Health and Wellbeing Board, and the Dismissal Advisory Panel.*

- *The Standards Committee ~~and Audit Committee~~ co-opted members are non voting.*
- *~~and~~The Audit Advisory Committee includes 2 voting co-opted (Independent) members.*
- *The membership of the Community and Wellbeing Scrutiny Committee includes four voting and two non-voting education co-opted members. More information regarding the role of the education co-opted members is contained in the Standing Orders and in Part 5 of this Constitution.*
- *The membership of the Pension Fund Sub-Committee currently includes two non-voting co-optees: a College of North West London representative and a Council employee representative.*
- *The Dismissal Advisory Panel comprises three Independent Persons appointed to deal with Member Code of Conduct complaints under the Localism Act 2011.*

- *The Health and Wellbeing Board includes members who are not Councillors who are able to vote.*

The Leader has also appointed a Highways Committee to deal with some (but not all) executive functions relating to highways and parking. The Cabinet has appointed a committee: the Barham Park Trust Committee.

## 8. Membership of committees and sub-committees

The membership and terms of reference of the Council committees and sub-committees and any joint committees are set out in Part 54 of this Constitution. The membership and terms of reference of the Cabinet Committee(s) are set out in Part 4 of this Constitution. The structure of the Council and Cabinet Committees are shown in the Decision Making Structure Chart included in this Part 1.

## 9. Consultative Forums

In order to give local citizens a greater say in Council affairs the Council has established a number of consultative forums.

Five ~~Area Consultative~~ Brent Connects Forums have been created. These cover Kingsbury & Kenton, Wembley, Harlesden, Willesden and Kilburn. ~~Four Area Housing Boards have been created. These cover (1) North Wembley and South Wembley, (2) South Kilburn, (3) North Kilburn, and (4) Harlesden, Brentfield and St Raphaels. An Area Housing Board Forum 'Talkback' has been established for freehold and leaseholders.~~<sup>4</sup>

Five Service User Forums have been created. These are Disability and Mental Health, Private Sector Housing, Pensioners, Voluntary Sector Liaison and Equality Forum. The Council has also established a Youth Parliament.

These bodies provide a forum for residents and businesses to discuss and raise concerns about issues in their locality or which are important to the particular group for which the forum or board is designed. They also respond to consultation initiatives by the Council. The consultative forums involve relevant councillors and their meetings are generally held in public. Issues arising from the forums are fed back into the Council's decision making process.

## 10. The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

## 11. Citizens' Rights and Responsibilities

The Council welcomes participation by its citizens in its work. Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau and Community Law Centre can advise on individuals' legal rights. Citizens have the following rights. Their rights to

<sup>4</sup> This section has been updated to reflect current arrangements.

*information and to participate are explained in more detail in the Access to Information Rules in Part 62 of this Constitution:*

- vote at local elections if they are registered *on the electoral roll for the Borough*;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, confidential or exempt information would be disclosed;
- petition to request a referendum on an elected Mayor;
- contribute to reviews conducted by the Scrutiny Committees and/or their task groups;
- find out, from the Forward Plan, what Key Decisions are to be decided by the Cabinet, Cabinet Committees or officers, as well as other decisions to be taken at a meeting of the Cabinet or Cabinet Committees and when;
- attend meetings of the Cabinet or Cabinet Committees, except where exempt or confidential information is being discussed;
- see reports and background papers, and any record of decisions made by the Council and the Cabinet;
- complain to the Council about its service provision;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

\_\_\_\_\_;  
Citizens have the following responsibilities:

*Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers. In the event of such conduct, citizens may be removed from Council premises and/or any meeting of the Authority they are attending*

## **12. Rules of Procedure**

The Council has adopted rules of procedure called Standing Orders which give effect to the general principles set out in the Articles and govern the conduct of Council business. These are set out in Part 32 of this Constitution. The Standing Orders cover the rules of debate and procedure for the conduct of meetings of Full Council and its various committees. There are also provisions relating to the Leader, the Cabinet/Cabinet Committees, the Scrutiny Committees, the Standards Committee, the Audit Advisory Committee and the Audit Committee. There are separate Standing Orders relating to Staff and Contracts.

The Council has also adopted Financial Regulations which govern financial management and control within the Council. These are also contained in Part 62 of this Constitution.

# DEFINITIONS

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- The **Constitution** is a document adopted by Brent Council which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. ~~The Constitution is divided into 15 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in Standing Orders and in separate rules and protocols, also forming part of the Constitution.~~
- .....

- The **Forward Plan** is a document prepared by the Head of Executive and Member Services which, unless it is impracticable, will *giving not less than 28 days notice of* all the matters likely to be the subject of Key Decisions (irrespective of the decision maker) and other decisions to be taken by the Cabinet or by Cabinet Committees. *More information about the Forward Plan and the rules relating to it are included in the Access to Information Rules*
- .....

- **Housing Land Transfer** means a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or a disposal of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

- A **Joint Committee** is a committee comprising of members of two or more local authorities created under section 102(1) of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.

- The term **Key Decision** is defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. A decision will be a Key Decision if it relates to an executive function and is likely:

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

*A decision maker or decision making body may only make a Key Decision in accordance with the requirements of the Access to Information Rules set out in Part 26 of this Constitution.*

Further guidance on Key Decisions is included in the Access to Information Rules which form part of this Constitution.

.....

# **PART 32**

## **1.1.1 ~~STANDING ORDERS~~**

### **1.1.1**

### **1.1.1 Procedural Rules<sup>5</sup>**

[Standing Orders](#)

[Access to Information Rules](#)

[Financial Regulations](#)

[Scheme of Transfers and Virements](#)

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<sup>5</sup> These now include the procedural rules previously in Part 6 so all such rules are in the same place.

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## BRENT COUNCIL STANDING ORDERS

### GENERAL

#### THE CONSTITUTION

#### 1\*. **Constitution to be ~~provided to members~~ Widely Available**

*A copy of the Constitution is available to every member of the Council on the Council's website and a copy shall be made available by the Head of Executive and Member Services upon request. The Head of Executive and Member Services will:*

- (a) *ensure that copies of this Constitution are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee; and*
- (c) *ensure that the summary of this Constitution is made widely available within the area and is updated as necessary.*

#### 2. **~~Monitor~~ Monitoring and Review of the Constitution**

*The Monitoring Officer and the Audit Advisory Committee will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect and will make recommendations for changes as they consider appropriate. in undertaking this task the Monitoring Officer may:*

- (a) *observe meetings of different parts of the councillor and officer structures;*
- (b) *undertake an audit trail of a sample of decisions;*
- (c) *record and analyse issues raised with him or her by councillors, officers, the public and other relevant stakeholders; and*
- (d) *compare practices in this authority with those in other comparable authorities, or national examples of best practice.*

#### 3. **Suspension of Standing Orders**

These Standing Orders may only be suspended or waived by Full Council and only where permitted by law to be so suspended or waived. Such suspensions or waivers shall apply only to that meeting or item of business as the case may be

#### **4. ~~3.~~ Variation and Revocation of Standing Orders**

These Standing Orders may only be varied or revoked at a meeting of Full Council or in accordance with Standing Order 5 Article 1 of Part 2 of the Constitution. This Constitution may be varied at a meeting of Full Council. Any variation or revocation shall come into effect at the close of the meeting of Full Council at which the variation was approved.

#### **5. Other Changes to the Constitution**

~~The Constitution may be varied by the Chief Legal Officer if in her reasonable opinion a variation is a minor variation (which includes legal, factual, administrative and other technical changes) or is required to be made to remove any other inconsistency or ambiguity or is required to be made so as to comply with any statutory provision. Any such variation made by the Chief Legal Officer shall come into effect on the date specified by him or her but (other than in the case of minor variations) such variations shall be referred to Full Council for approval within a reasonable period and shall continue to have effect only if Full Council so agree.~~

Amendments to the Constitution made necessary by the Leader changing executive arrangements or the arrangements for the discharge of executive functions shall be made by the Chief Legal Officer upon the Leader having followed the notification and reporting processes set out in Article 7. Change Part 3 Paragraph 7.6.

Should the council give consideration to changing from a Leader and Cabinet form of Executive to another form of Executive, the Council must take reasonable steps to consult with local electors and other interested persons in the Borough when drawing up proposals to change from a Leader and Cabinet form of Executive to any other form of Executive or to alternative arrangements. A referendum will be held if there is a proposal to move to an elected Mayor form of executive arrangements

### **THE EXECUTIVE ARRANGEMENTS**

#### **11. ~~Form of Executive Arrangements~~<sup>6</sup>**

~~The Council will operate a Leader and Cabinet model of Executive arrangements and they are collectively called the Cabinet.~~

#### **12. ~~Appointment of the Cabinet~~<sup>7</sup>**

~~The Cabinet shall be appointed in accordance with Article 7 of the Constitution.~~

#### **13. ~~Vote of No Confidence~~<sup>8</sup>**

<sup>9</sup>

#### **14. ~~Executive Functions~~**

~~All functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution are the responsibility of the executive.~~

<sup>6</sup> Standing Order 11 is now covered by Part 3 Section 1.2.

<sup>7</sup> Standing Order 12 is now covered by Part 3 Paragraph 3.

<sup>8</sup> Standing Order 13 is Now Standing Order 40.

<sup>9</sup> Standing Order 14 is now covered by Part 3 Paragraphs 1.2 and 1.4.

~~The Leader may exercise those functions, or may delegate those functions to the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet, or officers. Where the Leader has arranged for the discharge of executive functions by the Cabinet, the Cabinet may arrange for the discharge of those functions by a committee of the Cabinet, an individual member of the Cabinet or an officer. Both the Leader and Cabinet may also exercise executive functions jointly with other local authorities including (but not limited to) joint committee arrangements.~~

~~— The Leader has agreed to delegate all executive functions to the Cabinet except those which he/she has delegated to the Highways Committee or others as set out in Part 4 of the Constitution.~~

#### ~~15. — The Forward Plan<sup>10</sup>~~

~~The Head of Executive and Member Services shall, in accordance with the Access to Information Rules, publish a Forward Plan which, unless it is impracticable, will contain details of all the matters likely to be the subject of Key Decisions (irrespective of the decision maker) and other decisions to be taken by the Cabinet or by Cabinet Committees.~~

#### ~~16. — Urgent Decisions not on the Forward Plan<sup>11</sup>~~

~~(a) If the Cabinet, Cabinet Committees or officers are proposing to take a Key Decision which is not included in the Forward Plan then the decision may only be taken if:-~~

- ~~1.1. the decision is required to be taken by such a date that it is impracticable to defer the decision until it has been included in the Forward Plan in accordance with the Access to Information Rules and timescales;~~
- ~~1.2. the Head of Executive and Member Services has informed the Chair of the relevant Scrutiny Committee in writing of the matter in respect of which the decision is to be taken;~~
- ~~1.3. the proper officer has made copies of the notice given to the Chair of the relevant Scrutiny Committee and made these available to the public at the offices of the Council and on the Council's website. Notice will also be given setting out the reasons why compliance with the ordinary requirements of the Forward Plan is impracticable; and~~
- ~~1.4. at least 5 clear days have elapsed since the notice was given to the Chair of the relevant Scrutiny Committee or, where that is not reasonably possible, the Chair of the relevant Scrutiny Committee has agreed that the taking of the decision is urgent and cannot be reasonably deferred. If the Chair is unable to act, then the agreement of the Mayor or in his /her absence the Deputy Mayor will suffice. A notice setting out the reasons for deciding the decision is urgent and cannot reasonably be deferred shall be made available at the Council's offices and on its website.~~

~~(b) The Leader shall report to the next meeting of Full Council any Key Decisions taken under this Standing Order.~~

~~(c) If the Cabinet or Cabinet Committees are proposing to take a decision which is not a Key Decision and is not included in the Forward Plan then the decision may only be taken if the Chief Executive agrees that the decision is required to be taken by such a date that it is impracticable to defer the decision until it has been included in the Forward Plan in accordance with the Access to Information Rules and timescales.~~

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<sup>10</sup> Standing Order 15 is now covered by Paragraph 33 of the Access to Information Rules.

<sup>11</sup> Standing Order 16 is now covered by paragraph 40 of the Access to Information Rules.

.....  
(a) **18. — Decisions Contrary to the Policy Framework and the Budget:**<sup>12</sup>

(a) ~~Except in accordance with paragraph (c) no person or body shall make any decision which is, according to advice received from the Monitoring Officer or the Chief Finance Officer, contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget.~~

(a) ~~According to statute, any function in respect of which the Leader, the Cabinet, or a Cabinet Committee has purported to make a decision or is minded to make a decision which according to advice received from the Monitoring Officer or the Chief Finance Officer is or would be contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget ceases to be an executive function for the purposes of that decision and so shall be referred to Full Council for consideration in accordance with Standing Order 26, except as provided in paragraph (c).~~

(a) ~~A decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by Full Council may only be made other than by Full Council if the decision is required to be made as a matter of urgency and if:-~~

(a) ~~\_\_\_\_\_ (i) it is not practical to convene a quorate meeting of Full Council;  
and~~

(a) ~~\_\_\_\_\_ (ii) the Chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency.~~

(a) ~~The reasons why it is not practical to convene a quorate meeting of Full Council and the agreement of the Chair of the relevant Scrutiny Committee shall be noted on the record of the decision. In the absence of the Chair of the relevant Scrutiny Committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.~~

(a) ~~Following any decision taken pursuant to paragraph (c), the decision taker will provide a full report to the next ordinary meeting of Full Council explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.~~

**19. — Virement, transfers and in-year changes to policy**<sup>13</sup>

(l) ~~Full Council will, subject to paragraph (b) below, specify (in approving the Policy Framework and the Budget or otherwise) the extent to which virements and transfers may be made within the budget and to which in-year changes to the policies agreed as part of the Policy Framework may be made. Any other changes to the Policy Framework and the Budget are reserved to Full Council.~~

(l) ~~No expenditure shall be incurred in excess of the amounts allocated in the approved budget to each budget head other than in accordance with arrangements specified by Full Council under (a) above.~~

(l) ~~The Cabinet may make in-year changes to the policies and strategies agreed as part of the Policy Framework if such change or changes are within the limits set by Full Council pursuant to paragraph (a) above. No other changes may be made unless it, or they, cannot reasonably wait until the next meeting of Full Council and if it is not reasonably practicable to call a meeting of Full Council for that purpose and unless:-~~

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<sup>12</sup> This is now Standing Order 21

<sup>13</sup> This is now Standing Order 19(1)

- ~~(i) such change is necessary to ensure compliance with the law or a ministerial direction; or~~
- ~~(ii) the Council would suffer or would be likely to suffer significant financial detriment if the policy was not changed in the manner proposed; or~~
- ~~(iii) the Council would benefit or would be likely to benefit from significant financial gain if the policy was changed in the manner proposed.~~

~~and such changes shall be reported by the Cabinet to the next ordinary meeting of Full Council.~~

## **6. OVER VIEW AND SCRUTINY**

### **(a) Call in of Cabinet, Cabinet Committees and Officer Decisions if**

- (i) the relevant Scrutiny Committee decides; or
- (ii) five non-cabinet members of the Council (for the avoidance of doubt excluding voting and non-voting co-opted and independent members) submit a valid request

that any Key Decision (irrespective of the decision maker) and other decisions made by the Cabinet or by Cabinet Committees be called in for scrutiny then the relevant Scrutiny Committee shall consider that decision at its next meeting which, unless otherwise determined by the Leader, shall in the case of a decision made by the Cabinet or by Cabinet Committees take place within 15 days of the date on which the call-in is accepted as valid under paragraph (b) below. This period will be extended by the Head of Executive and Member Services as appropriate to take account of any public or religious holidays identified in the Municipal Calendar.

7.

### **7. 22—Members’ Rights to Request Scrutiny**

*Any member of the Scrutiny Committees may, by giving written notice to the Head of Executive and Member Services, request that any matter which is relevant to the functions of the Scrutiny Committee they are a member of is included in the agenda for, and is discussed at, a meeting of the relevant Scrutiny Committee, such notice to be given at least 21 days prior to the date of the meeting at which the member wishes to raise the said matter.\**

### **8. 23—Councillor Call for Action**

*Any member of the council may, by giving written notice to the Head of Executive and Member Services, request that any matter (which is not an excluded matter under the Local Government Act 2000) which relates to the functions of the relevant Scrutiny Committee be included in the agenda for, and be discussed at, a meeting of the relevant Scrutiny Committee.*

*Any member of the council may, by giving written notice to the Head of Executive and Member Services, request that a local crime and disorder matter (as defined by the Police and Justice Act 2006) be included in the agenda for, and be discussed at, a meeting of the Resources and Public Realm Scrutiny Committee.*

*Prior to referring a local government or local crime and disorder matter to the relevant Scrutiny Committee a member should refer to the Council’s Councillor Call for Action protocol which provides further information about the Call for Action process.*

## **THE POLICY FRAMEWORK AND THE BUDGET**

.....

**1925.—Developing plans, policies and strategies forming the Policy Framework**

- (a) In the case of a plan, policy or strategy forming part of the Policy Framework, the Cabinet shall present a report to the Full Council setting out the various issues in respect of that plan, policy or strategy.

.....

(m) <sup>14</sup>Full Council will, subject to paragraph (m) below, specify (in approving the Policy Framework and the Budget or otherwise) the extent to which virements and transfers may be made within the budget and to which in-year changes to the policies agreed as part of the Policy Framework may be made. Any other changes to the Policy Framework and the Budget are reserved to Full Council.

(n) No expenditure shall be incurred in excess of the amounts allocated in the approved budget to each budget head other than in accordance with arrangements specified by Full Council under (l) above.

(o) The Cabinet may make in-year changes to the policies and strategies agreed as part of the Policy Framework if such change or changes are within the limits set by Full Council pursuant to paragraph (l) above. No other changes may be made unless it, or they, cannot reasonably wait until the next meeting of Full Council and if it is not reasonably practicable to call a meeting of Full Council for that purpose and unless:-

(ii) such change is necessary to ensure compliance with the law or a ministerial direction;  
or

(ii) the Council would suffer or would be likely to suffer significant financial detriment if the policy was not changed in the manner proposed; or

(iii) the Council would benefit or would be likely to benefit from significant financial gain if the policy was changed in the manner proposed.

and such changes shall be reported by the Cabinet to the next ordinary meeting of Full Council.

**26.—**

**21 Cabinet and Cabinet Committee Decisions Outside the Policy Framework and the Budget**

(b) <sup>15</sup>Except in accordance with paragraph (c) no person or body shall make any decision which is, according to advice received from the Monitoring Officer or the Chief Finance Officer, contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget.

(c) According to statute, any function in respect of which the Leader, the Cabinet, or a Cabinet Committee has purported to make a decision or is minded to make a decision which according to advice received from the Monitoring Officer or the Chief Finance Officer is or would be contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget ceases to be an executive function for the purposes of that decision and so shall be referred to Full Council for consideration, except as provided in paragraph (c).

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<sup>14</sup> Moved from Standing Order 19

<sup>15</sup> Moved from Standing Order 18

- (d) A decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by Full Council may only be made other than by Full Council if the decision is required to be made as a matter of urgency and if:-
- (i) it is not practical to convene a quorate meeting of Full Council; and
  - (ii) the Chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency.
- (e) The reasons why it is not practical to convene a quorate meeting of Full Council and the agreement of the Chair of the relevant Scrutiny Committee shall be noted on the record of the decision. In the absence of the Chair of the relevant Scrutiny Committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.
- (f) Following any decision taken pursuant to paragraph (c), the decision taker will provide a full report to the next ordinary meeting of Full Council explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.
- (g) ~~in accordance with Standing Order 26,~~ Full Council may in respect of any decision which the Cabinet has purported to take or is minded to take which is referred to Full Council for consideration under this Standing Order 18(b):-:-
- (a) itself take a decision on the matter and/or
  - (b) amend the relevant plan, policy or strategy so as to encompass the decision or proposed decision in which case the matter could be remitted to the Cabinet for a decision if the decision was not in fact taken by Full Council under paragraph (a) above or
  - (c) instruct the Cabinet to reconsider the matter and reach a decision which is in accordance with the existing Policy Framework and the Budget or with any other recommendations Full Council is minded to make (e.g. a special exception).

## MEETINGS OF FULL COUNCIL

### 22 ~~27.~~—Types of Meeting

- (a) Full Council shall hold an **Annual Meeting** each year, to be held on such day in the month of March, April or May as the Council may determine.
- (b) The Council may in every year hold, in addition to the Annual Meeting, such other meetings on such days as it may determine which shall be called **Ordinary Meetings**.
- (c)\* *A meeting called by the Mayor (or, in the absence of the Mayor, by the Deputy Mayor) or otherwise called under the provisions of paragraph 3 of Part I of Schedule 12 of the Local Government Act 1972 is referred to as an "Extraordinary Meeting".*
- (d) ~~If required by law or otherwise a Special Meeting may be held for the principal purpose of transacting a specific item or specific items of business.<sup>16</sup>~~

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<sup>16</sup> This change is proposed to avoid confusion. Although meetings have sometimes been described as "special" meetings, they are legally ordinary or extraordinary meetings. References to special meetings have been removed throughout.

44. — [Paragraph number not used]

4045. — Vote of No Confidence<sup>17</sup>

The Leader shall cease to hold office following a vote of no confidence in him/her. A motion in respect of the vote of no confidence shall be debated by Full Council if, at least 10 clear working days before the meeting at which the motion is to be considered, it has been signed in accordance with Standing Orders 5 and 6 by at least 40% of the members of the Council and the motion proposes an alternative Leader. If such a motion is passed the new Leader shall hold office for the remainder of the previous Leader's term of office.

.....

**COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL**

.....

52 ~~56.~~ — Special Additional Meetings of Committees or Sub-Committees

The Chair of a committee or sub-committee, or in the absence of the Chair, the Vice Chair may, if necessary, call a meeting of that committee or sub-committee at any time. A meeting of a committee or sub-committee may also be called upon the requisition of a third of the whole number of the committee or sub-committee (including any voting co-opted members), delivered in writing to the Head of Executive and Member Services provided that the number of members so calling the meeting shall not be less than 3. ~~Meetings called under this Standing Order shall be known as a Special Meeting.~~

.....

60 ~~64.~~ — Any Other Urgent Business as an Agenda Item

At all meetings of Council committees and sub-committees that are not special extraordinary meetings, there shall be an item on the agenda entitled 'Any Other Urgent Business'. Any member of the committee or sub-committee as the case may be who wishes a matter to be raised under this Agenda heading shall give written notice to the Head of Executive and Member Services or his or her representative prior to the commencement of the meeting concerned specifying the nature of the business they would like to raise under this Standing Order. The committee or sub-committee shall only consider such business in respect of which notice has been given in accordance with this Standing Order and which the Chair has certified as urgent under S100B of the Local Government Act 1972.

**ACCESS TO INFORMATION RULES<sup>18</sup>**

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<sup>17</sup> Moved from "Executive Arrangements" Standing Order 16.

<sup>18</sup> The remaining sections of this Part 2 of the Constitution have been copied from the old Part 6 – Other Rules and Regulations. Only amendments after the lift and shift are shown.

**40. Urgent Executive Decisions not on the Forward Plan<sup>19</sup>**

- (d) If the Cabinet, Cabinet Committees or officers are proposing to take a Key Decision which is not included in the Forward Plan then the decision may only be taken if:-
- 1.5. the decision is required to be taken by such a date that it is impracticable to defer the decision until it has been included in the Forward Plan in accordance with the Access to Information Rules and timescales;
  - 1.6. the Head of Executive and Member Services has informed the Chair of the relevant Scrutiny Committee in writing of the matter in respect of which the decision is to be taken;
  - 1.7. the proper officer has made copies of the notice given to the Chair of the relevant Scrutiny Committee and made these available to the public at the offices of the Council and on the Council's website. Notice will also be given setting out the reasons why compliance with the ordinary requirements of the Forward Plan is impracticable; and
  - 1.8. at least 5 clear days have elapsed since the notice was given to the Chair of the relevant Scrutiny Committee or, where that is not reasonably possible, the Chair of the relevant Scrutiny Committee has agreed that the taking of the decision is urgent and cannot be reasonably deferred. If the Chair is unable to act, then the agreement of the Mayor or in his /her absence the Deputy Mayor will suffice. A notice setting out the reasons for deciding the decision is urgent and cannot reasonably be deferred shall be made available at the Council's offices and on its website.
- (e) The Leader shall report to the next meeting of Full Council any Key Decisions taken under this Standing Order.
- (f) If the Cabinet or Cabinet Committees are proposing to take a decision which is not a Key Decision and is not included in the Forward Plan then the decision may only be taken if the Chief Executive agrees that the decision is required to be taken by such a date that it is impracticable to defer the decision until it has been included in the Forward Plan in accordance with the Access to Information Rules and timescales.
- .....

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<sup>19</sup> This is transferred from the Executive Arrangements section.

## Changes to PART 4 – RESPONSIBILITY FOR FUNCTIONS

# PART 43

### RESPONSIBILITY FOR FUNCTIONS

- .....
- 1.2 This ~~Council~~Authority operates a Leader and Cabinet executive ~~Model~~. The Leader and Councillors appointed to the Cabinet are collectively referred to as the Cabinet. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 give effect to section 9D of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Cabinet, which functions may (but need not) be the responsibility of the Cabinet ('Local Choice Functions') and which functions are to some extent the responsibility of the Cabinet. ~~All other functions not so specified are to be the responsibility of the Cabinet. These Regulations have been amended from time to time and those amendments are reflected in this Constitution. All functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution are the responsibility of the executive and may be exercised by the Leader or delegated by the Leader to the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet, or to an officer. Where the Leader has arranged for the discharge of executive functions by the Cabinet, the Cabinet may arrange for the discharge of those functions by a committee of the Cabinet, an individual member of the Cabinet or an officer. Both the Leader and Cabinet may also exercise executive functions jointly with other local authorities including (but not limited to) joint committee arrangements.~~<sup>20</sup>
- 1.3 This Part of the Constitution and the Tables set out below describe whether the various functions of the Council are 'Council functions' or Cabinet' functions' and whether those functions have been delegated by the Council in the case of Council functions, to a committee, sub-committee, joint committee, officer or other person, or delegated by the Leader ~~in~~or the ~~case of~~Cabinet.
- 1.4 ~~The Leader has agreed to delegate all executive functions in accordance with 1. to the Cabinet except those which he/she has delegated to the Highways Committee or others as set out in this Part 3 below of the Constitution.~~

## 2. The Leader

- 2.1 *The Leader will be a councillor elected to the position of Leader by Full Council at the first post election annual meeting held after the ordinary elections. If the Council fails to elect a Leader at that Annual Meeting then it shall elect a Leader at a subsequent meeting of the Council.*
- 2.2 *The Leader will hold office as Leader from the day of his election as Leader until the day of the post election Annual Meeting of the Council which is held after the ordinary local*

<sup>20</sup> Moved from Standing Order 14

elections, which follow his/her election as Leader, unless he/she is removed from, or otherwise vacates the office, in accordance with paragraph 2.47.7 .

2.3 The office of Leader continues to the post election annual meeting of the Council as in paragraph 2.27.4 above, whether or not the Leader is re elected as a Councillor to this authority.

2.4 The office of Leader becomes vacant if:

- (a) he/she resigns from the office; or
- (b) he/she is disqualified from being a councillor by a court under section 34(4) of the Localism Act 2011; or
- (c) he /she ceases to be a councillor (save for the circumstances in paragraph 2.37-5)
- (d) The Leader shall cease to hold office following a vote of no confidence in him/her proposed and voted upon in accordance with Standing Orders.

### **43. Other Cabinet Members**

43.1 The Leader will appoint between two and nine members to the Cabinet and shall notify the Head of Executive and Member Services of those appointments.

3.2 The Mayor and Deputy Mayor cannot be appointed to the Cabinet.

43.3 A Cabinet member shall hold office until

- a) he/she resigns from office
- b) he/she is disqualified from being a councillor by a court under section 34(4) of the Localism Act 2011; or
- c) he/she ceases to be a councillor
- d) he/she is removed from office by the Leader

43.4 Portfolio responsibilities of the Cabinet members are determined by the Leader. These portfolios provide the members of the Cabinet with responsibility for setting the direction and being accountable for the operation of the services or functions comprised within their respective portfolios. The Leader agrees to provide details of the portfolios allocated to the Cabinet members to the Head of Executive and Member Services and those details shall be provided to Full Council.

### **54. The Deputy Leader**

54.1 The Leader shall appoint one of the members of the Cabinet to be Deputy Leader.

4.2 The Deputy Leader shall hold office until the end of the term of office of the Leader unless

- (a) he/she resigns as Deputy Leader, or
- (b) he/she is disqualified from being a councillor by a court under section 34(4) of the Localism Act 2011; or
- (c) he/she ceases to be a councillor of the authority
- (d) the Leader removes the Deputy Leader from office
- (e) until the Annual Meeting following his/her appointment as Deputy Leader

4.3 ~~5.3~~—Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place.

4.4 ~~5.4~~—If, for any reason, the Leader is unable to act or the office of Leader is vacant as in paragraph 2.47.6, the Deputy Leader must act in his/her place.

### **65. Appointments by the Leader**

**65.1** *The Leader has agreed that appointments to and/or removal of members of the Cabinet and the appointment and or removal of Deputy Leader shall only be effective upon receipt of written notice to that effect by the Head of Executive and Member Services.*

**76. Other Vacancies in the Cabinet**

**76.1** *If the Leader is unable to act, or the office is vacant, and also the Deputy Leader is unable to act, or the office is vacant, all responsibilities of the Cabinet shall be carried out by the Cabinet collectively.*

**76.2** *If at any time a Cabinet member other than the Leader or Deputy Leader ceases to be a member of the Cabinet, the responsibilities of that member shall revert to the Leader until such time as the Leader shall have appointed a replacement, or, where appropriate, re-appointed the member concerned.*

**76.3** *In the event of there being no Leader or Deputy Leader appointed and an insufficient number of members of the Cabinet appointed to achieve a quorum, all executive functions shall in the interim be carried out by the Chief Executive.*

**76.4** *The responsibilities and powers of the Deputy Leader may not be carried out by any other member of the Cabinet in his/her absence, or if the post is vacant.*

**87. Responsibility for the discharge of executive functions**

7.1 The Leader may exercise the executive functions or may delegate those functions to the Cabinet, a committee of the Cabinet or a Joint Committee, another local authority, an individual member of the Cabinet or officers. *The Cabinet may arrange for executive functions delegated to it to be carried out by a committee of the Cabinet, a joint committee, another Local Authority, an individual Cabinet member or an officer.*

7.2 *The Monitoring Officer maintains a list of the committees of the Cabinet, officers or joint arrangements, which are responsible for the exercise of particular executive functions. The allocation of executive functions and delegations by the Leader and Cabinet are set out in Part 4 and elsewhere in this Constitution.*

7.3 The Leader delegates to the Cabinet all executive functions except those which he/she has delegated to the Highways Committee, or officers as set out in this Constitution. *The Cabinet has established a Committee; the Barham Park Trust Committee, to decide matters relating to the Trust. The Cabinet has agreed to delegate such functions to the Barham Park Trust Committee as are set out in the Constitution in Part 4 (Terms of Reference).*

7.4 (a) *The Council may delegate non-executive functions to another local authority or, if the function is an executive function of the other local authority, to the Executive of that local authority.*

(b) *The Leader may establish joint arrangements with one or more local authorities and/or their Executives to carry out any of their functions. The Leader has delegated his/her executive functions in this regard to the Cabinet.*

(c) *The Cabinet may delegate executive functions to the Cabinet of another local authority or if the function is a non-executive function of the other local authority to that local authority.*

(d) *The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council in the case of a delegation to the local authority and to the Cabinet in the case of a delegation to the Cabinet.*

7.5 Any such joint arrangements may involve the appointment of joint committees with the other local authorities and/or their Executives. Where all the functions of a joint committee are executive functions, the Cabinet can only appoint Cabinet members to that joint committee (and those members need not reflect the political composition of the local authority as a whole) unless the joint committee will be exercising executive functions for only part of the area of the authority, and that area is smaller than two-fifths of the total area of the authority or the population of that area is less than two-fifths of the total population of the authority. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area. The Executive may appoint non-executive councillors to a joint committee in other circumstances permitted by legislation.

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**Management structure**

**8.1 General**

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

**8.2 ~~13.2~~ Chief Officers**

The Council will engage persons for the following posts, who will be designated chief officers:

<b>Post</b>	<b>Functions and areas of responsibility</b>
Chief Executive (and Head of Paid Service)	Head of Paid Service. Managerial leadership of the Council including responsibility for overall corporate management and operational responsibility for all staff. Providing and securing of advice to the Council, and councillors, on strategy and policy. Acting in an executive capacity by making decisions or ensuring a system is in place for other officers to make decisions, as authorised by the Council. Delivering probity, value for money and continuous improvement. Management of corporate planning, policy, performance, scrutiny, Executive and Member Services (including electoral and Mayoral services), returning officer for the election of councillors and electoral registration officer. Responsibility for strategic commissioning, communications, information governance (including data protection and freedom of information), procurement, partnerships, performance improvement, complaints and chief executive office support.
Strategic Director Resources	Human resources, equalities, legal services, finance, audit and investigation, IT/digital services (excluding information governance), nationality service, Registrar of Births, Deaths and Marriages, customer services, revenue and benefits, commercial services, property and facilities management.
Strategic Director Children & Young	Statutory Director of Children's Services, school improvement service, outdoor education, pupil

<i>People</i>	<i>referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities and all functions of the Local Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people.</i>
<i>Strategic Director Community Wellbeing</i>	<i>Statutory Director of Adult Social Services, community services, direct services and client affairs, adult physical disability, learning disability, mental health services, services to older people, safeguarding adults, emergency duty team, asylum, reablement, adult social care complaints, commissioning and quality, support planning and review, any other function listed in Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Strategic Director Children and Young People, public health, housing (including housing needs, homelessness, housing strategy, housing management, right to buy management, housing partnerships, private housing services and disabled facilities grants) leisure and cultural services (including arts, libraries, museums and archives).</i>
<i>Strategic Director Regeneration and Environment</i>	<i>Regeneration, urban renewal, economic development, building new education facilities, environmental infrastructure services, capital programme management, regulatory services, statutory land use, planning, development and building control, land charges, street naming and numbering, housing regeneration, affordable housing development, employment and skills (including adult and community education), environmental health, licensing, street trading, trading standards, mortuary, health &amp; safety, contaminated land, pollution control, food safety and pest control. Community safety and public protection, public realm (including carbon project team), transportation, highways, parking, street lighting, waste management and recycling, refuse and street cleansing, parks and open spaces, cemeteries, environment, CCTV monitoring, emergency planning and business continuity.</i>

**Head of Paid Service, Monitoring Officer and Section 151 Officer and other Statutory Chief Officer posts**

8.3 13.3 — The Council has made the following designations:

<b>Post</b>	<b>Designation</b>
<i>Chief Executive</i>	<i>Head of Paid Service</i>
<i>Chief Legal Officer</i>	<i>Monitoring Officer</i>

<i>Chief Finance Officer</i>	<i>Section 151 Officer</i>
<i>Strategic Director Children and Young People</i>	<i>Director of Children's Services</i>
<i>Strategic Director Community Wellbeing</i>	<i>Director of Adult Social Services</i>
<i>Director of Public Health</i>	<i>Director of Public Health</i>

## Structure

8.4 ~~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.

## 9. Powers Delegated to Officers

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29.6 The following officers have delegated to them the following powers in relation to all of the Council's services and areas of responsibility:-

### (a) Chief Finance Officer

To undertake the S151 statutory role:

- **Ensuring lawfulness and financial prudence of decision-making**

*After consulting, as appropriate, with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Full Council, or to the Cabinet in relation to an executive function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.*

- **Administration of financial affairs**

*The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.*

To be responsible for providing financial advice to Members and officers in their respective roles in order to further effective decision making by the Council, and to be the professional lead for the finance function of the Authority. To operate and advise on an effective system of internal control for the Authority, including the provision of an effective internal audit service and an overall framework for insurance and risk management. To be responsible for advising on the investment strategy for the Council's treasury and pensions assets and to manage these accordingly. Power to incur or prevent any expenditure and to authorise borrowing within any limits approved by Full Council, write off debts, issue instructions on any matter relating to budget preparation, budget monitoring or budget control, power to set and monitor accounting standards, power to specify the format of returns, to require any officer to furnish him or her with any information and to answer any question relevant to the financial management of the authority.

### (b) Chief Legal Officer:

To undertake the statutory role of and exercise the powers of the Monitoring Officer, including standards and probity:

- *After consulting, as appropriate, with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council, or to the Cabinet 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.*

- *Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee. The Monitoring Officer will conduct investigations into matters referred to him or her by the Standards Committee (or arrange for such investigations to be conducted) and make reports or recommendations in respect of them to the Standards Committee.*

*To be responsible for advising whether decisions of the Cabinet are in accordance with the Policy Framework and the Budget and to provide advice to all councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issue.*

*Power to institute, defend or settle any actual or contemplated legal or formal proceedings on behalf of the Council and to appear by counsel or in person or to authorise an officer to so appear in any proceedings and to verify a document by signing a Statement of Truth under the Civil Procedure Rules on behalf of the Council; power to sign contracts, deeds, orders, notices and all other documents *unless any enactment requires otherwise*, the qualified person for Section 36 Freedom of Information Act 2000 determinations, responsibility to maintain an up-to-date version of the Constitution and ensure that it is widely available for inspection by councillors, officers and the public..*

*\*The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.*

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

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### TABLE 3<sup>21</sup>

#### FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF THE CABINET

1. The Cabinet is responsible for formulating or preparing the plans listed in the Table below and then submitting them to the Full Council for consideration and adoption or approval. Note that the plans and strategies in this table constitute the Policy Framework.

Plans and Strategies	Reference	Mandatory (M) or Discretionary (D) Plan
Annual Library plan	<del>Section 1(2) of the Public Libraries and Museums Act 1964</del> <sup>22</sup>	M
Best Value Performance Plan	<del><sup>23</sup>Section 1 of the Local Government Act 1999</del>	M

<sup>21</sup> It is proposed that out of date information be removed/corrected

<sup>22</sup> Under this section the council must provide such information as the Secretary of State may require. At the time that the constitution was drawn up an Annual Library Plan was required by the secretary of state. This is no longer the case. This requirement may therefore be deleted.

<sup>23</sup> Provisions in the Local Government and Public Involvement in Health Act 2007 removed the requirement for best value authorities to compile and publish an annual Best Value Plan

<del>Children and Young People's Plan</del>	<del><sup>24</sup>Children and Young People's Plan (England) (Regulations) 2005</del>	M
<del>Sustainable Community Strategy Borough Plan</del>	<del><sup>25</sup>Section 4 of the Local Government Act 2000</del>	M D
Crime and Disorder Reduction Strategy	Section 5 and 6 of the Crime and Disorder Act 1998	M
Development Plan Documents	Section 15 of the Planning and Compulsory Purchase Act 2004	M
Youth Justice Plan	Section 40 of the Crime and Disorder Act 1998	M
<del>Local Transport Plan (but only if the Council becomes a Passenger Transport Authority)</del>	<del><sup>26</sup>Section 108(3) of the Transport Act 2000</del>	M
A plan or strategy for the control of the authority's borrowing investments or capital expenditure or for determining the authority's minimum revenue provisions	<a href="#">Local Authority (Functions and responsibilities) Regulations s4(1)(b)</a>	M
Licensing Authority Policy Statement	Section 349 of the Gambling Act 2005	M
<del>The strategy and plan which comprise the housing investment programme</del>		D
<del>Local Agenda 21 Strategy</del>		D
<del>Adult Learning Plan</del>		D
<del>Quality Protects Management Action Plan</del>	<del><sup>27</sup></del>	D
Corporate <a href="#">Strategy Plan</a>		D
Any other plan or strategy (whether statutory or non		D

<sup>24</sup> The Regulations were revoked in 2010. This requirement can therefore be removed.


<sup>25</sup> Section 4 of the LGA 2000 no longer applies to the council so this statutory reference is deleted. The current Borough Plan was however designated as the council's Sustainable Community Strategy.

<sup>26</sup> This could be removed as it has never applied to Brent Council and there is no likelihood of it applying in the foreseeable future

<sup>27</sup> These last 4 documents are no longer produced so these references could be removed.

statutory) which the authority determines should be approved or adopted by the authority and not the Cabinet.		
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 <p><b>Brent</b></p>	<p><b>Cabinet</b> 24 July 2017 <b>Full Council</b> 18 September 2017</p> <p><b>Report from the Chief Finance Officer</b></p>
<p style="text-align: right;">Wards affected: All</p>	
<p><b>2016/17 Treasury Management Outturn Report</b></p>	

## **1. Introduction**

- 1.1 This report updates members on Treasury Management activity and confirms that the Council has complied with its Prudential Indicators for 2016/17.

## **2. Recommendation**

- 2.1 Council is asked to note the 2016/17 Treasury Management outturn report, which has been forwarded to Council, following approval by Cabinet on 24 July 2017, in compliance with CIPFA's Code of Practice on Treasury Management (the Code).

## **3. Background**

- 3.1 The Council's treasury management activity is underpinned by the Code, which requires authorities to produce annually Prudential Indicators and a Treasury Management Strategy Statement on the likely financing and investment activity. The Code also recommends that members are informed of treasury management activities at least twice a year.
- 3.2 This report fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and the CLG Investment Guidance.

- 3.3 The Council has borrowed money over the long term to support investment in the Council's infrastructure and also invests balances held for short periods. It is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk are central to the Council's treasury management strategy.

### **Economic background**

- 3.4 The recovery in the UK continued with steady, though slowing, economic activity and growth. Q1 2017 GDP showed year-on-year growth of 2% but quarterly growth of 0.2%. The only positive light in Q1 was solid manufacturing growth. Consumer Price Index (CPI) has increased to 2.9% since then, and is expected to grow due to the weakness of the pound. This imported inflation is part of the reason why the economy's inflation rate is expected to exceed the Bank of England's target for the coming year. While employment is currently at a record level of 74.8% of the working age population, pay is stagnant and there are widespread political unease around inequality and the low productivity of the UK.
- 3.5 Recent political events have given rise to a very uncertain environment, and it is very difficult to forecast what effect this will have on the way the UK economy develops. Much will depend on the actions and reactions of a wide range of individuals and organisations which are impossible to foresee at present.

### **Gilt Yields and Money Market Rates**

- 3.6 Gilt yields (the rate of interest on UK government borrowing) rose in the first quarter of 2016/17 and then fell in over the rest of the year. 10 year yields ended the year at 1.3% and 20 years at 1.95%, both slightly lower than the at the start of the year.
- 3.7 Interest rates on short term inter-bank lending remained below 1% through the year.

### **The Borrowing Requirement and Debt Management**

- 3.8 The table on the following page summarises the Council's borrowing activity during 2016/17. The Council's underlying need to borrow as measured by the Capital Financing Requirement (CFR) at 31/03/2017 was estimated to be £580m.

	Balance 01/04/2016 (£m)	New Borrowing (£m)	Borrowing Repaid (£m)	Balance 31/03/2017 (£m)	Average Rate (%)	Average Life (Years)
CFR	584			580		
Short Term Borrowing	0	0	0	0	0	0
Long Term Borrowing	419	0	4	415	4.79	35.2

- 3.9 At 1 April 2016 the Council had £419 million of long-term borrowing, to finance its previous years' capital programmes. With short-term interest rates being much lower than long-term rates, it was more cost effective in the short-term to use internal resources rather than undertake further long-term borrowing. By doing so, the Council has been able to reduce net borrowing costs and reduced overall treasury risk, because overall borrowing has been reduced slightly. No temporary borrowing was required during the year. The average rate of 4.79% was higher than last year's rate of 4.76% and this was due to the redemption of £4m of PWLB loans that are paid back steadily over their lifetime. To repay the Council's loans would involve paying a premium to compensate PWLB for their inability to relend the money at the rate at which they have financed the loan. For example, the Council's most expensive loan is £3.05m at a rate of 8.875%, to repay it would cost £0.935m, a 30% premium on the value of the loan before the cost of re-financing. In short, the cost of re-financing our loans under the Government's punitive approach means is not economical. This analysis might change if interest rates returned to historically normal levels.
- 3.10 The Treasury Management Strategy approved by the Council in February 2016 states that the Council will maintain borrowing at the lowest level consistent with prudent management of the Council's finances. This implies that, at present discount rates, we will not undertake premature repayment of debt but that, in conjunction with our Treasury Management advisers, Arlingclose, we will remain abreast of developments and be prepared to borrow up to the level of CFR if a significant permanent rate rise appears likely. These circumstances did not arise during the year.
- 3.11 The Authority has £80.5m exposure to LOBO loans (Lender's Option Borrower's Option) of which £40.0m of these can be "called" within 2017/18. £15m of these were transformed into regular fixed rate loans in 2016/17.
- 3.12 LOBOs are so-called because lenders can exercise their rights at set times to amend the interest rate on the loan. At that point, the Borrower can accept the revised terms or reject them and repay the loan without penalty. LOBO loans present a potential refinancing risk to the Authority since the decision to call a LOBO is entirely at the lender's discretion, which was intended to be

compensated for by a lower interest rate being paid in exchange for which the interest rate is lower than would be paid to the PWLB. This risk is mitigated by the fact that the Council's current cash holdings mean that any repayment could be accommodated by reducing deposits in a relatively short time and that it would financially advantageous to do so at current interest rates.

- 3.13 Any LOBOs called will be discussed with Arlingclose prior to acceptance of any revised terms. The default position will be the repayment of the LOBO without penalty i.e. the revised terms will not be accepted. It is considered a significant possibility that some LOBOs may be called over the next few years due to the need for the commercial banks to comply with Basle III regulations for banks in 2019.
- 3.14. There are complex arguments made about LOBOs, by their supporters and by their detractors. The Council's position is simply that the LOBOs are part of its portfolio, and must therefore be managed as effectively as possible. There are no plans to enter into further LOBO contracts. However, it should be noted that the average rate of interest being paid on LOBOs is little different to that on PWLB debt (4.75% compared to 4.71% at 31 March) and the range of rates lower. The most expensive LOBO was at 6.234% on 31 March, compared with the most expensive PWLB at 8.875%.
- 3.15 HM Treasury (HMT) consulted on its proposal to subsume the functions of the PWLB into the Treasury during the year and published its response to comments. HMT feel that its proposals take into account the comments made and intend to proceed to seek legislation to implement them. Brent is unlikely to be adversely affected by the proposals as they involve little practical change to present arrangements

### **Investment Activity**

- 3.16 Both CIPFA and the CLG Investment Guidance require the Council to invest prudently and have regard to the security and liquidity of investments before seeking the optimum yield. The table on the following page summarises investment activity during 2016/17.

Investments	Balance on 01/04/2016 (£m)	Investments made (£m)	Investments repaid (£m)	Balance on 31/03/2017 (£m)	Average Rate on 31/03/2017 (%)
Fixed Term Deposits	91	582	522	151	0.4
Marketable instruments	50	103	153	0	
Money Market Funds and notice deposits	23	601	608	16	0.3
<b>TOTAL INVESTMENTS</b>	<b>164</b>	<b>1286</b>	<b>1283</b>	<b>167</b>	<b>0.4</b>

3.17 Security of capital remained the Council's main investment objective. This was maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2016/17 which defined "high credit quality organisations" as those having a long-term credit rating of A- or higher that are domiciled in the UK or overseas where the sovereign rating is AA+ or higher.

3.18 The growth of bail-in risk gave rise to the decision to restrict the maximum maturity with market financial institutions to three months and use only marketable instruments issued by them. Bail-in means that long-term loans in financial institutions are converted into equity (shares) that are not easily convertible for many years, preventing Brent from accessing the resources, and potentially giving them a hefty cut in their value.

3.19 New investments with banks and Building Societies have been undertaken by means of marketable instruments and the Treasury bill market has also been used. Treasury bills have largely replaced the use of the UK Debt Management Office (the Bank of England's temporary borrowing team, who are effectively a deposit taker of last resort, borrowing at 0.1%) which has been used on rare occasions to invest large receipts at short notice. The risk of bail in has recently declined for many UK institutions, but investment decisions still need to be made on a case by case basis.

#### **Credit developments and credit risk management**

3.20 The Council assessed and monitored counterparty credit quality with reference to credit ratings, credit default swaps (a means of insuring loans), perceived

credit-worthiness of the country in which the institution is registered and its share price. The minimum long-term counterparty credit rating determined by the Council for the 2016/17 treasury strategy was A- across rating agencies Fitch, S&P and Moody's. The mechanism for dealing with a failed bank, which was brought into effect through the Financial Services (Banking Reform) Act 2013, is now in operation. The Council continues to monitor risks, with advice from Arlingclose. The Council did not make any deposits with institutions in the Eurozone during the year.

### **Liquidity Management**

- 3.21 Combining changes to the regulatory environment and our adoption of a mainly three month lending limit, investments with financial institutions are now normally by means of purchasing 3 month Certificates of Deposit (CDs). Longer maturities with less unattractive rates can be obtained from Local Authorities, though these will depend on being able to satisfy demand when it arises. At peak periods, mindful of the primacy of security as a criterion for decision making, substantial balances may be held in short term investments, particularly Money Market Funds. The use of short term borrowing at times of lower cash balances is judged to maintain a prudent balance between maintaining security and liquidity and achieving a reasonable yield on investments, though this was only required for one week in 2016-17.

### **Yield**

- 3.22 The UK Bank Rate dropped to 0.25% during the year. Short term money market rates also remained at low levels which continued to have a significant impact on investment income. The average 3-month LIBID rate during 2016/17 was 0.47%, the 6-month LIBID rate averaged 0.60% and the 1-year LIBID rate averaged 0.79%. The low rates of return on the Council's short-dated money market investments reflect prevailing market conditions and the Council's objective of optimising returns commensurate with the principles of security and liquidity.
- 3.23 The Council's budgeted investment income for the year had been estimated at £0.7m. The average cash balance during the year was £199m during the period and interest earned was £1.0m, an average return of .52%. The interest earned in 2015/16 was £0.9m on an average cash balance of £186m or 0.45%.

### **Update on Investments with Icelandic Banks**

- 3.24 The Council has now recovered 98% of its £10 million deposit with Heritable Bank. The administrators have not made any further estimate of final recoveries yet, though a further distribution is expected, subject to the outcome of a legal case.

## **Compliance**

- 3.25 The Council confirms that it has complied with its Prudential Indicators for 2016/17, which were approved by the Council on 22 February 2016 as part of the Council's Treasury Management Strategy Statement.
- 3.26 In compliance with the requirements of the CIPFA Code of Practice this report provides members with a summary report of the treasury management activity during 2016/17. None of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield. Further information is set out in Appendix 2.

## **Investment Training**

- 3.27 The needs of the Council's treasury management staff for training in investment management are kept under review and considered as part of the staff appraisal process, and additionally when the responsibilities of individual members of staff change.
- 3.28 During 2016/17 staff attended training courses, seminars and conferences provided by Arlingclose and CIPFA and opportunities which may arise with other organisations are considered.

## **4. Financial Implications**

- 4.1 Already noted within the report as this is the Treasury Management Outturn Report.

## **5. Legal Implications**

- 5.1 None identified.

## **6. Diversity Implications**

- 6.1 None identified.

## **7. Staffing Implications**

- 7.1 None identified.

## **8. Background Information**

Treasury Management Strategy Report to Council – 22 February 2016  
2016/17 Mid-Year Treasury Report to Council – 21 November 2016

**9. Contact Officers**

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CONRAD HALL  
Chief Finance Officer

## Appendix 1 - Debt and Investment Portfolio Position 31/3/2017

	31/3/2017 Actual Portfolio £m	Average Rate as at 31/3/2017 %
<b>External Borrowing:</b>		
PWLB – Maturity	288	5.0
PWLB – Equal Instalments of Premium	32	2.6
Fixed Rate Market Loans	15	4.3
LOBO Loans	80	5.1
<b>Total External Borrowing</b>	<b>415</b>	<b>4.8</b>
<b>Other Long Term Liabilities:</b>		
PFI	30	9.5
<b>Total Gross External Debt</b>	<b>445</b>	<b>5.0</b>
<b>Investments:</b>		
Deposits	151	0.4
Money Market Funds	16	0.3
<b>Total Investments</b>	<b>167</b>	<b>0.4</b>
<b>Net Debt</b>	<b>278</b>	<b>7.9</b>

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## Appendix 2 – Prudential Indicators

### (a) Capital Financing Requirement (CFR)

The Council's cumulative maximum external borrowing requirement for 2016/17 is shown in the table below:

<b>Capital Financing Requirement</b>	31/03/2017 Estimate £m	31/03/2017 Actual* £m
General Fund	459	439
HRA	137	141
<b>Total CFR</b>	<b>596</b>	<b>580</b>

\*Uses provisional estimates from Draft Statement of Accounts

Gross Debt and the Capital Financing Requirement: In order to ensure that over the medium term debt will only be for a capital purpose, the Council should ensure that debt does not, except in the short term, exceed the total of capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years. This is a key indicator of prudence.

<b>Debt</b>	31/03/2017 Estimate £m	31/03/2017 Actual £m
Borrowing	415	415
PFI liabilities	30	30
<b>Total Debt</b>	<b>445</b>	<b>445</b>
<b>Borrowing in excess of CFR?</b>	<b>No</b>	<b>No</b>

### (b) Authorised Limit and Operational Boundary for External Debt

The Operational Boundary for External Debt is based on the Council's estimate of most likely, i.e. prudent, but not worst case scenario for external debt. It links directly to the Council's estimates of capital expenditure, the capital financing requirement and cash flow requirements and is a key management tool for in-year monitoring. Other long-term liabilities comprise finance lease, Private Finance Initiative and other liabilities that are not borrowing but form part of the Council's debt.

The Authorised Limit for External Debt is the affordable borrowing limit determined in compliance with the Local Government Act 2003. It is the maximum amount of debt that the

Council can legally owe. The authorised limit provides headroom over and above the operational boundary for unusual cash movements.

The Director of Finance confirms that there were no breaches to the Authorised Limit and the Operational Boundary during 2016/17.

	Operational Boundary (Approved)	Authorised Limit (Approved)	Actual External Debt 31/03/2017
Borrowing			415
Other Long-term Liabilities			30
<b>Total</b>	<b>750</b>	<b>850</b>	<b>445</b>

**(c) Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure**

This indicator is set to control the Council's exposure to interest rate risk. The upper limits on fixed and variable rate interest rate exposures, expressed as the proportion of net principal borrowed.

	Approved Limits for 2016/17 Proportion %	Maximum during 2016/17 Proportion %
<b>Upper Limit for Fixed Rate Exposure</b>	100	100
Compliance with Limits:	Yes	Yes
<b>Upper Limit for Variable Rate Exposure</b>	40	0
Compliance with Limits:	Yes	Yes

**(d) Maturity Structure of Fixed Rate Borrowing**

This indicator is to limit large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates.

<b>Maturity Structure of Fixed Rate Borrowing</b>	<b>Upper Limit %</b>	<b>Lower Limit %</b>	<b>Actual Fixed Rate Borrowing at 31/03/2017 £m</b>	<b>% Fixed Rate Borrowing at 31/03/2017</b>	<b>Compliance with Set Limits?</b>
under 12 months	40	0	39	9	Yes
12 months and within 24 months	20	0	4	1	Yes
24 months and within 5 years	20	0	65	16	Yes
5 years and within 10 years	60	0	5	1	Yes
10 years and within 20 years	100	0	25	6	Yes
20 years and within 30 years	100	0	1	0	Yes
30 years and within 40 years	100	0	235	57	Yes
40 years and within 50 years	100	0	36	9	Yes
50 years and above	100	0	5	1	Yes

**(e) Capital Expenditure**

This indicator is set to ensure that the level of proposed capital expenditure remains within sustainable limits and, in particular, to consider the impact on Council tax and in the case of the HRA, housing rent levels.

<b>Capital Expenditure</b>	<b>31/03/2017 Estimate £m</b>	<b>31/03/2017 Actual £m</b>
Non-HRA	162.4	46.7
HRA	60.7	54.0
<b>Total</b>	<b>223.1</b>	<b>100.7</b>

**(f) Ratio of Financing Costs to Net Revenue Stream**

This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs, net of investment income.

<b>Ratio of Financing Costs to Net Revenue Stream</b>	<b>31/03/2017 Estimate %</b>	<b>31/03/2017 Actual %</b>
Non-HRA	7.97	7.16
HRA*	12.80	12.16
<b>Total</b>	<b>8.76</b>	<b>8.04</b>

\*Provisional Based on Draft Accounts

**(g) Adoption of the CIPFA Treasury Management Code**

This indicator demonstrates that the Council adopted the principles of best practice.

The Council adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice 2011 Edition* in February 2013

**(h) Upper Limit for Total Principal Sums Invested Over 364 Days**

The purpose of this limit is to contain exposure to the possibility of loss that may arise as a result of the Council having to seek early repayment of the sums invested.

	<b>31/03/2017 Approved £m</b>	<b>31/03/2017 Actual £m</b>
	20	0

**(i) HRA Limit on Indebtedness**

HRA Debt Cap (as prescribed by CLG)	£199m	
	<b>31/03/2017 Estimate £m</b>	<b>31/03/2017 Actual £m</b>
HRA CFR	137	141*

\*Provisional Based on Draft Accounts

## Full Council – 18 September 2017

### Motion selected by the Labour Group

#### **CHALLENGING HATE, CHAMPIONING COHESION**

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

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

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

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

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

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

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

Councillor Neil Nerva  
Queens Park Ward

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## **Full Council – 18 September 2017**

### **Motion selected by the Conservative Group**

#### **ADOPTION OF INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE DEFINITION OF ANTISEMITISM**

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

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

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

The guidelines highlight manifestations of antisemitism as including:

- “Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.”

This Council welcomes the cross-party support within the Council for combating antisemitism in all its manifestations. This Council hereby adopts the above definition of antisemitism as set out by the

International Holocaust Remembrance Alliance and pledges to combat this pernicious form of racism.

Councillor Joel Davidson  
Brondesbury Park Ward



## **Full Council – 18 September 2017**

### **Motion selected by the Brent Conservative Group**

#### **BRENT PLANNING SYSTEM**

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

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

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

Councillor John Warren  
Leader of the Brent Conservative Group  
Brondesbury Park Ward

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