



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET

**Held in the Conference Hall, Brent Civic Centre on Monday 17 April 2023 at
10.00 am**

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

1. Apologies for Absence

An apology for absence was received from Phil Porter (Corporate Director Adult Social Care & Health) with Tom Shakespeare (Integrated Care Partnership Director) attending as his representative.

2. Declarations of Interest

No declarations of interest were made at the meeting.

3. Minutes of the Previous Meeting

RESOLVED that the minutes of the previous meeting held on Monday 13 March 2023 be approved as an accurate record of the meeting.

4. Matters Arising (if any)

None.

5. Petitions (if any)

There were no petitions submitted for consideration at the meeting.

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

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

7. Household Support Fund 2023/24

Councillor Donnelly-Jackson (Cabinet Member for Customers, Communities & Culture) introduced the report providing details on the Government's announcement regarding the extension of the Household Support Fund (HSF) from 1 April 2023 to 31 March 2024, seeking agreement to proposals for the subsequent allocation and distribution of the HSF in Brent.

In considering the report, members welcomed the extension of the HSF and proposed approach towards the allocation funding and support within Brent (as detailed in section 4 of the report) which it was felt highlighted the Council's ongoing

commitment to support vulnerable households and young people across the borough.

Having noted the increased demand for financial support as a result of the cost-of-living crisis and number of households being supported through the proactive initiatives outlined, along with the relevant eligibility criteria and guidance Cabinet **RESOLVED:**

- (1) To note Brent's allocation for the Household Support Fund (HSF) for the period 1 April 2023 to 31 March 2024.
- (2) To approve the proposed approach for allocating and distributing the HSF as set out in section 4 of the report.
- (3) To approve, subsequent to (2) above, the Corporate Director of Resident Services in consultation with the Cabinet Member for Customers, Communities and Culture exercising his authority to establish revised eligibility criteria regarding the Household Support Fund grant scheme as may be necessary to enable the appropriate allocation of funding.
- (4) Subsequent to (2) above, to approve the Corporate Director of Resident Services in consultation with the Cabinet Member for Customers, Communities and Culture being granted the authority to amend the Council's eligibility criteria during the lifetime of this Household Support Fund grant scheme if necessary for the reasons detailed in paragraph 3.6 of the report, subject to the parameters set by the Department for Work and Pensions in its Determination and Guidance.

8. Kilburn Library Development and Refurbishment

Councillor Donnelly-Jackson (Cabinet Member for Customers, Communities & Culture) presented a report that detailed the business case for investment to upgrade the premises and facilities at Kilburn Library.

In introducing the report, members were advised of the alignment of the project with the Council's core strategic objectives, Asset Management and the Library Service Action Plan with funding secured through a successful bid under the second round of the Arts Council England's (ACE) 'Library Improvement Fund' programme. This had resulted in the award of £231,000 in February 2023, with members pleased to note this had been matched with an additional allocation of £534,000 funded through the Council's Strategic Community Infrastructure Levy (SCIL) bringing the total budget allocated for the project to £765,000.

In welcoming the investment identified, members recognised the current poor state of repair of the existing facilities with the investment designed to ensure these were fit for purpose and able to meet expanded service delivery and community use requirements in an accessible and energy efficient way.

In commending the refurbishment and development proposals, members were keen to highlight their support for the investment as a means of enhancing existing facilities and providing a more flexible, modern and accessible resource for community use, recognising the social value provided through the borough's

libraries. Members also welcomed the use of SCIL funding given the level of support this investment would provide towards development and growth across the area and recognising the continued benefits identified through this type of financial contribution to support local community use, growth and development. As a final contribution Councillor Nerva, as a ward councillor for Queens Park, also commended the investment and refurbishment proposals highlighting how well used the existing facility were. Support was also expressed for the proposed investment in the garden, given the associated environmental and health and wellbeing benefits identified, in order to ensure a sustainable arrangement working with the local community for its future use.

Having considered the report Cabinet therefore **RESOLVED**:

- (1) To note the proposals to redevelop the library for reasons detailed in section 3.1 of the report.
- (2) To approve the project budget of £765k which would be funded by £231k from Arts Council England Grant and £534k from SCIL, on the basis outlined in section 4 of the report
- (3) To note that temporary facilities would be identified in the immediate locality while works were underway.

9. **Selective Licensing in the Private Rented Sector in Brent 2023**

Councillor Promise Knight (Cabinet Member for Housing, Homelessness & Renters Security) introduced a report seeking approval to renew and extend the private rented sector selective licensing scheme within the borough.

In considering the report Cabinet noted the recent growth in the private rented sector across the borough, with around 58,000 homes now privately rented (representing 46% of total dwellings). Members were advised the scheme would require landlords of privately rented accommodation within the designated areas to apply for a Council licence and comply with the property management licence conditions designed to ensure required standards were met in relation to property conditions and the way in which tenants are treated. Consultation on the proposed scheme had run for 12 weeks from October 2022 to January 2023, with 853 individuals and organisations having responded. In noting the detailed findings of the consultation process (as set out in Appendix 1 of the report) members were advised that in terms of an overall response, the majority of residents and businesses who engaged were in favour of the scheme with landlords less in favour or not all.

Cabinet noted that initial approval was being sought for a designation (as a proposed first phase) covering a total of three wards (Dollis Hill, Harlesden & Kensal Green and Willesden Green) for five years with these areas covering 18% of the Private Rented Housing Stock in Brent, on the basis of poor property conditions and anti-social behaviour.

Members thanked officers for the work undertaken to gather the necessary evidence to support development of the scheme along with the extensive nature of the consultation process. In welcoming the scope of the selective licensing scheme

in seeking to address poor property conditions and anti-social behaviour directly with private sector landlords, members were keen to recognise how this would ensure support and safeguards were provided for tenants within the private rented sector in the designated areas. Cabinet also welcomed and noted the additional work being undertaken in support of a possible further designation (Designation 2/2023) at the appropriate time.

Having noted the report and with no further comments, Cabinet **RESOLVED**:

- (1) To note the outcome of the consultation process detailed in the Consultation Findings Report of February 2023 and the report Appendices (Appendix 1 & 1A), the representations received and the Council's consideration thereof, and response to these representations as detailed within Appendix 2 of the report.
- (2) To note the consultation evidence (as detailed within Appendix 3 of the report) relating to the problems being caused by poorly managed privately rented properties, and that the report had considered that selective licensing would assist the Council in achieving wider objectives, as well as the alternatives to licensing.
- (3) To note the content of the Equality Impact Assessment as set out in Appendix 9 of the report.
- (4) To note the legal implications as detailed within section 11 of the report which set out the legislative requirements of selective licensing.
- (5) To note that upon approval, if granted, the scheme shall be publicised via an agreed communications plan, and in accordance with the regulations before the scheme comes into force.
- (6) To agree that the evidence report (included as Appendix 3 to the report) highlights that the legal requirements as set out in paragraphs 11.6 to 11.27 of the report for introducing Selective Licensing on the grounds of anti-social behaviour (ASB); and/or poor property conditions have been met regarding the proposed selective licensing designation.
- (7) To note that this designation falls within the description of designations in relation to which the Secretary of State has given a general approval under section 82 of the Housing Act 2004 and The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 as both the size of the private rented stock and the geographical area of the designation are under 20%
- (8) To agree, subject to (1) and (2) above, to authorise the designation of 3 wards for selective licensing to last for five years from the date of designations coming into force, and which cover the following Council wards as delineated and edged red on the map in Appendix 4 of the report:

Designation 1/2023: A selective licensing scheme designation in the wards of Dollis Hill, Harlesden & Kensal Green, Willesden Green under Part 3, s.80

Housing Act 2004 on the grounds of (1) poor housing (property) conditions and (2) ASB with effect from 1 August 2023 (in accordance with the criteria set out in the Housing Act 2004 and Selective Licensing of Houses (Additional Conditions) (England) Order 2015 , or at a later date in accordance with the statutory time required for the scheme to come into force.

- (9) To agree that the selective scheme described in (8) above shall be cited as the London Borough of Brent Designation No 1/2023
- (10) To agree the authority to issue the required statutory notification in relation to the Selective Licensing Scheme Designation 1/2023 is delegated to the Corporate Director of Residents Services, in consultation with the Cabinet member for Housing, Homelessness, and Renters' Security
- (11) To agree that, subject to the issue of statutory notifications, that the Corporate Director of Residents Services, in consultation with the Cabinet Member for Housing, Homelessness & Renters Security is authorised to decide the date from which the council will begin to accept applications for selective licensing.
- (12) To agree to the proposed fee structure for licence applications made under the Selective Licensing scheme set out in Appendix 7 and in section 9 of the report.
- (13) To agree that authority be delegated to the Corporate Director of Residents Services, in consultation with the Cabinet Member for Housing, Homelessness & Renters Security to agree the basis for, and level of any changes including discounts which may be applied to the licensing application fees.
- (14) To agree that the standard licensing conditions for licences granted in the proposed designation areas for selective licensing as set out in Appendix 8 of the report be approved and to authorise the Corporate Director for Residents Services, in consultation with the Cabinet Member for Housing, Homelessness & Renters Security, to make any minor variations to such licensing conditions.
- (15) To note that the Selective Licensing scheme will be kept under review at least annually and that any significant changes, including the withdrawal of a licensing designation or a proposal to introduce any new designation(s), will be subject to further decision by Cabinet.
- (16) To note the letters of support for the licensing proposals as attached in Appendix 10 of the report.
- (17) To note that a further report will be brought to Cabinet in 2023 regarding any further proposed designation.

10. **Community Grant (NCIL) Funding**

Councillor Donnelly-Jackson (Cabinet Member for Customers, Communities & Culture) introduced the report, which detailed the outcome of a review and proposed change in approach to the delivery of community grants, including the current arrangements for the Neighbourhood Community Infrastructure Levy (NCIL) programme agreed by Cabinet in 2020.

In considering the report members noted the current community grant offer and dates when each of the grant funds were scheduled to reopen for applications in 2023, along with the increase in demand and growth in the number of applications being received. In terms of the main focus of the current review, members were advised this involved NCIL, including a proposed change in name to Community Grant and model for allocation of funding in relation to non-neighbourhood areas as detailed within section 5 of the report. Members were advised this would not affect existing responsibilities, with the statutory requirement for NCIL funded projects being maintained under the new Community Grant model. The approach outlined would also provide for the allocation of up to an additional £500,000 “pot” designated for boroughwide projects that sought to mitigate the impact development had on the borough as a whole.

In thanking those officers involved for their work on the review and in developing the proposals, Cabinet welcomed the evolution of the community grants programme recognising this an additional benefit being delivered through the programme of regeneration across the borough for local communities to access. Planning officers were also thanked for their ongoing efforts in securing and collecting CIL contributions, with members recognising the increasingly challenging nature of the process and generation of future CIL receipts given the impact of current economic pressures on the construction sector within Brent and across London as a whole. Members also welcomed the communications and engagement plan designed to support the new Community Grant approach along with the enhanced due diligence and safeguarding checks to ensure applications continued to meet the required assessment criteria and were sustainable. As a final point, members also highlighted a need to ensure that the CIL Neighbourhood boundaries were reviewed, as necessary, to ensure they also reflected the recent change in ward boundaries.

Having considered the report and with no further comments, Cabinet **RESOLVED**:

- (1) To agree the name of Neighbourhood Community Infrastructure Levy (NCIL) Grant to be referred to as Community Grant (NCIL).
- (2) To agree to open one Community Grant (NCIL) round per financial year.
- (3) To agree to the amount of community grant to be released as set out in paragraph 5.1 of the report for distribution across the Brent Connects areas.
- (4) To agree to allocate up to an additional £500,000 ‘pot’ for boroughwide projects.
- (5) To agree to revise the award process for the Community Grant (NCIL) in line with paragraph 5.1 of the report.

- (6) To delegate authority to the Corporate Director Communities and Regeneration to undertake a consultation on neighbourhood priorities and consider the responses to the consultation and thereafter proceed with implementing the model for the community grant.

11. **Brent Civic Centre – Approval to commercially let Civic Centre surplus floor space(s)**

Councillor Mili Patel (Deputy Leader & Cabinet Member for Finance, Resources & Reform) introduced a report which, following approval of the Council's budget for 2023-24, set out the approach towards the letting of additional floor space in the Civic Centre to external organisations included as one of the agreed budget saving targets.

In considering the report, Cabinet noted progress with the Civic Centre 'restack' project, which had been designed to assist in rationalising use of the Civic Centre and optimise space available for external letting purposes. The restack project was scheduled to be completed by the end of April 2023 and was anticipated to release up to 19,309 square feet of additional space. Despite the challenging nature of the current commercial office rental market, a commercial property agent had been appointed to commence marketing of the additional space identified within the Civic Centre, including the potential to let space to a flex-operator with details of current negotiations (including existing tenants) outlined within the exempt appendix (Appendix 1) of the report.

Cabinet were supportive of the approach outlined and, having noted the exempt information contained in Appendix 1 of the report, therefore **RESOLVED** to delegate authority to the Corporate Director of Finance & Resources in consultation with the Cabinet Member for Finance, Resources & Reform to agree the terms of the lease(s) and enter into lease agreements with existing tenants, as highlighted in paragraph 3.4 of the report, and with prospective tenants identified through marketing.

12. **Section 75 agreement for Better Care Fund**

Councillor Nerva (Cabinet Member for Public Health & Adult Social Care) introduced a report seeking approval for the Council to enter into a partnership arrangement, under Section 75 of the National Health Service Act 2006, in respect of delivery of the approved Better Care Fund Plan with North West London Integrated Commissioning Board for 2023/24 and onwards.

In considering the report, members noted the innovative approach to the use of the Better Care Fund within Brent as part of a process of well-established collaboration and joint working between the Council and local health services through the Integrated Care Partnership.

Having noted the priorities outlined in relation to the Better Care Fund and details on how the Fund was being used to improve care arrangements Cabinet **RESOLVED**:

- (1) To approve entry into an agreement with North West London Integrated Commissioning Board pursuant to Section 75 of the National Health Service

Act 2006 in respect of the Better Care Fund to support integrated and jointly commissioned services for an initial period of one year for the financial year 2023/24, with the ability to extend the agreement by period or periods up to a further 4 years.

- (2) To delegate authority to the Corporate Director of Adult Social Care and Health in consultation with the Cabinet Member for Health and Social Care, to extend the agreement referred to in (1) above by such period or periods as are considered appropriate up to a further 4 years, such extensions to conclude by 31 March 2028.
- (3) To approve the transfer of the Council's pro rata contribution as set out in paragraph 4.1 of the report for the financial year 2023/24 to the Better Care Fund pooled budget.
- (4) To delegate authority to the Corporate Director, Adult Social Care and Health in consultation with the Cabinet Member for Health and Social Care and the Corporate Director, Finance and Resources to make annual financial contributions to the Better Care Fund pooled budget for subsequent financial years provided that there is no substantial change in partnership arrangements.

13. **Review of the Use of Regulation of Investigatory Powers Act 2000**

Councillor Mili Patel (Deputy Leader & Cabinet Member for Finance, Resources & Reform) introduced the report, which informed Cabinet of the Council's use and conduct of surveillance techniques in accordance with the Regulation of Investigatory Powers Act (RIPA) 2000 and sought approval to changes within the Council's RIPA policy.

In considering the report, members noted the decline in use of RIPA over recent years, with zero RIPA Directed Surveillance or Covert Human Intelligence Source (CHIS) authorisations in Brent during 2022-23 and two request for Communications Data, as detailed within section 3 of the report. Members were advised that the predominant use of RIPA was now focussed around the enforcement of trading standards controls and in the context of serious fraud investigations. Members were advised that the Council's RIPA policies, procedures and practice were subject to periodic inspection by the Investigatory Powers Commissioner's Office (IPCO), with the last inspection undertaken in March 2020. No recommendations had been identified as a result of the inspection with the next review due around 2023-24.

In terms of the changes proposed to the Council's RIPA policy, members were advised these related to the need to incorporate powers introduced within Sections 37 to 44 of the Police, Crime, Sentencing and Courts Act 2022 (PCSCA), which had come into force in November 2022 and provided additional power to extract (communications) data held on electronic devices as well as the need to reflect changes in officer titles as a result of the Council's recent senior management restructure.

Having considered the report and welcomed the outcome of the last inspection, Cabinet **RESOLVED**:

- (1) To approve the proposed changes to the RIPA policy attached as Appendix A to the report.
- (2) To note the oversight role of Audit & Standards Advisory Committee (ASAC), and that this matter was considered by the committee at its meeting on the 21 March 2023.
- (3) To note the oversight role of the Monitoring Officer (MO) and regular reviews being undertaken by the MO and senior management.

14. Exclusion of Press and Public

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

15. Any other urgent business

Councillor Muhammed Butt (Leader of Council) took the opportunity to formally thank Carolyn Downs for her hard work, dedication and support to the Cabinet during her time as Chief Executive, noting this would be the final Cabinet meeting in advance of her retirement.

The meeting ended at 10.20 am

COUNCILLOR MUHAMMED BUTT
Chair