



## **MINUTES OF THE RESOURCES AND PUBLIC REALM SCRUTINY COMMITTEE**

### **Wednesday 23 April 2025 at 6.00 pm**

PRESENT: Councillor Conneely (Chair), Councillor Kennelly (Vice-Chair) and Councillors, S Butt, Long, Lorber, Fraser, Mitchell, Molloy and Shah.

ALSO Present: Councillor Benea (Cabinet Member for Regeneration, Planning & Property)

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

Councillor Conneely (as Chair) welcomed members of the Scrutiny Committee to the meeting.

Apologies for absence were received from Councillors, Dixon, Maurice and Ahmadi-Moghaddam with Councillor Fraser attending as a substitute for Councillor.

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

Councillor Fraser declared a personal interest in respect of Agenda Item 8: Complaints Annual Report 2023/24 due to the recent employment of a close family member within Brent Social Services.

Councillor Fraser had not sought to take any predisposed position in the consideration of the information item and therefore felt able to consider the matters relating to Brent's performance in managing and resolving complaints impartially and without any form of pretermination.

#### **3. Deputations (if any)**

No deputations were raised at the meeting.

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

It was **RESOLVED** that the minutes of the previous meeting held on Tuesday 25 February 2025 be approved as a correct record.

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

There were no matters arising raised at the meeting.

#### **6. Establishment of Kerbside Management Scrutiny Task Group**

Councillor Mitchell was invited to introduce a report providing an overview of the establishment of a Task Group to conduct an in-depth review of Brent's current

kerbside management strategies and assess whether further value could be added to foster a more sustainable, inclusive, and connected community. In presenting the report, the comprehensive nature of the topic was underlined, which would encompass climate change commitments, transport, accessibility, and public health.

With reference to paragraph 8.1 of the committee report, it was emphasised that the work of the proposed Task Group supported the Borough Plan priorities for a cleaner, greener future and a healthier Brent. It was further noted that the Task Group would align with key strategies and policies, including the Brent Climate and Ecological Emergency Strategy, the long-term transport strategy, and the Brent Active Travel Implementation Plan.

Councillor Mitchell delineated three primary areas of focus within the Task Group:

- 1) Broadly examining kerbside space and community benefits, including sustainable urban drainage solutions and tree planting.
- 2) Considering active travel and school streets, aiming to enhance the success Brent had already achieved in these areas.
- 3) Reviewing parking, with a focus on ensuring fair pricing and equitable access to the kerbside, in collaboration with officers and relevant cabinet members.

It was highlighted that the Task Group anticipated involving expert interviews and discussions, committee meetings, and consultations with various community groups, including Brent Action on the Climate and Ecological Emergency (ACE Brent).

The proposed membership of the Task Group would consist of the following non-executive members:

- Cllr Mary Mitchell (Chair)
- Cllr Anthony Molloy
- Cllr Saqib Butt
- Cllr Janice Long
- Cllr Jayanti Patel
- Cllr Ajmal Akram

Having reviewed the report, it was **RESOLVED** to agree the establishment of the Kerbside Management Scrutiny Task Group, noting the membership and terms of reference outlined within the committee report.

## 7. **Build Quality in Brent**

Councillor Benea (Cabinet Member for Regeneration, Planning & Property) was invited to introduce the report relating to Build Quality in Brent, which focused on how the Council sought to uphold build quality in new build council housing, as well as the refurbishment of community and social infrastructure and facilities for children and young people. The Committee was reminded that the Council

delivered a significant portfolio of construction-related projects, including affordable housing, mixed-use developments, and facilities for children and young people.

Three main categories of project delivery were outlined for the construction-related projects, namely council-led schemes, open market acquisitions and developer-led schemes. For council-led schemes, the Council had greater control over its own projects to ensure and deliver high-quality buildings and facilities. By working through the Royal British Institute of Architects Plan of Work, the Council undertook activities, functions, and mechanisms to deliver its capital projects through the pre-construction stages, construction stage, and handover and building operation stages. These included procurement considerations, external professional services, support, and contractual mechanisms. In relation to acquisition schemes, the Council was not directly responsible for build quality requirements, as these were the responsibility of the developer and their appointed consultants and contractors. However, the Council employed its own professional service providers to monitor the developer's progress, supervise construction, and report to the Council, which in turn would cover any issues to be raised with the developer. Similarly, with regard to development agreement schemes, the build quality was the responsibility of the developer, but they were accountable to the Council. The Council also employed its own professional service providers to monitor performance, and in long-term partnerships, the incremental release of further sites helped incentivise positive behaviours regarding build quality.

It was acknowledged that the Council had experienced build quality issues in the past, such as with Granville New Homes and contractors going into administration during live projects. However, the Council, through the measures discussed within the committee report, aimed to reduce the risk of such occurrences to ensure the delivery of high-quality buildings to its residents. Alice Lester (Corporate Director Neighbourhoods and Regeneration) advised that the report effectively set out the different touchpoints where the Council had accountability and governance mechanisms to scrutinise the progress of schemes on sites and the quality being delivered and referenced the mitigations available when issues arose. In citing the example of Granville New Homes, recognising it as a considerable failure of build quality, it was noted that oversight and scrutiny had significantly improved since that time. It was hoped that the measures established within the committee report provided the Committee with reassurance that the Council had been taking the necessary actions to continually address such issues. Tanveer Ghani (Director of Property and Assets) further added that there was a fine line between build quality, wear and tear, and mismanagement or the use of substandard products or features.

Having thanked Councillor Benea, Alice Lester and Tanveer Ghani for introducing the report, the Chair then moved on to invite questions and comments from the Committee in relation to the Build Quality in Brent report, with the following comments and issues discussed:

- A member expressed concern with the report, stating that while the report discussed processes and precautions, it lacked an analysis of performance. The member highlighted significant defects in build quality within various blocks in their ward and expressed disappointment at the absence of an evaluation of the system's effectiveness. In response, Alice Lester (Corporate Director Neighbourhoods and Regeneration) requested specific examples of the problems identified by the member for further investigation.

Following up, the member cited the lack of analysis regarding the issues with Granville New Homes, noting that the roof had been installed incorrectly. Recent developments in South Kilburn were also referenced, where blocks signed off in the last four to five years were experiencing serious problems. The member referred to a survey conducted approximately eight years ago with an architect and a surveyor, which detailed numerous defects in new blocks developed in the preceding six to seven years. The findings had been sent to Brent Council, but the response was to only remedy the identified defects rather than address the underlying issue of poor build quality. Alice Lester (Corporate Director Neighbourhoods and Regeneration) acknowledged the need for more detailed information and noted that some issues might be related to building maintenance, which fell outside the Council's remit, rather than initial build quality. Gerry Ansell (Director Inclusive Regeneration and Employment) stated he had not been made aware of the case mentioned but expressed willingness to investigate further if more details were provided. The Chair explained that the report had been submitted for review concerning design and build practices as well as management of repairs with concern expressed that the report did not address why the buildings were initially constructed to a substandard quality, leading to ongoing repair and maintenance issues. Both Alice Lester and Gerry Ansell stated that they were not aware 2017 report referred to, which had been circulated before either of them were in posts relating to South Kilburn. The Chair emphasised the need for a robust approach to identifying trends and gaps in build quality to improve future designs. The Chair noted that while the report indicated an interest in feedback and improvements, there was evidence that feedback had not been treated as a learning opportunity in the past three years.

- Following on, the Chair sought examples where feedback about poor build quality had been received and had subsequently influenced design, checks, and construction practices in current projects. In response, Tanveer Ghani (Director of Property and Assets) explained that all schemes involving contractors working directly for the Council included a 12-month defect liability period. During this period, any reported issues could be rectified by the contractor. The Hillside development in Stonebridge was cited as an example, where residents issues with electrical heat management had led to considerations for future systems and controls. Reference to latent defects was also made, which could be addressed even after the defect liability period, with certain contract payments retained to ensure contractor accountability. The Committee was reassured that the Council was investigating rights under defect and latent defect policies for issues such as those at Granville New Homes. The nature of design and systems was emphasised, noting that practices and technologies evolved over time.
- Members inquired whether there was any recourse against individuals who had signed off on build quality that was evidently substandard. In response, Tanveer Ghani (Director of Property and Assets) advised that the Council had appointed two forms of support for managing and supervising construction on site: an employer's agent and a clerk of works, who served as an independent supervisor on the quality of construction. It was detailed that the clerk of works ensured that critical aspects, such as fire safety and fire stopping, were signed off before proceeding with further construction

stages. Following on from the previous question, members queried whether any of these functions were performed in-house, to which Tanveer Ghani (Director of Property and Assets) clarified that all such functions were subcontracted, with consultants and contractors procured based on a specification of services. In continuing the response, Neil Martin (Head of Capital Delivery) provided an example of pursuing litigation and arbitration against both the contractor and the architects for the Wembley Primary School build completed in 2008. It was noted that the Council had received compensation for poor design and construction quality, highlighting that opportunities for recourse existed through contracts with both contractors and designers. This raised related questions around whether there could be recourse against multiple entities, including those who signed off on build quality that was substandard. Tanveer Ghani (Director of Property and Assets) responded that recourse depended on the transaction between Brent and the developer at the time, specifically on the collateral warranties requested as part of the conditions to purchase the development. It was emphasised that future acquisitions now insisted on such conditions being met before deal completion, reflecting lessons learned.

- Further details were sought on the building sign off process, with concerns being raised about private firms signing off on non-compliant builds. It was questioned whether these firms were effectively regulated. Inquiries were also made regarding the Council's legal and financial recourse against private firms selling building control services. In response, Alice Lester (Corporate Director Neighbourhoods and Regeneration) advised that for private developments using private building control approved inspectors, any complaints or defects were solely between those parties. For Council schemes, it would be important to seek legal advice regarding potential recourse against private firms.
- The Chair further inquired whether it was Brent Council's current policy to use in-house building control services for all projects under its control, to which Alice Lester (Corporate Director Neighbourhoods and Regeneration) responded affirmatively.
- Clarification was sought around whether issues identified in previous builds had been incorporated into future checklists to ensure they were covered in future sign-offs. Additionally, members inquired about the start of the 12-month defect liability period. In response, Tanveer Ghani (Director of Property and Assets) confirmed that the defect liability period commenced the day after the practical completion certificate was received. It was further explained that when a contractor handed over a building, it was because all contractual obligations had been fulfilled. Separate entities or organisations would then be procured for full fit-out if required.
- Questions were raised around the responsibility for subcontractors under a main contractor. In response, Tanveer Ghani (Director of Property and Assets) advised that before awarding a contract, the Council obtained a parent company guarantee to ensure accountability, supported by performance bonds and / or parent company guarantees.

- The Chair reiterated the need for performance information in the committee report, emphasising the importance of demonstrating how feedback from past projects had influenced current practices and welcomed the opportunity for any future reports to provide examples of successful identification and rectification of poor build quality.
- In response to further questioning, the Committee heard that at present, there was only one contractual dispute related to a large development similar to Granville New Homes. Additionally, there were outstanding Parent Company Guarantee (PCG) claims on schemes built under the school capital programme. These represented the broad scope of current disputes involving completed developments, with issues arising from contractors either not being present or responsibilities shifting.
- The Chair inquired when it had been Brent Council's practice to exclusively use in-house inspectors, to which Alice Lester (Corporate Director Neighbourhoods and Regeneration) advised this had in place for been approximately two years. However, it was noted that during procurement, the decision on appointing a building control inspector lay with the contractor, although the Council strongly encouraged the use of its own inspectors. It was clarified that it could not be made a condition of procurement. Tanveer Ghani (Director of Property and Assets) further added that, during his tenure at Brent Council, the advice given to all bidders was to liaise with building control, as it was the Council's preference. However, it was reiterated that the Council could not obligate contractors to use its services, as they operated in the commercial world and sought the best value in appointing a building control inspector. It was noted that for schemes where the Council was self-delivering, the Council had managed to use their own building control services, whereas developer-led schemes tended to be more flexible in their approach.
- Further details were also sought on whether the Council had ever terminated a contract with a private firm for failing to meet building inspection standards. In response, Tanveer Ghani (Director of Property and Assets) explained that while the Council could not terminate a contractor and their supply chain, it could appoint its own employer's agent and clerk of works to oversee the project. It was further stated that payments to developers were withheld until all checks and balances were agreed upon on-site, ensuring accountability.
- Following up, details were sought on whether the Council had any knowledge of private firms being removed from the register by the building safety regulator for failing to fulfil their legal duties. In response, Alice Lester (Corporate Director Neighbourhoods and Regeneration) informed that she was not aware of any such removals and noted that the building safety regulator had only been operational for a short time and had faced significant challenges and backlogs. It was further mentioned that no schemes had yet been signed off by the regulator at Gateway 3 and she was not aware of any accredited inspectors operating in Brent having been disbarred. It was acknowledged that one or two accredited inspectors had gone into administration, causing problems on private schemes, not any Council schemes.

- Members were keen to seek details on the role of the fire brigade in inspecting buildings and how their checks differed from building control inspections. In response, Neil Martin (Head of Capital Delivery) explained that the London Fire Brigade was a statutory consultee on the fire plan as part of building control sign-off. For non-high-risk buildings (below 18m or seven storeys), Building Control and the Council used internal services, with the London Fire Brigade consulting on the Fire Strategy, potentially involving site visits. For high-risk buildings, the responsibility lay with the building safety regulator. Following up, members expressed concern about buildings failing fire inspections and inquired about the responsibility for addressing these failures. In response, Neil Martin (Head of Capital Delivery) detailed the process of building control application and sign-off, involving the submission of plans to Brent Council Building Control and consultation with the London Fire Brigade. It was explained that once a building was signed off, any subsequent fire incidents would be investigated to determine responsibility, whether due to accident, arson, or building faults. The responsible body, whether that be a tenant, occupier, or the building owner or operator, would then address the issue based on the investigation's findings. In providing further details members heard that the London Fire Brigade (LFB) served as a consultee to the broader building control application. It was the responsibility of building control, whether through a private approved inspector or internally via Brent Council's building control, to sign off on the building. This process was complemented by the Building Safety Act (BSA) principal designer and the BSA principal contractor, who signed a document affirming that the principal design had been executed in accordance with building regulations. Similarly, the principal contractor confirmed that the construction had adhered to building regulations. These three bodies collectively signed off to certify that the building had been constructed in compliance with building regulations, which included a fire safety assessment.
- Details were sought about the role of political oversight in the process of monitoring build quality. In response, Tanveer Ghani (Director of Property and Assets) informed that the officers had fortnightly catch-up meetings with the lead member, during which updates were provided on various capital programme projects, including new build housing, community infrastructure, and facilities for children and young people. It was stated that, as per the Constitution, officers were required to engage the lead member before formally awarding contracts of a certain value. This process involved consulting with the lead member on the project, propose recommendations, seeking feedback and any points of clarification before proceeding with any decision. Additionally, for matters requiring cabinet-level decisions, there was further consultation with lead members prior to presenting the issue to the cabinet. The Constitution was designed to ensure engagement with members before making decisions. Following on from the previous question, members questioned the extent to which monitoring around build quality was discussed in the fortnightly briefings with the lead member. In response, Tanveer Ghani (Director of Property and Assets) highlighted that the Council had a good track record of the schemes it had built and their quality. It was noted that all homes delivered by the Council as a developer had not encountered defects or challenges. Historical schemes within the schools

programme were occasionally discussed with the lead member where there was material information to update or guidance to seek. It was acknowledged that these matters could be protracted, requiring significant time to reach a developed stage before presenting them to the lead member for review and consideration. Alice Lester (Corporate Director Neighbourhoods and Regeneration) further noted that the lead member was also updated on the progress of any contractual disputes with suppliers.

- Views were sought from Councillor Benea (Cabinet Member for Regeneration, Planning and Property) as lead member to share her perspective on ensuring the highest standards of build quality. In response, Councillor Benea (Cabinet Member for Regeneration, Planning and Property) conveyed that since her recent appointment as lead member, she had engaged with officers on various issues during lead briefings and site visits in South Kilburn and Wembley. It was emphasised that political oversight involved overseeing and holding officers accountable, but it was not a full-time operational role. It was highlighted that the role concentrated focus on asking questions, being informed, and addressing residents' concerns by raising them with officers. Following up, the Chair sought reassurance that the quality of construction was a priority issue. In response, Councillor Benea (Cabinet Member for Regeneration, Planning and Property) affirmed that build quality was indeed a priority and reiterated that these matters were discussed in lead member briefings and that clarification from officers was regularly sought on these issues.
- Members sought reassurance on the mechanisms in place to ensure lessons were learned from previously identified issues. In response, Tanveer Ghani (Director of Property and Assets) articulated that the Council had employer's requirements (ERs) to ensure contractors fully understood the Council's expectations. The ERs were last updated in 2021 and were subject to continual revision to reflect changes in legislation, regulations, and service deliverables. The importance of maintaining updated ERs to adhere to the latest standards was emphasised. It was further noted that the issuance of practical completion certificates was contingent upon addressing all building safety issues, with the Council's building control team conducting thorough compliance checks before issuing the certificate. Any identified issues were rectified prior to the issuance of the certificate. Alice Lester (Corporate Director Neighbourhoods and Regeneration) additionally mentioned that the Council had a comprehensive checklist to ensure builds met required standards and provided an example where lessons were learned from a previous issue involving incorrect bin store sizes due to Veolia not being involved in the design. This error was subsequently rectified by including bin store requirements in future checklists. This raised related questions from members around an issue in Chalkhill where bin stores were omitted from the design process and questioned how such issues were identified in the initial design phase. In response, Alice Lester (Corporate Director Neighbourhoods and Regeneration) explained that the starting point was the brief to the architects, outlining the scope of work. It was acknowledged that the omission of bin stores should not have occurred and stated that full details would need to be provided if an investigation into this was required.



- Members sought examples of how residents or tenants had been engaged in the design and construction process. It was also questioned how their concerns were tracked and addressed, and how this information was used to inform future schemes. In response, Tanveer Ghani (Director of Property and Assets) explained that existing users or occupiers of sites were a fundamental part of the design and engagement journey and cited three mixed developments - Preston Community Library, Learie Constantine Centre, and the Brent Indian Community Centre - where ground floor facilities were designed in alignment with the community's needs. Regarding resident engagement, it was further mentioned that pre-planning consultation events for large schemes, which included public events, drop-in sessions, online material, and resident feedback was followed by a planning application and statutory planning consultation, providing tenants and residents with formal opportunities to raise concerns and speak at Planning Committee where necessary. The Council's responsibility to both existing and new residents was emphasised, ensuring that they were part of the development journey. Following up, members inquired how issues for existing tenants were dealt with, to which Tanveer Ghani (Director of Property and Assets) highlighted that for Council-led construction projects, periodic newsletters were sent to residents within the vicinity, including contact details for site managers and officers. Reference was also made to a recent site visit with Councillor Benea as part of the development of the new SEND school site on London Road. The distinction between issues for Neighbourhoods and Regeneration and Housing Management teams was noted, where issues relating to Housing Management within the 12-month liability period were referred back to the construction team for resolution.
- Concerns were raised around the placement of bins against fire alarm buttons and exit buttons, questioning why this was not considered during the design phase. In response, Tanveer Ghani (Director of Property and Assets) acknowledged the issue and argued that it could also be a matter of considerate use by those handling the bins. It was recognised that the omission at Learie Constantine Centre had been addressed by ensuring Veolia's involvement in the design process for future schemes, including considerations for drop curbs, bin opening doors, and bin sizes.
- Members sought details around how buildings were designed to be resilient to climate change. Additionally, the Chair emphasised the importance of ensuring the highest design standards, reflecting the realities of residents' lives and future pressures such as climate change, flooding, and drainage needs. It was questioned what measures were being taken to go beyond legal compliance to achieve high-quality, fit-for-purpose builds. In response, Tanveer Ghani (Director of Property and Assets) detailed that each site had a drainage strategy, including CCTV inspections of existing infrastructure to identify issues. The importance of appointing skilled professionals to design provisions for flood risk, surface water management, and general water attenuation was emphasised. Reference was made to Preston Community Library, where an attenuation tank was installed after repairing drainage in collaboration with Affinity Water. The challenge of less permeable surfaces due to increased building density was noted and the need for collaboration with statutory stakeholders to maintain existing drainage systems was emphasised. Confidence was expressed in the high quality of current

schemes, citing developments in Wembley and South Kilburn. The importance of using the 12-month post-handover period to address issues and inform future schemes was also highlighted.

- Members raised concerns regarding emerging issues in the newer blocks, specifically those up to five years old in South Kilburn, with the primary issues highlighted as the failures of heating systems and hot water systems. It was noted that Unity Place was currently experiencing the worst problems, attributing these to poor build quality. In addressing the concerns regarding Unity Place, Archika Kumar (Head of Estates Regeneration) clarified that the recent issues involving the lack of electricity in eight homes over the bank holiday weekend were related to utility and substation problems. It was emphasised that these were not attributable to build quality but rather to utility provision, which was currently being resolved.
- Members inquired about future legislation and its impact on development, specifically with regards to initiatives aimed at increasing recycling in flats, transitioning from gas boilers to heat pumps, and other forthcoming changes. Concerns were expressed about the potential cost impact on residents and the need to ensure these changes did not hinder the Council's development plans. In response, Alice Lester (Corporate Director Neighbourhoods and Regeneration) indicated that the Council conducted horizon scanning to anticipate future legislative changes and cited examples, such as the Edgware Road scheme, where the Council proactively included additional stair cores to comply with anticipated building safety regulations. It was noted that similar proactive measures were taken for the Wembley Housing Zone and the Fulton Road development.
- Members sought clarification on the impact of these proactive measures on the Council's build programme, particularly in South Kilburn and Wembley. Further concerns were expressed around potential delays and long-term costs associated with rethinking and redesigning developments, to which Alice Lester (Corporate Director Neighbourhoods and Regeneration) highlighted that the primary factor slowing down development was viability and assured members that no current schemes required redesign due to forthcoming legislative changes. Tanveer Ghani (Director of Property and Assets) further added that the Council had two live schemes awaiting planning determination. The difficulty in securing viability for new affordable housing, particularly social rent, due to market conditions was also highlighted.
- Further details were sought about pending legislation that may come into effect within the next 2 to 5 years and its potential impact on viability. It was also questioned how requirements such as additional stair cores could affect development costs and space utilisation. In response, Alice Lester (Corporate Director Neighbourhoods and Regeneration) clarified that while fire safety measures and additional stair cores did impact viability, no current schemes required such redesigns. The cost implications and loss of space associated with these measures was also acknowledged. In continuing the response, Neil Martin (Head of Capital Delivery) discussed upcoming legislation related to district heat networks and government consultations on heat tariffs and billing which would affect communal heating systems and

district heating systems, particularly in South Kilburn. Members were assured that future-proofing measures were being incorporated into current developments. Additionally, the Council's efforts in the school building programme were highlighted, noting that new projects included air source pumps and solar panels to meet regulatory standards for fabric and insulation. The new SEND school on London Road, was rated BREEAM outstanding, making it potentially one of the greenest buildings nationally.

- Details were also sought about the frequency of significant drops in design quality in current council projects or recently delivered projects post-design phase. In response, Neil Martin (Head of Capital Delivery) provided context by explaining that while there might be minor reductions in quality, such as a drop from a 98.6% BREEAM rating to 95%, the overall quality remained high. It was emphasised that planning for high-quality design was essential, but practical realities, such as material shortages, could impact the final outcome. For example, the current shortage of bricks might necessitate using alternative materials, which could slightly alter the appearance but not the quality. It was assured that any changes made were to maintain good quality and meet project objectives, even if they differed marginally from the initial design.
- Following up, the members requested a general indication of the level of any drop in specification in terms of build quality from the design stage to the final product over the last five years. Performance feedback was also sought on the success of upholding high-quality design versus the final outcome. Neil Martin (Head of Capital Delivery) stated, in response, that the Council had consistently aimed to deliver high-quality buildings. It was acknowledged that while changes might occur, such as alterations in appearance, the functional quality remained intact. It was noted that assessing the drop in quality might be subjective, as changes in appearance did not necessarily equate to a drop in build quality. The Chair then expressed interest in a review to understand the extent of the drop in quality between the design stage and final delivery, emphasising the importance of having data to scrutinise the Council's performance in maintaining high standards. In response, Alice Lester (Corporate Director Neighbourhoods and Regeneration) acknowledged the need for such a review and suggested that, while resources might be limited, sampling could be conducted to gather the relevant data.
- Members inquired about the Council's measures to ensure that third parties appointed under the Building Safety Act 2022 were competent and met statutory requirements. In response, Neil Martin (Head of Capital Delivery) explained that the procurement process involved setting out requirements and asking questions about the technical capacity and ability of third parties to meet those requirements. For example, under the Building Safety Act, the Council was required to appoint a principal designer under which the appointed party must demonstrate appropriate qualifications, understanding of building regulations, and experience with similar projects. This process ensured that all design disciplines and contractors satisfied the necessary scope and specifications.

- Inquiries were also made around the establishment of the building safety regulator, its impact on local authorities like Brent, and the improvements to build quality for residents. In response, Neil Martin (Head of Capital Delivery) confirmed that the building safety regulator had been established and was under the responsibility of the Health and Safety Executive. It was noted that the Council's input was limited, as the role was led by the Health and Safety Executive. It was further mentioned that the Edgware Road scheme was currently at the planning stage, explaining that the first gateway of the Building Safety Act involved submitting a notification to the building safety regulator during the planning determination period. Subsequent gateways would involve submissions by the building safety principal designer. It was indicated that unless the building safety regulator employed the Council's internal building control team for a specific case, the Council's influence over the regulator was minimal. Alice Lester (Corporate Director Neighbourhoods and Regeneration) added that the Council's building control officers were part of an organisational group of local authority building control officers, which engaged with the building safety regulator and the Local Authority Building Control (LABC) as the representative body. It was noted that concerns about delays had been raised, and some categories of schemes were delegated to the Council's building control to act on behalf of the building safety regulator, with associated fees.
- It was questioned whether there had been any impact on improvements to build quality as a result of the building safety regulator. In response, Neil Martin (Head of Capital Delivery) informed that decisions had been made at gateway 2, but it remained premature to ascertain the full impact on build quality. It was noted that delays in processing applications had been reported, and the true impact would only be evident once the backlog was cleared and work commenced on site.
- In responding to further queries around the impact of infill projects on current residents, the confidence in the system of checks, climate-proofing of buildings, and the role of the building safety regulator, Alice Lester (Corporate Director Neighbourhoods and Regeneration) explained that for certain categories of development, particularly larger schemes, the building safety regulator stage (known as gateway 1 at the planning stage) had recently been introduced, where the regulator would review building regulations. Neil Martin (Head of Capital Delivery) added that the building safety regulator's involvement was limited to high-risk buildings over seven storeys or 18 metres. For other projects, the Council's building control service or an approved inspector would make decisions. The Council's approach to drainage was detailed, including site surveys, CCTV inspections, and compliance with London Plan requirements for flood risk mitigation.
- Details were also sought about the status of the legislation discussed in the spring of 2022, which was expected to mandate that local authority building control teams would have the final sign-off on projects. Reasons were sought as to why this legislation had not been implemented and why local authority building control teams were not the default option. Clarification was also sought on whether this legislation had led to an increase in private developments using the Council's building control services. In response,

Alice Lester (Corporate Director Neighbourhoods and Regeneration) conveyed that the earlier discussion pertained to the default option for council-led schemes. It was clarified that the accredited inspector regime had not been abolished, and private developers still had the option to use accredited inspectors if they preferred. It was further mentioned that the building safety regulator had the ability to delegate some building control sign-off responsibilities to local authority building control for certain categories of applications, effectively making the local authority the default sign-off authority on behalf of the building safety regulator. However, it was noted that there were no statistics available to determine whether the workload had increased since the changes were introduced.

- Members questioned what measures had been taken to encourage private developers to use the Council's building control services as opposed to private companies. In response, Gerry Ansell (Director Inclusive Regeneration and Climate Resilience) acknowledged that the Council's building control service had faced challenges, including difficulties in retaining building control surveyors, which had resulted in a loss of market share. It was noted that the Council had struggled to secure more projects and that recruitment difficulties were ongoing. Despite efforts to market the services, the Council had lost ground, particularly in smaller-scale building control applications. It was further noted that the Council had expertise in modular and tall buildings, which some larger developers preferred. It was also highlighted the Council's efforts to develop its own staff, including the recruitment of two apprentices, but acknowledged that there was still a gap.

As a further query, members sought details regarding the reasons for the recruitment challenges. In response, Gerry Ansell (Director Inclusive Regeneration and Climate Resilience) cited a number of reasons for the recruitment challenges, including a shortage of people entering the industry and the fact that approved inspectors could offer higher salaries than local authority building control staff. It was further mentioned that the Council had implemented a market supplement to counteract this issue but still faced difficulties in retaining surveyors. It was also noted that several staff members were at or beyond the normal retirement age, and the Council was doing its best to retain the staff. It was emphasised that the recruitment challenges were not unique to Brent but were a national issue.

- As a final issue, further information was sought regarding whether contractors specified the accredited inspectors they intended to work with at the tendering stage, to which Tanveer Ghani (Director of Property and Assets) confirmed that contractors would typically provide quotes from different suppliers, including accredited inspectors, when submitting bids.

In seeking to bring consideration of the item to a close, the Chair thanked officers and members for their contributions towards scrutiny of Build Quality in Brent. As a result of the outcome of the discussion, the following suggestions for improvement and requests for additional information identified were **AGREED**:

### **Suggestions for Improvement**

- (1) Where appropriate, encourage contractors for council build projects/schemes to use Brent's building control services.

- (2) Conduct a survey to identify which council-owned buildings may fall within the scope of the Building Safety Act 2022 and/or the Defective Premises Act 1972 in relation to relevant defects, and assess whether there is potential for legal recourse.
- (3) Undertake a sampling review to assess design changes from the planning stage through to practical completion, and determine whether these changes have impacted build quality.
- (4) Undertake a sampling review to assess design changes from the planning stage through to practical completion, and determine whether these changes have impacted build quality.

### **Information Requests**

- (1) Share examples that demonstrate how feedback on build quality issues has led to tangible improvements in design and processes, helping to enhance build quality in subsequent projects or schemes.

*Please note that recommendations, suggestions for improvement and information requests may be subject to finalisation or refinement following the meeting, with the agreement of the Chair.*

## **8. Complaints Annual Report 2023/24**

Councillor Mili Patel (Deputy Leader and Cabinet Member for Finance & Resources) was invited to introduce a report providing a breakdown of complaints received by department and the top five issues of complaint for those respective departments. The report also provided a breakdown of the number of complaints that had been upheld, not upheld, partly upheld, rejected or withdrawn for each department, with further details provided in the appendices. In presenting the report, the Committee was informed that complaints served as important learning points for the Council, helping to shape the Council's priorities in many different ways and enable the Council to make necessary changes to achieve and further its priorities. Complaints also offered an opportunity for the Council to understand issues and put things right, also ensuring that they did not reoccur.

The Housing Management Score was notably high, with a high number of stage 1 and stage 2 complaints. Specifically, 60% of stage 1 complaints were upheld, and 75% of stage 2 complaints were upheld, indicating that fault was found in these cases. The Housing Needs department had also received a significant number of complaints at both stages 1 and 2, followed by the Customer Access Team. Although complaints regarding Adult Social Care and Children's Social Care followed separate statutory complaints procedures, both departments were still among the top six departments with the highest number of complaints received. It was reiterated that this data pertained to the period 2023 to 2024.

Having thanked Councillor Mili Patel for introducing the report, the Chair then moved on to invite questions and comments from the Committee in relation to the Complaints Annual Report 2023/24, with the following comments and issues discussed:

- As an initial query, members raised concerns regarding the high number of complaints around social work and communication, which accounted for over half of the complaints in 2023/2024 and the impact on performance and standards of care. Details were sought around the measures implemented to address this issue and improve future care experiences. In response, Claudia Brown (Director of Adult Social Care) acknowledged the concerns around communication, emphasising that the majority of complaints were related to inadequate updates on care plans, untimely processing, and lack of proactive follow-up. The initiatives undertaken to address these issues included targeting customer care through training programs for managers and social workers, introducing policies and procedures for responding to customers, with a standard operating model accessible to all staff since 2023, ensuring work practices were reinforced during supervision sessions, implementing training programs focused on general customer care and introducing standard letters to inform individuals of next steps and contact information post-assessment.
- Views were then sought regarding what lessons could be learned from a wider organisation perspective whether in terms of Adult Social Care (ASC) as an outlier with issues also noted in relation to the complaints upheld involving the contact centre, localities, and Looked After Children (LAC). In response, Claudia Brown (Director of Adult Social Care) advised that she did not regard ASC as an outlier, as indicated by the medium range of complaints in the adult social care report. It was noted that the majority of complaints related to service failure, predominantly in commissioning services, and communication issues. The need for improvement was emphasised, highlighting the importance of providing appropriate responses to customers. The volume of complaints was also contextualised, with it being noted that ASC served approximately 4000 service users.
- Clarification was sought as to whether the complaints received by ASC were related to recruitment and retention of staff. In response, Claudia Brown (Director of Adult Social Care) confirmed that the complaints were not significantly related to recruitment and retention of staff. Issues with timely responses and handover delays were acknowledged but it was emphasised that most complaints were related to communication. A number of measures to address these issues were cited, including ensuring thorough communication post-assessment, implementing templates for standard letters and monitoring complaints and developing customer care posts to improve communication.
- Details were sought on wider learning in relation to performance around communication. Councillor Mili Patel (Deputy Leader and Cabinet Member for Finance & Resources) agreed on the need to improve communication but did not feel this represented a chronic issue. Nigel Chapman (Corporate Director Children, Young People, and Community Development) added that while there were 41 stage 1 complaints, the number was relatively low compared to the total number of children in care (300), care leavers (600), and open cases (3000). The challenging nature of social work and the impact of difficult decisions on families was highlighted, which often led to complaints about communication. Martin Stollery (Principal Complaints

Investigator) further emphasised the importance of record-keeping to address disputes about communication. It was noted that clear records and detailed notes facilitated responses to residents' concerns and highlighted the practice of recording calls through the contact centre.

- Details were sought around whether there was a system in place where verbal communication was supplemented with written confirmation as part of the process. In response, Nigel Chapman (Corporate Director Children, Young People, and Community Development) informed the Committee of the use of the Mosaic case recording system, which provided opportunities for case note recording with families or children. Members heard that one of the practice promises was that information should be recorded in the Mosaic system to reflect discussions held, though it was acknowledged that there were situations where records were not maintained, and in such cases, complaints investigations often found in favour of the complainant due to the lack of documentation with the need to ensure information was accurately recorded reiterated.
- Members further inquired whether, as a matter of course, verbal communications were confirmed in writing, considering the potential for misunderstandings and language barriers. In response, Nigel Chapman (Corporate Director Children, Young People, and Community Development) noted that it was not always practical to confirm all conversations in writing. While communications were largely documented, staff also used work phones for informal communication methods preferred by young people, such as WhatsApp messages. It was acknowledged that in more contentious situations, social workers provided written confirmations to mitigate the risk of disputes. The importance of recording significant communications, especially in cases where there might be disputes with parents, was highlighted. Claudia Brown (Director of Adult Social Care) further added that under Adult Social Care, significant communication events were added to the client database, and staff were expected to update the database within 24 hours of a visit. It was noted that complaints often arose from failures to follow through on promises or untimely responses. The importance of timely communication and providing individuals with information about what to expect after interactions with social workers was emphasised. The introduction of the "Waiting Well" process was additionally highlighted to address issues related to long waiting lists.
- The Chair questioned whether there were additional measures from Adult Social Care that other departments could adopt to address similar issues. In response, Martin Stollery (Principal Complaints Investigator) emphasised the importance of record-keeping across all departments. It was noted that significant communications should be uploaded to databases rather than being stored in individual email accounts. The need for a cultural shift towards better record-keeping was stressed to ensure continuity of information, even where officers left the organisation. Amira Nassr (Deputy Director Democratic and Corporate Governance) further highlighted the importance of following through on actions set out in stage 1 and stage 2 complaints to prevent escalation. It was noted that ensuring actions were completed as promised was crucial to managing complaints effectively.



- Members sought clarification as to the responsible persons for checking whether visits had been made, if clients had been responded to in a reasonable time, and whether there was a process for recording visits and management-level checks. In response, Claudia Brown (Director of Adult Social Care) explained that there was a process in place through management supervision. During supervision, caseloads and any complaints were reviewed. All complaints were signed off by the Heads of Service, ensuring that the process was followed and complaints were addressed appropriately.
- Members were keen to seek details around addressing issues to avoid complaints and inquired about the potential for a technological solution. In response, Claudia Brown (Director of Adult Social Care) reiterated the introduction of standard letters to inform customers of what to expect post-assessments. It was noted that this initiative aimed to reduce complaints by providing clear communication and setting expectations. This approach was anticipated to enhance communication and reduce complaints over time. Nigel Chapman (Corporate Director Children, Young People, and Community Development) further mentioned the use of Power BI dashboards within the service area which tracked casework information, flagging overdue assessments and visits. The system enabled team managers to monitor their team's casework and ensured that key performance indicators (KPIs) were met. Members were reassured that tracking systems were in place to address issues.
- Members raised concerns regarding the rise in complaints about the commissioning and marketing of services in Adult Social Care, noting that paragraph 5.5 indicated an increase from 15 to 31 complaints. Details were sought around how teams were working with service providers to address these concerns and ensure that feedback from residents and their families was being incorporated to meet expected standards. In response, Claudia Brown (Director of Adult Social Care) detailed that all providers on the framework had undergone a robust process to be included. The commissioning service monitored these providers rigorously, with placement officers conducting regular visits to ensure compliance with requirements. Social workers raised service concerns if a provider was not delivering as expected or where complaints were received from customers. Common complaints included carers arriving late, which were addressed through the commissioning team. If issues persisted, a provider concern process was followed, working with the provider to improve service delivery.
- The Chair sought clarity around the factors behind the rise in complaints as noted in the report, which highlighted issues such as care package decisions, assessment delays, and providers not arriving on time or starting services late. In response, Claudia Brown (Director of Adult Social Care) acknowledged the issues highlighted and noted that improvements had been made in starting services through a clear process with commission brokers. A new database was being developed to monitor complaints against specific providers, allowing for more prompt and effective responses. The provider concern process varied based on the situation, with the Care Quality Commission (CQC) being informed where there were significant concerns.

The process would take approximately 3 to 6 months, and if improvements were not made, it was reported that the CQC could take action.

- Questions were raised around the frequency of placement officer visits, the turnaround time given to providers, and how delays in assessments were being tackled. In response, Claudia Brown (Director of Adult Social Care) informed that a new process for prompt Care Act assessments was being introduced, ensuring that individuals received some degree of support pending a comprehensive assessment. The new database was anticipated to help monitor and respond to complaints against providers more closely. It was also noted that the provider concern process was individualised, with the CQC being involved in significant cases.
- Members noted two partially upheld complaints regarding commissioning for Children and Young People (CYP) and requested further details regarding the complaints. In response, Nigel Chapman (Corporate Director Children, Young People, and Community Development) informed that the specific details of the individual complaints were not immediately available at the meeting but offered to provide a brief written update for the Committee.
- Members sought further details on the recurring themes or issues identified in stage 2 or stage 3 complaints and whether these were systemic issues within CYP. In response, Nigel Chapman (Corporate Director Children, Young People, and Community Development) noted that the issues were small in number, with themes including support for care leavers and ensuring care leavers understood their eligibility for services. Several issues were attributed to a transient staff group of personal advisers with efforts highlighted to recruit and retain a permanent workforce. Disputes between parents and the role of social workers in such situations, which sometimes led to complaints, were also conveyed.
- As a further issue raised, members inquired about complaints regarding direct payments in CYP and whether these were related to cuts in provision, expressing concern about potential increases in complaints next year. In response, Nigel Chapman (Corporate Director Children, Young People, and Community Development) clarified that the complaints were not related to cuts but to a more stringent approach to determining eligibility for services. The focus was on delivering services efficiently and reviewing care and support packages to ensure appropriate use of resources. It was also noted that support for children with disabilities had been growing significantly. Financial pressures and the need to spend money prudently was also acknowledged.
- Members sought examples of changes driven by complaints that resulted in procedural and process improvements, leading to a reduction in complaints from 2024-25. In response, Martin Stollery (Principal Complaints Investigator) drew attention to the appendices within the committee report, which listed service improvements arising from stage 2 complaints and outlined a number of examples in support.

- The Chair raised questions regarding the substantial number of complaints about Wates' performance in relation to housing repairs and inquired about contract monitoring, with a suggestion being made to invite the Housing Services Team and Wates to a future meeting for further discussion. In response, Martin Stollery (Principal Complaints Investigator) noted that Housing Services was best placed to address this issue but highlighted the expectation that contracts include clear requirements regarding complaints. It was suggested that the clauses of the contract should allow for recouping compensation from contractors such as Wates where complaints were upheld. It was indicated that this recommendation had been flagged to housing management for consideration.
- Members observed a notable increase in compensation payouts and requested further information on the reasons for the increase and measures taken to reduce payouts, particularly within the scope of resident services. In response, Martin Stollery (Principal Complaints Investigator) clarified that the increase in total compensation from 2022-23 to 2023-24 was approximately 7%. It was emphasised that the focus should not be on reducing compensation payouts but on dealing fairly with each individual case. The complaints service followed guidelines issued by the Ombudsman to remedy complaints appropriately with the emphasis on addressing the underlying issues. In continuing the response, Amira Nassr (Deputy Director Democratic and Corporate Governance) explained, as an example, that the Complaints team held regular meetings with housing management to identify trends and patterns in complaints which allowed the service to be made aware of areas with significant payouts and to implement necessary service improvements. Martin Stollery (Principal Complaints Investigator) further added that compensation payments for housing needs were increasing, and complaints were a standing item in Senior Management Team (SMT) meetings, ensuring ongoing dialogue regarding these issues.
- Members referenced paragraph 1.6 of the committee report, noting a 14% increase in stage 2 complaints, and requested additional context around this increase. In response, Martin Stollery (Principal Complaints Investigator) identified two key drivers: the housing crisis, leading to a year-on-year increase in housing needs stage 2 complaints and compensation payments, and the increased visibility of the Housing Ombudsman following the Rochdale case. The Housing Ombudsman had raised awareness among residents about their right to complain, enhancing the profile of housing management-related complaints. Amira Nassr (Deputy Director Democratic and Corporate Governance) further advised that when complaints were upheld, it did not necessarily imply that the Council had not initially upheld the complaint. The Ombudsman might also uphold the complaint, which could potentially skew the statistics.
- Details were sought around the mechanisms in place to ensure feedback from the Local Government and Social Care Ombudsman (LGSCO) or Housing Ombudsman was acted upon and monitored to prevent recurrence of issues. In response, Martin Stollery (Principal Complaints Investigator) confirmed that all decisions from the Ombudsman were entered into the complaints database and circulated to relevant officers and Corporate Directors. Each recommendation was assigned a timescale, as expected by

the Ombudsman, and a specific officer was designated to lead on completing the action. Evidence of completion was required to be uploaded to the database and sent to the Ombudsman to demonstrate compliance. Weekly reports were circulated to senior managers, highlighting any actions not completed within the specified timeframe, ensuring a rigorous process for compliance.

- Members questioned the extent to which complaints related to housing were due to misinformation or lack of correct information. In response, Martin Stollery (Principal Complaints Investigator) noted that there had been significant staff turnover in housing needs, leading to escalated complaints due to issues with communication relating to homeless applicants and had resulted in a lack of continuity and delays in casework. It was acknowledged that the situation was now improving with a more settled workforce. Poor communication and failure to follow up were identified as key issues, with specific legislative timescales for each stage of the homeless application not being met. These issues had been fed back to Housing Needs and incorporated into their improvement plans.
- The Chair sought details around whether there were any departments that were not responsive to the systems in place for in-year monitoring of complaints and the need for clearer improvement plans. In response, Amira Nassr (Deputy Director Democratic and Corporate Governance) advised of the engagement being undertaken with departments and noted, as an example, the implementation of a housing improvement plan. The responsiveness of senior managers and the importance of seeing the outcomes of these efforts was highlighted. The challenges posed by the housing crisis and temporary accommodation was acknowledged and no other areas of significant concern were identified. Members heard that specific interventions were in place to address cultural changes and improve responsiveness.

In seeking to bring consideration of the item to a close, the Chair thanked officers and members for their contributions towards scrutiny of Complaints Annual Report 2023/24. As a result of the outcome of the discussion, the following suggestions for improvement identified were **AGREED**:

### **Suggestions for Improvements**

- (1) Explore arrangements with third-party providers that enable the council to recover costs incurred from compensation paid out as a result of complaints related to their services.
- (2) That representatives from Wates and senior officers from Residents and Housing Services attend the committee meeting on 16 July 2025 to address questions related to the Housing Management Complaints Annual Report 2023/2024

*Please note that recommendations, suggestions for improvement and information requests may be subject to finalisation or refinement following the meeting, with the agreement of the Chair.*

9. **Scrutiny Progress Update - Recommendations Tracker**

In relation to the Scrutiny Progress Update - Recommendations Tracker report, the Chair reported that updated responses had been received from the Children, Young People, and Community Development team regarding committee inquiries in the Safer Brent Partnership report.

Responses had also been received from the Children, Young People, and Community Development team in response to committee questions concerning the Emerging Employment Strategy.

Updated responses had been received from Finance and Resources regarding outstanding committee questions relating to the Q3 financial forecast.

Updates had also been received from the Service Reform and Strategy team with regard to committee information requests concerning commissioning, procurement, community wealth building, and social value.

The Committee **RESOLVED** to note the updates provided within the Scrutiny Tracker.

10. **Resources & Public Realm Scrutiny Committee Work Programme 2024-25**

The Committee received a report from the Deputy Director Democratic and Corporate Governance, which presented the 2024-25 work programme for the Resources & Public Realm Scrutiny Committee.

In considering the report, members were advised that as this was the final meeting of the Municipal year, there were no further modifications to the work programme until the new work planning program was established in summer 2025.

Having reviewed the work programme report, it was **RESOLVED** to note the Resources & Public Realm Scrutiny Committee work programme for the 2024-25 Municipal Year.

11. **Any other urgent business**

No items of urgent business were identified.

The meeting closed at 8:54pm.

COUNCILLOR RITA CONNEELY  
Chair