



## General Purposes Committee

**Monday 12 December 2022 at 9.30 am**

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

Please note that this meeting will be held in person with all members of the Committee required to attend in person.

This meeting is open to members of the press and public, alternatively meeting proceedings may be followed via the live webcast. The link to attend the meeting is available [HERE](#)

### Membership:

#### Members

Councillors:

M Butt (Chair)  
M Patel (Vice Chair)  
Donnelly-Jackson  
Grahl  
Knight  
Lorber  
Krupa Sheth  
Tatler

#### Substitute Members

Councillors:

Afzal, Akram, Crabb, Farah, Nerva, Rubin and Southwood.

Councillors:

Georgiou and Matin

**For further information contact:** Natalie Connor, Governance Officer  
Email: [natalie.connor@brent.gov.uk](mailto:natalie.connor@brent.gov.uk), Tel: 0208 937 1506

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)**

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

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

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

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

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

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

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

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party 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 the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

# Agenda

Introductions, if appropriate.

**Item** **Page**

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

**2 Declarations of interests**

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

**3 Deputations (if any)**

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

**4 Minutes of the previous meeting** 1 - 4

To approve the minutes of the previous meeting held on Thursday 17 November 2022 as a correct record.

**5 Matters arising (if any)**

To consider any matters arising from the minutes of the previous meeting.

**6 Stopping Up Order - Ujima House** 5 - 12

This report seeks authorisation to make a Stopping Up Order (SUO) for certain area of public highway consisting of footway located in front of Ujima House (No. 388 High Road, Wembley) under Section 247 and 253 of the Town and Country Planning Act 1990 (TCPA 1990).

**Ward Affected:**  
Wembley Hill

**Contact Officer:** Nicolaas Potgieter, Traffic  
Order Team Leader  
Tel: 020 8937 5123  
Email: nicolaas.potgieter@brent.gov.uk

## 7 Stopping Up Order - Neville Road

13 - 24

This report seeks authorisation to make a Stopping Up Order (SUO) for public highway that includes areas of both carriageway and footway within the South Kilburn Estate. This is to enable phased development to an area near Neville House, on Neville Road, in Denmark Road and near Carlton House, Canterbury Terrace.

**Ward Affected:** Kilburn  
**Contact Officer:** Nicolaas Potgieter, Traffic Order Team Leader  
Tel: 020 8937 5123  
Email: nicolaas.potgieter@brent.gov.uk

## 8 Council Tax Base Calculation 23-24

25 - 30

This report is presented to enable the Council to fulfil its statutory role to set a council tax base for 2023/24. The Local Government Finance Act (LGFA) 1992, as amended by the LGFA 2003 & LGFA 2012, requires the Authority to formally calculate the Council Tax Base for 2023/24 and pass this information to precepting authorities by 31 January 2023. The tax base must be set between 1 December 2022 and 31 January 2023.

**Ward Affected:** All  
**Contact Officer:** Minesh Patel, Corporate Director Finance and Resources  
Tel: 020 8937 4043  
Email: minesh.patel@brent.gov.uk

## 9 Statutory Officer Dismissal Procedures

31 - 42

This report seeks approval from the Committee to make changes to the Council's Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer following amendments issued by the Joint Negotiating Committee for Local Authority Chief Executives to the Conditions of Service Handbook.

**Ward Affected:** All  
**Contact Officer:** Debra Norman, Director Legal, HR, Audit & Investigations  
020 8937 1578  
[Debra.Norman@brent.gov.uk](mailto:Debra.Norman@brent.gov.uk)

## 10 Appointments to Sub-Committees / Outside Bodies

To consider any appointments needing to be made in relation to sub committees appointed by the General Purposes Committee.

## 11 Exclusion of Press and Public

There are no items listed on the agenda that will require the exclusion of the press and public.

## 12 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.

### Date of Next Meeting: Monday 16 January 2023



- Please remember to set your mobile phone to silent during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public. Alternatively it will be possible to follow proceedings via the live webcast [HERE](#)

This page is intentionally left blank



## LONDON BOROUGH OF BRENT

### MINUTES OF THE GENERAL PURPOSES COMMITTEE

Held in the Conference Hall, Brent Civic Centre on 17 November 2022 at 9:30am

PRESENT: Councillor M Butt (Chair), Councillor M Patel (Vice-Chair) and Councillors Donnelly-Jackson, Grahl, Knight, Krupa Sheth and Tatler.

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

Apologies for absence were received from Councillor Lorber.

#### 2. Declarations of interests

There were no declarations of interests made by Members.

#### 3. Deputations (if any)

There were no deputations received.

#### 4. Minutes of the previous meeting

**RESOLVED** that the minutes of the previous meeting held on Monday 18 July 2022 be approved as an accurate record.

#### 5. Matters arising (if any)

There were no matters arising.

#### 6. Recruitment and Retention of Children and Young People Social Workers

The Committee received a report from the Corporate Director for Children and Young People (CYP) that provided the Committee with an update on the challenges faced in the recruitment and retention of social workers. The General Purposes Committee were asked to agree the continuation and extension of the previously approved recruitment and retention initiative packages (previously approved by the General Purposes Committee in October 2018) to support the department in employing permanent social workers to ease the financial pressures of sourcing agency staff and to support a stable workforce in CYP.

In presenting the report Councillor Grahl (Cabinet Member for Children, Young People and Schools) supported by Nigel Chapman (Corporate Director for Children and Young People) detailed the current position regarding social work staff recruitment and retention within the department, with particular reference to current challenges and pressures within the Looked After Children and Permanency (LAC & Permanency) Service, along with the proposed approach outlined in order to address the issues identified.

Whilst noting that the availability of suitably qualified Children’s Social Work staff remained a national issue, members were advised that the package of measures outlined in the report had been designed to enable Brent to continue competing in what remained an increasingly competitive market for qualified and experienced social work staff. The impact and effectiveness of the measures outlined would also be subject to further review early in 2023, in order for feedback to be shared at a future General Purposes Committee meeting.

In welcoming the report, members acknowledged the competitive environment across London in the recruitment and retention of social workers, noting the value in seeing the process through to achieve an appropriately qualified sustainable workforce within Children and Young People’s services in order to continue supporting positive outcomes for service users. Whilst keen to support the work in developing a London wide approach members were also aware of the importance in Brent exhausting all options available to overcome the social work recruitment challenges and on this basis the Committee RESOLVED:

- (1) That the Committee agree to extend the two recruitment and retention initiatives, which were agreed for the most hard to recruit teams in the Localities Service, to six Care Planning Teams in the Looked After Children and Permanency Service as follows:
  - To increase the one-off payment to newly recruited permanent social work staff on grades PO1 – PO7 from £5,000 to £7,500, on satisfactory completion of probationary period and repayable where an employee leaves the council’s employment within 12 months of receiving the payment. (Currently, in the Care Planning Teams in the Looked After Children and Permanency Service the one-off payment is only made to social work staff in grades PO3 to PO7).
  - To increase retention payments for all qualified social work staff on grades PO1 to PO7 from £1,200 to £4,500 per annum (currently the retention payment is made to social work staff in grades PO3 to PO7)
- (2) That the Committee agrees to increase the maximum amount payable to provide relocation package support to key social work qualified posts from £5,000 to £6,000 in line with cost of living increases.
- (3) That continued discretion is provided to the department in how recruitment and retention payments are offered across the department with a continued focus on hard to recruit posts.

## **7. Zero Hours Report**

The Committee received a report from the Corporate Director of Governance that sought to provide the Committee with information on the Zero Hours Justice Campaign following Council’s confirmed support of the Zero Hours Justice Campaign motion put to Full Council on 11 July 2022.

In presenting the report Councillor Mili Patel (Deputy Leader & Cabinet Member for Finance, Resources & Reform) outlined the measures already in place across the Council enabling Brent to meet the criteria in order to apply for Silver



Employer accreditation, which recognised the Council would not employ any individual directly on a zero hours contract and was committed to actively encouraging any third party contractors, parties or agencies to phase out the use of zero hours contracts in any services they provided.

In welcoming the report, the Committee recognised Councillor Chan's lead on the campaign and commended the Council's proactive approach in leading the way as one of the first local authorities to apply for accreditation and in supporting Brent's position as a good employer in terms of equality and employment practices. Given the nature of accreditation being sought, which would include working with third parties as part of Brent's supply chain, it was noted that further details would also need to be presented to Cabinet although members were advised that where the Council continued to require specialist workers at short notice and without a clear end date, that had been confirmed as remaining within the spirit of the accreditation.

Having noted the content of the report the Committee **RESOLVED** to support the Council's application to become a Silver Member of the Zero Hours Justice Campaign.

## **8. Voluntary Redundancy Scheme Update**

The Committee received a report from the Head of Paid Service updating the Committee on the council's position following the 2022 Voluntary Redundancy Scheme. In presenting the report Councillor Milli Patel (Deputy Leader and Cabinet Member for Finance Resources and Reform) advised that the scheme had been put in place as a result of ongoing budgetary pressures in an attempt to achieve savings whilst continuing to ensure the delivery of key services. As a result of the process the Committee were advised that 45 applications for voluntary redundancy had initially been accepted, although this number was subject to change as some applicants had recently withdrawn from the scheme.

In the ensuing discussion members noted that the payments proposed in relation to seven individuals under the scheme required approval by General Purposes Committee as the redundancy and severance payments when added to the pension strain costs which the Council were required to bear under the Pension scheme rules, totalled over £100,000. Members also recognised the significant savings that were projected associated with the approval of the voluntary redundancy applications received, which it was confirmed would result in an aggregate payback period of less than two years (net of any savings reinvested as part of any restructure) which remained within the agreed benchmark for long term financial consideration.

In considering the recommendations the Committee noted the details provided within the exempt appendix accompanying the report and **RESOLVED**

- (1) To approve the severance payments set out in the exempt Appendix to this report.
- (2) To note that none of the payments in respect of individuals pursuant to the voluntary redundancy scheme included any element in addition to sums calculated in accordance with the council's Managing Change Policy and

the strain payments that would arise under the Local Government Pension Scheme as unreduced pensions were required to be paid.

- (3) To note the overall outcome of the Voluntary Redundancy Scheme that ran during September 2022.

**9. Appointment to Sub Committees/Outside Bodies**

There were no appointments to be considered in relation to any of the General Purposes Sub Committees.

**10. Exclusion of Press and Public**


There were no item that required the exclusion of the press and public.

**11. Any Other Urgent Business**

None.

The meeting closed at 10.12 am.

COUNCILLOR MUHAMMED BUTT  
Chair

 <p><b>Brent</b></p>	<p><b>General Purposes Committee</b> 12 December 2022</p> <p><b>Report from the Corporate Director, Resident Services</b></p>
<p><b>Stopping Up Order – Ujima House, No. 388 High Road, Wembley</b></p>	

<b>Wards Affected:</b>	Wembley Hill
<b>Key or Non-Key Decision:</b>	Non Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	One Appendix A – Stopping Up Order – Ujima House
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	<p>Nicolaas Potgieter, Traffic Order Team Leader: <a href="mailto:Nicolaas.Potgieter@brent.gov.uk">Nicolaas.Potgieter@brent.gov.uk</a></p> <p>Yaz Aboubakar, Regeneration Officer <a href="mailto:Yaz.Aboubakar@brent.gov.uk">Yaz.Aboubakar@brent.gov.uk</a></p> <p>Nadeem Khan, Senior Property Lawyer Legal Services, <a href="mailto:Nadeem.Khan@brent.gov.uk">Nadeem.Khan@brent.gov.uk</a></p>

## 1.0 Purpose of the Report

- 1.1 This report seeks authorisation to make a Stopping Up Order (SUO) for certain area of public highway consisting of footway located in front of Ujima House (No. 388 High Road, Wembley) under Section 247 and 253 of the Town and Country Planning Act 1990 (TCPA 1990).
- 1.2 The SUO is required to facilitate a redevelopment.

## **2.0 Recommendation**

- 2.1 That members note that the draft SUO has been advertised in accordance with the requirements of Section 247 and 253 TCPA 1990 and that in response to the consultations, Virgin Media and Vodafone made objections, which they subsequently withdrew.
- 2.2 That the Committee approve the SUO and agree that the notices of making should be advertised.

## **3.0 Detail**

- 3.1 Planning consent was granted following the Planning Committee meeting of 5th February 2021 approving the development of Ujima House (No. 388 High Road, Wembley) under Application No. 19/3092.
- 3.2 The description of the development is the demolition of the existing building and erection of a new building comprising residential floor space (Use Class C3), flexible workspace with ancillary café, associated hard and soft landscaping, wheelchair car parking and cycle parking.
- 3.3 The planning application submission included 54 new homes and circa 650sqm of workspace. The scheme presents an opportunity for the Council to regenerate the eastern end of Wembley High Road through high-quality mixed-use redevelopment and deliver new homes, jobs, and infrastructure for the benefit of local residents, businesses and communities.
- 3.4 The phased development at Ujima House is proposed as 100% affordable housing, and forms part of the wide Wembley Housing Zone.
- 3.5 The draft SUO was duly prepared, and a Notice of Proposal (NOP) was advertised under Section 247 TCPA 1990 to enable the redevelopment to take place. A copy of the draft Order together with the relevant plans showing the proposed area to be stopped up are provided as an Appendix. The NOP was advertised on 14th July 2022 in the Brent and Kilburn Times and The London Gazette. The statutory consultation period ended on 11th August 2022.
- 3.6 Statutory consultees were notified of the proposed SUO by e-mail or hard copy correspondence, as per requirements of legislation.
- 3.7 The Council received 12 stakeholder responses during the statutory consultation period. Two responses were received after the statutory consultation period expired but were considered. The majority of the replies stated that they had either no objections or no record of apparatus in the immediate vicinity of our enquiry, with the exception of Atkins Global (on behalf of Vodafone) and Virgin Media. Responses were received from the following companies:

3.8 The responses received were from:

- Atkins Global (for Vodaphone)
- Cadent Gas
- ESP Utilities Group Ltd
- LULHV Power Assets - TfL
- NNHC – Openreach
- Openreach
- Plant enquiries - CA Telecom
- Plant Enquiries - Bu-uk
- Plant Enquiries - TfL
- TfL
- Thames Water
- Virgin Media

3.9 Atkins Global and Virgin Media have since withdrawn their objections on the basis that after further investigation it was agreed that their apparatus will not be affected.

3.10 Members are now requested to approve the making of the SUO to complete the development of the site.

#### **4.0 Financial Implications**

4.1 The SUO is estimated to cost approximately £5000 and will initially be met by Healthy Streets and Parking and re-charged to Communities and Regeneration.

4.2 There are no other financial implications on the Council's revenue budgets.

#### **5.0 Legal Implications**

5.1 Section 247 of the Town and Country Planning Act 1990 (TCPA 1990) permits the making of an order for the stopping up of a highway necessary to enable development to be carried out in accordance with a valid planning permission. A SUO extinguishes the right of the public to pass and repass over the land to which the order will apply. Compensation is not payable to those adversely affected by the order.

5.2 Early consultation about the proposal with all persons and organisations who will be affected by the proposed is advisable. If a person/body objects to the making of the order at the time of the notice, the order might be sent to local enquiry or to the Mayor of London.

5.3 Immediately after the SUO is made, the LPA must publish a notice in a local newspaper and the Gazette stating the order was made, naming the place where a copy of the order can be inspected. From the date order is made it must also be sent to consultees, any person affected by the order, and displayed.

5.4 Officers have taken the Council's legal advice as to the statutory requirements in relation to the promotion of the Order. If it is agreed to make the Order, notices of

making of the Order will be publicised. It will not be open to further objection by the public or other authorities. However, where an order is made and published, or the Council decides not to confirm the order this can be challenged within certain time limits.

## **6.0 Equality implications**

- 6.1 The public sector equality duty, as set out in section 149 of the Equalities Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 This includes enquiring into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic. For example, taking account of disabled persons’ disabilities and the action that could be taken to help a disabled person.
- 6.3 There are no equality implications associated with this development or the approval of this SUO.

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

- 7.1 Statutory consultees, namely various utility companies and Transport for London (TfL) were consulted on the proposed SUO by e-mail and correspondence, as required under TCPA 1990.
- 7.2 Local ward Councillors were also consulted.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 None specific.

**Report sign off:**

**Peter Gadsdon**  
Corporate Director Resident Services

## Appendix A – Draft Stopping Up Order with Notice of Proposal and Site Plan



### THE LONDON BOROUGH OF BRENT

### TOWN AND COUNTRY PLANNING ACT 1990

### THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. \*) ORDER 202\*

Made \* 202\*

**THIS ORDER** is made by the Mayor and Burgesses of the London Borough of Brent ("**The Council**") acting in its capacity as a local highway authority and in exercise of its powers under Section 247 and 253 of the Town and Country Planning Act 1990 ("**the Act**") as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 and of all other powers enabling it in that behalf.

#### **BY THIS ORDER:**

1. The Council authorises the stopping up of an area of public highway described in Schedule 1 to this order and shown hatched black on the Deposited Plan ("**the Highway**"), in order to enable development described in Schedule 2 to this order to be carried out in accordance with the planning permission granted under Part III of the Act by the Council on 5 February 2021 under Application No. 19/3092. ("**the Development**").
2. Where immediately before the date of this order there is any apparatus of statutory undertakers under, in, on, over, along or across any area of the highway authorised to be stopped up pursuant to this order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that area of the highway is stopped up as they had immediately beforehand.
3. In this order "the Deposited Plan" means the plan attached to this order and deposited in the offices of Healthy Streets and Parking, Regeneration and Environmental, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ under Drawing No. 22021-LHE-ZZ-XX-C-DR-HW-03.
4. This order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and be cited as The London Borough of Brent (Stopping Up Of Highways) (No. \*) Order 202\*.

**SCHEDULE 1**

**Description of Highway to be Stopped Up**

The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of footway. It is irregular shaped and located near Ujima House, No. 388 High Road, Wembley starting at grid reference E518642.292, N185269.461, continue in a southerly direction to grid reference E518642.251, N185266.748, then in a westerly direction to grid reference E518627.940, N185266.618, then in a general northerly direction to grid reference E518627.812, N185267.900, then in a general easterly direction to grid reference E518636.279, N185268.760, then continue in a general easterly direction to grid reference E518638.071, N185269.305 and ending again at the starting grid reference position above.  
The maximum length is 14.32 metres and maximum width is 2.71 metres.

**SCHEDULE 2**

**The Development**

Demolition of the existing building and erection of a new building comprising residential floor space (Use Class C3), flexible workspace with ancillary café, associated hard and soft landscaping, wheelchair car parking and cycle parking.

The Common Seal of THE MAYOR AND )  
BURGESSES OF THE LONDON BOROUGH )  
OF BRENT was hereunto affixed in the )  
presence of: )

.....  
Solicitor





LONDON BOROUGH OF BRENT

**SECTION 247 TOWN AND COUNTRY PLANNING ACT 1990**

**THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. \*) ORDER 202\***

1. **NOTICE IS HEREBY GIVEN** that The Mayor and Burgesses of the London Borough of Brent propose to make an order under Section 247 and 253 of the Town and Country Planning Act 1990 ("The Act") as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 to authorise the stopping up of an area of public highway described in Schedule 1 to this notice.
2. If the order is made, the stopping up will be authorised only in order to enable the development described in Schedule 2 to this notice to be carried out in accordance with the planning permission granted under Part III of the Act by the London Borough of Brent as the Local Planning Authority on 5 February 2021 under Application No. 19/3092.
3. A copy of the draft order and of a plan of the relevant area can be inspected and a copy requested free of charge during normal office hours on Mondays to Fridays inclusive until the expiration of a period of 28 days from the 14th July 2022 at Brent Customer Services, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.
4. Persons desiring to object to the making of the proposed order should send a statement in writing of their objection and the grounds thereof, to the Head of Healthy Streets and Parking, Regeneration and Environmental, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ, or via email to [trafficorders@brent.gov.uk](mailto:trafficorders@brent.gov.uk), quoting the reference TO/23/036/NP, within the period of 28 days from the 14th July 2022.
5. In preparing an objection it should be borne in mind that the substance of it may be imparted to other persons who may be affected by it and that those persons may wish to communicate with the objector about it.

Dated 14th July 2022.

Sandor Fazekas  
Head of Healthy Streets and Parking

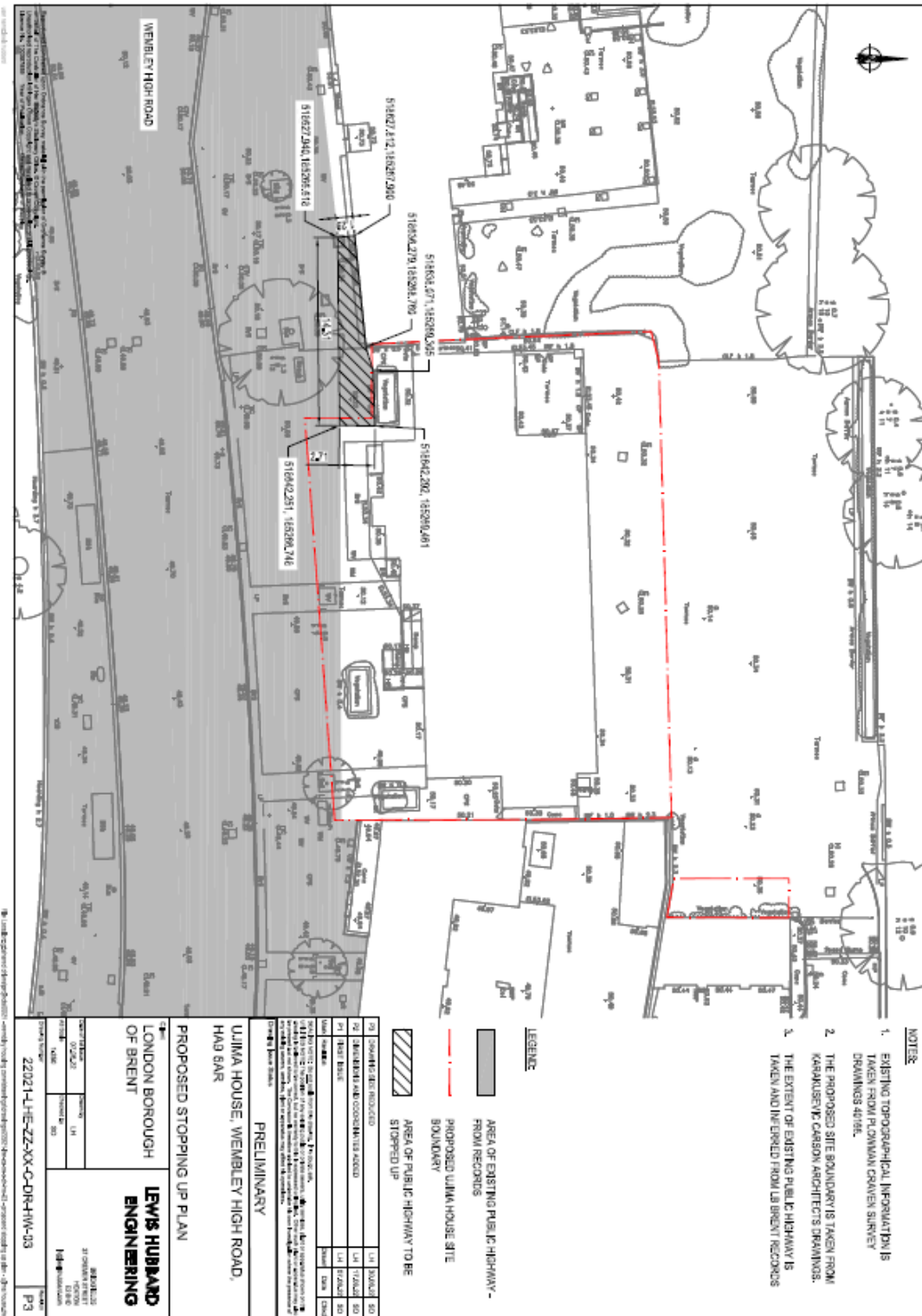
**SCHEDULE 1**


The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of footway. It is irregular shaped and located near Ujima House, No. 388 High Road, Wembley starting at grid reference E518642.292, N185269.461, continue in a southerly direction to grid reference E518642.251, N185266.748, then in a westerly direction to grid reference E518627.940, N185266.618, then in a general northerly direction to grid reference E518627.812, N185267.900, then in a general easterly direction to grid reference E518636.279, N185268.760, then continue in a general easterly direction to grid reference E518638.071, N185269.305 and ending again at the starting grid reference position above.

The maximum length is 14.32 metres and maximum width is 2.71 metres.

**SCHEDULE 2**

Demolition of the existing building and erection of a new building comprising residential floor space (Use Class C3), flexible workspace with ancillary café, associated hard and soft landscaping, wheelchair car parking and cycle parking.



	<p align="center"><b>General Purposes Committee</b> 12 December 2022</p>
	<p align="center"><b>Report from the Corporate Director Resident Services</b></p>
<p><b>Stopping Up Order – Neville Road</b></p>	

<b>Wards Affected:</b>	Kilburn
<b>Key or Non-Key Decision:</b>	Non Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	One  Appendix A – Stopping Up Order – Neville Road
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Nicolaas Potgieter, Traffic Order Team Leader: <a href="mailto:Nicolaas.Potgieter@brent.gov.uk">Nicolaas.Potgieter@brent.gov.uk</a>  Amelia Bell, Senior Project Manager (South Kilburn Estate Regeneration): <a href="mailto:Amelia.Bell@brent.gov.uk">Amelia.Bell@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 This report seeks authorisation to make a Stopping Up Order (SUO) for public highway that includes areas of both carriageway and footway within the South Kilburn Estate. This is to enable phased development to an area near Neville House, on Neville Road, in Denmark Road and near Carlton House, Canterbury Terrace.
- 1.2 The SUO is required to facilitate redevelopment in the South Kilburn Estate Regeneration area.

## 2.0 Recommendation

- 2.1 That members note:-
  - i) that the draft SUO was advertised in accordance with the requirements of Section 247 of the Town and Country Planning Act 1990 (TCPA 1990) and

that in response to the consultation Openreach BT and Virgin Media objected on the basis that they may have an apparatus in the proposed area;

ii) the South Kilburn Estate Regeneration team communicated with Openreach BT and Virgin Media and resolved both objections.

2.2 That the Committee approve the SUO and agree that the notice of making should be advertised.

### **3.0 Detail**

3.1 Planning consent was granted for the development of the site following the Planning Committee meeting of 15 February 2021 under Application No. 19/3259.

3.2 The description of the development is 'A phased development for the demolition of 2 Canterbury Road, 1-7 and 15-33 Peel Precinct and 8-14 Neville Close, and erection of seven buildings (A to G) ranging between 5 and 16 storeys, plus part basement, comprising private sale residential units (Use Class C3), shared ownership residential units (Use Class C3), social rented residential units (Use Class C3); new health centre (Use Class D1), new gym (Use Class D2), flexible use class within retail and commercial units (Use Class A1/A3/B1) at ground floor, associated landscaping, highways and public realm improvements (including new public space and market square), private open space, associated car parking, cycle parking and servicing provision.'

3.3 The planning application submission included:

- Application Form, Certificates and Notices;
- CIL (Community Infrastructure Levy) Form;
- Application drawings, prepared by Child Graddon Lewis Architects
- Design and Access Statement, prepared by Child Graddon Lewis Architects
- Landscape Strategy (contained within the Design and Access Statement); prepared by Outerspace
- Planning Statement, prepared by Turleys
- Photographs and photomontages (contained within the Design and Access Statement);
- Phasing Strategy (within the Viability Statement);
- Affordable Housing Statement, prepared by Montagu Evans
- Energy and Sustainability Statement, prepared by AECOM;
- Daylight/Sunlight Assessment, prepared by Malcolm Hollis;
- Air Quality Assessment, prepared by XCO2
- Noise & Vibration Assessment, prepared by AECOM
- Flood Risk Assessment and SuDS Strategy, prepared by Price and Myers;
- Viability Assessment prepared by Montagu Evans
- Transport Assessment, prepared by Markides Associates;
- Travel Plan, prepared by Markides Associates;
- Utilities Statement, prepared by XCO2

- Ventilation and Extraction Statement, prepared by XCO2
- 3.4 This phased development within the South Kilburn Estate will provide a 41 % quantum of affordable housing (measured by habitable room), with 100% social rent provision.
- 3.5 A draft SUO was prepared and a Notice of Proposal (NOP) was advertised under Section 247 TCPA 1990 to enable the redevelopment to take place. A copy of the draft SUO, together with the NOP and relevant site plan showing the proposed area to be stopped up is provided as an Appendix. The NOP was advertised on 9th June 2022 in the Brent and Kilburn Times and The London Gazette allowing for a 28-day statutory consultation period.
- 3.6 Statutory consultees were notified of the proposed SUO by e-mail or hard copy correspondence.
- 3.7 Eight stakeholders responded to the Council during the statutory consultation period and one response was received after the statutory consultation period elapsed, however, this was still considered. The majority of the replies stated that they had either no objections or no record of apparatus in the immediate vicinity of our enquiry, with the exception of Openreach BT and Virgin Media. Virgin Media and Openreach BT objected on the basis that they have an apparatus in the proposed area. Responses were received from the following companies:
- 3.8 The responses received were from:
- Atkins Global / Vodafone
  - ESP Utilities Group Ltd
  - GTC / BU-UK
  - One Search Direct
  - Openreach BT
  - Transport for London various departments
  - Thames Water
  - Turner & Townsend
  - Virgin Media
- 3.9 The South Kilburn Estate Regeneration team communicated with Openreach BT and Virgin Media and resolved the objections. Both companies have withdrawn their objections on the basis that diversions of their apparatus had been secured.
- 3.10 Members are now requested to approve the making of the SUO, which will allow the development of the site to commence.
- 4.0 Financial Implications**

- 4.1 The SUO is estimated to cost approximately £5,000 and will be paid for by the developer.
- 4.2 There are no other financial implications on the Council's revenue budgets.

## **5.0 Legal Implications**

- 5.1 Section 247 of the Town and Country Planning Act 1990 (TCPA 1990) permits the making of an order for the stopping up of a highway necessary to enable development to be carried out in accordance with a valid planning permission. A SUO extinguishes the right of the public to pass and repass over the land to which the order will apply. Compensation is not payable to those adversely affected by the order.
- 5.2 Early consultation about the proposal with all persons and organisations who will be affected by the proposed is advisable. If a person/body objects to the making of the order at the time of the notice, the order might be sent to local enquiry or to the Mayor of London.
- 5.3 Immediately after the SUO is made, the Local Planning Authority must publish a notice in a local newspaper and the Gazette stating the order was made, naming the place where a copy of the order can be inspected. From the date the order is made it must also be sent to consultees, any person affected by the order, and displayed.
- 5.4 Officers have taken the Council's legal advice as to the statutory requirements in relation to the promotion of the Order. If it is agreed to make the Order, notices of making of the Order will be publicised. It will not be open to further objection by the public or other authorities. However, where an order is made and published, or the Council decides not to confirm the order this can be challenged within certain time limits.

## **6.0 Equality Implications**

- 6.1 The public sector equality duty, as set out in section 149 of the Equalities Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 This includes enquiring into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic. For

example, taking account of disabled persons' disabilities and the action that could be taken to help a disabled person.

6.3 There are no equality implications associated with this development or the approval of this SUO.

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

7.1 Statutory consultees, namely various utility companies and Transport for London (TfL) were consulted on the proposed SUO by e-mail and correspondence, as required under TCPA 1990.

7.2 Local ward Councillors were also consulted.

## **8.0 Human Resources/Property Implications (if appropriate)**

8.1 None specific.

## **Appendices**

**Report sign off:**

***Peter Gadsdon***

Corporate Director Resident Services

This page is intentionally left blank





**THE LONDON BOROUGH OF BRENT**

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. \*) ORDER 202\***

**Made \* 202\***

**THIS ORDER** is made by the Mayor and Burgesses of the London Borough of Brent (**"The Council"**) acting in its capacity as a local highway authority and in exercise of its powers under Section 247 and 253 of the Town and Country Planning Act 1990 (**"the Act"**) as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 and of all other powers enabling it in that behalf.

**BY THIS ORDER:**

1. The Council authorises the stopping up of an area of public highway described in Schedule 1 to this order and shown hatched black on the Deposited Plan (**"the Highway"**), in order to enable development described in Schedule 2 to this order to be carried out in accordance with the planning permission granted under Part III of the Act by the Council on 15th February 2021 under Application No. 19/3259. (**"the Development"**).
2. Where immediately before the date of this order there is any apparatus of statutory undertakers under, in, on, over, along or across any area of the highway authorised to be stopped up pursuant to this order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that area of the highway is stopped up as they had immediately beforehand.
3. In this order "the Deposited Plan" means the plan attached to this order and deposited in the offices of Highways Infrastructure, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ under Drawing No. 27461/8001.
4. This order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and be cited as The London Borough of Brent (Stopping Up Of Highways) (No. \*) Order 202\*.

**SCHEDULE 1**

The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of carriageway and footway. It is rectangular shaped starting at grid reference E524944.551, N183187.600 continue in a north-easterly direction to grid reference E524952.550, N183192.700 then in a south-easterly direction to grid reference E524991.095, N183133.709 then in a south-westerly direction to grid reference E524981.103, N183128.881 and ending again at the start point. The maximum length is 69.167 metres and the width is 11.090 metres.

**SCHEDULE 2**

A phased development for the demolition of 2 Canterbury Road, 1-7 and 15-33 Peel Precinct and 8-14 Neville Close, and erection of seven buildings (A to G) ranging between 5 and 16 storeys, plus part basement, comprising private sale residential units (Use Class C3), shared ownership residential units (Use Class C3), social rented residential units (Use Class C3); new health centre (Use Class D1), new gym (Use Class D2), flexible use class within retail and commercial units (Use Class A1/A3/B1) at ground floor, associated landscaping, highways and public realm improvements (including new public space and market square), private open space, associated car parking, cycle parking and servicing provision.

The Common Seal of THE MAYOR AND )  
BURGESSES OF THE LONDON BOROUGH )  
OF BRENT was hereunto affixed in the )  
presence of: )

.....  
Solicitor



**LONDON BOROUGH OF BRENT**

**SECTION 247 TOWN AND COUNTRY PLANNING ACT 1990**

**THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (NO. \*) ORDER 202\***

1. **NOTICE IS HEREBY GIVEN** that The Mayor and Burgesses of the London Borough of Brent propose to make an order under Section 247 and 253 of the Town and Country Planning Act 1990 ("The Act") as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 to authorise the stopping up of an area of public highway described in Schedule 1 to this notice.
2. If the order is made, the stopping up will be authorised only in order to enable the development described in Schedule 2 to this notice to be carried out in accordance with the planning permission granted under Part III of the Act by the London Borough of Brent as the Local Planning Authority on 15th February 2021 under Application No. 19/3259.
3. A copy of the draft order and of a plan of the relevant area can be inspected and a copy requested free of charge during normal office hours on Mondays to Fridays inclusive until the expiration of a period of 28 days from the 9th June 2022 at Brent Customer Services, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.
4. Persons desiring to object to the making of the proposed order should send a statement in writing of their objection and the grounds thereof, to the Head of Healthy Streets and Parking, Regeneration and Environmental, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ, or via email to [trafficorders@brent.gov.uk](mailto:trafficorders@brent.gov.uk), quoting the reference TO/23/032/NP, within the period of 28 days from the 9th June 2022.
5. In preparing an objection it should be borne in mind that the substance of it may be imparted to other persons who may be affected by it and that those persons may wish to communicate with the objector about it.

Dated 9th June 2022.

Sandor Fazekas  
Head of Healthy Streets and Parking

**SCHEDULE 1**

The area of public highway to be stopped up is shown hatched black on the Deposited Plan and comprises of carriageway and footway. It is rectangular shaped starting at grid reference E524944.551, N183187.600 continue in a north-easterly direction to grid reference E524952.550, N183192.700 then in a south-easterly direction to grid reference E524991.095, N183133.709 then in a south-westerly direction to grid reference E524981.103, N183128.881 and ending again at the start point. The maximum length is 69.167 metres and the width is 11.090 metres.

**SCHEDULE 2**

A phased development for the demolition of 2 Canterbury Road, 1-7 and 15-33 Peel Precinct and 8-14 Neville Close, and erection of seven buildings (A to G) ranging between 5 and 16 storeys, plus part basement, comprising private sale residential units (Use Class C3), shared ownership residential units (Use Class C3), social rented residential units (Use Class C3); new health centre (Use Class D1), new gym (Use Class D2), flexible use class within retail and commercial units (Use Class A1/A3/B1) at ground floor, associated landscaping, highways and public realm improvements (including new public space and market square), private open space, associated car parking, cycle parking and servicing provision.



LEGEND	
Site Boundary	
Existing Highway Boundary	
Area to be Stopped Up	

NOTES:

- This drawing is to be read in conjunction with all relevant Architects' Engineers' and specialists' drawings and specifications.
- Do not scale from this drawing in either paper or digital form. Use written dimensions only. To check that this drawing has been printed to the intended scale this bar should be 50mm long @ A1 or 25mm long @ A3.
- Health & Safety:  
All specific drawing notes are to be read in conjunction with the project "Information Pack" and "Site Rules".

**PEEL PROJECT**  
SOUTH KILBURN, LONDON

**SITE WIDE STOPPING UP LAYOUT**

Status: **FOR APPROVAL**  
NOT FOR CONSTRUCTION


Drawn	AC	Eng	BB
Scales	1:250 at A1	1:500 at A3	
Drawing No	27461 / 8001	Rev	P01

P01	21/12	AC	BB	Issued for Approval
Rev	Date	Drawn	Eng	Amendment

**PRICE & MYERS**  
 Consulting Engineers  
 37 Alfred Place  
 London  
 WC1E 7DF  
 020 7631 5128  
 mail@priceandmyers.com  
 www.priceandmyers.com



This page is intentionally left blank

	<p align="center"><b>General Purposes Committee</b> 12 December 2022</p>
	<p align="center"><b>Report from the Corporate Director of Finance and Resources</b></p>
<p><b>Calculation of Council Tax Base 2023/24</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	<p>Minesh Patel, Corporate Director Finance and Resources S151 020 8937 4043 <a href="mailto:Minesh.Patel@brent.gov.uk">Minesh.Patel@brent.gov.uk</a></p> <p>Rav Jassar, Deputy Director of Finance 020 8937 1487 <a href="mailto:Ravinder.Jassar@brent.gov.uk">Ravinder.Jassar@brent.gov.uk</a></p>

## 1.0 Purpose of the Report

- 1.1 This report is presented to enable the Council to fulfil its statutory role to set a council tax base for 2023/24. The Local Government Finance Act (LGFA) 1992, as amended by the LGFA 2003 & LGFA 2012, requires the Authority to formally calculate the Council Tax Base for 2023/24 and pass this information to precepting authorities by 31 January 2023. The tax base must be set between 1 December 2022 and 31 January 2023.

## 2.0 Recommendation(s)

- 2.1 Agree that the Band D equivalent number of properties is calculated, as shown,

in accordance with the Government regulations;

- 2.2 Agree that the collection rate for Council Tax for 2023/24 is set at 97.0%; and
- 2.3 Subject to (2.1) and (2.2) above, a Council Tax Base for 2023/24 of 101,187 Band D equivalent properties (after collection rate allowance deduction) be approved.

### 3.0 Tax Base

- 3.1 The calculation of the tax base is one of the technical stages in the process of setting the council tax, which is scheduled for the Full Council Meeting on 23 February 2023.
- 3.2 The Local Government Finance Act (LGFA) 1992, as amended by the LGFA 2003 & LGFA 2012, requires the Authority formally to calculate the Council Tax Base for 2023/24 and pass this information to precepting authorities by 31 January 2023. The tax base must be set between 1 December 2022 and 31 January 2023.
- 3.3 Brent, like all Local Authorities, has to work out how much next year's Band D council tax should be so that the total tax that will be collected equals the budget required to pay for its services. To work out the Band D tax, the budget requirement is divided by a figure called the council tax base, which is calculated in this report. In effect, the tax base represents the aggregate taxable value of all residential property in Brent. As well as Brent, the Greater London Authority also needs the tax base figure to work out how much they need to add on to Brent's council tax to pay for their services. This is formally known as their 'precept'.
- 3.4 The Council's 'number of taxable properties' has been calculated in accordance with relevant procedures and guidance for 2023/24. The calculation of the Tax Base has two parts:
  - (a) The number of taxable properties shown as 'Band D equivalents'; and
  - (b) The expected collection rate for the year.
- 3.5 The calculation method is set out in the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as amended. For calculating the Tax Base, (and setting the Council Tax) properties in each of the eight valuation bands are given different weightings. These weightings are shown as a proportion of the Band D value. These are shown below:

Band	A	B	C	D	E	F	G	H
Weighting	6/9	7/9	8/9	1	11/9	13/9	15/9	2

- 3.6 The calculation is primarily based on the Council Tax Base Return submitted to the Department for Levelling Up, Housing and Communities in October 2022, which is used in Government grant calculations. This sets out the factual number of Band D properties, after taking account of the existing level of council



tax support and exemptions. An estimate is also made for the change in the tax base expected in 2023/24 arising out of new housing developments in the borough and demolitions.

3.7 The council tax base for 2023/24 could be expressed as:

- The Band D equivalent properties as at 3 October 2022 after adjustments for council tax support and occupancy; plus
- The estimated net growth in Band D properties between 3 October 2022 and 31 March 2023 (as all of these properties will be liable for council tax in 2023/24); plus
- Half of the estimated net growth in Band D properties during 2023/24 (all of these properties will be liable for council tax in 2023/24 but as they will complete, on average, half-way through the year, only half of their tax raising potential should be taken into account).
- Both estimates will be adjusted to account for occupancy levels and council tax support, in-line with existing properties.

3.8 The starting point of the Band D properties as at 3 October 2022 is known, and is 103,118. This is circa 3% higher than the equivalent figure as at 1 October 2021. A circa 2% average growth rate was assumed in the calculation of the Council Tax Base for 2022/23 and is consistent with the targets for housebuilding set out in the Brent Local Plan 2019-2041 (adopted February 2022). However, analysis of the last two years (October 2020 – October 2022) of growth in the tax base, shows that the rate initially dropped below the average, before increasing to over 3% in the 12 months to October 2022, with an average growth rate of 2.5%. This is likely to be due to the effects of Covid-19 and the subsequent recovery from the pandemic. On this basis it is recommended, as set out in section five, to assume that the council tax base will increase by 2.5% to 104,317 units for 2023/24.

3.9 This will be reviewed during 2023/24 and if, at that time, the new properties have come on stream at a slower rate than expected then it may be prudent to adopt a lower rate of growth for 2024/25 to keep the collection fund in balance.

#### 4.0 **Council Tax Collection Rate**

4.1 The figure for Band D properties then needs to be adjusted to reflect the fact that 100% collection of council tax is unlikely to be achieved. The council tax base set by the Council takes account of what is eventually expected to be collected, not just by the end of the financial year in question. This is referred to as the lifetime collection rate.

4.2 Over the years the collection rate has been adjusted to take into account economic factors that have affected actual collection in-year and the longer term effect on collection for the remaining debt outstanding. For 2021/22 the rate was lowered from 97.63% to 97.5% to account for the impact of COVID-19 on household's ability to pay and the postponement of normal debt recovery actions. As a result of the ongoing impact of Covid-19 on the economy, it was deemed prudent to further reduce the long term collection rate in 2022/23 to

97.0%.

- 4.3 The table below shows how during the last 5 financial years, the long term collection rate has steadily declined and that the reduced 97.5% target set during the Covid-19 pandemic has not been met for any of the three financial years preceding the start of the pandemic. Furthermore, it is anticipated that the cost of living crisis will continue to have a significant detrimental impact on household's ability to pay their Council Tax and will limit the level of normal debt recovery action that can be undertaken. Therefore, it is deemed appropriate to keep the long term collection rate at the same level as 2022/23 and for 2023/24 an overall eventual collection level of 97.0% is considered reasonable.

	<b>Collection Rate</b>	<b>Target Collection Rate</b>	<b>Difference</b>
2017/18	97.20%	97.63%	-0.43%
2018/19	97.14%	97.63%	-0.49%
2019/20	96.43%	97.63%	-1.20%
2020/21	95.25%	97.63%	-2.38%
2021/22	93.45%	97.50%	-4.05%

- 4.4 This does not mean that collection efforts will stop once the budgeted collection levels have been reached, or that eventual losses will necessarily be 3.0%. It is, however, essential that an adequate non-collection allowance be made each year. The Government recognises that no billing authority can collect every pound of Council Tax and that an element of collection will continue after the relevant year. The legislation provides for an allowance for non-collection to be incorporated into the calculation of the tax base.
- 4.5 If an over-optimistic assumption of the achievable collection rate is made, at some later stage a deficit in the Collection Fund will have to be declared, resulting in the need to increase the level of Council Tax in subsequent years to recover the deficit. Alternatively, if the assumed collection rate is exceeded, a surplus could be declared later on. As part of the budget setting process, any surplus or deficit on the collection fund will be reflected in the following years budget. For 2023/24 it is considered realistic to assume an overall eventual collection level of 97.0%, as outlined above.

## 5.0 Setting the Council Tax Base

- 5.1 Taking into account all of the considerations above, the calculation of the tax base for 2023/24, after allowing for an estimated reduced collection rate, is proposed as follows:

Estimated Tax Base (Band D equivalent) (A) = 104,317

Multiplied by:

The estimated lifetime rate of collection (B) = 97.0%

Band D Tax Base after collection allowance (A x B) = **101,187**

## **6.0 Financial Implications**

6.1 The proposed council tax base for 2023/24 is 101,187 and will form part of the overall calculation of the Council's budget that will be presented to Full Council in February 2023.

## **7.0 Legal Implications**

7.1 The Council Tax Base is the equivalent number of Band D dwellings (after taking account of discounts and exemptions) which would raise the same amount of tax as the actual number of liable dwellings in the borough, with their actual spread of bands. The Band D equivalent total is then multiplied by the estimated collection rate for the year, to give the Council Tax Base figure. In the Council Tax calculation process to be undertaken at Full Council on 23 February 2023 this figure will be used to calculate the amount of tax to be levied for a Band D dwelling. The Council Tax level for each valuation band is then calculated by a fixed ratio which each band bears to the Band D figure. The Council's Constitution currently requires that the calculation of the Council Tax Base be carried out by the General Purposes Committee.

## **8.0 Equality Implications**

8.1 None arising directly from this report

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

9.1 Not applicable for this report.

## **10.0 Human Resources/Property Implications (if appropriate)**


10.1 None arising directly from this report

**Report sign off:**

***Minesh Patel***

Corporate Director of Finance and Resources

This page is intentionally left blank

	<p align="center"><b>General Purposes Committee</b> 12 December 2022</p>
	<p align="center"><b>Report from Head of Paid Service</b></p>
<p align="center"><b>Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer</b></p>	

<b>Wards Affected:</b>	N/A
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	N/A
<b>No. of Appendices:</b>	One Appendix A – Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer.
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Debra Norman Corporate Director, Governance Debra.norman@brent.gov.uk

## 1.0 Purpose of the Report

This report seeks approval from the Committee to make changes to the council's Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer following amendments issued by the Joint Negotiating Committee for Local Authority Chief Executives to the Conditions of Service Handbook.

## 2.0 Recommendations

2.1 To the approve the revised Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer in Appendix 1.

## 3.0 Detail

3.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the Regulations) made changes to matters relating to the dismissal of three statutory Officers, the Head of Paid Service, Monitoring Officer and Section 151 Officer. The intention of this provision is to ensure that these officers can discharge their duties without any fear of being unduly influenced or being dismissed without good reason. The changes required amendments to the constitution and the establishment of a process at the Council, which encompassed the new procedures and clarified which officers/committees would be responsible at any stage of the process if required. The process adopted was amended in 2019 following recommendations in the Joint Negotiating Committee Chief Executive's Handbook concerning delegated authority to suspend the Chief Executive should this be necessary.

3.4 The Handbook has recently been further amended and changes are proposed to the council's procedures to reflect changes made in respect of:

- providing for informal preliminary enquiries when a complaint is received;
- clarifying when a matter may be reported to this committee;
- providing for an agreed termination of an employee's employment.

3.5 The proposed amendments are set out in Appendix 1.

#### **4.0 Financial Implications**

4.1 None arising directly from this report.

#### **5.0 Legal Implications**

5.1 These are set out in the body of the report.

#### **6.0 Diversity Implications**

6.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

6.3 The amendment to the Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer proposed in the report does not have any equalities implications. Any specific equalities implications will be considered at the time of any future use of the procedures.

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

7.1 None.

**8. Human Resources/Property Implications (if appropriate)**

8.1. The proposed changes to the Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer will ensure that should the need to use these procedures arise there will be improved clarity in respect of preliminary enquiries, referral to committee and potential settlement.

**Background Papers**

None

**Report sign off:**

***Debra Norman***  
Corporate Director, Governance

This page is intentionally left blank





## HR Procedures

Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer



## Human Resources

# Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer

## Contents

- 1. Summary and purpose of the procedures ..... 3
- 2. Initial consideration of allegations or complaints of misconduct ..... 4
- 3. The role of the GPC ..... 4
- 4. Notification to Cabinet ..... 5
- 5. The role of the DAP ..... 5
- 6. The meeting of full council..... 6
- 7. Appeal..... 6
- 8. General information..... 6

Annex 1 (Flowchart)

## 1. Summary and purpose of the procedures

- 1.1 These procedures apply to any disciplinary action to be taken against the Council's Chief Executive (acting as head of the Council's paid service), Monitoring Officer and Section 151 Officer only (referred to collectively as the officers or individually as the officer as appropriate). These are all statutory officer roles and because of their statutory responsibilities and duties, the officers are afforded statutory protection over and above the rights that other members of staff are entitled to.
- 1.2 'Disciplinary action' for the purposes of these procedures means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.
- 1.3 These procedures put into practice the statutory rules set out in the Local Authorities (Standing Orders) (England) Regulations 2001 (the 2001 Regulations) and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the 2015 Regulations). The 2015 Regulations, which came into force on 11 May 2015, amend the 2001 by removing the requirement for the Council to appoint a 'designated independent person' before taking disciplinary action against the officers.
- 1.4 Instead, the decision to dismiss the officers has to be taken by the full council but not before full council has considered, amongst other things, any advice, views or recommendations from a 'panel' (comprising of 'independent persons' appointed in accordance with certain statutory rules). On 22 June 2015, the full council established the Dismissal Advisory Panel (DAP) and approved changes to standing orders to meet the requirements of the 2015 Regulations.
- 1.5 Subject to compliance with the statutory rules, these procedures should be read in conjunction with the Joint Negotiating Committee (JNC) Conditions of Service Handbook for Chief Executives and the JNC Conditions of Service Handbook for Chief Officers as well as other standards, rules, codes and policies of the Council relating to the performance, conduct and behaviour of the officers.
- 1.6 In outline, these procedures confirm that allegations or complaints which cannot be resolved informally and are likely to result in disciplinary action will be reported to the Council's General Purposes Committee (GPC). The GPC will act as the Council's investigation and disciplinary committee and will consider whether there is a case to answer, whether an investigation is necessary, whether to suspend the officer and whether to dismiss the allegation or take action short of dismissal or recommend dismissal. If dismissal is recommended all members of the Cabinet will be consulted. If there is no objection to the GPC's recommendation or, notwithstanding an objection the recommendation is reaffirmed, the advice, views and recommendations of the DAP will be sought. Thereafter, the full council will consider whether to approve a recommendation to dismiss the officer. The process is illustrated using a flowchart at Annex 1.

- 1.7 These procedures replace existing rules and reflect the law and the practice of the Council as at December 2015 and may be amended if the law or good practice changes or in the exercise of the Council's discretion.

## 2. Initial consideration of allegations or complaints of misconduct

- 2.1 These procedures apply to any disciplinary action to be taken against the officers. This includes allegations or complaints relating to conduct, capability or some other substantial issue. Allegations will initially be considered by the Head of HR. In respect of the Chief Executive, the Head of HR will consult the Monitoring Officer and the Chair of the GPC. In respect of the Monitoring Officer or the Chief Finance Officer, the Head of HR will consult the relevant line manager and the Chief Executive.

2.2 It may be necessary to undertake preliminary enquiries in order to clarify whether there is any substance to the allegation or complaint before formal steps are taken under this procedure. Where this is the case the Monitoring Officer (or if the allegation or complaint relates to the Monitoring Officer, the Head of HR) will be responsible for undertaking these preliminary enquiries and deciding, in consultation with the chair of the GPC, whether a referral to the GPC should be made.

2.22.3 It may be necessary to suspend the officer if an allegation is such that if proven it would amount to gross misconduct and may also be necessary in other cases if the continuing presence at work of the officer might compromise the investigation or impair the efficient exercise of the Council's functions. The Head of HR, in consultation as set out in 2.1, will have delegated authority to suspend the officer. Suspensions should be reviewed after a period of two months as recommended by the JNC Handbook.

## 3. The role of the GPC

- 3.1 If the Head of HR, or Monitoring Officer as appropriate, considers that there may be a case to answer, he/she will report the allegation to the GPC. The GPC will consider whether there is a case to answer which if proved would be such as to lead to dismissal or other action which would be recorded on the officer's personal file; whether an investigation is necessary and whether to suspend the officer. The GPC will be advised by the Head of HR and, in respect of the Monitoring Officer or S151 Officer, may also consult the relevant line manager or the Chief Executive. This will be a paper based consideration and not a hearing. The GPC will provide written reasons for its decision.
- 3.2 If the GPC decides there is a case to answer and decides to suspend the officer, it will be on full pay and if the suspension lasts longer than two months from the date it took effect, it will be reviewed by the GPC.
- 3.3 If the GPC decides there is a case to answer, the presumption will be that an investigation is necessary.
- 3.4 The GPC will either itself appoint a person to investigate the allegation or authorise the Head of HR to do so. If an officer of the Council is appointed, he/she must be at least as senior as the officer being investigated. Alternatively, an external person may be appointed to investigate. In the case of the Chief Executive, an external person will always be required as no other employee is sufficiently senior.

- 3.5 Having regard to the nature of the role of the officer, the subject matter of the allegations, the need to ensure that the person appointed has the requisite expertise and the interests of fairness, careful consideration must be given to appointing the right person to investigate.
- 3.6 The terms and scope of the investigation will be set having regard to the principles of fairness, reasonableness and proportionality.
- 3.7 The investigation process will involve putting the particulars of the allegations to the officer and giving him/her the opportunity to respond. Other than in exceptional circumstances, the officer will be invited to attend an investigation meeting at which the officer may be accompanied by a trade union representative or a colleague.
- 3.8 As soon as practicable after the investigation has been concluded and the investigation report has been finalised, the Head of HR will report the outcome to the GPC. At this stage of the process, the GPC's consideration of the allegations will take the form of a hearing. The officer will have the opportunity to make written representations in advance of the hearing and to make oral representations at the hearing. The officer may be accompanied by a trade union representative or a colleague.
- 3.9 The GPC will decide whether to dismiss the allegation or take action short of dismissal or recommend dismissal. The GPC will provide written reasons for its decision.
- 3.10 If the GPC recommends dismissal, the GPC will consider whether to suspend the officer at this stage or, if appropriate, whether any period of suspension should be extended.

#### **4. Notification to Cabinet**

- 4.1 If the GPC recommends dismissal, the Head of HR will notify every member of the Cabinet the name of officer whom it is intended to dismiss; any other particulars relevant to the dismissal and the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Head of HR. If the Cabinet does not object to the proposed dismissal, the proposal will be reported to the DAP (see section 5 below).
- 4.2 If the Cabinet, or any member of the Cabinet does object, the Leader must, within the period specified in the notice, notify the Head of HR of any objection.
- 4.3 Any objection will be reported to the GPC who will reconsider its decision in the light of the objection. If the GPC is satisfied that the objection is material or is well founded, the GPC will decide whether to dismiss the allegation, take action short of dismissal or take such other action as it thinks is necessary to address the objection.
- 4.4 If the GPC is satisfied that the objection is not material or is not well founded or that the objection has been addressed, the GPC may reaffirm its decision to recommend dismissal. The GPC will provide written reasons for its decision. This will be a paper based consideration and not a hearing.

#### **5. The role of the DAP**

- 5.1 If the GPC's decision to recommend dismissal is reaffirmed, or in the event that there are no objections, the proposal will be considered by the DAP.
- 5.2 The DAP is a committee of the Council appointed under s102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of the officers. The DAP is therefore an advisory and not a decision making body. It will consist of 3 independent persons appointed to the DAP at least 20 working days before a meeting of full council at which a recommendation to dismiss an officer is going to be considered.
- 5.3 The DAP's consideration of the dismissal proposal will usually be based on the information considered by the GPC and will not be a hearing. The officer or his/her representative will, however, have the opportunity to make written representations in advance of the DAP's meeting and/or to make oral representations at the meeting at which the officer may be accompanied by a trade union representative or a colleague.
- 5.4 The DAP may also request advice from relevant specialists to inform its consideration of the dismissal proposal.
- 5.5 The DAP will set out its advice, views and recommendations to the full council in writing.

## **6. The meeting of full council**

- 6.1 The next and final stage of the dismissal procedure is for members to vote at a meeting of the full council whether or not to approve the dismissal.
- 6.2 Before taking a vote, according to the 2015 Regulations, the full council must take into account, in particular:
  - 6.2.1 any advice, views or recommendations of the Panel;
  - 6.2.2 the conclusions of any investigation into the proposed dismissal; and
  - 6.2.3 any representations from the officer.
- 6.3 The officer will have the right to make written representations in advance of the meeting of full council and to attend the meeting, accompanied by a trade union representative or a colleague, to make oral representations.

## **7. Appeal**

- 7.1 If the full council votes to approve the dismissal, there is no further internal right of appeal as the decision of full council constitutes a review of the GPC's decision and is final.

## **8. Settlement**

- 8.1 Depending upon the circumstances it may be appropriate to consider an agreed termination of the officer's employment. The Head of HR shall have authority to authorise such an arrangement, on legal advice, consultation with the Chair of

the GPC and in accordance with current regulations and guidance governing such matters, including referral to GPC or full council where this is required or considered appropriate. The justification for such a settlement will be set out in writing.

## **8.9. General information**

**8.19.1** Nothing in these procedures shall prevent the Council from dealing with minor allegations or complaints informally if it is appropriate to do so in all the circumstances of the case. Similarly, if there are substantial mitigating circumstances justifying it, the Council may also deal with allegations or complaints informally.

**8.29.2** Further or alternatively, and without prejudice to the legal rights and obligations of the parties, the officer and the Council may agree that conciliation or some other form of dispute resolution procedure should be pursued instead of these procedures.

**8.39.3** Any informal resolution of an allegation or complaint should, if appropriate, make clear what specific changes in behaviour and/or performance are expected and within what timescales.

**8.49.4** Unless, exceptionally, it would be in the public interest to do otherwise, confidentiality will be maintained throughout the process.

This page is intentionally left blank