



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET

Held in the Conference Hall, Brent Civic Centre on Monday 12 December 2022
at 10.00 am

PRESENT: Councillor M Butt (Chair), Councillor M Patel (Vice-Chair) and Councillors Farah, Grahl, Knight, Nerva, Krupa Sheth and Tatler

Also present (in remote attendance): Councillors Donnelly-Jackson and Southwood

1. **Apologies for Absence**

None received.

It was noted that whilst also present, Councillors Donnelly-Jackson and Southwood would not be able to participate in any formal decisions taken during the meeting given they were in remote attendance.

2. **Declarations of Interest**

There were no declarations of interest made at the meeting.

3. **Minutes of the Previous Meeting**

RESOLVED that the minutes of the previous meeting held on Monday 14 November 2022 be approved as an accurate record of the meeting.

4. **Matters Arising (if any)**

None.

5. **Petitions (if any)**

There were no petitions submitted for consideration at the meeting.

6. **Reference of item considered by Scrutiny Committees (if any)**

There were no references from either the Community & Wellbeing or Resources & Public Realm Scrutiny Committees submitted for consideration at the meeting.

7. **Public Space Protection Order (PSPO) - Borough Wide including Wembley Park (Wembley Stadium Events), Parks, Open Spaces, Graveyards and Cemeteries**

Prior to consideration of the item, Councillor Muhammed Butt (Leader of the Council) advised that he had accepted a request to speak on the report from John

Fluxman (representing Brent Trades Council). In addressing Cabinet, Mr Fluxman advised that as a representative of Brent Trades Council he was speaking to express concerns regarding the proposed inclusion of Prohibition 8 within the boroughwide Public Space Protection Order (PSPO), which sought to prohibit the use of a megaphone or microphone with speaker without consent. Whilst recognising the context to the introduction of the boroughwide PSPO and prohibitions identified, concerns were highlighted at what was felt to be the disproportional impact of the prohibition in relation to potential interference with the legitimate right to political protest and demonstration. This was also felt to contradict Article 11 of the Human Rights Act regarding freedom of assembly and association. Concerns were also identified in relation to the consultation process undertaken in developing the proposals, as Brent Trades Council had not been included as a stakeholder.

As a result of the concerns highlighted, Mr Fluxman advised he was asking Cabinet to consider amending the proposed PSPO to ensure that political protest was included as a specific exemption under Prohibition 8.

In responding to the comments raised, Councillor Muhammed Butt provided an assurance that the PSPO had not been designed to remove the freedom and right to lawful protest or to demonstrate and instead had been focussed on protecting the local community and assisting to tackle and reduce anti-social behaviour and other nuisance across the borough. The proposals were not therefore intended to prevent political campaigning or demonstration, which it was confirmed would be clarified within the final wording of any prohibition agreed. In thanking Mr Fluxman for his comments, Councillor Butt also highlighted the Council's aim to engage with as wide a range of stakeholders as possible, which he advised it would be possible for Brent Trade Council to participate in as part of any relevant future consultation process.

Councillor Farah (Cabinet Member for Safer Communities & Public Protection) was then invited to introduce the report which he advised detailed the outcome of the evidence gathering and consultation process undertaken on the proposal to create a boroughwide PSPO.

In considering the report, members noted the basis of the proposal outlined, which had been designed to amalgamate the current three PSPOs operating in Brent into one single unified order. Members were advised this had been aimed at removing any confusion and to make it easier to understand and more practical to manage and enforce the individual prohibitions included as well as addressing issues relating to the associated displacement of anti-social behaviour as a result of having three separate orders. Implementation of the unified order would be based around the expiry dates of the existing three orders with details of the breakdown between the current and proposed prohibitions in the current and proposed unified Order having been outlined in section 2.5 of the Executive Summary cover report.

Members were supportive of the approach outlined and also took the opportunity to thank all officers involved for their effort in preparing and presenting the necessary supporting evidence and in progressing development of the proposal. Having considered the comments made Cabinet therefore **RESOLVED:**

- (1) To endorse, subject to the comments outlined above, the proposed extensions, addition of new prohibitions and the suggested removal of others set out in the full report (attached as Appendix 1 to the Executive Summary cover report included on the agenda) and accompanying appendices.
- (2) To note that the Parks, Open Spaces, Cemeteries and Graveyards (POsCGs) PSPO expired on 16.09.2022
- (3) To note that the Wembley Park PSPO was due to expire on 31.12.2022 and would be allowed to expire.
- (4) To note that the Borough wide street drinking PSPO was due to expire on 19.10.2023. It was proposed to vary this PSPO to include the prohibitions set out in (10) below and extend its duration.
- (5) To note that the prohibition relating to; Use of illegal drugs or psychoactive substances is only to be enforced by the Metropolitan Police.
- (6) To approve the introduction of, in effect, one single PSPO across the entire borough with specific prohibitions in the area surrounding Wembley Stadium (Wembley Park) and POsCGs.
- (7) To confirm the proposed areas shown in Appendix 4, 5 & 6 of the report.
- (8) To approve the proposed removal/discontinuation of prohibitions set out in section 5 of Appendix 1 of the report.
- (9) To delegate authority to the Corporate Director Resident Services in consultation with the Cabinet Member for Safer Communities & Public Protection for the function of making all Public Spaces Protection Order under the Anti-Social Behaviour Crime and Policing Act 2014 Act.
- (10) To note that the new PSPO would be implemented as follows:

Entire Borough (including POsCGs & Wembley Park)

(1) consumption of alcohol, (2) Use of illegal drugs or psychoactive substances (formerly known as legal highs or balloons), (3) Littering (urination or defecation), (4) Littering (spitting), (5) Littering (bottles, cans, packets, food, chewing gum, cigarettes), (6) Dog fouling **(7) Illegal trading (food or other items in the street)*, (8), Use of megaphone or microphone with speaker without consent* and (9) Aggressive begging***

***Does not apply to POsCGs**

Wembley Park only

(10) Illegal trading of merchandise, (11) Illegal trading of tickets (ticket touting), (12) Distribution of free literature (including giveaway items) without consent, (13) Charity collectors without consent, (14) Busking without consent, (15) Ambush marketing (including fly posting), (16) Pyrotechnics such as flares or smoke emitters, (17) Obstruction of the public highway, preventing the free flow of person's movement and (18) Flying of drones

Parks, Open Spaces, Cemeteries & Graveyards only

(19) Unauthorised use of motor vehicles (including e-scooters and e-bicycles), (20) Use of permitted vehicles without due care and attention, (21) Loss of control of dogs (dog not within eyesight of owner and/or do not respond to recall), (22) Dogs that are prohibited from specific areas, (23) Letting a dog off a lead in a specified area, (24) More than four dogs being walked at the same time, (25) Flying drones and model aircrafts without consent, (26) The lighting of fires or use of barbeques, (27) The use of fireworks without consent, (28) Defacing or damaging fixtures, furniture or other items, (29) Launching of sky lanterns, (30) Feeding wild animals inclusive of birds and (31) Unauthorised events or activities.

8. High Rise Major Works and Energy Efficiency Programme 2023 - 2026

Councillor Knight (Cabinet Member for Housing, Homelessness and Renters Security) introduced the report which detailed a proposed high rise major works and energy efficiency programme for 2023 – 2026.

In considering the report, members were advised that the works comprised major refurbishment and energy efficiency measures to four high rise tower blocks at Kilburn Square, Lodge Court, Manor Court and Windmill Court along with two small blocks and approximately 100 dwellings within small blocks and converted street properties. Members noted the proposed scope of works, as detailed in section 4 of the report, which had been designed to address ongoing maintenance, fire safety improvement and lifecycle refurbishment requirements as well as to assist in meeting key energy efficiency measures as part of climate emergency targets. It was also noted that delivery of the works would be supported by the submission of a bid for Social Housing Decarbonisation grant funding which, if successful, would provide grant funding to support key energy efficiency measures including external wall insulation, high performance windows and renewable energy equipment.

In commending the programme of works identified, Cabinet highlighted their ongoing commitment towards ensuring that the condition of the Council's housing stock across the borough met the required standards in order to maximise their ongoing lifecycle and use and it was **RESOLVED**:

- (1) To approve the variation to the contract with Wates Construction Limited for the Integrated Asset Management, Planned and Cyclical Maintenance and Responsive Repairs Maintenance Works ("IAM Contract") to allow for the reinstatement of the undertaking of major works.
- (2) To delegate the commission of a works contract for those matters detailed in Section 4 of the report from the IAM contract to the Corporate Director of Resident Services in consultation with the Cabinet Member for Housing, Homelessness & Renters Security.
- (3) To approve an extension of the IAM contract in connection only with the works detailed in (2) above that had an approximate completion date of Spring 2025.
- (4) To note that the value of the works detailed in (2) above may exceed £40M over 3 years.

9. **Asset Management Strategy Delivery Plan**

Councillor Knight (Cabinet member for Housing, Homelessness and Renters Security) introduced a report presenting the Housing Asset Management Strategy (AMS) 2020-2025. The Strategy detailed the vision for responsive repairs, investment, reform and improvement of the Council's housing stock and its performance and provided a summary of works undertaken and being developed, in order to inform the Delivery Action Plan. In addition, members were advised that the report set out the Housing Capital budget requirements and affordable options for delivery of the AMS over a 5-year budget period.

In considering the programme Cabinet noted the range of tasks and commitments within the AMS Delivery Plan required to ensure the Council was able to optimise use of its housing and property assets in order to maximise their contribution in meeting the needs and expectations of residents and also to align with strategic Council priorities shaped within the context of the 30-year Housing Revenue Account (HRA) Business Plan and need to prioritise the investment of funds.

Whilst recognising the significant financial pressures on the Council and specifically on the HRA as a result of the recently introduced rent increase cap, members welcomed the focus provided within the AMS on the prioritisation of funds for investment and management of assets to ensure that the Council's housing stock was efficiently and effectively maintained to ensure its long-term viability and value for money. Despite the challenging financial position members noted that the AMS had been closely aligned to take account of the current budget availability assumed within the HRA Business Plan.

Whilst noting the financial challenges identified and need to carefully manage investment priorities as a result, members felt the Strategy and commitments around which the Delivery Plan had been based demonstrated the Council's ambition and commitment towards delivering the investment required to maximise the benefits and use of the Council's housing stock in order to provide safe and well maintained homes.

As a result, Cabinet **RESOLVED** to note the proposed Capital Budget spend for delivery of the Asset Management Strategy.

10. **Authority to Award Contracts for Parking and Traffic Civil Enforcement and Cashless Parking Services**

Councillor Krupa Sheth (Cabinet member for Environment, Infrastructure & Climate Action) introduced a report seeking approval to the award of contracts for the provision of Parking & Traffic Civil Enforcement and Cashless Parking Services.

In considering the report, members noted the outcome of the detailed procurement process which had been undertaken in line with the strategic approach, aims and objectives within the Redefining Local Services programme. This included a focus within the specification and evaluation process on the Council's Social Value and Ethical Procurement policy objectives as well as quality and requirement for the London Living Wage to be included as the minimum salary payment for staff within the contract, which was welcomed and supported by Cabinet.

Members also recognised the technological innovation and other potential benefits in relation to the proposed service improvements within the contract, which it was pointed out also reflected the changing enforcement environment and net savings being sought as a result of the enhanced economies of scale and longer-term nature of the contracts.

Given the need to provide an additional mobilisation period for the new contracts, in order to avoid any disruption of service, members were also advised of the intention for officers, acting under delegated authority, to seek a short three-month extension of the existing contracts to support this process.

In welcoming the service innovations and improvements identified along with potential savings, Cabinet were also keen to thank the outgoing service providers for their support and work undertaken in delivering the service to date on behalf of the Council.

Having considered the report, including the exempt information included within Appendix 1, Cabinet **RESOLVED**:

- (1) To approve the award a contract for the provision of Parking and Traffic Civil Enforcement Services to Marston Holdings Limited for an initial contract period of five (5) years, with an option to extend for up to a further five (5) years on an annual basis and notes that the value of the contract is estimated to be circa £4.47m per year, or circa £44.54m over the 10 year duration of the contract (excluding CPI indexation and LLW increases).
- (2) To approve the award a contract for the provision of Cashless Parking (including permits) Services to Pay by Phone Limited for an initial contract period of five (5) years, with an option to at extend for further five (5) years and notes that the value of the contract is estimated to be circa £36,439 per year, or circa £364,390 over the 10 year duration of the contract (excluding indexation increases).
- (3) To note the contents of Section 4 of the report with regard to the financial savings and benefits associated with the letting of the contracts referred to in (1) and (2) above.

11. **Uncollectable Debt Write-off**

Councillor Southwood (Cabinet member for Jobs, Economy and Citizen Experience) introduced a report which, in accordance with Financial Regulations, detailed those debts above £20,000 which had been written-off as unrecoverable.

In considering the report Cabinet noted the recovery action taken prior to any debt being considered for write-off which also complied with the Council's Ethical Debt Recovery Policy and Write Off procedure.

In noting the debt identified had related to Adult Social Care client contributions, Housing Benefits and Council Tax & Business Rates, Cabinet **RESOLVED**, having noted the exempt information contained within Appendix 1 of the report relating to the individual debt write-offs:

- (1) To note the debt-written off as described within the report.
- (2) To note a total of write-off of £683,004.32 of debt as set out in Appendix 1 of the report.

12. **Brent Infrastructure Funding Statement 2021-22**

Councillor Tatler (Cabinet Member for Regeneration & Planning) introduced the report, which detailed the Council's third Infrastructure Funding Statement (IFS) prepared in accordance with the requirements within the Community Infrastructure Levy (CIL) (Amendment) Regulations 2019.

In considering the report, Cabinet noted the outline provided relating to the purpose of CIL as a funding mechanism to assist in the delivery of infrastructure to support development of an area and annual requirement within the IFS to detail how Brent's CIL funding had been spent in line with the regulations. In addition, the IFS was designed to set out, where possible, future spending priorities on infrastructure in line with Local Plan, Borough Plan, Capital Pipeline, Long Term Transport Strategy and Infrastructure Delivery Plan.

Whilst recognising the impact of the current financial and economic climate on the programme of development across the borough, members noted the continued strong performance of the Council in terms of the collection of CIL receipts, as detailed within section 3 of the report. Whilst thanking officers for their efforts in relation to performance on the collection of CIL receipts during such a challenging period, members also recognised the impact which the current financial and economic conditions may have on the generation of CIL receipts over future years.

In noting the wide ranging and diverse nature of infrastructure projects being supported through the CIL process, Members were also keen to commend performance in relation to the use, allocation and impact of community projects being supported through the Neighbourhood CIL programme.

Having noted the performance outlined in relation to CIL and associated benefits being achieved through its use to support the wider regeneration programme across the borough Cabinet **RESOLVED:**

- (1) To note the content of the report and Brent Infrastructure Funding Statement 2021/22, as detailed within Appendix 1.
- (2) To approve the Infrastructure Funding Statement for publication.

13. **SCIL request for new Grand Union Canal Pedestrian / Cycle Bridge in Alperton**

Councillor Tatler (Cabinet Member for Regeneration & Planning) introduced a report seeking approval to the use of Strategic Community Infrastructure Levy (SCIL) funding for delivery of a proposed new pedestrian/cycle footbridge over the Grand Union Canal in Alperton.

In considering the report, Members noted the outcome of the options appraisal process and benefits of the proposed infrastructure investment in terms of supporting growth and regeneration in the Alperton and wider area as well as the Council's priorities in relation to providing better access to local and more active forms of travel.

In welcoming the positive impact which it was felt the footbridge would have Cabinet **RESOLVED**:

- (1) To approve £6.855m Strategic Community Infrastructure Levy (SCIL) to design, plan, construct and maintain the proposed Grand Union Canal (GUC) bridge, subject to St George and Canal & River Trust agreement on its preferred location.
- (2) To delegate authority to the Corporate Director of Communities and Regeneration to enter into agreements with St George, Canal and River Trust (CRT) and any other relevant third parties to negotiate terms in respect of any land transfer for the land required to site the bridge.
- (3) To approve the making of a scheme under section 106(3) of the Highways Act 1980 and thereafter the submission of the scheme to the Secretary of State for Transport for confirmation.

14. **Corporate Performance - Q2 2022/23 Performance Report**

Councillor Mili Patel (Deputy Leader and Cabinet Member for Finance, Resources & Reform) introduced the report providing a corporate overview of performance information linked to the Borough Plan priorities for the second quarter 2022/23 (July – September 2022).

In presenting the report, Councillor Mili Patel highlighted the changes made as part of the new performance management framework with a focus around the Borough Plan (currently in the process of being updated) and other key corporate strategies including the Black Community Action Plan, Equality Strategy, Poverty Commission, Climate Emergency Strategy and Joint Health & Wellbeing Strategy.

Members were keen to recognise the efforts being made to ensure the continued delivery of services within the current challenging economic and financial circumstances and work being undertaken jointly by Cabinet Members with their relevant Strategic Directors, in seeking to manage and mitigate against the strategic risks identified as part of the overall wider approach towards supporting local residents and in support of the emerging priorities within the updated Borough Plan.

Having considered the update provided, it was **RESOLVED**:

- (1) To note the performance information contained in the updated report format.
- (2) To note the current and future strategic risks associated with the information provided and agree the remedial actions on strategic risks identified as appropriate alongside the challenge on progress being provided with responsible officers as necessary.

15. **Approval to participate in a Pan London Vehicle for the commissioning of secure Children's Home Provision for London**

Councillor Grahl (Cabinet Member for Children, Young People & Schools) introduced a report setting out proposals for Brent to join a Pan-London Vehicle (PLV) for the commissioning of placements for Looked After Children and Care Leavers initially being developed to run secure welfare provision in London.

In considering the report, Cabinet noted the significant shortage of secure Children's Home provision both nationally and within London and costs associated with placements made given the vulnerability and complex needs of those requiring secure welfare provision. Whilst the numbers of placements requiring this type of care were relatively low across London and within Brent members were advised that pressure was increasing on the system nationally as a result of the lack of capacity, with the opportunity therefore identified to develop and establish Secure Children's Home (SCH) provision in London designed to support the provision of additional capacity and ensure more affordable local placements. Members were advised that the initial capital funding required to establish the provision would be provided through the Department for Education, but this would be on the basis of a pan-London approach.

Members were supportive of the rationale outlined in relation to the proposal and approach towards the creation of a PLV, jointly owned by London Local Authorities, to oversee the development and running of the new SCH provision given the benefits identified and as a result Cabinet **RESOLVED**:

- (1) To agree for Brent to become a member of a not-for-profit company, limited by guarantee, provisionally to be known as the Pan London Vehicle ("PLV") in order to develop and then oversee the running of London's Secure Children's Home provision for a five-year period from 1st April 2023 to 31st March 2028 with break clause after three years as set out in Section 8 of the report; and in addition:
 - (a) with reference to paragraph 4.5 in the report, to agree that the preference would be for the PLV to be hosted by London Councils in order to ensure appropriate political oversight from all participating boroughs;
 - (b) to explore the potential to collaborate with other PLV members on future joint commissioning programmes.
- (2) To commit in principle to joint oversight and risk/benefit sharing, through the PLV, of the Secure Children's Home ("SCH") provision, for a five-year period to 31st March 2028, including the build, service development and service commissioning phases, subject to ratification after the revision of the SCH business case, and renewable on a ten yearly cycle thereafter, with breakpoint after five years.
- (3) To delegate authority to the Corporate Director, Children and Young People in consultation with the Corporate Director, Finance and Resources and the Cabinet Member for Children, Young People and Schools to make the final determination on the Council's membership of the PLV, following completion

of the revised SCH business case and legal documentation and, if appropriate, to enter into all the legal agreements, contracts and other documents on behalf of the Council required to implement and run any aspect of the PLV arrangements.

16. **Zero Hours Justice Campaign and Fair Tax Declaration**

Councillor Mili Patel (Deputy Leader and Cabinet Member for Finance, Resources & Reform) introduced the report providing an update on progress in relation to the Zero Hours Justice Campaign and Fair Tax Declaration Authority following approval of the Motion agreed at the Full Council meeting on 11 July 2022.

In considering the report Cabinet noted the measures already in place across the Council enabling Brent to meet the criteria to apply for Silver Employer accreditation as part of the Zero Hours Justice Campaign, 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.

Members also noted the commitments towards promoting responsible tax conduct through the Fair Tax Foundation's Fair Tax Declaration with Cabinet also supportive of the Council pursuing its application to become a Fair Tax Council.

In welcoming the report and progress made, Cabinet commended the Council's proactive approach in leading the way as one of the first local authorities to apply for accreditation under the Zero Hours Justice Campaign and in supporting Brent's position as a good employer in terms of equality and employment practices.

Having considered the report Cabinet therefore **RESOLVED** to support the Council's application to become a Silver Member of the Zero Hours Campaign and to support the principles to be followed in becoming a Fair Tax Declaration Authority.

17. **Exclusion of Press and Public**

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

18. **Any other urgent business**

There were no items of urgent business so as the final Cabinet meeting before Christmas Councillor Muhammed Butt (as Leader of the Council) took the opportunity to thank all members for their support over the year and to wish everyone all the best for the festive season.

The meeting ended at 10.35 am

COUNCILLOR MUHAMMED BUTT
Chair