



## Resources and Public Realm Scrutiny Committee

**Wednesday 6 September 2023 at 6.00 pm**

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

Please note this will be held as an in person meeting which all Committee members will be required to attend in person.

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [HERE](#)

### Membership:

#### Members

Councillors:

Conneely (Chair)  
Long (Vice-Chair)  
Aden  
Ahmadi Moghaddam  
Akram  
S Butt  
Georgiou  
Miller  
Mitchell  
J Patel  
Shah

#### Substitute Members

Councillors:

Afzal, Begum, Collymore, Ethapemi, Fraser, Molloy,  
Rajan-Seelan, Ketan Sheth and Smith

Councillors:

Maurice & Kansagra  
Lorber & Martin

**For further information contact:** Natalie Connor, Governance Officer  
Tel: 020 8937 1506 ; Email: [natalie.connor@brent.gov.uk](mailto:natalie.connor@brent.gov.uk)

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit: <https://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 or 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
<b>1 Apologies for absence and clarification of alternate members</b>	
<b>2 Declarations of interests</b>	
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.	
<b>3 Deputations (if any)</b>	
To hear any deputations received from members of the public in accordance with Standing Order 67.	
<b>4 Minutes of the previous meeting</b>	1 - 10
To approve the minutes of the previous meeting held on Wednesday 19 July 2023 as a correct record.	
<b>5 Matters arising (if any)</b>	
To consider any matters arising from the minutes of the previous meeting.	
<b>6 Establishment of Budget Scrutiny Task Group</b>	11 - 14
The purpose of this report is for the Committee to establish a Scrutiny Task Group to consider the Cabinet's budget proposals for 2024/25 and 2025/26.	
<b>7 Community Engagement Framework</b>	15 - 32
The purpose of this report is to provide an update on the development of a Community Engagement Framework (CEF).	
<b>8 Planning Enforcement</b>	33 - 86
This report provides the Resources and Public Realm Scrutiny Committee with an outline of how the planning enforcement process is resourced and delivered in Brent.	

**9 Scrutiny Progress Update - Recommendations Tracker** 87 - 102

The purpose of this report is to present the Scrutiny Recommendations Tracker to the Resources and Public Realm Scrutiny Committee.

**10 Scrutiny Work Programme 23/24** 103 - 108

To provide an update on any changes to the Resources and Public Realm Scrutiny Committee's work programme

**11 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 the next meeting: Tuesday 7 November 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](#)



## **MINUTES OF THE RESOURCES AND PUBLIC REALM SCRUTINY COMMITTEE Held in the Conference Hall, Brent Civic Centre on Wednesday 19 July 2023 at 6.00 pm**

PRESENT: Councillor Conneely (Chair), Councillor Long (Vice-Chair) and Councillors Akram, Bajwa, S Butt, Georgiou, Maurice, Miller, Molloy and Shah.

Also Present: Councillors Muhammed Butt (Leader of the Council) and Mili Patel (Deputy Leader of the Council and Cabinet Member for Finance, Resources & Reform).

Councillor Ketan Sheth, Chair of Community & Wellbeing Scrutiny Committee attended as an online participant.

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

Apologies were received from Councillors Mitchell and Ahmadi Moghaddam. Councillor Molloy attended as an alternate on behalf of Councillor Ahmadi Moghaddam.

### **2. Declarations of interests**

None.

### **2. Minutes of the previous meeting**

It was **RESOLVED** that the minutes of the previous meeting held on Wednesday 25 April 2023 be approved as a correct record.

### **3. Matters Arising (if any)**

None.

### **4. Budget Update – Medium Term Financial Strategy**

Councillor Conneely welcomed Councillor M Patel, Deputy Leader of the Council and Cabinet Member of Finance, Resources & Reform, to present a report from the Corporate Director of Finance & Resources that provided the Committee with an update on Brent's overall financial position by examining the financial outturn position for 2022/23, the Q1 financial forecast for 2023/24 and the medium term financial outlook. The Committee noted the following key points:

- The Financial Outturn had worsened by £1m since the Q3 forecast was presented to Cabinet in January 2023. This was attributed to the volatility of the demand led budgets within the Children and Young People's (CYP) department and Adult Social Care (ASC).
- It was noted that the Q1 2023/24 Financial Forecast was in a stable position, however it was recognised that there remained a number of risks and uncertainties across all service areas that could affect the assumptions made in

relation to the impact of inflation and pressures as set out in the Q1 Financial Forecast.

- The Medium-Term Financial Outlook set out the overall financial position faced by the Council and highlighted the risks and uncertainties in relation to the Council's Medium Term Financial Strategy (MTFS) as well as the proposed budget setting strategy for 2024/25. It was noted that high inflation and uncertainty around interest rates and government funding meant the outlook remained subject to change.
- The Committee was advised that, looking forward to 2024/25 and 2025/26, the Council would need to provide growth for unavoidable demographic and demand led service pressures. Forecasts suggested that there would be a budget gap of £8m over this period which would need to be met via savings accrued from across the Council.

In the ensuing discussion the Committee raised the following points:

- The Committee queried how the Council had responded to the challenges highlighted in Appendix A – Medium Term Savings Delivery Tracker 23/24. Officers advised that the budget saving proposals highlighted within Resident Services that looked to increase Council owned temporary accommodation and Re-defining Local Services were unlikely to be delivered this year, however there were mitigations within Resident Services to manage this. The area highlighted within Adult Social Care in relation to reducing the cost of Learning Disability Placements cited potential delays, with mitigations having been identified if needed.
- The Committee was advised that, in general terms, the enhanced monitoring and action planning in place ensured the right trajectory was being followed to achieve the savings identified on the delivery tracker. Enhanced monitoring offered early identification of issues and therefore increased opportunities for further interventions as and when needed.
- The Committee questioned how the Council was preparing for the anticipated reduced public sector funding in 2025/26. Officers advised the Committee that it was not yet clear exactly how much funding would reduce by, however, to ensure preparedness, financial modelling had commenced to look at different scenarios of reduced funding together with the budgetary assumptions that could be made to support potential different strategies.
- The Committee enquired how the Council's borrowing and Capital Programme would be affected by the current interest rates in relation to the impact this could have on service delivery. In response, the Committee was advised that the majority of the Capital Programme projects were delivery of affordable housing to Brent residents. These projects were subject to rigorous viability assessments and, as such, in the current challenging financial climate, where construction costs were so high, it was felt that it was sensible to pause projects until the market had settled, as at the current rates it would not be viable to deliver truly affordable housing to residents.
- Following a Committee query in relation to how Brent fared in their collection of business rates against other local authorities, officers advised that benchmarking was in place for the collection of Council Tax and Business rates. Pre Covid collection rates had been very good at 96% for Council Tax and 98% for Business rates, however, post Covid Brent were performing in the lower quartile for both Council Tax and Business rate collection. The Committee was advised

that Brent's lower collection rate could be partly attributed to the high level of deprivation throughout the borough, which was further evidenced by the number of requests made to the Resident Support Fund.

- Following the discussion on collection rates, the Committee queried the future of the Resident Support Fund given the additional budget savings the Council was required to make in future budgets. Officers advised that the Council needed to be cautious moving forward, but where possible would aim to support residents as much as they were feasibly able to.
- The Committee questioned if there was scope to increase the efforts in Business Rate collection. Officers advised that during and post Covid the Council had limitations placed on their powers to recover Business Rates, but now that the restrictions had been lifted the Council was taking extra steps to enforce the collection of unpaid business rates. In cases where business owners were genuinely struggling to make payments, the Council remained committed to having an open dialogue with these businesses to recover costs.
- The Committee queried how assured officers were in the budget forecasting, given the additional £1m overspend since reporting to Cabinet in January 2023. Officers advised that they were confident that forecasting of the budget was robust, whilst highlighting that many areas of the budget had to be based upon assumptions. The Committee was assured that modelling was routinely undertaken to ensure that the Council would be able to cope with variances to the assumptions made. Additionally, the volatility of the demand led budgets of CYP and ASC remained a constant threat to the budget. The Committee noted that just one additional care package could cost up to £250k per year, and officers advised members that both budgets were also impacted by the significantly rising costs of agency staff that were essential to the effective running of the services.
- In relation to the rising costs of agency staff, the Committee queried why the Council had difficulties in retaining permanent social work staff. The Committee was advised that agency work was attractive to many social workers due to the flexibility, opportunities for career progression and the higher pay offered. The Committee noted the issue was not unique to Brent and was a nationwide concern. Brent had plans in place to build upon the retention of permanent social work staff, and there were also discussions taking place with other local authorities to explore a London wide agency of social workers to stabilise agency costs across London.
- In recognition of the risks to the CYP and ASC budgets going forward, the Committee queried what mitigations were in place to limit any overspend and whether these planned mitigations were likely to impact on the quality of services received by residents. In response, Helen Coombes, Interim Corporate Director of, Care, Health & Wellbeing, shared the wider context of the budgetary challenges within ASC and highlighted that, despite the financial challenges, Brent had continued to provide a good service to residents. The Committee was advised that challenges were expected to increase due to the combination of inflationary pressures and an ageing population. It was a priority for the department to use data to support and drive the decisions moving forward to ensure that, despite the difficult financial climate, residents remained safe, well cared for and able to access the resources needed.
- In terms of CYP, Nigel Chapman, Corporate Director of Children & Young People, advised that the savings targets set out in the budget in relation to staffing efficiencies and contract savings were felt to be achievable, however

there remained uncertainty around LAC placements and care packages, particularly with children with disabilities. The Committee was assured that careful consideration would be given to any reduction in care packages, however, where it was deemed appropriate reductions would be made.

- The Committee queried the significant increase in funding requirements for young people supported in CYP moving into ASC. In response, the Committee was advised that the legislation used to assess an individual's care differed between CYP and ASC. This had highlighted the necessity for CYP and ASC to work more cohesively with service users and their families who were approaching adulthood with a view to earlier identification and subsequent support to live as independently as possible. This would support improved outcomes for the individuals concerned as well as supporting a reduction in care costs.
- The Committee felt that a different approach to support savings in CYP should be explored, given that there had been year on year overspends in this service area, with no previous mitigations offering a significant impact on overspending. The Committee was advised that, in benchmarking terms, CYP was performing well, particularly in respect of the limited funding received as an outer London Borough, despite being in the top 10 most deprived boroughs. The Committee heard that some of the actions previously identified had traction, however, officers agreed that different approaches should be explored to support working within a balanced budget. As such, CYP would be working with the Commissioning Board to look at pressures specifically within placements, with a report due to be presented to CMT in Autumn 2023. Other measures taken included developing in house foster carers to avoid agency costs and promoting independence for care leavers. Additionally, permission had been granted for Brent to set up their own Children's Residential Home to support a reduction of out of borough care costs.
- The Committee queried if it was possible to increase the budget for CYP to provide a realistic budget that would avoid continued overspends and risks to the quality of service provision as a result of underfunding. In response, the Committee was advised that due to the funding reductions made from central government, local authorities had been left with no alternative other than to reduce budgets, and therefore it would not be possible to offer CYP an increased budget as this could only be achieved through reducing the budget in another service area.
- The Committee queried the resilience of the Council's reserve funding, given that some reserves had to be used to cover the recent overspend. The Committee was advised that 22/23 was the first year that reserves had been used to balance the budget, and it was felt that with the rate of inflation reducing, reserves would not need to be used to balance the 23/24 budget. Officers highlighted that the existence of the reserve funding was to support the Council in challenging financial times and would be utilised if necessary.
- The Committee requested some specific feedback in relation to the delays to the re-development of St Raphaels Estate, and officers advised that the biggest barriers to the progression of the project were the viability challenges due to the sharp increase in construction costs and the financing of the project. It was clarified that the delays were not due to the project management of the scheme.
- The Committee re-iterated the previous recommendation made by the Budget Scrutiny Task Group for officers to clearly delineate between cuts to services and actual savings in their budget reporting.



- The Committee queried if the introduction of Selective Licensing could negatively impact the already limited stock of temporary accommodation in Brent. Officers advised that this was recognised as a risk and the impact would be monitored.
- In response to a Committee query in relation to why there was a higher level of focus on the delivery of the District Neighbourhood Heating Scheme, rather than building new homes with efficient sustainable heating systems; officers advised that a grant had been awarded to support the delivery of the scheme as it was recognised as an advancement in reducing carbon emissions.
- In response to a Committee query in relation to the planned actions to reduce overspends from the Housing Revenue Account (HRA), the Committee was advised that the HRA broke even in the 22/23 financial year. The Committee recognised the incoming pressures associated with increased challenges in progressing new schemes due to viability issues. The Committee was advised that there were enough viable schemes in the short to medium term to continue to support the HRA, however longer-term plans could present difficulties and were being closely monitored.
- The Committee felt that, in the challenging economic climate, it was important to explore how the Council could generate additional income. Officers advised that it was difficult for local authorities to create substantial income generation, and the Committee noted that revenue increases would need to be built into a sustainable model that would not leave the Council vulnerable to any risk.

In closing the discussion, the Chair thanked officers and Committee Member's for their contributions towards the scrutiny on the item before summarising the outcome of the discussions and additional actions, which were **AGREED** as follows:

### **Recommendations to Cabinet**

- (1) Continue to lobby central government for additional 'levelling up' investment in Brent to offset the impact of future budget proposals.
- (2) Invite the scrutiny chairs to informal cabinet meetings (as appropriate) when budget challenges/complexities (and any other relevant budget matters) arise.

### **Suggestions for Improvement**

- (1) Provide benchmarking data to accompany figures/statistics provided in all future scrutiny committee reports.
- (2) Draft future scrutiny committee reports in plain English 'layman's' language, avoiding jargon where possible.
- (3) In relation to the development of the Council's Budget for 2024-25 and 2025-26:
  - Ensure that each budget proposal is categorised as one of: Cut; Income generation; Service transformation; Efficiency; or Investment for transparency purposes. This language should also be used in Council communications in order for residents to distinguish between the proposals which are cuts/service reductions, those which are investments, and those which are efficiencies/service transformation.
  - Ensure that the Council's vision, mission, and strategic priorities (as outlined in the borough plan) are communicated clearly when consulting residents, partners, and businesses on the Draft Budget for 2024-25, and 2025-26.

This should be inclusive of any current/planned activity to support the most vulnerable/marginalised residents in the borough.

- Explore further opportunities for investment/income generation to offset the impact that many of the upcoming proposals will have on vital council services.
- Set budgets based on realistic levels of growth in demand for services and inflation as well as realistic mitigations to contain overspends.

### **Information Requests**

- (1) Provide analysis of savings made since 2018, specifically a breakdown of the savings made which equate to service reductions.
- (2) Provide progress update on activities to reduce overspends in the Children & Young People's directorate.

## **5. IT Shared Services/Cyber Security**

Councillor Conneely welcomed Councillor M Patel, Deputy Leader of the Council and Cabinet Member for Finance, Resources & Reform, to introduce a report from the Corporate Directors for Finance & Resources & Resident Services that provided an update on Shared Technology Services' (STS) operational performance and progress on the implementation of the Brent and STS cyber security strategies. Fabio Negro, Managing Director of Shared Technology Services, and Rehana Ramesh, Head of Digital Transformation, were present to respond to the Committee's questions on the report. The following key points were discussed:

- The Committee queried if the partnership between Brent and the partner boroughs in the shared service agreement was likely to remain the same going forward. In response, the Committee was advised that for the foreseeable future it was likely to remain the same, however there may be opportunities for other local authorities to join in the future.
- In response to a Committee query in relation to the types of cyber attacks the Council had received, the Committee was advised that it was not always possible to identify the origin countries of attacks, however they were often from countries with poor internet controls, with many identified to originate from Asia. Brent received approximately 10,000 attempts a day, with most attempts at a low level and likely to be individual efforts, however some attempted attacks appeared to be better resourced and sophisticated; suspected to be state actors.
- Following a Committee query in relation to benchmarking Brent's cyber security performance, the Committee was advised that various benchmarking platforms were in place, which included a recent positive peer review with the LGA that focused on the governance of cyber security as well as the processes in place. The team also worked closely with the London Office of Technology and Innovation that had membership with 23 other local authorities. Officers advised that this was a useful platform to seek advice and share best practice with a broad group.
- In relation to how the organisational leadership incorporated cyber security into the Council's key strategic objectives, the Committee was advised that the Digital Transformation Team aimed to ensure that, as well as bringing in technology that was secured by design to support cyber security, employees understood the risks faced from cyber security breaches and everyone's role in preventing them across the organisation.

- Following a Committee question in relation to the challenges in educating residents about cyber security, the Committee was advised that Brent were leading in the introduction of the use of multi factor authentication for residents accessing online services, and it was felt that residents understood why this was necessary to keep their data secure and were supportive of this.
- In relation to employees' and Members' understanding of their part to play in cyber security, the Committee was advised that there were well established routines in place to ensure everyone understood their role in protecting data. Information Governance training and Member development sessions were routinely carried out to support this. The annual information governance training was being developed further to create bite sized, user friendly sessions for employees, as it was felt this would increase the successful completion rate of the training. Additionally, one to one support was available for any individuals struggling to complete the training independently.
- Following a Committee query in relation to the delivery of bespoke training using previous examples of data breaches to illustrate how future risks could be mitigated, the Committee was advised that this was included in the annual training. It was also noted that when a data breach was reported a communications campaign would be circulated to include wider information on the lessons learned.
- The Committee noted that there was no specific hardware that was particularly vulnerable to cyber attacks, with the best defence recognised as appropriate software and educating the individuals using the equipment.
- The Committee was advised that being part of an IT Shared Service did not create any additional challenges in managing cyber security.
- The Committee requested further details on the response and recovery plans in place in the event of a significant cyber attack, specifically in relation to how work and operations would be able to continue in the immediate aftermath of an attack. In response, the Committee was assured that Brent had heavily invested in tools to support if such an incident took place and were confident that all information could be recovered as software was in place to recover data from the cloud if access to the Civic Centre was limited. Key services would be given the highest priority to restore, with timescales for recovery of non essential services being ranked on priority.
- The Committee was advised that regular reviews and exercises were undertaken to test the robustness of Brent's systems. The process included simulating a cyber attack and documenting the processes that followed to ensure everyone understood their responsibility in managing the issue. Key learning from other local authorities who had experienced cyber attacks had demonstrated that colleague communication as part of the recovery plan had often been overlooked, therefore Brent was keen to ensure that this was an established part of Brent's recovery plan.
- The Forum heard that attacks had increasingly been attempted through 3<sup>rd</sup> party software providers. The Committee was assured that Brent had the software and expertise to block these attempts, and to reduce future risks, as part of re-procurement of systems, Brent would not enter a contract with any provider that did not meet the high security standards expected.
- In terms of the investments made in cyber security the Committee was advised that the significant investments made in Brent had supported a number of publishing services and tools to replace and upgrade firewalls to improve

performance and stability against threats, as well as ensuring compliance with standards.

As the Committee had no further questions for officers, the Chair expressed thanks on behalf of the Committee for what was felt to be excellent work being undertaken by the Digital Transformation Team and IT Shared Services. The Committee felt the team had demonstrated innovative plans moving forward with robust systems in place. Councillor Conneely moved on to summarise the outcome of the discussion and the additional actions, which were **AGREED** as follows:

### **Suggestions for Improvement**

- (1) Involve the Committee in testing the Council's cyber-resilience plans.
- (2) Deliver bespoke (in-person) cyber security training to all members in addition to the standard yearly training provided.
- (3) Improve internal and external communications, sharing more widely good practice studies relating to the Council's cyber security activities.

### **Information Requests**

- (1) Provide RAG rated version of the Brent Cyber Security Strategy 2022-2026 Implementation Plan for the Committee to understand progress made so far.
- (2) Provide further detail on how the Council is ensuring third party suppliers are adhering to Brent's cyber security strategy and requirements. This should be inclusive of the findings from the third-party supplier survey currently underway.

## **6. Scrutiny Progress Update – Recommendation Tracker**

The Committee was invited to consider the progress and updates provided in relation to the Resources & Public Realm Scrutiny recommendation and information request tracker. The Committee noted there were a number of outstanding items that were due to be responded to by the November 2023 meeting and looked forward to receiving these responses.

## **7. Scrutiny Work Plan 2023/24**

The Committee was then invited to consider the Scrutiny Work Plan for 2023/24 and in doing so formally **APPROVED** the work plan. The Committee noted that it was a live document and in addition to the agreed items, additional items may be added as and when necessary when brought to the Committee's attention.

## **8. Any Other Urgent Business**

None.


Date of the next meeting: Wednesday 6 September 2023

The meeting closed at 8:48pm

COUNCILLOR RITA CONNEELY

Chair

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 <b>Brent</b>	<p align="center"><b>Resources and Public Realm Scrutiny Committee</b> 6 September 2023</p>
	<p align="center"><b>Report from the Head of Strategy &amp; Partnerships</b></p>
<p align="center"><b>Establishment of Scrutiny Task Group on Council Budget Proposals 2024/25 and 2025/26.</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Not applicable
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	<p>Jason Sigba, Strategy Lead – Scrutiny, Strategy and Partnerships  <a href="mailto:Jason.Sigba@brent.gov.uk">Jason.Sigba@brent.gov.uk</a></p> <p>Tom Pickup, Policy Partnerships and Scrutiny Manager, Strategy and Partnerships  <a href="mailto:Tom.Pickup@brent.gov.uk">Tom.Pickup@brent.gov.uk</a></p> <p>Janet Latinwo, Head of Strategy &amp; Partnerships  <a href="mailto:Janet.Latinwo@brent.gov.uk">Janet.Latinwo@brent.gov.uk</a></p>

## 1.0 Executive Summary

1.1 The purpose of this report is for the Committee to establish a Scrutiny Task Group to consider the Cabinet’s budget proposals for 2024/25 and 2025/26.

## 2.0 Recommendation(s)

2.1 That a Budget Scrutiny Task Group be established with members to be confirmed at the Committee meeting on 6 September 2023.

2.2 The terms of reference for the group will be to:

1. Consider the Cabinet’s budget proposals for 2024/25 and 2025/26.
2. Receive evidence from Cabinet Members, senior departmental officers, and any other relevant stakeholders.

3. Agree a draft report to comment on the budget proposals for submission to the Resources and Public Realm Scrutiny Committee for ratification and submission to Cabinet.

### **3.0 Detail**

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

- Borough Plan 2023-2027 – all strategic priorities
- 3.1 The process for developing proposals for the budget and capital programme each year is outlined in the Brent Council Constitution, Part 2, Paragraph 19. This requires the Resources and Public Realm Scrutiny Committee to meet (on more than one occasion if necessary) to consider the report to Cabinet from the Corporate Director of Finance and Resources setting out the financial position of the Council, financial forecasts for the following year, and the possible expenditure priorities of the Executive, as well as a report on the draft budget proposals.
  - 3.2 The Committee may receive evidence from Cabinet Members, Council officers, and other relevant witnesses.
  - 3.3 The Committee should agree a report setting out its view of the budget priorities and any other issues it considers relevant. This report should then be submitted to each Cabinet Member and each Group Leader in order to inform budget proposal discussions and the Committee should submit a note or the report on its deliberations and comments on the proposals to the Cabinet.
  - 3.4 At its meeting on 19 July 2023, the Resources and Public Realm Scrutiny Committee received a report from the Corporate Director of Finance and Resources on the overall financial position of the Council. This was inclusive of the Medium Term Financial Outlook, highlighting the significant risks, issues, and uncertainties faced by the authority. The report also set out the proposed budget setting strategy for 2024/25, in order to maximise the period of consultation with residents, businesses and other key stakeholders. Additionally, the Committee reviewed the Council's budget outturn performance for 2022/23.
  - 3.5 A report to Cabinet from the Corporate Director of Finance and Resources on the Draft Budget (with new savings proposals for 2024/25 and 2025/26) is to be published in the autumn of 2023. This will be considered by the Task Group.
  - 3.6 Comments and any draft recommendations from the Task Group are expected to be considered and agreed by the Resources and Public Realm Scrutiny Committee on Wednesday 24 January 2024. A report from the Committee would then be presented to Cabinet for consideration on Monday 5 February 2024, alongside the report from the Corporate Director of Finance and Resources on final budget proposals.

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



4.1 The Budget Scrutiny Task Group may consider any consultation being undertaken as part of the Council's budget setting process.

## **5.0 Financial Considerations**

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

## **6.0 Legal Considerations**

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

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

7.1 There are no Equality, Diversity & Inclusion considerations for the purposes of this report.

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

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

## **9.0 Communication Considerations**

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

**Report sign off:**

**Janet Latinwo**

Head of Strategy & Partnerships

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 <p><b>Brent</b></p>	<p align="center"><b>Resources and Public Realm Scrutiny Committee</b> 6 September 2023</p>
	<p align="center"><b>Report from the Corporate Director of Communities and Regeneration</b></p>
	<p align="center"><b>Councillor Donnelly-Jackson, Cabinet Member for Customers, Communities &amp; Culture</b></p>

## Community Engagement Framework

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Not applicable
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	Appendix 1: Kingston Council Community Engagement Framework
<b>Background Papers:</b>	0
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Lorna Hughes, Director of Communities <a href="mailto:Lorna.hughes@brent.gov.uk">Lorna.hughes@brent.gov.uk</a>  Amira Nassr, Head of Strategy & Partnerships <a href="mailto:Amira.nassr@brent.gov.uk">Amira.nassr@brent.gov.uk</a>

### 1.0 Executive Summary

1.1. The purpose of this report is to provide an update on the development of a Community Engagement Framework (CEF).

### 2.0 Recommendation(s)

2.1 To note the purpose of the Community Engagement Framework (CEF).

2.2 To note the progress made so far.

2.3 To make any further suggestions on next steps, focusing on:

- Further suggestions for organisations to take part in the workshop sessions

- Whether the Framework is helpful in making engagement opportunities clearer for residents

### **3 Detail**

#### **Contribution to Borough Plan and Strategic Context**

- 3.1 The CEF is being developed to outline the council's approach to community engagement. It helps to support the Borough Plan themes and in particular that of Thriving Communities and the desired outcome- enabling communities.
- 3.2 The aim of the Framework is to support both residents and the council to better consult, engage and communicate with one another and ensure that there is an ongoing dialogue and opportunities to take part in the council's decision-making processes.

### **4 Background**

- 4.1.1 The purpose of the Community Engagement Framework (CEF) is to outline a set of clear principles and standards required for community engagement. The Framework will explain what residents and stakeholders can expect from our consultation and engagement initiatives and will be publicly available. Attached at Appendix 1 is Kingston Council's CEF; an example of what we are working towards.
- 4.1.2 The CEF is being developed using co-production and co-design techniques and will set out the tools, methodologies and mechanisms used by the council. The CEF has used engagement methods that are focussed on dialogue using workshops and focus groups that start with open questions that allow ordinary residents to participate without prior knowledge or understanding.
- 4.1.3 The CEF will set out ways of engaging with residents that use tools and techniques that are based on discussion such as Appreciative Inquiry.
- 4.1.4 The Framework will:
- Set out the standards and process for community engagement
  - Set out the tools and methods to be used to engage communities
  - Set out the ways in which officers will engage with newer communities
  - Set out the way in which diverse needs will be met
  - Provide specific guidelines for how the council interacts and consults with the communities in Brent
  - Introduce a community of practice for internal staff
  - Provide guidance on training and skills development for staff.
- 4.1.5 The aim of the Framework is to ensure that more residents are made aware of how their involvement in council led consultation can influence and shape council decisions that affect the borough and that the increased involvement

will foster a stronger sense of trust, ownership, and perception of council services.

4.1.6 Brent Council does not currently have a formal CEF. However, there is a strong understanding across the organisation that community engagement and consultation are the cornerstones of successful service delivery.

4.1.7 Citizenlab is the main online participation platform used by Brent Council, with 3,836 registered users and more than 60 consultations undertaken since April 2022. Each consultation undertaken during 2022 has had differing levels of engagement and interaction. The Citizenlab platform does provide a useful way of gathering responses for consultations, but it is not a substitute for community engagement and needs to be seen as a useful tool for formal consultation processes alongside other dialogue methods.

4.1.8 Most of the council's formal consultations are conducted online, which does not appeal to all communities. The platform requires initial sign-up, which the council has identified as a barrier. The sign-up requirement frequently discourages residents from using the platform, reducing the level of consultation responses.

#### 4.2 Benefits of a Community Engagement Framework

4.2.1 The CEF aims to broaden and improve accessibility, and make involvement and consultation more ongoing, engaging, and mutually beneficial. It will also help to support the new approach to Brent Connects meetings and the ongoing dialogue.

4.2.2 By implementing a CEF, the council aims to improve the standard of engagement offered in a more consistent, accessible and visible way. broadly.

4.2.3 In setting out a CEF, the council is creating a delivery mechanism for the Borough Plan Strategic priority 3- Thriving Communities where the desired outcome 1 is focussed on enabling our communities to thrive.

#### 4.3 Outline of Community Engagement Framework approach

4.3.1 Our approach to community engagement will remain one that seeks to widen participation while ensuring that the process can adapt to local needs and circumstances. Our approach aims to allow all diverse groups in our local community to participate and be heard.

4.3.2 The CEF will be co-designed and co-produced with residents, community organisations, Members and internal staff who frequently interact with Brent residents and employees. We want to hear from as many groups as possible, including religious communities, young people, seniors, members of the LGBTQ+ community, individuals with disabilities, people from various Black, Asian, and ethnic backgrounds, as well as both men and women.

4.3.3 The CEF will be utilising findings and figures from the recent census to ensure that it is tailored and responsive to the changing demographics and needs of the Borough.

4.3.4 An external provider has been commissioned to undertake this work on behalf of the Council. A clear brief and specification has been provided to them as well as a list of contacts.

#### 4.4 Engagement Plan

##### 4.4.1 Internal engagement

4.4.2 The external provider initiated its internal engagement at the end of July 2023 and has met with a number of internal officers, including Directors across Customer Access, Transformation and Environment as well as officers who work with Brent Health Matters, youth engagement and residents at a more face to face, customer service level. There has been some difficulty with this due to annual leave and availability of participants and so the project will be extended to allow for more time for engagement.

4.4.3 This internal engagement has tried to focus on key individuals involved in community engagement who regularly speak to Brent's diverse communities. The purpose of these sessions have been to outline why a CEF is being developed, the key priorities for community engagement and the sharing examples of best practice community engagement.

4.4.4 Questions have focused on what makes great community engagement, examples of poor community engagement, what monitoring tools can be used and how residents can be encouraged to participate (i.e., are incentives necessary).

4.4.5 Interviews with two of the thematic leads have been completed so far. There will be additional sessions conducted with the other Thematic Leads and key partners over the next few weeks.

##### 4.4.6 Member engagement

4.4.7 Interviews have been completed with a number of Brent Connect Chairs and Vice Chairs as well as other Lead Members. These sessions have outlined why a CEF is being developed and used to develop and agree how we intend to use the Framework for engagement.

##### 4.4.8 External engagement

4.4.9 The external provider will be organising face-to-face gatherings through key community organisations and forums. These will be used to outline why a CEF is being developed, the key priorities for community engagement and the key methods for community engagement.

4.4.10 There will be focus groups and sessions with residents to explain what activity has been undertaken so far and what this has started to develop. The intention is to share an early draft of the CEF with residents late September to gain insights and opinions on the approach, considerations, and amendments made accordingly. These will be used to further develop the CEF.

4.4.11 At these workshops, the initial set of principles (as outlined below) will be shared and tested with residents.

4.4.12 The current list of those who will be approached to take part in the workshops are:

The Hub Romanian & Eastern European
The Romanian & Eastern European Hub
SAAFI - Somali
Step Up Hub -Somali
AAPA Organisation CIC
Serene Me – Black Community
Asian People's Disability Alliance (APDA) – Asian
Brent Pensioners Forum
Jason Roberts Foundation –Young People
Hornstars

## 4.5 Initial Findings

4.5.1 The Framework is very much in its early development with a number of key individuals and groups still left to consult with.

4.5.2 Early findings have been summarised and a number of themes have been identified. It is evident that our communities expect us to be able to demonstrate the effort we have made to hear from them when we are making a change or developing ideas and proposals.

4.5.3 It is important that we are able to learn together, listening carefully to the opinions of individuals and groups that might not always be heard, especially those who might be struggling financially or socially. We want to build equity in at the start of all our engagement.

4.5.4 It is noted that this may require us to use different ways to listen and include these groups in decisions to make sure our policies and services are fair for everyone.

4.5.5 Whichever tools and techniques are used, the following principles and standards have been suggested:

- Strengths based
- Proactive

- Accessible
- Area focused
- Collaborative
- Timely
- Honest
- Visible

4.5.6 Under each of these principles, there will be a set of standards that explain our expectations within the CEF.

4.5.7 The CEF will also set out how these will be monitored. Some suggestions for this are set out below:

- Community Engagement Internal Network to share learning and best practice
- Resident involvement in Monitoring and Reviewing Progress
- Learning shared with Communities and Partners
- Establishment of a Resident Reader Group.

#### **4.6 Implementation Plan**

4.6.1 As mentioned above, workshops will be organised with various resident and community groups to share some of these initial findings.

4.6.2 The views and content of these sessions will then be added to the Framework and it will be amended accordingly.

4.6.3 The Framework will then be shared with Senior colleagues and Members.

4.6.4 The publication of the Framework will be supported by a robust internal and external communications and engagement plan.

4.6.5 As part of the work to embed the CEF across the organisation, we propose to create a Community Engagement Internal Network. The terms of reference of this group will be to share intelligence and good practice, avoid duplication of work with Brent residents, and ensure that the organisation's training offer is appropriate to ensure staff have the right skills to do this.

4.6.6 This will be established as a product of the CEF and inform the monitoring of its application.

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

4.1 The CEF is being developed with key internal and external stakeholders. This has taken the form of one-to-one interviews, workshops and focus groups.

#### **5.0 Financial Considerations**

5.1 Costs include the amount paid to the external provider for the development and completion of the CEF.



5.2 Financially, the goal of the CEF is to make Community Engagement more efficient and effective without increasing the cost.

## **6.0 Legal Considerations**

6.1 There is no general duty for public authorities to consult those affected by their decisions; but a duty to consult may be imposed by statute, or may arise in public law either because of the duty to act fairly, or as a result of a legitimate expectation.

6.2 The Council's duty to consult those interested before taking a decision can arise in a variety of ways. Most commonly, the duty is generated by statute. The duty to consult however is also generated by the common law duty to act fairly when deciding on issues such as policy proposals or when there is an established practice of consultation.

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

7.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising their functions to have 'due regard' to the need:

- a) To eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act;
- b) Advance equality of opportunity; and
- c) Foster good relations between those who share a "protected characteristic" and those who do not.

7.2 This is the Public Sector Equality Duty (PSED). The 'protected characteristics' are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.

7.3 The proposals in this report will be subject to an equality impact assessment. However, officers believe that there are no adverse equality implications and the framework will have a positive impact assisting in advancing equality of opportunity and fostering good relationships.

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

8.1 Not applicable.

## **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 Not applicable.

## **10.0 Communication Considerations**

10.1 A robust communications plan will accompany the CEF.

**Report sign off:**

**Zahur Khan**

Corporate Director of Communities and  
Regeneration



THE ROYAL BOROUGH OF  
**KINGSTON**  
UPON THAMES



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Our framework



# ENGAGING WITH KINGSTON'S COMMUNITIES



# This framework outlines the council's approach to community engagement.

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# 01

## OUR FRAMEWORK

This framework sets out how we will 'hardwire' effective engagement into decision-making so it is integral in how we work and make decisions.

We are clear about our ambition to improve community engagement. This means a change of culture across the whole council and we will use the framework to shape that change.

**Our corporate plan - Making Kingston Better, Together - outlines our ambition for community engagement:**



"We want to be known as a council that is an exemplar for community engagement. We are far from that at the moment but in this new era for the council, we are focusing on strengthening the relationship between the council and the community - residents, businesses, students, voluntary and community groups. Kingston has a vibrant and engaged voluntary sector which creates opportunities to maximise community participation. We want to 'hardwire' effective engagement into our decision making - involving residents early on in the design of local services and the things that affect them.





A Corporate Peer Review (January 2019) carried out by the Local Government Association acknowledged that the council is committed to improving community engagement. The report called for the council to show leadership and to set out clearly what we will do differently.

The framework aims to build a common understanding of how we can improve engagement by setting principles and standards - building clear, shared expectations that focus on what can be achieved.

It also sets out what the council will do and how we will shape a new approach and culture across the organisation.

Using the framework as a guide, we want to improve so we hear more views earlier to shape what we do.

We are trying new ways of engaging people, testing different methods to see what works in Kingston. We appreciate that we have a lot to do to make this a reality and this framework outlines the commitment we are making for the next three years.

The framework forms a basis for how we will work to get better at all forms of engaging, from the basics - such as being much clearer in the language we use and the communications we produce (e.g. letters, emails and information on the website) through to new ways for communities and businesses to lead on redesigning services and taking decisions (using methods such as community budgeting, co-design, open democracy online platforms and citizens' assemblies).

In the longer term we aim to have services, policies and priorities that are shaped with and by communities to improve outcomes for people who live, work and study in Kingston.

The framework outlines an approach to engagement - inform, consult, involve, collaborate, empower and decide (using the International Association for Public Participation - iap2 - spectrum of public participation).

### COMMUNITIES

Communities can be broadly split into:

- Communities of place
- Communities of interest
- Communities of identity



# 1

## COMMUNITIES OF PLACE

Defined by location (such as an area, a street, an estate, a ward, a pub or community centre).



# 2

## COMMUNITIES OF INTEREST

Defined by a shared interest or experience which might include tenants and resident groups, allotment holders, people involved in environmental projects, or people who come together to use services such as parks, green spaces, or community buildings.



# 3

## COMMUNITIES OF IDENTITY

Defined as people who share a particular experience, interest or stake in an issue, or characteristics such as young people, older people, disabled people, ethnic groups, or lesbian, gay bisexual and transgender people or other common bonds such as student or business communities.



# 02 WHAT WE CAN ACHIEVE TOGETHER

We want to ensure we are doing the best we can at every point on the engagement framework.

We want to inform, consult, involve, collaborate, empower - by:

- Reaching more people to help give everyone a voice, especially people we seldom hear from
- Having a clear and consistent approach
- Ensuring we co-ordinate our activity so people have time, opportunity and space to have a say on what matters to them
- Encouraging better decision-making and problem-solving by hearing more ideas and voices as early as possible.

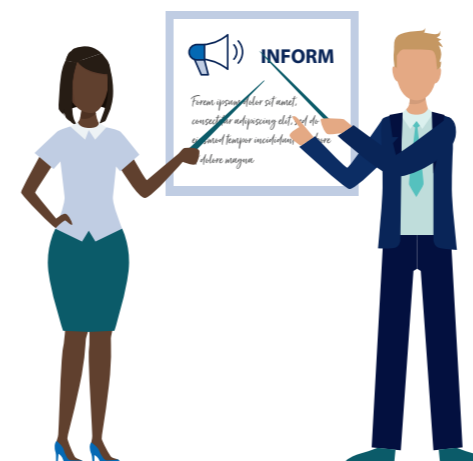
Through an agreed approach we will:






- Increase and strengthen the role of communities in how we live, work and study in Kingston
- Involve more people in the democratic process and enable communities to influence decisions
- Support communities to take action by helping identify needs and developing their own solutions
- Measure how effective we are.



# 03 OUR DEFINITIONS

The definitions we use in our framework.



 <b>EMPOWER &amp; DECIDE</b>
 <b>COLLABORATE</b>
 <b>INVOLVE</b>
 <b>CONSULT</b>
 <b>INFORM</b>

**Done by / decide together** - Communities making decisions and leading policy making

**Doing with** - Partner with communities in policy development and decision making

**Doing for** - Engage directly and consider concerns and aspirations

**Doing for** - Collect feedback on options, solutions, alternatives and potential decisions

**Doing to** - Providing information, help with problems, reporting issues



# 04 WAYS OF ENGAGING

Engaging with our communities in a variety of ways, as we work together to achieve positive change.

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## INFORM

- Website
- Videos
- Newsletters
- Letters and emails



## CONSULT

- Surveys
- Kingston Let's Talk online portal
- Polls and voting



## INVOLVE

- Workshops
- Interactive websites
- Volunteering
- Crowd sourcing
- Neighbourhood committees



## COLLABORATE

- Crowd funding
- Online democracy
- Volunteering building civic muscle
- Advisory committees
- Forums



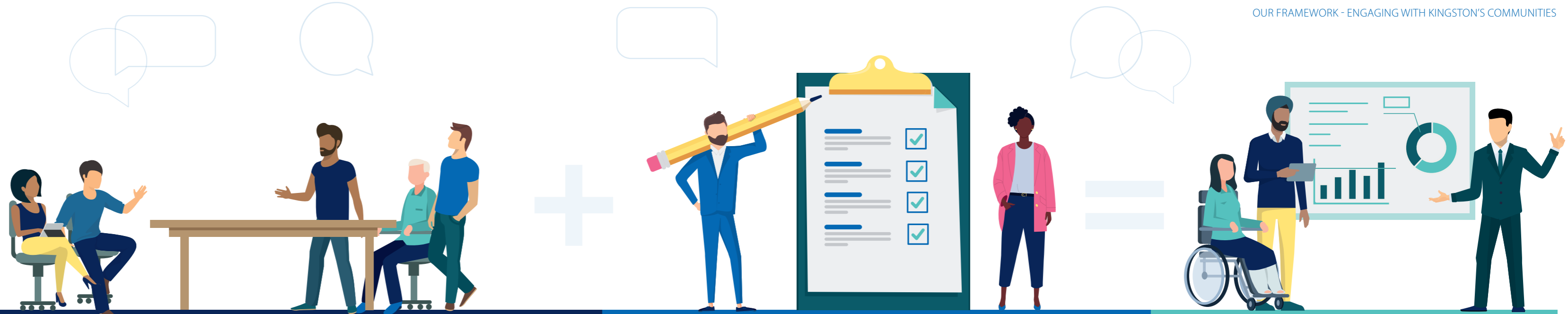
## EMPOWER & DECIDE

- Co-design
- Resident juries
- Citizens' assembly
- Participatory decision making

# 05

## HOW ENGAGEMENT SUPPORTS EFFECTIVE DECISION MAKING

Engagement  
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to enable  
decisions.



### ENGAGEMENT

**AT EARLY STAGE**

Engage and collaborate with large range of people and communities directly to consider their concerns and

aspirations as part of shaping initial options.

Can be done any number of times and any number of iterations.

Includes co-design and policy shaping. Tends to be qualitative.

*Examples:* Workshops, forums, meetings, online polls, co-design, citizen assemblies, participatory decision making

### CONSULTATION

**BASED ON THE FEEDBACK FROM ENGAGEMENT**

Systematic collection of community views on a range of options, solutions, alternatives and potential decisions.

Usually uses defined questions to shape proposals or recommendations. Tends to be quantitative.

*Examples:* Formal consultations online, face to face, surveys, interviews, telephone surveys

### DECISION

**CULMINATION OF THE PROCESS, DECISION MADE WITH INPUT FROM COMMUNITIES**

**Could be:** Meeting held in public where councillors make a decision about a

service, policy or issue; decision made by communities through variety of mechanisms; or delegated officer decision. Engagement and consultation shapes the final options and decisions.

*Examples:* Public questions at meetings, petitions, statements, participatory democracy, assemblies



# 06 MAKING ENGAGEMENT REAL

Some of the activities outlined here can be achieved relatively quickly - others will take longer.

The overall time frame is that the activity will be achieved in the next three years (2019 - 2022).



## INVOLVING PEOPLE

**Encouraging and supporting communities to be involved in issues that matter to them by:**

- Ensuring that communities are at the heart of deciding priorities, developing services and making decisions
- Having conversations in places where people usually meet
- Making better use of Let's Talk face to face conversations
- Having conversations about how we allocate budgets to match priorities
- Working together with communities to develop plans and commission services
- Using co-production more for commissioning
- Carrying out a Citizens' Assembly to tackle air quality in Kingston
- Asking residents to decide the topic for State of the Borough debates

- Improving how we engage with everyone - and in particular with businesses and young people.

## BEING CLEAR

**Working openly and honestly and with integrity with communities. Ensuring our language is clear and information is easy to find by:**

- Reviewing information on the website to ensure it's clear and easy to read
- Improving the information for staff in libraries and other public facing roles to enable them to help residents
- Reviewing information that goes out to residents and businesses to make sure it is clear and easy to understand, for example letters, emails and information about highways, planning and other services
- Increasing transparency by making data and information accessible and share more of the data online

- Developing our channels of communication - for example establishing a residents e-newsletter, promoting the consultation portal

- Increasing the ability to take decisions about local issues within our neighbourhoods with resources.

## LISTENING AND RESPONDING

**We are willing to listen and be influenced and want to hear voices we don't normally hear. Feeding back on engagement and reasons for decisions by:**

- Ensuring we reach groups whose voices we don't hear so often
- Supporting councillors to promote opportunities to get involved in local activities and decision-making
- Making sure we reach people who don't always have time to engage such as commuters and families

- Establishing more effective ways in which we can share feedback from residents that's shared with staff i.e. from libraries and other public facing services to help us improve what we do
- Providing feedback so people know what has happened as a result of their views - for example feeding back online, being clear how and when feedback will be used, including in committee reports.

## ENGAGING AND SHARING

**Sharing why we're engaging, helping everyone to engage and making it easy by:**

- Working with communities to review how we engage and offer options in different languages, working with community leaders and the voluntary and faith sector
- Developing a programme that ensures there are opportunities to get involved in consultation and engagement activity and avoids duplication

- Supporting engagement with high profile communications to help raise awareness of how to get involved

## TAKING TIME

**Making sure everyone has enough time to engage by:**

- Building sufficient time for meaningful engagement into the decision making timetable
- Ensuring people are given enough time to engage in individual consultations

## CHANGING

**We are willing to change and will support communities to lead change. We'll also explain why things have or haven't changed by:**

- Providing feedback so people know what has happened as a result of their views
- Finding ways that enable communities to manage local budgets and services

- Ensuring engagement is carried out early in the process of reshaping services and managing issues so that decisions are informed by feedback

- Developing a crowdfunding option that helps communities raise funds.

## LEARNING

**We'll keep learning and trying new things to continually improve what we do by:**

- Reviewing all activity so we can learn and improve
- Establishing measures for success at the start of activity
- Trying new tools and techniques to continually improve how we are engaging with people.

# 07

## HOW WE WILL MEASURE WHETHER WE'RE SUCCESSFUL



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 Reviewing progress against our plan and measuring what matters to our communities.

<b>Involving people / Engaging and sharing</b>	<ul style="list-style-type: none"> <li>Increase in the number of people we've engaged and who have taken part in consultations</li> <li>Evidence of whether participants felt listened to</li> <li>Increase number of people reached with different demographic profiles</li> <li>Evidence of different forms of engagement used to reach specific communities</li> <li>Evidence of the different communities who have provided feedback</li> </ul>
<b>Being clear</b>	<ul style="list-style-type: none"> <li>Fewer complaints about how we engage and inform people - and more positive feedback</li> <li>Greater use of web (hits/heat maps) and less need for follow up questions</li> </ul>
<b>Listening and responding</b>	<ul style="list-style-type: none"> <li>Evidence of activity we have implemented as a result of engagement - and things we have changed</li> <li>Engagement is included in decision making - evidenced through information in committee reports and co-design activity</li> <li>Monitor feedback from the annual residents survey on people feeling engaged, informed, satisfied, ability to influence</li> </ul>
<b>Taking time</b>	<ul style="list-style-type: none"> <li>Consultations and engagement are publicised and scheduled in good time to enable people to engage</li> <li>Consultations run for enough time to enable people to respond</li> </ul>
<b>Changing</b>	<ul style="list-style-type: none"> <li>Introduce a toolkit to help with consistent standards for engagement and measure how often it has been used and develop as needed</li> <li>Evidence of ways we have helped to empower communities to lead change</li> </ul>
<b>Learning</b>	<ul style="list-style-type: none"> <li>Number of new initiatives tried - and review how they worked and learnings for future events</li> <li>New skills built across the council to deliver different ways of engaging</li> </ul>

## Our framework

# ENGAGING WITH KINGSTON'S COMMUNITIES



## GET INVOLVED

We are focusing on strengthening the relationship between the council and the community and want to involve you in the design of local services and the things that affect you most. To share your views visit [kingstonletstalk.co.uk](http://kingstonletstalk.co.uk)

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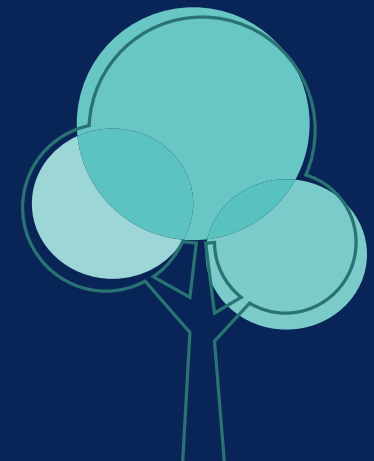
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	<p align="center"><b>Resources and Public Realm Scrutiny Committee</b> 6 September 2023</p>
	<p align="center"><b>Report from the Corporate Director of Communities and Regeneration</b></p>
	<p align="center"><b>Councillor Farah, Cabinet Member for Safer Communities and Public Protection</b></p>
<p><b>Planning Enforcement</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Not applicable
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	Three: Appendix 1: Planning Enforcement Policy Appendix 2: England LPA Notices Appendix 3: Direct Actions
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Tim Rolt, Planning Enforcement Manager; Tel: 0208 937 5242 tim.rolt@brent.gov.uk

## 1.0 Executive Summary

- 1.1. As requested by the Chair of the Resources and Public Realm Scrutiny Committee, this report outlines the planning enforcement process as carried out in Brent, and how this area of work is resourced.

## 2.0 Recommendation(s)

- 2.1 That the Committee note the scope of enforcement activity undertaken within Planning and Development and the contribution that it makes to securing sound planning and development, and dealing with significant problems affecting Brent's residents.

## 3.0 Detail

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

- Local Plan – implementing the Council’s adopted planning policies.
- Inclusive Growth Strategy – inclusive growth and reducing inequalities.
- Borough Plan 2023-2027 - Prosperity and Stability in Brent

## **3.2 Background**

### **3.2.1 Information was requested on:**

- Context and background for planning enforcement nationally, in London and in Brent.
- Approach and processes for planning enforcement
- Policy
- Performance
- Resourcing e.g. staffing
- Strengths/weaknesses
- Key Planning Enforcement issues and challenges, including the action underway to address these.
- Benchmarking information and lessons learnt from other local authorities in relation to performance, key planning enforcement issues and achievements.

### **Context and Approach**

3.2.2 Planning enforcement powers are derived from the Town and Country Planning Act 1990. Despite dealing with significant environmental and legal issues and having a detailed statutory background, planning enforcement remains a discretionary activity. However, the council do have a statutory duty to consider enforcement action if a breach of planning control is identified; the main tests being that the action should be proportionate and ‘expedient’. Government reviews over the last few years have concluded that there was no need to significantly change the overall enforcement process but have called for councils to make more effective use of the powers available.

3.2.3 The National Planning Policy Framework sets out that local authorities should publish a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. Further detail is set out in the government’s planning practice guidance.

3.2.4 The planning enforcement service is concerned with resolving serious breaches of planning control. There must be harm to public amenity, safety or the environment for enforcement action to be justified, and the unauthorised development is contrary to adopted planning policies to the extent that it is unlikely that planning permission would be granted for it.

3.2.5 The Council cannot take enforcement action simply to remedy a breach of planning control if that breach is considered acceptable in planning terms. As

such the Council only takes enforcement action when it is in the public interest to do so.

- 3.2.6 It is not an offence (or illegal/unlawful) to carry out development without first obtaining planning permission, except for unauthorised works to listed buildings, and illegal advertisements without permission. A criminal offence only arises when an Enforcement Notice has been served and has not been complied with.
- 3.2.7 Brent has been at the forefront of planning enforcement activity for over a decade, with a clear emphasis on taking action to achieve outcomes when necessary. This approach requires a high level of positive action and the use of the most appropriate means to achieve a resolution of a breach. These include: -
- Negotiations to resolve the breach which may involve one of the following to stimulate discussions.
  - Planning Contravention Notices - as part of the investigation and assessment phase
  - Enforcement Notices - which then need to be defended if appealed.
  - Breach of Condition Notices – where appropriate but have a limited effect.
  - Stop Notices – where urgent and very serious harm occurs; but there is a risk of having to pay compensation.
  - Court Injunctions – only appropriate in the most extreme cases and are costly.
  - ‘Default’ Powers – where the Council can take ‘Direct Action’ including demolishing buildings or removing items when they are in breach of a notice. Brent usually gets a proportion of its costs back but cost recovery can be a lengthy process.
  - Section 215 Notices where very serious site amenity problems occur.
  - Prosecution for breach of a notice – where in the public interest
  - Proceeds of Crime can follow on following a successful prosecution in some circumstances.
- 3.2.8 None of the above excludes the scope for discussion and persuasion and every investigation requires this to be considered. However, there are practical limitations on its effectiveness where, for example, the breach has already occurred or there are difficulties in tracing ownership. This can cause frustration for complainants who have difficulty understanding why someone they see as responsible for causing harm isn’t being forced to resolve it immediately.
- 3.2.9 However, while the need to consider options can include the opportunity to apply for retrospective planning permission for the breach or an amended version of it, it is not an excuse for inactivity. These processes can be lengthy with it often taking 12 months from an initial complaint being made to having a confirmed enforcement notice - which then has a further period for compliance. The public can naturally feel that this is a long time to resolve an issue of immediate concern to them.

3.2.10 Given the number of planning enforcement cases that the team deal with it is not possible to give a bespoke 121 service to complainants. The team undertakes to keep the complainant informed at various stages of the investigation process. This is usually an acknowledgment after receipt of a complaint, a decision to take enforcement action following an investigation, and upon receipt of an appeal against an enforcement notice. In between these processes, the complainant is welcome to contact the enforcement case officer to find out what the latest position is. However due to limited resources we are not able to engage in lengthy exchanges of emails.

### **Policy**

3.2.11 Brent’s ‘firm but fair’ outcome-orientated approach was endorsed with the agreement of a Planning Enforcement Policy in 2007. This was updated in 2021. A copy of the Planning Enforcement Policy can be found in Appendix 1.

3.2.12 The current Enforcement Policy seeks to prioritise and allocate resources to pursuing actions that have already been commenced while having the ability to deal with new cases that cause significant harm. While judgements on relative harm are an essential part of the planning enforcement process, they may have little practical meaning to individual complainants. The key issue in prioritising action is to ensure that resources are targeted on achieving a high level of compliance in the more serious cases.

### **Resourcing**

3.2.13 The Planning Enforcement team currently consists of 6.5 FTE. The planning enforcement base budget funds 4 FTE permanent posts. A further 2.5 FTE permanent posts are funded through income obtained by the Proceeds of Crime Act. From the council’s efforts at benchmarking, this level of staffing is just below the London average of 7.5 FTE for the planning enforcement function.

3.2.14 As a result of cost saving measures in 2016 and 2018 2 FTE posts were removed from the establishment. However, funding was provided for 2 FTE posts for a temporary period of two years from the corporate pot to cover enforcement action on Wembley Event Day Parking Project and Town Centre improvement works as part of Brent’s Nomination of Borough of Culture in 2019. A number of unauthorised car parks were closed down and significant improvements were made to Kilburn, Neasden, Harlesden and Wembley Town Centres using section 215 ‘Tidy Land’ notices. Both these planning enforcement projects were completed, and the posts have been deleted.

### **Performance**

3.2.15 Number of cases received and registered:-

2015	2016	2017	2018	2019	2020	2021	2022
786	810	972	835	866	864	786	510

3.2.16 The number of cases received over the last 8 years is broadly the same even during the pandemic. However, in 2022 officers had to take steps to act



differently as a combination of the loss of the two posts and a backlog of site visits had been built up as a result of the pandemic meant that it was not possible to investigate every case that was reported to the planning enforcement team.

3.2.17 Therefore, a decision was made in January 2022 to more thoroughly examine newly reported cases and carry out an initial desk-based investigation to see if it warranted being registered as a case for investigation. Previously every case registered would receive a site visit. In January 2022 however, it was decided that not every report would be registered and only those registered would receive a site visit. This explains the drop in cases registered in 2022.

3.2.18 As part of the initial desk-based investigation, officers would review if the reported breach amounted to a breach of planning control or was other issue which did not relate to planning (eg party wall issues, boundary disputes, trespass, noisy building works). If the report does not relate to planning, or if it did but was very minor, then the case would not be registered as an enforcement case.

3.2.19 This approach has helped to produce a caseload which is at more sustainable levels and has had limited impact on the amount of enforcement action that is taken. However, despite this each enforcement officer has an average case load of 250 under investigation where no enforcement notice has yet been served. The number of enforcement notices that are in effect but where compliance has not been confirmed is currently 420. In total the council has 1,865 cases which are under investigation or are subject to an enforcement notice which has not been complied with. This high level still represents a significant backlog which will take time to work through.

3.2.20 Number of enforcement notices issued:-

2015	2016	2017	2018	2019	2020	2021	2022
168	174	199	153	158	119	121	134

3.2.21 The fall in the number of notices issued in 2020 and 2021 is due to the time lag caused by the difficulties investigating cases at the start of the pandemic. The team are now catching up and the projection for the number of enforcement notices issued in 2023 is 140. Whilst the loss of two members of staff has had an impact on the number of enforcement notices that can be issued, it has not yet had a significant impact.

3.2.22 A total of 685 enforcement notices have been served by Brent in the last 5 years, putting Brent consistently in the top 3 of all local planning authorities within the UK, and was the most active last year. Only a few other London Boroughs (Westminster, Barnet, Newham) have consistently served 100 or more Notices in recent years. (See Appendix 2 for last year's statistics). However no other authority combines this with the level of subsequent prosecution and direct action that is undertaken by the council. Brent can therefore fairly claim to be the leading local authority for planning enforcement

in the entire country. This is reflected in our reputation which does elicit requests for advice and help from other local planning authorities.

3.2.23 Number of convictions obtained following prosecution:-

2015	2016	2017	2018	2019	2020	2021	2022
7	8	10	16	9	7	8	5

3.2.24 Number of POCA confiscation orders obtained following prosecution:-

2015	2016	2017	2018	2019	2020	2021	2022
3	2	4	6	3	5	3	3

3.2.25 Number of Direct Actions undertaken:-

2015	2016	2017	2018	2019	2020	2021	2022
28	19	20	20	14	9	7	12

3.2.26 There has been a decrease in the number of direct actions over the last few years. Limited action was taken during the pandemic, and since then, the types of cases that officers have been dealing with have tended toward those that are not suitable for direct action. The figure in 2015 was skewed as it reflects action to close several Shisha cafes down following a cross agency/departmental project to tackling ASB.

3.2.27 Examples of some direct actions undertaken can be found in Appendix 3.

**Strengths and Weaknesses**

3.2.28 The strengths of the enforcement team are the output that they produce with limited funding. This provides a very efficient team who are keen to resolve matters. However, with the reduction in staff there is limited scope to carry out proactive enforcement projects. Work is therefore mainly reacting to complaints made by the public (and sometimes via Members).

3.2.29 The weakness of the team is that it is difficult to respond to peaks and there are delays in investigating cases due to the backlog. There is no scope to carry out visits for PR purposes or to deal with construction issue complaints. (eg noisy building works, mud on the road, construction taking place at anti-social hours) due to structural problems of enforceability and the time it takes to enforce - the development will usually be complete before enforcement action is concluded. Therefore the breach will have resolved itself at the expense of time taken by staff to mount enforcement proceedings. That time is best spent on enforcement issues which do not resolve themselves over time.

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

4.1 Enforcement updates are regularly given to the Lead Member at briefings.

## **5.0 Financial Considerations**

- 5.1 The Planning Enforcement team's budget for 2023/24 is £160,674. Staffing costs are in the region of £460,000. The main source of income is from direct action and appeal fees and the council is expected to receive £170,000 during 2023/24 in this respect. In addition to this it is expected that the Council will receive £150,000 from Proceeds of Crime.
- 5.2 By law, funding received via the Proceeds of Crime Act is ringfenced for the detection of planning enforcement crime. It cannot be used as a substitute for the base planning enforcement budget. It is used to improve Brent's Planning Enforcement team by employing additional officers above the base budget.
- 5.3 All prosecutions are carried out in accordance with the code for crown prosecutors. A decision to prosecute takes into account several factors including the seriousness of the offence; duration of the offence; widespread problem; and impact of breaches such as this on the community generally.
- 5.4 A decision to prosecute is never made on the basis of a financial basis or the potential of an award under the Proceeds of Crime Act.

## **6.0 Legal Considerations**

- 6.1 Government advice is that it is for each authority to decide how it organises its enforcement of planning control. The National Planning Policy Framework suggests that to provide a decision-making framework for enforcement action, the authority should have an enforcement policy, also known as the Enforcement Plan. Brent's plan is up to date having been reviewed in April 2021
- 6.2 Where there is evidence of a significant breach of planning control the enforcement team should either solicit an application for planning permission to legitimise the situation or consider enforcement action. In considering whether to take formal enforcement action the council must observe the policies in Brent's Local Plan and its enforcement policy. A failure to do so could either result in costs being awarded against the council or an adverse finding through the complaints process and Local Government Ombudsman.

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

- 7.1 The Council has carried out research into the equality implications of its enforcement function. However, it is difficult to obtain accurate statistics due to the failure of contraveners, interested parties and complainants to provide the necessary data.
- 7.2 All policy documentation is assessed for equality implications and all planning enforcement decisions are based on that policy documentation.

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

8.1 Planning enforcement can assist with the council's green agenda and the declared climate emergency. For instance, the unauthorised paving over of front gardens resulting in a loss of landscaping, which can worsen local flooding after heavy rainfall. Other breaches typically tackled by the team include changes of use that have been undertaken without appropriate mitigation of the additional vehicle movements generated. Where harmful breaches of planning control are identified which do not meet the council's policy, enforcement action is usually pursued.

## **9.0 Human Resources/Property Considerations (if appropriate)**

9.1 N/A

## **10.0 Communication Considerations**

10.1 On occasion, there are opportunities to publicise successful enforcement actions.

**Report sign off:**

**Zahur Kahn**

Corporate Director of Communities and Regeneration



# Planning Enforcement Policy

**Adopted 30 April 2021**

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## Introduction and principles

1. The Brent Borough Plan 2019-2023 sets out a vision for the Borough under five strategic themes:
  - A Borough where we can all feel safe, secure, happy and healthy
  - Strong foundations
  - Every opportunity to succeed
  - A future built for everyone, an economy fit for all, and
  - A cleaner, more considerate Brent.
2. The planning process contributes to ensuring that these objectives are delivered, and it is vital that we have an effective, and proportionate, planning enforcement process as part of this. This Planning Enforcement Policy sets out the way the London Borough of Brent will deal with planning enforcement issues to help meet the above objectives.
3. It replaces the 2008 'Planning Enforcement Policy' and compliments the Council's Regulatory Services Enforcement Policy (January 2019). If there is a conflict between policies the Planning Enforcement Policy takes priority as this is written to be in line with the requirements of the Town and Country Planning Act 1990 and the National Planning Policy Framework (NPPF) – the statutory framework that planning enforcement operates under.
4. The NPPF requires local planning authorities to act proportionately in responding to suspected breaches of planning control. This policy functions as the council's 'local enforcement plan' for the purposes of the NPPF.
5. Planning Practice Guidance (PPG) states that there is a clear public interest in enforcing planning law in a proportionate way. Effective enforcement is important to:
  - tackle breaches of planning control which have an unacceptable impact on the amenity of the area or are otherwise seriously contrary to planning policy;
  - maintain the integrity of the decision-making process;
  - help ensure that public acceptance of the decision-making process is maintained.
6. The planning enforcement service is concerned with resolving serious breaches of planning control. There must be harm to public amenity, safety or the environment for enforcement action to be justified. The Council cannot take enforcement action, simply to remedy a breach of planning control, if that breach is considered acceptable in planning terms.

7. Before resorting to any formal action, there may be other approaches that the enforcement service will explore, such as agreeing changes to a development or activity, and encouraging the submission of a planning application.
8. Brent is a high performing authority, issuing over 100 enforcement notices every year, well above the national average for the last 20 years. It can also demonstrate a high level of success on prosecution and enforcement appeals.

## **What is a breach of planning control?**

9. A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 as:
  - the carrying out of development without the required planning permission or
  - failing to comply with any condition or limitation subject to which planning permission has been granted.
10. In other words, permission is often required before a change of use or works can be undertaken to land or buildings. A breach of planning control occurs when a change of use, or works to land or buildings, has taken place without the appropriate consent.

Other examples of planning breaches include:

  - Unauthorised works to a listed building
  - Removing or lopping trees protected by a Tree Preservation Order
  - Breach of conditions attached to a planning permission
  - Unauthorised demolition in a Conservation Area
  - Not building in accordance with approved plans or planning permission
  - Failure to properly maintain land so that it affects the amenity of the area
  - Unauthorised engineering works, such as changes to ground levels
11. Not all development needs planning permission. 'Permitted development' regulations allow quite significant alterations and extensions to be made to buildings and outbuildings under certain conditions, along with certain changes of use.
12. Unauthorised works and activities can become immune from enforcement action if the development is by reason of the passage of time considered lawful ie if development or residential use has been in place/use for 4 years, or if a change of use/breach of condition in place for 10 years.



13. Other things which are not normally breaches of planning control (unless expressly prohibited by an enforcement notice) and not dealt with by the planning enforcement team include:
- Internal works to a non-listed building
  - Obstruction of a highway or public right of way (*covered under other legislation which may be enforced by the police or the highway authority*).
  - Parking commercial vehicles on the highway in residential areas or on grass verges
  - Parking a caravan within the residential boundary of a property, provided that it is not lived in or used as part of the home.
  - Clearing land of vegetation, unless it is subject to planning protection.
  - Operating a business from home where the residential use remains the main use and there is no serious impact on neighbours.
  - Boundary disputes and party wall matters (*these are a private matter and are not controlled under planning legislation*)
  - High hedge disputes (*these are covered by separate legislation and are not administered by the Planning Enforcement service*).
  - Deeds and covenants (*these are a private matter and are not controlled under planning legislation*).
  - Health and safety issues, including on construction sites
  - Structural issues with buildings (*these may be dealt with by the council's Building Control service under separate legislation, and should be reported to that team*).
14. The council relies on our residents and groups, local businesses, councillors and staff to report suspected breaches of planning control to the team, and we do receive over 1,000 of such complaints each year. Action may also be taken if appropriate even where there is no public complaint.
15. It may often be difficult to judge whether or not a breach of planning has occurred when construction is still on-going. The Council can only act on clear evidence and justification for that action.
16. It is at the Council's discretion whether enforcement action will be taken. The planning enforcement service is concerned with resolving serious breaches of planning control where there is harm to public amenity, safety or the environment. It does not deal with neighbour or business disputes, or a change to the environment that an individual or group of residents may not like. Where harm cannot be demonstrated it would not be justified for the Council will to enforcement action to remedy a breach of planning control. It does not therefore follow that because there has been a breach of planning control that enforcement action will be taken.

17. Planning permission can be granted retrospectively (i.e. after the development has taken place). Enforcement action will not be taken where the development is considered to be acceptable in planning terms, and owners will be encouraged to apply for permission in these circumstances.
18. All complaints are looked at and screened. Approximately half of all complaints received are not pursued either because they are of a very minor nature or because they do not involve a breach of planning control.
19. It is not an offence to carry out development without first obtaining planning permission, except for unauthorised works to listed buildings, trees, illegal advertisements and demolition without permission. A criminal offence only arises when an Enforcement Notice has been served and has not been complied with.

## **Reporting a breach of planning control**

20. All breaches must be reported in writing, preferably via our website, except where complainants are unable to do so.
21. The following information is required when reporting a breach:
  - Your name, postal address and contact details (either an email address or telephone number)
  - The site address or location of the alleged breach.  
Note: Where an incorrect address is supplied this results in abortive research and investigation work at public expense and unnecessary disturbance to occupants of that address. In those circumstances the file will be closed and the complainant advised. The onus is on the complainant to provide correct address details. If the correct address is subsequently provided and properly verified it will be registered and treated as a new complaint.
  - What the alleged breach is
  - When the alleged breach started
  - Any information about who is considered responsible for it.
  - Details of how the alleged breach is having a harmful impact.
  - Photographs, if possible.
22. The identity of a person making a complaint is kept confidential unless the council is required to release the information; for example, if a case proceeds to the appeal stage, and if a complainant's evidence is part of the council's case, anonymity cannot be guaranteed. However we will ask for the complainant's agreement if we need to do this. In some cases, the council's case may be weakened by a complainant not agreeing to forego anonymity, and in such cases it may not be expedient to proceed with formal enforcement action.

## How the council will deal with a complaint

### Screening

23. All complaints received will be logged and investigated unless they are:
- anonymous
  - not motivated by planning harm e.g. motivated by business competition and a neighbour dispute
  - otherwise inappropriate

### Investigation and Action

24. We will:
- acknowledge complaints within seven days of receipt.
  - treat information received in confidence, unless otherwise agreed with the complainant or required by law.
  - carry out a desk top assessment of the complaint to ascertain extent of any breach
  - carry out a site visit on all complaints considered to require further investigation within one month of receipt
  - make a preliminary assessment as to whether a breach of planning control has occurred within two months of receipt
  - update the complainant at the following stages of the investigation:
    - when a breach is established/not established and a decision made to pursue/not to pursue enforcement action.
    - when an enforcement notice has been issued.
    - when an appeal against an enforcement notice has been formally started by the Planning Inspectorate.
    - when an appeal decision is received from the Planning Inspectorate.

Complainants may contact the case officer, who will be identified on all correspondence, for an update on progress at other times.

25. Site visits are normally undertaken without prior notice, unless access is required to be arranged. This is because of the need to obtain accurate, representative and timely evidence of how a site is being used, or in terms of building works, because difficulties in contacting site managers can sometimes significantly delay an investigation.

26. An assessment of the extent of any breach, the degree of harm, and of the appropriate next steps will then be made. Formal action will only be taken where the breach causes unacceptable planning harm. This usually means that it would have a harmful effect on local residents or the character of an area. This judgement will be made by reference to the Town and Country Planning Act 1990 (as amended) and all its subordinate and associated legislation, relevant national, regional and local planning

policies and other material considerations, including the European Convention on Human Rights.

27. The Council will work co-ordinate action between different council services to ensure the most effective remedy is used, for example action by Environmental Protection colleagues on a noise nuisance may be a better option than lengthy planning enforcement.
28. Policies regarding the acceptability of development and also what needs planning permission change over time. Decisions on cases will be assessed on their individual circumstances. There will be cases where decisions on two similar developments in the same street or in the same area could be different, if, for example, their impact on the surroundings differs, or the policy context has changed.
29. Only a small proportion (about 10%) of complaints received result in formal action. Many of the rest are resolved without the need to take formal action, or cannot be pursued within the resources available.
30. Planning enforcement can be a lengthy process. The initial investigation to establish whether a breach has occurred can take weeks or sometimes longer and there are also rights of appeal which may be pursued before an enforcement notice can come into effect. More complicated cases can take several years to resolve, especially where it is necessary to take action in the courts.
31. Depending on the nature of a confirmed breach of planning control, there are a range of measures the council can take.
  - (a) **Take no action / Ongoing Review:** Take no action or monitor the position in case circumstances change. Such cases might include minor breaches causing no significant harm, those which are unlikely to create a precedent or which may be remedied of their own accord before formal enforcement action is likely to become effective (such as temporary uses).
  - (b) **Allow Time to Remedy:** Time may be given to remedy the breach or justify its retention. Such cases may include situations where the harm is easily repairable and is not so serious as to warrant immediate action or where it may be otherwise justifiable. However, because formal enforcement action takes some time in any event, any informal opportunity to resolve the breach will not be allowed to delay effective action unnecessarily.
  - (c) **Planning Contravention Notice:** This is a formal questionnaire that allows the council to seek information about an alleged breach before deciding on a response.

(d) **Enforcement Notices:** This is the most common formal means of remedying unacceptable development. There is a right of appeal against a notice, which may be quashed or amended if the appeal is successful.

(e) **Breach of Condition Notices:** These can be used in addition or as an alternative to an enforcement notice where the unauthorised activity is in breach of a condition attached to a planning permission.

(f) **Stop Notice:** The council can issue a Stop Notice or Temporary Stop Notice where a breach is causing very serious or irreparable harm, and immediate action is justified despite the cost of depriving a developer of the benefit of development during the appeal period.

(g) **Other statutory notices:** Other statutory enforcement options available to the council include s.215 'Untidy Land' notices, Advertisement Removal Notices, Planning Enforcement Orders and Listed Building Enforcement Notices. These will be used where appropriate.

(h) **Court Injunction:** Injunctions will only be sought in the most serious cases, where irreparable harm is being done or where other actions have failed. Significant costs are involved in bringing such actions and can only be justified in extreme cases. Defendants risk imprisonment if they do not comply with a court order

(i) **"Default" Powers or Direct Action:** The council may enter land to take the necessary steps to secure compliance when eg. an Enforcement or advertisement removal notice comes into effect.

32. Where enforcement action is pursued, we will:

- give advice on what action needs to be taken, why and by when.
- give an opportunity to discuss or respond to issues raised before formal action is taken (except in the most urgent cases), however the council will not delay enforcement action where there is evidence of a lack of co-operation or the ongoing harm is serious. Where an application is refused for the same or similar development, further discussion will often not be appropriate;
- give advice on the consequences of failing to take appropriate remedial action leading to formal action and advice on rights of appeal

## Priorities for Action

33. Cases will be prioritised according to the seriousness of the alleged breach and the harm that is being caused. It will not be possible for the council to pursue all cases.

34. Once a commitment is made to formal action it is essential to meet timescale and procedural requirements of the legal process, such as appeal deadlines. Ongoing cases will therefore be given priority over new complaints.
35. The current level of resources available to planning enforcement only permit approximately a maximum of 150 notices and 30 Direct Actions and/or Prosecutions per year.
36. The following indicates how the various types of enforcement cases will be prioritised and how resources will be allocated (the highest priority is first and lowest priority is last):

<b>Types of enforcement cases</b>
1. Ongoing court or appeal proceedings.
2. New complaints of serious irreparable harm.
3. Ongoing breach of an enforcement notice which has come into effect and is causing serious planning harm.
4. Identified breach causing serious harm.
5. New complaints of serious harm to the amenities of an area.
6. New complaints where the time limit for taking action expires imminently
7. Systematic breaches of planning control which may set a precedent giving rise to more widespread harm.
8. Ongoing Investigations where no harm has been identified or minor harm is reparable.
9. All other new complaints.
10. Ongoing investigations where a breach has not been identified.

37. The enforcement service will manage its resources to ensure that the highest priority complaints can be addressed without undue delay, with the response to lower priority complaints being adjusted accordingly. To ensure that an adequate overall service is provided the allocation of resources will be periodically reviewed. The quality of evidence and support provided by complainants can also have a significant bearing on the outcome of an investigation and where such support is likely to increase the chances of a successful outcome the matter may be given a higher priority.

## **Retrospective applications**

38. The Council can decline to determine retrospective planning applications if any part of the development described in the retrospective application is already the subject of an enforcement notice (whether appeal rights against the enforcement notice have been exhausted or not). In

considering whether an application is accepted the council will consider the following:

- The application appears to be part of a sincere effort to engage with the council to amend a proposal and remedy the breach of planning control;
- The application addresses unacceptable elements of the development (as identified in the reasons for issuing the enforcement notice), and is generally in accordance with planning policies;
- The application would not have the effect of delaying compliance with the notice by frustrating prosecution or direct action proceedings, whether these have already begun or not.
- The application is not submitted just before the compliance period expires or after it has expired.

## **Project Work**

39. At times the enforcement service may undertake special projects to tackle specific enforcement problems such as 'beds in sheds', the use of land for unlawful event-day commercial parking or the high street improvements.

## **Variations to compliance periods**

40. The council will occasionally extend the compliance period of an enforcement notice. Requests for extensions will only be entertained where the person responsible for complying with the notice has been genuinely unable to do so for reasons beyond their control, and has made the request in good time. Evidence may be requested to support any such requests.

## **Prosecution**

41. The council will use discretion in deciding whether to prosecute planning offences. Prosecution will only be pursued when it is in the public interest and in accordance with the Code for Crown Prosecutors. Once summons have been served, prosecution proceedings will not normally be withdrawn even if a breach is subsequently complied with.

42. Whilst the collection of the necessary evidence to prosecute will be collected by the Planning Enforcement Team (and other departments where necessary), the decision to prosecute will be made by the appropriate senior legal officer in the legal department in accordance with the constitution.

43. Given the nature of planning enforcement the council will not normally carry out interviews under caution with potential defendants unless there is a specific need to do so.

44. It is only possible to undertake a limited number of planning enforcement prosecutions per year. Prioritisation will be given to cases that are causing the most significant ongoing planning harm, and to long running cases where compliance has not been achieved long after it was due.
45. In support of prosecution or appeal processes costs will be sought from defendants to minimise costs to the council. Measures under the Proceeds of Crime Act (POCA) will be utilised where appropriate to retrieve monies gained unlawfully, both to help cover the costs of enforcement, improve the service and to ensure an effective disincentive to ongoing breaches of planning control.
46. Potential proceeds from POCA will not play any part in making a decision on whether to put a case forward to legal for prosecution.

## **Direct Action**

47. As an alternative to, or in addition to prosecution as detailed above, the council may decide to take direct action to carry out the steps provided in the notice in default. This may happen any time after the compliance period expires, and the council will not enter into protracted correspondence. The decision to take direct action will be at the council's discretion and will take into account the complexity of the works required and the likely upfront costs to the council. Owners/occupiers will be warned that the council may take direct action at least one week ahead, but the date on which the works will take place will not be revealed in advance. The costs of direct action will be recovered directly from the landowner in accordance with the planning legislation.

## **Final resolution of cases**

48. Compliance with an enforcement notice does not discharge the notice, and it remains as a charge on the land to prevent the breach reoccurring as it can be enforced against subsequent owners or occupiers. If an assurance is sought by an owner or prospective occupier the council will confirm in writing that an enforcement notice has been complied with on a particular date, subject to the production of sufficient evidence required from the applicant and/or the payment of a fee to cover council's costs of inspection, research and administration.
49. This will not apply where the council's appeal costs have been awarded but not paid. There is no statutory requirement for the council to confirm compliance with an enforcement notice except by way of a certificate of lawfulness application, for which there is a statutory fee and timescales.



50. Enforcement notices will only be withdrawn in exceptional circumstances, for example where they have been issued in error.

### **Monitoring planning permissions**

51. Monitoring of consented development will be largely carried out on a reactive basis when divergences from approved plans are brought to the council's attention.

### **Complaints against the planning enforcement service**

52. If someone is concerned that procedures have not been followed they should contact the relevant member of staff's line manager in the first instance. Formal complaints will be handled in accordance with the council's Complaints Procedure.

### **Review**

53. We will regularly monitor the operation of the enforcement service to ensure its effectiveness and compliance with relevant legislation and policies.

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Table P130: District planning authorities1: enforcement action, by local planning authority  
England, Year ending December 2022 P

LPA	EN issued	LPA	EN issued	LPA	EN issued	LPA	EN issued
Adur	1	Crawley	4	Leeds	57	Solihull	6
Allerdale	7	Croydon	6	Leicester	18	Somerset West and Taunton	5
Amber Valley	1	Dacorum	9	Lewes	4	South Cambridgeshire	13
Arun	4	Darlington	1	Lewisham	25	South Derbyshire	0
Ashfield	0	Dartford	5	Lichfield	5	South Downs National Park	16
Ashford	5	Dartmoor National Park	3	Lincoln	2	South Gloucestershire	16
Babergh	1	Derby	2	Liverpool	1	South Hams	12
Barking and Dagenham	44	Derbyshire Dales	8	London Legacy Development Corporation	0	South Holland	4
Barnet	105	Doncaster	17	Luton	15	South Kesteven	3
Barnsley	37	Dorset	8	Maidstone	9	South Lakeland	9
Barrow-in-Furness	0	Dover	11	Maldon	4	South Norfolk	3
Basildon	5	Dudley	10	Malvern Hills	7	South Oxfordshire	7
Basingstoke and Deane	2	Ealing	67	Manchester	27	South Ribble	5
Bassetlaw	1	East Cambridgeshire	13	Mansfield	1	South Somerset	10
Bath and North East Somerset	3	East Devon	3	Medway	16	South Staffordshire	10
Bedford	6	East Hampshire	2	Melton	4	South Tyneside	7
Bexley	15	East Hertfordshire	5	Mendip	8	Southampton	7
Birmingham	18	East Lindsey	10	Merton	8	Southend-on-Sea	6
Blaby	7	East Riding of Yorkshire	16	Mid Devon	1	Southwark	25
Blackburn with Darwen	3	East Staffordshire	5	Mid Suffolk	2	Spelthorne	4
Blackpool	5	East Suffolk	13	Mid Sussex	10	St Albans	6
Bolsover	0	Eastbourne	0	Middlesbrough	4	St. Helens	1
Bolton	7	Eastleigh	9	Milton Keynes	10	Stafford	2
Boston	5	East Lindsey	10	Mole Valley	5	Staffordshire Moorlands	0
Bournemouth, Christchurch and Poole	18	East Riding of Yorkshire	16	New Forest	8	Stevenage	0
Bracknell Forest	0	East Staffordshire	5	New Forest National Park	4	Stockport	27
Bradford	78	East Suffolk	13	Newark and Sherwood	43	Stockton-on-Tees	1
Braintree	1	Eastbourne	0	Newcastle-under-Lyme	1	Stoke-on-Trent	6
Blackpool	5	Eastleigh	9	Newcastle upon Tyne	7	Stratford-on-Avon	3
Bolsover	0	Ebbsfleet Development Corporation	0	Newham	89	Stroud	2
Bolton	7	Eden	3	North Devon	0	Sunderland	10
Boston	5	Elmbridge	4	North East Derbyshire	10	Surrey Heath	9
Boston	5	Enfield	12	North East Lincolnshire	5	Sutton	6
Bournemouth, Christchurch and Poole	18	Epping Forest	16	North Hertfordshire	7	Swale	4
Bracknell Forest	0	Epsom and Ewell	0	North Kesteven	4	Swindon	1
Bradford	78	Erewash	9	North Lincolnshire	19	Tameside	3
Braintree	1	Exeter	5	North Norfolk	11	Tamworth	1
Breckland	1	Exmoor National Park	8	North Northamptonshire	5	Tandridge	14
Brent	134	Fareham	9	North Somerset	9	Teignbridge	8
Brentwood	3	Fenland	0	North Tyneside	19	Telford and Wrekin	12
Brighton and Hove	17	Folkestone and Hythe	1	North Warwickshire	6	Tendring	7
Bristol, City of	13	Forest of Dean	4	North West Leicestershire	3	Test Valley	5
Broadland	2	Fylde	1	North York Moors National Park	2	Tewkesbury	28
Bromley	30	Gateshead	0	Northumberland	18	Thanet	11

Table P130: District planning authorities1: enforcement action, by local planning authority  
England, Year ending December 2022 P

Bromsgrove	9	Gedling	3	Northumberland National Park	0	The Broads Authority	3
Broxbourne	11	Gloucester	0	Norwich	4	Three Rivers	9
Broxtowe	5	Gosport	0	Nottingham	0	Thurrock	5
Buckinghamshire	117	Gravesham	3	Nuneaton and Bedworth	2	Tonbridge and Malling	13
Burnley	2	Great Yarmouth	1	Oadby and Wigston	5	Torbay	0
Bury	2	Greenwich	4	Old Oak and Park Royal Development Corporation	7	Torridge	8
Calderdale	5	Guildford	0	Oldham	8	Tower Hamlets	20
Cambridge	0	Hackney	31	Oxford	12	Trafford	10
Camden	45	Halton	1	Peak District National Park	4	Tunbridge Wells	11
Cannock Chase	0	Hambleton	16	Pendle	11	Uttlesford	4
Canterbury	9	Hammersmith and Fulham	28	Peterborough	2	Vale of White Horse	3
Carlisle	13	Harborough	10	Plymouth	10	Wakefield	21
Castle Point	6	Haringey	48	Portsmouth	8	Walsall	8
Central Bedfordshire	4	Harlow	4	Preston	4	Waltham Forest	7
Charnwood	7	Harrogate	17	Reading	0	Wandsworth	30
Chelmsford	11	Harrow	21	Redbridge	16	Warrington	5
Cheltenham	2	Hart	4	Redcar and Cleveland	6	Warwick	6
Cherwell	2	Hartlepool	7	Redditch	2	Watford	7
Cheshire East	9	Hastings	4	Reigate and Banstead	15	Waverley	15
Cheshire West and Chester	42	Havant	0	Ribble Valley	2	Wealden	12
Chesterfield	0	Havering	48	Richmond upon Thames	11	Welwyn Hatfield	4
Chichester	7	Herefordshire, County of	11	Richmondshire	0	West Berkshire	7
Canterbury	9	Hertsmere	1	Rochdale	2	West Devon	12
Carlisle	13	High Peak	3	Rochford	14	West Lancashire	2
Castle Point	6	Hillingdon	43	Rossendale	7	West Lindsey	15
Central Bedfordshire	4	Hinckley and Bosworth	5	Rother	7	West Northamptonshire	1
Charnwood	7	Horsham	19	Rotherham	3	West Oxfordshire	14
Chelmsford	11	Hounslow	22	Rugby	1	West Suffolk	6
Cheltenham	2	Huntingdonshire	3	Runnymede	3	Westminster	120
Cherwell	2	Hyndburn	1	Rushcliffe	3		
Cheshire East	9	Ipswich	2	Rushmoor	1		
Cheshire West and Chester	42	Isle of Wight	2	Rutland	2		
Chesterfield	0	Isles of Scilly	0	Ryedale	0		
Chichester	7	Islington	11	Salford	3		
Chorley	5	Kensington and Chelsea	19	Sandwell	7		
City of London	0	King's Lynn and West Norfolk	19	Scarborough	1		
Colchester	50	Kingston upon Hull, City of	12	Sedgemoor	0		
Copeland	0	Kingston upon Thames	1	Sefton	22		
Cornwall	75	Kirklees	41	Selby	7		
Cotswold	0	Knowsley	7	Sevenoaks	27		
County Durham	11	Lake District National Park	32	Sheffield	16		
Coventry	5	Lambeth	33	Shropshire	5		
Craven	1	Lancaster	5	Slough	52		

# Hardsurfacing and Storage Use Removal





Site Clearance and Fencing













Nursery / Garden Centre Clearance















## Portacabin Removal





## Advert Removal





## House and Garden Clearance















## Car Removal





### Rear Extension Removal



Brentfield Road Waste and Buildings Removal 13 07 23










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	<p align="center"><b>Resources and Public Realm Scrutiny Committee</b> 6 September 2023</p>
	<p align="center"><b>Report from the Director of Communities</b></p>
<p><b>Scrutiny Recommendations Tracker</b></p>	

<b>Wards Affected:</b>	All
<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>List of Appendices:</b>	One Appendix A – Recommendations Scrutiny Tracker
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	<p>Jason Sigba, Strategy Lead – Scrutiny, Strategy and Partnerships <a href="mailto:Jason.Sigba@brent.gov.uk">Jason.Sigba@brent.gov.uk</a></p> <p>Janet Latinwo, Head of Strategy &amp; Partnerships <a href="mailto:Janet.Latinwo@brent.gov.uk">Janet.Latinwo@brent.gov.uk</a></p> <p>Lorna Hughes, Director of Communities <a href="mailto:Lorna.Hughes@brent.gov.uk">Lorna.Hughes@brent.gov.uk</a></p>

## 1.0 Executive Summary

1.1 The purpose of this report is to present the Scrutiny Recommendations Tracker to the Resources and Public Realm Scrutiny Committee.

## 2.0 Recommendation(s)

2.1 That the progress of the previous recommendations, suggestions for improvement, and information requests of the Committee be noted (Appendix A).

## 3.0 Detail

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

- Borough Plan 2023-2027 – all strategic priorities
- 3.1 The Recommendations Tracker tabled at the 6 September 2023 meeting relates to the current 2023 – 2024 municipal year. Although it also contains two updates from the 2022-2023 municipal year; one update from the 15 December 2022 meeting on the item related to the Integrated Street Cleansing, Waste Collections and Winter Maintenance Services Contract Procurement Programme, and another from the 24 January 2023 meeting on the item relating to Budget Scrutiny.
- 3.2 In accordance with Part 4 of the Brent Council Constitution (Standing Orders of Committees), Brent Council scrutiny committees may make recommendations to the Full Council or the Cabinet with respect to any functions which are the responsibility of the Executive, or of any functions which are not the responsibility of the Executive, or on matters which affect the borough or its inhabitants.
- 3.3 The Resources and Public Realm Scrutiny Committee may not make executive decisions. Scrutiny recommendations therefore require consideration and decision by the appropriate decision maker; the Cabinet or Full Council for policy and budgetary decisions.
- 3.4 The Scrutiny Recommendations Tracker (attached in Appendix A) provides a summary of scrutiny recommendations made in order to track executive decisions and any implementation progress. It also includes suggestions for improvement and information requests, as captured in the minutes of the committee meetings.
- 3.5 Recommendations are removed from the tracker when they have been rejected or when implemented successfully and the review date has passed. This is the same for suggestions of improvement and information requests.

### **4.0 Procedure for Recommendations from Scrutiny Committees**

- 4.1 Where scrutiny committees make recommendations to the Cabinet, these will be referred to the Cabinet requesting an Executive Response and the issue will be published on the Council's Forward Plan. This will instigate the preparation of a report to Cabinet and the necessary consideration of the response.
- 4.2 Where scrutiny committees develop reports or recommendations to Full Council (e.g. in the case of policy and budgetary decisions), the same process will be followed, with a report to Cabinet to agree an Executive Response, and thereafter, a report to Full Council for consideration of the scrutiny report and recommendations along with the Cabinet's response.
- 4.3 Where scrutiny committees have powers under their terms of reference to make reports or recommendations to external decision makers (e.g. NHS bodies), the relevant external decision maker shall be notified in writing, providing them with

a copy of the Committee's report and recommendations, and requesting a response.

- 4.4 Once the Executive Response has been agreed, the scrutiny committee shall receive a report to receive the response and the Committee may review implementation of the Executive's decisions after such a period as these may reasonably be implemented (review date).

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

- 5.1 None for the purposes of this report.

## **6.0 Financial Considerations**

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

## **7.0 Legal Considerations**

- 7.1 Section 9F, Part 1A of the Local Government Act 2000, *Overview and scrutiny committees: functions*, requires that Executive arrangements by a local authority must ensure that its overview and scrutiny committees have the power to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are or are not the responsibility of the executive, or on matters which affect the Authority's area or the inhabitants of that area.

- 7.2 Section 9FE, *Duty of authority or executive to respond to overview and scrutiny committee*, requires that the authority or executive;-
- (a) consider the report or recommendations,
  - (b) respond to the overview and scrutiny committee indicating what (if any) action the authority, or the executive, proposes to take,
  - (c) if the overview and scrutiny committee has published the report or recommendations, publish the response, within two months beginning with the date on which the authority or executive received the report or recommendations.

## **8.0 Equality, Diversity & Inclusion (EDI) Considerations**

- 8.1 There are no Equality, Diversity & Inclusion considerations for the purposes of this report.

## **9.0 Climate Change and Environmental Considerations**

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

## **10.0 Communication Considerations**

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

**Report sign off:**

***Lorna Hughes***

Director of Communities

## Appendix A

### Resources and Public Realm Scrutiny Committee (RPRSC) Scrutiny Tracker 2023-24

These tables are to track the progress of scrutiny recommendations to Cabinet, suggestions for improvement, and information requests made by the Resources and Public Realm Scrutiny Committee, with details provided by the relevant lead departments. It is a standing item on the Committee's agendas, so that the Committee can keep track of the recommendations, suggestions for improvement and information requests it has made, alongside the related decisions made and implementation status. The tracker lists the recommendations, suggestions for improvement and information requests made by the Committee throughout a municipal year and any recommendations not fully implemented from previous years.

The tracker documents the scrutiny recommendations made to Cabinet, the dates when they were made, the decision maker who can make each decision in respect of the recommendations, the date the decision was made and the actual decision taken. The executive decision taken may be the same as the scrutiny recommendation (e.g. the recommendation was "agreed") or it may be a different decision, which should be clarified here. The tracker also asks if the respective executive decisions have been implemented and this should be updated accordingly throughout the year.

Scrutiny Task Group report recommendations should be included here but referenced collectively (e.g. the name of the scrutiny inquiry and date of the agreement of the scrutiny report and recommendations by the scrutiny committee, along with the respective dates when the decision maker(s) considered and responded to the report and recommendations. The Committee should generally review the implementation of scrutiny task group report recommendations separately with stand-alone agenda items at relevant junctures – e.g. the Executive Response to a scrutiny report and after six months or a year, or upon expected implementation of the agreed recommendation of report. The "Expected Implementation Date" should provide an indication of a suitable time for review.

#### Key:

**Date of scrutiny committee meeting** - For each table, the date of the scrutiny committee meeting when the recommendation was made is provided in the subtitle header.

**Subject** – this is the item title on the Committee's agenda; the subject being considered.

**Scrutiny Recommendation** – This is the text of the scrutiny recommendation as it appears on the minutes – **in bold**.

**Decision Maker** – the decision maker for the recommendation, (**in bold**), e.g. the Cabinet (for Council executive decisions), Full Council (for Council policy and budgetary decisions), or an NHS executive body for recommendations to the NHS. In brackets, (date), the date on which the Executive Response was made.

**Executive Response** – The response of the decision maker (e.g. Cabinet decision) for the recommendation. This should be the executive decision as recorded in the minutes. The Executive Response should provide details of what, if anything, the executive will do in response to the scrutiny recommendation. Ideally, the Executive Response will include a decision to either agree/reject/or amend the scrutiny recommendation and where the scrutiny recommendation is rejected, provide an explanation of why. In brackets, provide the date of Cabinet/executive meeting that considered the scrutiny recommendation and made the decision.

**Department** – the Council directorate (and/or external agencies) that are responsible for implementation of the agreed executive decision/response. Also provided, for reference only, the relevant Cabinet Member and Corporate Director.

**Implementation Status** – This is the progress of any implementation of the agreed Executive Response against key milestones. This may cross reference to any specific actions and deadlines that may be provided in the Executive Response. This should be as specific and quantifiable as possible. This should also provide, as far as possible, any evidenced outcomes or improvements resulting from implementation.

**Review Date** - This is the expected date when the agreed Executive Response should be fully implemented and when the scrutiny committee may usefully review the implementation and any evidenced outcomes (e.g. service improvements). (Note: this is the implementation of the agreed Executive Response, which may not be the same as the scrutiny recommendation).



**Recommendations to Cabinet from RPRSC**

Subject	Scrutiny Recommendation	Cabinet Member, Lead Officer, and Department	Executive Response	Review date
24 Jan 2023 – <b>Budget Scrutiny Task Group Findings 2023/24</b>	<b>Borough Plan Alignment:</b> The Council more clearly demonstrates how public money is being spent in line with the democratically agreed strategic priorities for the borough.	Cllr Muhammed Butt – Leader of the Council  Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources & Reform  Minesh Patel – Corporate Director, Finance & Resources	To follow.	07/11/23
	<b>Proposal Categorations:</b> Each budget proposal is categorised as one of: Cut; Income generation; Service transformation; Efficiency; or Investment for transparency purposes. This language should also be used in Council communications in order for residents to distinguish between the proposals which are cuts/service reductions, those which are investments, and those which are efficiencies/service transformation.	Cllr Muhammed Butt – Leader of the Council  Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources & Reform  Minesh Patel – Corporate Director, Finance & Resources	To follow.	07/11/23
	<b>Income Generation:</b> <ul style="list-style-type: none"> <li>• Increase parking fees/charges to a more comparable rate charged by surrounding boroughs to secure safe movement of traffic and adequate parking and;</li> <li>• Utilise our parks to generate additional income – as part of this process, the Council should draw comparisons with other local authorities to learn from good practice.</li> </ul>	Cllr Muhammed Butt – Leader of the Council  Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources & Reform  Minesh Patel – Corporate Director, Finance & Resources	To follow.	07/11/23

	<p><b>Additional Financial Support for Residents:</b></p> <ul style="list-style-type: none"> <li>• Increase funding and review the eligibility criteria for both the Council Tax Support scheme and the Resident Support Fund, should the financial modelling process allow and;</li> <li>• Explore options to provide additional support to children to tackle food poverty, such as extending universal free school meals provision.</li> </ul>	<p>Cllr Muhammed Butt – Leader of the Council</p> <p>Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources &amp; Reform</p> <p>Minesh Patel – Corporate Director, Finance &amp; Resources</p>	To follow.	07/11/23
	<p><b>Additional Advice &amp; Support for our Voluntary Sector partners:</b></p> <p>To assist in building voluntary sector resilience, develop:</p> <ul style="list-style-type: none"> <li>• An approach to increase the value of the commissioned contracts offered to the VCS to help them navigate the current volatile economic environment. The Council could also use this as an opportunity to tighten and improve its contract monitoring process to ensure further robustness and transparency in achieving outcomes.</li> <li>• A collaborative strategy with the VCS to enable these organisations to identify and secure new income streams. This should also include scope for increased opportunities to make joint bids for grant funding.</li> <li>• A transparent policy for distributing Council community assets to our voluntary partners in need of space. Specifically, offering capped peppercorn rents to the sector to expand their operations.</li> </ul>	<p>Cllr Muhammed Butt – Leader of the Council</p> <p>Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources &amp; Reform</p> <p>Minesh Patel – Corporate Director, Finance &amp; Resources</p>	To follow.	07/11/23
	<p><b>Equal Access for All Residents:</b></p>	<p>Cllr Muhammed Butt – Leader of the Council</p>	To follow.	07/11/23

	<ul style="list-style-type: none"> <li>The proposed automated services (e.g. chat bots) are tested by residents ahead of implementation, especially by those who have accessibility needs to ensure that all residents have equal access to services and;</li> <li>Additional advice and support is provided to disabled residents and those cohorts of residents with other access needs (e.g. literacy needs/English not a first language etc.) to navigate digital-form filling so they can maximise the benefits/grants they are eligible for and entitled to.</li> </ul>	<p>Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources &amp; Reform</p> <p>Minesh Patel – Corporate Director, Finance &amp; Resources</p>		
	<p><b>Improving Equality Impact Assessments (EIAs):</b></p> <ul style="list-style-type: none"> <li>Include an evidence base/rationale section in the EIA for each proposal where it has been deemed that there are no potential or likely impact on service users and employees with protected characteristics (e.g. how the Council arrived at such decisions) and;</li> <li>Undertake a cumulative equality impact assessment of the budget decisions since 2018 to understand fully the medium and long-term impacts of its financial decisions. It is recommended a cumulative EqIA is completed during financial year 2023/24 and is included in the final budget report 2024/25.</li> </ul>	<p>Cllr Muhammed Butt – Leader of the Council</p> <p>Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources &amp; Reform</p> <p>Minesh Patel – Corporate Director, Finance &amp; Resources</p>	To follow.	07/11/23
	<p><b>Increased Collaboration:</b></p> <p>To ensure a holistic approach to residents’ care, specifically ‘those with complex needs’:</p> <ul style="list-style-type: none"> <li>Establish a collaborative mechanism between the Council, NHS, and other relevant stakeholders to agree discharges/step down plans. If possible, this should be considered as</li> </ul>	<p>Cllr Muhammed Butt – Leader of the Council</p> <p>Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources &amp; Reform</p>	To follow.	07/11/23

	<p>part of the review process currently taking place with Central and North West London NHS Foundation Trust (CNWL) in the Integrated Care Partnership and;</p> <ul style="list-style-type: none"> <li>• Leverage sufficient financial contributions from the NHS (and other relevant anchor institutions) to improve the Health &amp; Social Care function in Brent.</li> </ul>	<p>Minesh Patel – Corporate Director, Finance &amp; Resources</p>		
	<p><b>Lobbying:</b> Work closely with neighbouring local authorities, London Councils, and the Local Government Association (LGA) to seek:</p> <ul style="list-style-type: none"> <li>• Additional funding in the Dedicated Schools Grant (DSG), notably the High Needs Block of the DSG which is currently in deficit. Although the Task Group is pleased with the activity 5 undertaken to manage the deficit and despite the fact that the Council will see increased funding from central government, there is still a need for additional financial support to meet rising demand.</li> <li>• Powers to levy proportionate charges on parked motorcycles/mopeds. If successful, this would enable the Council to expand the parking permit system in the borough to include other forms of vehicles.</li> <li>• Local Government funding reform, including reform of regressive taxes such as Council Tax.</li> <li>• Changes to gambling legislation and regulations that enable local authorities to generate additional income from gambling licensing fees. This money could then be used to reinvest in vital Council services.</li> </ul>	<p>Cllr Muhammed Butt – Leader of the Council</p> <p>Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources &amp; Reform</p> <p>Minesh Patel – Corporate Director, Finance &amp; Resources</p>	<p>To follow.</p>	<p>07/11/23</p>

	<ul style="list-style-type: none"> <li>The introduction of 'Short Term Letting' legislation that will allow local authorities to establish licensing schemes for 'Air B&amp;B' accommodation in their respective boroughs. This would enable the Council to generate additional income from 'Air B&amp;B' businesses in Brent that could then be reinvested back into services for the benefit of residents.</li> </ul>			
	<p><b>Phased Reduction to Care Packages Provision:</b></p> <p>Utilise a proportion of the additional funding from the Local Government Finance Settlement to enable the Council to defer a proportion of the savings in proposal CYP03 to financial year 24/25. This is to ensure changes in provision are implemented in a phased way.</p>	<p>Cllr Muhammed Butt – Leader of the Council</p> <p>Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources &amp; Reform</p> <p>Minesh Patel – Corporate Director, Finance &amp; Resources</p>	To follow.	07/11/23
	<p><b>Review Areas of Focus for Town Centre Management Function:</b></p> <p>The Task Group recommend reviewing the areas of focus for the town centre management function, whereby resource can be balanced against need; and work duplication prevented.</p>	<p>Cllr Muhammed Butt – Leader of the Council</p> <p>Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources &amp; Reform</p> <p>Minesh Patel – Corporate Director, Finance &amp; Resources</p>	To follow.	07/11/23
	<p><b>Mitigate the impact of reducing the library stock budget:</b></p> <p>Explore external options to leverage additional resources for our most vulnerable residents, such as the promotion of schemes (e.g. Letterbox Club run by BookTrust) offering free books to vulnerable and disadvantaged children. This</p>	<p>Cllr Muhammed Butt – Leader of the Council</p> <p>Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources &amp; Reform</p>	To follow.	07/11/23

	could help offset the impact of the proposal on disadvantaged residents and children; and could assist with ensuring children in Brent have equal access to a broad range of reading material.	Minesh Patel – Corporate Director, Finance & Resources		
	<p><b>Mitigate the impact of reducing the Corporate Learning and Training budget:</b></p> <p>Be guided by staff satisfaction surveys when deciding what training courses to discontinue as part of the reduction to the Corporate Learning and Training budget (proposal GOV03).</p>	<p>Cllr Muhammed Butt – Leader of the Council</p> <p>Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources &amp; Reform</p> <p>Minesh Patel – Corporate Director, Finance &amp; Resources</p>	To follow.	07/11/23
19 July 2023– <b>Budget Update - Medium Term Financial Strategy</b>	Continue to lobby central government for additional 'levelling up' investment in Brent to offset the impact of future budget proposals.	<p>Cllr Muhammed Butt – Leader of the Council</p> <p>Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources &amp; Reform</p> <p>Minesh Patel – Corporate Director, Finance &amp; Resources</p>	To follow.	07/11/23
	Invite the scrutiny chairs to informal cabinet meetings (as appropriate) when budget challenges/complexities (and any other relevant matters) arise.	<p>Cllr Muhammed Butt – Leader of the Council</p> <p>Cllr Mili Patel - Deputy Leader and Cabinet Member for Finance, Resources &amp; Reform</p> <p>Alex Freeman – Head of the Leader's Office,</p>	To follow.	07/11/23

		Executive & Member Services		
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**Suggestions for improvement from RPRSC to Council departments/partners**

Meeting date and agenda item	Suggestions for improvement	Council Department/External Partner	Response / Status
19 July 2023– <b>Budget Update - Medium Term Financial Strategy</b>	Provide benchmarking data to accompany figures/statistics provided in all future scrutiny committee reports.	Minesh Patel – Corporate Director, Finance & Resources	Where possible, we will seek to include benchmarking data.
	Draft future scrutiny committee reports in lay man language, avoiding jargon where possible.	Minesh Patel – Corporate Director, Finance & Resources	Budget reports are drafted in a particular manner and format to meet statutory responsibilities such as demonstrating a legally balanced budget, value for money, financial resilience and sustainability etc. However, the recommendation is accepted to ensure reports can be understood by the general public and particularly the diverse communities in Brent.
	In relation to the development of the Council's Budget for 2024-25, and 2025-26:  a. Ensure that each budget proposal is categorised as one of: Cut; Income generation; Service transformation; Efficiency; or Investment for transparency purposes. This language should also be used in Council	Minesh Patel – Corporate Director, Finance & Resources	These recommendations are accepted in full.

	<p>communications in order for residents to distinguish between the proposals which are cuts/service reductions, those which are investments, and those which are efficiencies/service transformation.</p> <p>b. Ensure that the Council's vision, mission, and strategic priorities (as outlined in the borough plan) are communicated clearly when consulting residents, partners, and businesses on the Draft Budget for 2024-25, and 2025-26. This should be inclusive of any current/planned activity to support the most vulnerable/marginalised residents in the borough.</p> <p>c. Explore further opportunities for investment/income generation to offset the impact that many of the upcoming proposals will have on vital council services.</p> <p>d. Set budgets based on realistic levels of growth in demand for services and inflation as well as realistic mitigations to contain overspends.</p>		
<p>19 July 2023– <b>Shared Service Performance &amp;</b></p>	<p>Involve the Committee in testing the Council's cyber-resilience plans.</p>	<p>Minesh Patel – Corporate Director, Finance &amp; Resources</p>	<p>We will be conducting a cyber exercise later in the year which we will include members to participate or oversee. Learning and outcomes will be shared.</p>




<b>Cyber Security</b>	Deliver bespoke (in-person) cyber security training to all members in addition to the standard yearly training provided.	Minesh Patel – Corporate Director, Finance & Resources	We will carry out specific members development sessions and bespoke face to face training on Cyber Security, including responsibilities that members have to carry out for their roles.
	Improve internal and external communications, sharing more widely good practice studies relating to the Council's cyber security activities.	Minesh Patel – Corporate Director, Finance & Resources	Where able to we will share learning with staff to ensure that that they are educated on cyber issues.

**Information requests from RPRSC to Council departments/partners**

<b>Meeting date and agenda item</b>	<b>Information requests</b>	<b>Council Department/External Partner</b>	<b>Responses / Status</b>
<b>15 Dec 2022 – Redefining Local Services: Update on the Integrated Street Cleansing, Waste Collections and Winter Maintenance Services Contract Procurement Programme</b>	Provide additional information on the small percentage of residents who will be impacted by the proposed changes to the eligibility criteria in the bulky waste free collection policy from April 2024.  <i>**this additional request was made at a later Committee meeting on 22 February 2023.</i>	Chris Whyte – Director of Environment & Leisure, Resident Services	Response to be provided by 01/09/2023.

19 July 2023– <b>Budget Update - Medium Term Financial Strategy</b>	Provide analysis of savings made since 2018, specifically a breakdown of the savings made which equate to service reductions.	Minesh Patel – Corporate Director, Finance & Resources	This recommendation is accepted and will be shared with the Committee in November 2023.
	Provide progress update on activities to reduce overspends in the Children & Young People’s directorate.	Minesh Patel – Corporate Director, Finance & Resources  Nigel Chapman– Corporate Director, Children & Young People	This recommendation is accepted and will be shared with the Committee as part of the Budget Scrutiny Task Group review.
19 July 2023– <b>Shared Service Performance &amp; Cyber Security</b>	Provide RAG rated version of the Brent Cyber Security Strategy 2022-2026: Implementation Plan for the Committee to understand progress made so far.	Minesh Patel – Corporate Director, Finance & Resources	We will provide an update with the RAG status by the end of September 2023.
	Provide further detail on how the Council is ensuring third party suppliers are adhering to Brent’s cyber security strategy and requirements. This should be inclusive of the findings from the third-party supplier survey currently underway.	Minesh Patel – Corporate Director, Finance & Resources	We have developed a third-party assurance framework and security board who will oversee deployment and actions coming out of the framework, an assessment report will be shared with the Committee in six months’ time.

	<p align="center"><b>Resources and Public Realm Scrutiny Committee</b> 6 September 2023</p>
	<p align="center"><b>Report from the Director of Communities</b></p>
<p><b>Resources and Public Realm Scrutiny Committee Work Programme 2023/24.</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Not Applicable
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	One Appendix A – Committee Work Programme 2023/24
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	<p>Jason Sigba, Strategy Lead – Scrutiny, Strategy and Partnerships <a href="mailto:Jason.Sigba@brent.gov.uk">Jason.Sigba@brent.gov.uk</a></p> <p>Tom Pickup, Policy Partnerships and Scrutiny Manager, Strategy and Partnerships <a href="mailto:Tom.Pickup@brent.gov.uk">Tom.Pickup@brent.gov.uk</a></p> <p>Janet Latinwo, Head of Strategy and Partnerships, Strategy and Partnerships <a href="mailto:Janet.Latinwo@brent.gov.uk">Janet.Latinwo@brent.gov.uk</a></p>

## 1.0 Executive Summary

1.1 To provide an update and to confirm there are no changes to the Resources and Public Realm Scrutiny Committee’s work programme.

## 2.0 Recommendation(s)

2.1 That committee members note the contents of this report.

## 3.0 Detail

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

- Borough Plan 2023-2027 – all strategic priorities

3.1 The work programme sets out the items which the Resources and Public Realm Scrutiny Committee will consider during the municipal year.

3.2 The work programme of a scrutiny committee is intended to be a flexible, living document that can adapt and change according to the needs of a committee. The changes set out are reflective of this.

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

4.1 Ward members are regularly informed about the Committee's work programme in the Chair's report to Full Council. There is ongoing consultation with other relevant stakeholders.

### **5.0 Financial Considerations**

5.1 There are no financial implications arising from this report. However, budget and financial issues are addressed in the 'Financial Considerations' section of any reports to the Committee, requested as part of its work programme.

### **6.0 Legal Considerations**

6.1 There are no legal implications arising from this report. However, legal implications are addressed in the 'Legal Considerations' section of any reports to the Committee, requested as part of its work programme.

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

7.1 There are no Equality, Diversity & Inclusion considerations for the purposes of this report.

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

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

### **9.0 Communication Considerations**

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

**Report sign off:**

**Lorna Hughes**  
Director of Communities

## Appendix A

### Resources and Public Realm Scrutiny Committee Work Programme 2023-2024

#### 19 July 2023

Agenda Item	Cabinet Member/Non-Executive Member	Chief Executive/Corporate Director	External Organisations
Committee Work Programme 2023/24	Cllr Muhammed Butt, Leader of the Council	Kim Wright, Chief Executive Zahur Khan, Corporate Director – Communities and Regeneration	
Budget 2023/24 Update	Cllr Mili Patel, Deputy Leader and Cabinet Member for Finance, Resources and Reform	Minesh Patel, Corporate Director – Finance and Resources	
IT Shared Services and Cyber Security	Cllr Mili Patel, Deputy Leader and Cabinet Member for Finance, Resources and Reform	Minesh Patel, Corporate Director – Finance and Resources	

#### 6 September 2023

Agenda Item	Cabinet Member/Non-Executive Member	Chief Executive/Corporate Director	External Organisations
Establishment of Budget Scrutiny Task Group	Cllr Rita Conneely, Chair of Resources and Public Realm Committee	Zahur Khan, Corporate Director – Communities and Regeneration	
Planning Enforcement	Cllr Harbi Farah, Cabinet Member for Safer Communities and Public Protection	Zahur Khan, Corporate Director – Communities and Regeneration	
Community Engagement Framework	Cllr Fleur Donnelly-Jackson, Cabinet Member for Customers, Communities, and Culture	Zahur Khan, Corporate Director – Communities and Regeneration	

**7 November 2023**

<b>Agenda Item</b>	<b>Cabinet Member/Non-Executive Member</b>	<b>Chief Executive/Corporate Director</b>	<b>External Organisations</b>
Safer Brent Partnership Annual Report 2022-23	Cllr Harbi Farah, Cabinet Member for Safer Communities and Public Protection	Zahur Khan, Corporate Director – Communities and Regeneration	
Complaints Annual Report 2022-23	Cllr Mili Patel, Deputy Leader and Cabinet Member for Finance, Resources and Reform	Debra Norman, Corporate Director – Governance	

**24 January 2024**

<b>Agenda Item</b>	<b>Cabinet Member/Non-Executive Member</b>	<b>Chief Executive/Corporate Director</b>	<b>External Organisations</b>
Budget Scrutiny Task Group Findings	Cllr Rita Conneely, Chair of Resources and Public Realm Committee	Zahur Khan, Corporate Director – Communities and Regeneration	
Draft Property Strategy/Asset Review Findings	Cllr Mili Patel, Deputy Leader and Cabinet Member for Finance, Resources and Reform	Minesh Patel, Corporate Director – Finance and Resources	

**27 February 2024**

<b>Agenda Item</b>	<b>Cabinet Member/Non-Executive Member</b>	<b>Chief Executive/Corporate Director</b>	<b>External Organisations</b>
Climate Action	Cllr Krupa Sheth, Cabinet Member for Environment, Infrastructure and Climate Action	Peter Gadsdon, Corporate Director – Resident Services	
Regeneration in Brent	Cllr Shama Tatler, Cabinet Member for Regeneration, Planning, and Growth	Zahur Khan, Corporate Director – Communities and Regeneration	

**23 April 2024**

<b>Agenda Item</b>	<b>Cabinet Member/Non-Executive Member</b>	<b>Chief Executive/Corporate Director</b>	<b>External Organisations</b>
Budget 2023/24 Update	Cllr Mili Patel, Deputy Leader and Cabinet Member for Finance, Resources and Reform	Minesh Patel, Corporate Director – Finance and Resources	
Contracts Mobilisation	Cllr Krupa Sheth, Cabinet Member for Environment, Infrastructure and Climate Action	Peter Gadsdon, Corporate Director – Resident Services	

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