



Questions from the Opposition and Other Non-Cabinet Members

Full Council – 10 July 2023

1. Question from Councillor Choudry to Councillor Krupa Sheth (Cabinet Member for Environment, Infrastructure & Climate Action) and Councillor Farah (Cabinet Member for Safer Communities and Public Protection)

According to the last official data from Department for Transport (DfT), in Brent 13 blue badges have been lost or stolen, with 173 in Ealing and 11 in Camden respectively. Residents have recently reported an upswing in the theft of blue badges.

Could both the Cabinet member Environment, Infrastructure and Climate Action and Cabinet member for Safer Communities and Public Protection highlight the enforcement work Brent Council is undertaking, alongside the Met Police to tackle the rise of blue badge thefts, and the obstacles to overcome in any transition to an electronic solution?

Response:

- The Council are aware of a spate of Blue badge thefts both London-wide and in Brent and officers in the Independent Travel Team, Audit and Investigations, and Healthy Streets and Parking have been working collaboratively to tackle blue badge thefts and fraud.
- The average time it currently takes the Independent Travel Team to process and issue a replacement Blue Badge is usually three weeks.
- Residents should report Blue Badge thefts to the Police and there is also an online reporting tool on the Council's website that directs the user to the gov.uk 'Replace a Blue Badge' form.
- To minimise the inconvenience to residents, a temporary badge is issued to provide residents with the ability to park their vehicle on the road in which they reside and avoid receiving a Penalty Charge Notice for not having their badge displayed. The temporary badges have a unique URN which Civil enforcement officers can then check and validate by entering the URN into their handheld device.
- However, Blue badge holders can also park on yellow lines where there are no loading restrictions in place for up to 3 hours displaying their blue badge and time clock, where it would not impede safety or traffic. The temporary badge does not provide this facility.

- Civil Enforcement Officers in the Parking service can check on a database whether a vehicle is displaying a stolen Blue badge, and take enforcement action including, towing vehicles away, issuing PCNs, and confiscating Blue Badges.
- Officers in the Parking Service work closely with Audit and Investigations and the Police in tackling blue badge fraud, and arrange days of action, targeting know hotspots, with operations in Willesden Green, Kingsbury and Wembley. A total of 127 badges were checked, which resulted in a total of 21 Penalty Charge Notices (PCNs). Six PCNs were issued against vehicles illegally displaying a Blue Badge, of which three vehicles were removed and three Blue Badges were confiscated. An operation in Hassop road resulted in 24 Blue Badges inspected, five PCNs issued including two vehicles being removed for Blue Badge related offences.
- In 2022-23 the Audit and Investigations Service oversaw 23 successful prosecutions and 31 cautions/warnings relating to Blue Badge fraud and offences. In addition to these outcomes, the cases where appropriate are filed to the [Cifas National Fraud Database](#), which helps to further prevent and detect fraud. Criminal proceedings and cautions have been instigated (at various stages) with a further 24 live cases.
- Monthly meetings are being arranged with officers and the Police SNT to share data and identify local trends, and there are also future plans to provide more information on our website to deter theft and misuse.
- The Council have entered into a contract with RingGo for cashless parking services commencing on 4th July 2023, including permits. Officers will discuss the feasibility of introducing a virtual permit scheme for residents to use Disabled or resident parking bays outside their property without the need to display their blue badge.
- The theft and supply of stolen Blue Badges appears to be a widespread and increasing problem both Nationally and across all London boroughs. Our continued collaboration and joint-working between internal and external partners, demonstrates that the Council maintains a zero-tolerance approach to all types of Blue Badge fraud within the borough.

2. Question from Councillor Kennelly to Councillor Knight (Cabinet Member for Housing, Homelessness and Renters Security):

Recent reports suggest, damp and mould are responsible for nearly a third of category one hazards in London councils, more than twice the proportion seen across England as a whole. Brent Council handed out the most category one hazards in London for mould and damp, at 138 in the year to March 2022 — the latest period for which figures are available.

Could the Cabinet member for Housing, Homelessness and Renters Security provide an update on the work we do in partnership with Housing Associations and other housing providers to remediate cases of mould and damp in properties?

Response:

The Council has a very successful Private Housing Service which undertakes enforcement action within the Private Rented Sector. The figures referred to in Councillor Kennelly's question relates directly to this service's action within Brent and we should see it as a positive that as a Council we have issued such a high rate of Category 1 hazard notices. This does not indicate levels of damp and mould are higher in Brent than anywhere else, but that we are doing something about it and holding landlords to account with the powers we hold.

With Housing Associations, the Council does not hold any powers to take enforcement action in cases of Damp and Mould, this is the role of the Regulator for Social Housing.

In February 2023, the Regulator published its initial findings following a review of Damp and Mould in England's Social Housing whereby all large Registered Providers were required to provide information. The Regulator found the following:

- Most social landlords understand the extent of damp and mould in their tenants' homes and take action to tackle it, but could strengthen their approach.
- The vast majority of people living in social housing have homes that are free from damp and mould.
- Some landlords submitted poor quality responses that lacked the detail needed for RSH to have confidence about their approach to tackling damp and mould.
- It is estimated that less than 0.2% of social homes have the most serious damp and mould problems, 1-2% have serious damp and mould problems, and a further 3-4% have notable damp and mould.

What is acknowledged by the Council is how detrimental Damp and Mould can be for residents and this is sadly evidenced by the death of 2-year old Awaab Ishak.

To hold Housing Associations to account, I meet with the largest on a quarterly basis and can confirm each have had to outline how they are improving their management of damp and mould to myself and senior managers within Housing. This is also an opportunity to escalate any serious cases if required via the Affordable Housing and Partnerships Team.

The key message however is that whilst the Council can support the Regulator by upholding the expectations in our discussions with Housing Associations, this should be done in parallel with the proper reporting procedures for such cases. Not following the reporting procedure can seriously delay an investigation into the case for residents. I ask all members to ensure if they are aware of residents living with damp and mould in social housing to report it to their Housing Association and if they are unsatisfied with the response, use the complaints process, all the way through to the Regulator for Social Housing and Housing Ombudsman.

3. Question from Councillor Chan to Councillor Farah (Cabinet Member for Safer Communities and Public Protection) and Councillor Nerva (Cabinet Member for Public Health and Adult Social Care):

Many Harlesden and Kensal Green residents have approached myself, Councillor Kelcher and Councillor Mili Patel to voice their opposition to so-called adult gaming centres, which prey on some of the most vulnerable segments of society, and blight our neighbourhoods.

Could the Cabinet Member for Safer Communities and Public Protection and Cabinet Member for Public Health and Adult Social Care provide an update on the actions of the Council to address both gambling as a public health issue, as well as the associated anti-social behaviour, and confirm what steps the council can take to prevent the proliferation of these so-called adult gaming centres.

Response:

London Borough of Brent is the statutory licensing authority in relation to gambling and adult gaming centres by virtue of the Gambling Act 2005.

The Act requires local authorities to produce a 'statement of principles' to apply when carrying out their licensing functions which must be updated every three years. This policy cannot create new requirements for applications outside of the Act and cannot override applicant's rights to apply for a licence. However, it can require applicants to consider local issues and request they set out how they can contribute towards positively addressing them.

The Gambling Act 2005 states specifically, that a licensing authority may not have regard to the expected demand for the facilities in determining whether to grant a premises licence. Unlike the alcohol licensing regime, the Act does not apply the prevention of public nuisance or anti-social behaviour (ASB) as a specific licensing objective.

Brent's 'Statement of Gambling Principles' was dated 2019 -2022. It was agreed as an interim measure, to renew its contents until January 2024 as at the time, a new Gambling Bill was expected from Parliament following a wide-ranging review of gambling laws by the Department for Digital, Culture, Media & Sport. We will therefore be updating our policy over the coming months and consulting with councillors, residents and the gambling industry amongst others.

The long awaited [review](#) was published in April 2023. It sought to ensure government had the balance right between consumer freedoms and choice on the one hand and protection from harm on the other. The report acknowledged more was needed to protect those at risk of addiction and associated unaffordable losses.

One of the proposed changes to be introduced is a statutory levy on the gambling companies, requiring them to fund research, education and treatment. Another proposed initiative was about redressing the power imbalance between customers and gambling companies when things go wrong by creating a non-

statutory ombudsman that gives customers a single point of contact. There is also a commitment to continue to protect children from gambling.

In 2015, the government introduced changes to the planning system that removed a previous permitted development right from betting shops. This means that anyone wishing to change the use of an existing building to a betting shop will need to apply for planning permission to do so in addition to applying for a premise licence.

The statement of gambling Principles includes the local planning policy which restricts the number of adult gaming centres and the locations of these.

The Council has no additional public health powers which would allow action on adult gaming centres. The current licensing regulations do not include consideration of public health harm. However we are investigating the use of the Brent public realm, near licensed gambling locations, to run targeted gambling awareness of the support which is available for residents experiencing problems with gambling: 24/7 helpline 0808 8020 133 or online <https://www.gamcare.org.uk/get-support/talk-to-us-now/>). Brent Public Health have developed brief "making every contact count" training for front line staff to raise awareness of the potential harms of gambling and gaming"

In terms of managing ASB, then this must fall within the routine cycle of work with the police and other agencies to identify problems in town centre areas, to identify perpetrators using CCTV and our own enforcement patrols and to take appropriate and reasonable action (such as CPN sanction) against premises (where there is an established link) and individuals where they are identified. Establishing a direct link between ASB and gambling premises is likely to be difficult to establish, especially where problems are attributed to individuals and may extend to the wider town centre area.

4. Question from Councillor Georgiou to Councillor Knight (Cabinet Member for Housing, Homelessness and Renters Security):

Brent Council moved the cleaning for all of their estates in house in 2019. When this happened the amount that the Council spent on cleaning rocketed from £1.9m to £2.6m. When examined on an individual estate level, many of the increases in council spending were shocking with approximately 20 estates having a cleaning spend increase of between 200% - 655%; 58 having an increase of over 100% and 99 of just over 200 estates managed by Brent having an increase of over 50%.

Leaseholders across the borough are rightly questioning why the consultation documentation they were sent (see attached) had no indication that they could face such huge increases in charges. After complaints, Brent hired a consultant (at a cost of £27,435) and following their report reviewed the cleaning hours across estates. However, a number of concerns remain, including:

1. The consultant recommended a decrease across the borough of 21% in cleaning hours stating that current performance was -21% less effective than industry standard. Brent was spending £2,666,116 on cleaning for 2021-22. Following the consultant visit this was revised down to £2,522,198 representing a 5% decrease in overall spend. This is a worryingly large discrepancy and much less than that recommended.
2. Whilst there has been a reduction in spend on some estates following the review of cleaning hours many are still facing stratospheric increases with examples such as Longely Avenue in Alperton; Overton Close (increase of 806%); Tillet Close (increase of 790%); Owen Way (increase of 672%) and Henderson Close (increase of 320%).
3. The consultant report stated "*reviewing the frequency of cleaning within the specification is key to making sure it meets the demands of the properties.*" Leaseholders were also informed "*with the cleaning service back in house, it will give tenants and leaseholders much greater control over the service they pay for as we are committed to developing a resident led system which works well for all of us.*" I am aware some residents, including one estate where over half supported by the Chair of the Residents Committee, have requested a less frequent service but these have been denied by the Council.

As part of the change to in-house cleaning the structure of charging has also changed. Again this was not communicated to leaseholders. Each property owner, whether Brent or a leaseholder, now pays a fixed charge of approximately £154 per year for costs associated with cleaning and then also pays for the hours their estate is tended to. Brent have been told by the consultant they were overspending on cleaning hours and whilst the consultant did not examine these fixed costs it can only be assumed these are also being overspent on.

It is concerning to note that Brent Housing had promised leaseholders they would adhere to the consultants recommendations for hours spent cleaning estates, yet this was something they went on not to do when the hours were reviewed. Residents only found out via a Freedom of Information request this promise had

been broken. I am therefore concerned that Brent Housing have gone against these recommendations on estate across the borough and, as a result, are wasting money that could be better spent elsewhere.

Can the Cabinet Member for Housing, Homelessness and Renters Security therefore advise:

- (1) Why Brent Council is ignoring the recommendations of the consultant they spent so much money in hiring to review cleaning hours on housing estates; and
- (2) Why the Council seem intent on wasting taxpayer and leaseholder money that could be put to better use.

Response:

The Council insourced Caretaking services in September 2019, following a drop in performance and increased dissatisfaction with the service among residents.

When the service was insourced the level of spend increased as a result of the following:

- Increase in staffing wages to meet the London Living Wage and then a further increase in line with the wider market
- Provision of new uniforms and equipment
- Purchase of new vans and repairs to tipper trucks
- Lease of additional welfare cabins

Prior to being insourced to the Council, it was apparent the Caretaking service had been operating with poor working conditions for staff.

Service charges are based on the cost to run the service. It is illegal for the Council, like any provider to profit from delivery of the service.

It is as a result of these improvements to standards, equipment and working conditions that spend rose from £1.9m to £2.6m.

It is with much regret that following bringing the service in house a substantial mistake occurred and the calculation of the cleaning hours apportioned to the 700 Council owned blocks across Brent was incorrectly made. This led to leaseholders in many blocks being either over or under charged.

Work immediately began to review the cleaning charges and took a considerable amount of time to correctly establish. Once this was completed those who had been over charged were refunded. However, those under charged were not pursued, and instead the Council absorbed this cost at its own expense in recognition of its fault.