



MINUTES OF THE RESOURCES AND PUBLIC REALM SCRUTINY COMMITTEE **Held in the Conference Hall on Thursday 9 June 2022 at 6.00 pm**

PRESENT: Councillor Conneely (Chair) and Councillors Akram, Miller, Long, Georgiou, Mitchell, S Butt, Bajwa, Ahmadi Moghaddam and Maurice

Also Present: Councillor Milli Patel (Deputy Leader and Cabinet Member for Finance, Resources & Reform)

1. Apologies for absence and clarification of alternate members

Apologies were received from Councillor Jayanti Patel. It was noted that Councillor Maurice would be present in his place.

2. Declarations of interests

Cllr Saqib Butt declared that he was on the planning committee when this decision was taken.

Councillor Maurice also declared that he was on the planning Committee when the decision was taken.

3. Deputations (if any)

None.

4. Call-In - Officer Key Decision: Award of Design and Build Contract for Morland Gardens Development

The Chair clarified the purpose of the meeting to those in attendance and made reference to the report which outlined the background of the called-in decision made by the Strategic Director – Regeneration & Environment in respect of the award of a contract for enabling works at Morland Gardens.

The Chair then invited Councillor Lorber to outline the reasons for the call-in, and the alternative action being sought, on behalf of those members that had called the decision in. Comments were made as follows:

- It was the view of the Councillors who had called the decision in, which the Council had not obtained all necessary legal rights to build on the Morland Gardens site.
- In relation to the proposed stopping up order, it was noted that there had been objections. This process could take up until March 2023. As the

decision to build was made in 2020, it was questioned why the stopping up order had only been applied for recently.

- The Strategic Director said in June 2021 that demolition would not go ahead until everything had been agreed, it was asked why this position had changed.
- It was noted that whilst the Council owned the land on which the Community Gardens were located, and whether the loss of trees in that area were contradictory to the Council's air quality plan.
- It was recommended that the Council not award the contract until all agreements were in place. If the Council failed to obtain a stopping up order, it was suggested that the decision be referred back to Full Council.

The Chair then invited Philip Grant, a member of the public who had requested to speak in support of the call-in, to address the Committee. Comments were made as follows:

- It was noted that the Council did not have all statutory approvals in place.
- Mr Grant highlighted that he had contested the proposed stopping up order due to environmental and public health reasons.
- Given the concerns raised, it was felt that the called-in decision needed to be reconsidered prior to the Council committing expenditure should the overall development not proceed.
- It was highlighted that the area was shown to have polluted air, which particularly affected children. A Health Inspector would decide next year whether that stopped the application.

The Chair then invited Melvyn Leach, a member of the public who had requested to speak in support of the call-in, to address the Committee. Comments were made as follows:

- It was noted that Brent Council and the Harlesden City Challenge Fund had both invested into the site in question. This had resulted in a tastefully restored heritage building, used as a successful new adult education centre.
- Furthermore, it was highlighted that 1 Morland Gardens was a listed heritage asset. Mr Leach told the Committee that such buildings were vital in helping students learn about local history in Brent.
- It was suggested that if the Council could not get approval to build on the extra land, it could draw up alternative plans that retained the historic Italianate villa as part of a modern development.
- Unless absolutely necessary for the redevelopment to go ahead, Mr Leach urged the Committee to prevent the unnecessary loss of 1 Morland Gardens and the community garden.

The Chair thanked Councillor Lorber, Philip Grant and Melvyn Leach for their contributions. The Chair then invited Alan Lunt, Strategic Director – Regeneration

& Environment, to respond to the representations made. Comments were made as follows:

- It was important to note that the called-in decision and the Morland Gardens planning decision were separate. Many of the issues outlined in the call-in form related to the planning decision, however the planning process was outside of the Committee's remit.
- It was noted that the contract awarded was a 'design and build contract'. The maximum risk in terms of finances was highlighted to be £1.1m.
- In regards to the stopping up order, it was noted that this could have been carried out earlier, and the Committee were assured that this would not happen again.
- The building of the project was partially being funded by a GLA grant, and as part of this process it meant that there was required to be evidence of the project beginning in order to receive the grant.
- Mr Lunt then went on to clarify the process of the stopping up order referred to by Mr Grant. In the event that objectors were not going away, the Council would then write to the Mayor of London to make a final decision. At the end of the 'design' stage of the contract, it would be clear what the outcome would be in regards to the stopping up order.
- With regards to the Community garden, it was noted that this site would be moved and still remain in the area, slightly closer to Brentfield Road. This would leave a minimal impact on the risk of pollution to residents.
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The Chair thanked the Strategic Director – Regeneration & Environment for his responses and then invited questions and comments from the Committee, with the following points raised:

- Councillor Long raised concerns about the consequences if the contract was not awarded. It was noted that this would result in going out to procurement once again, and in all likelihood losing out on the £6.5m grant. The resultant procurement process would also likely incur significant costs.
- Councillor Georgiou asked what scope the Local Authority had to extend the GLA grant. It was confirmed that there was scope to extend this, though the longer the process went on, the more likely that the grant would not be extended.
- Regarding the stopping up order, it was asked what factors had led to a delay in this. Mr Lunt noted that the order should have been pursued on the award of the planning application. Thus far, there had been two statutory objectors to the stopping up order, and at least four members of the public.
- Responding to a question from Councillor Miller, it was acknowledged that the 'design and build' tender would help to mitigate against some of the risks of a one-step tender.
- Councillor Miller went on to ask whether there were risks associated with the Committee adopting the second recommendation contained within the report. It was noted that the risk would then be down to whether the stopping up order was confirmed or not.
- It was confirmed that any objections to the stopping up order which were not withdrawn would be considered by the Mayor of London. Mr Lunt noted that in his experience, all stopping up orders had been confirmed.

- In response to a question from Councillor Butt related to the Adult Education Centre, it was confirmed that services at this location had already been moved. In terms of the other properties on the site including the villa, these were now vacant.
- In response to a question from Councillor Ahmadi Moghaddam referencing affordable rents, it was noted that these rents were only £10 more a week than social rents.
- Councillor Georgiou asked whether the benefits of the project outweighed the demolition of the heritage sites in question. It was noted that this question was dealt with by the Planning Committee, and that no demolition would take place prior to the stopping up order being awarded.
- Following this question, Councillor Long asked if there were any security costs pertaining to the protection of the heritage buildings. It was clarified that no security had needed to be deployed thus far, though may need to be so in the coming months.
- Councillor Conneely asked Mr Lunt for further clarity regarding the possibility of future schemes if required and the risks associated with the loss of the contract. The biggest risk was highlighted as being £1.1m and the loss of community assets and prospective council homes.

As no further comments were raised, the Chair thanked everyone for their contributions and then invited the Committee to consider the recommendations set out in the report in relation to the outcome of the call-in.

As a result of the discussions at the meeting it was **RESOLVED** that the Committee recommend, in line with section 2.1.1 of the report:

- The Committee does not wish to refer the matter back to the decision maker or to Council, at which point the decision is deemed to be confirmed and takes effect immediately following the meeting.

In summarising the discussion the Chair noted and the Committee noted the following points:

- The apology in regards to the application of the stopping up order was noted, though the Committee stressed the need for checks and balances going forward.
- There was also a commitment from the Committee to want to see genuinely affordable homes for residents going forward.

The meeting closed at 7.52pm

R Conneely
Chair