



LONDON BOROUGH OF BRENT

MINUTES OF THE GENERAL PURPOSES COMMITTEE Tuesday 21 January 2014 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor R Moher (Vice-Chair) and Councillors Hirani, Kansagra, McLennan, J Moher and Pavey

Apologies for absence were received from: Councillors Brown, Hopkins and Lorber

1. **Declarations of personal and prejudicial interests**

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 7 November be approved as an accurate record of the meeting, subject to the following amendments:

- (i) that Councillor J Moher be included in the list of those present and removed from the list of Councillors marked as Also in attendance;
- (ii) that the first sentence of the second paragraph under the item 'Time off policy and procedures' be amended to refer to special leave to sit as a Justice of the Peace (JP), replacing the reference to Jury Service.

3. **Matters arising**

None.

4. **Deputations (if any)**

None.

5. **Appointments to Sub-Committees / Outside Bodies**

None.

6. **Review of Polling Districts and Polling Places**

Sean O'Sullivan (Electoral Services Manager) presented a report to the committee detailing a recent review of polling district boundaries and polling places in Brent and setting out recommendations for future electoral arrangements in the borough. The review had been held in accordance with the Electoral Administration Act 2006

and the subsequent Review of Polling Districts and Polling Places Regulations 2006 which required that each electoral registration authority in England, Scotland and Wales undertake such a review every four years. The Council was obliged to give notice of the review and to consult with interested parties. As part of the review, the Returning Officer for Brent had been obliged to prepare a report on arrangements for the authority. The report set out the Returning Officer's recommendations for alternative polling station locations where existing venues had become unavailable and some adjustments to polling district boundaries where districts had outgrown the capacity of the polling station location. Members' attention was drawn to the summary of the Returning Officer's proposals and consultation feedback provided by Ward. The meeting was advised that any changes agreed by the committee would be incorporated into the Revised Register for Brent being published on 17 February 2014.

Sean O'Sullivan referred members to the recommendations listed at paragraphs 2.1 to 2.13 of the report; in addition to these, the committee was also asked to consider the proposals for Brondesbury Park Ward as set out at paragraph 3.10 of the report.

During the subsequent discussion, the committee sought clarification regarding arrangements for the proposed polling place at the Civic Centre, including parking for electors and location of tellers. A query was raised regarding the processes in place to ensure an elector attending the wrong polling station was appropriately redirected. Noting its current unavailability, a member commented that the Father O'Callaghan Centre had been an important and well located polling place for electors. In contrast, it was considered that the Holy Innocents Church Hall, to which it was proposed the polling place be moved, was poorly located. It was agreed that further exploration of suitable venues for the polling place for polling district NFR1 would be undertaken. The committee further advised that the proposal to transfer the properties in Tanfield Avenue to polling district CDU2 should be extended to include properties in nearby Lovat Close.

Responding to the issues raised, Sean O'Sullivan advised that discussions were being held with the building managers for the Civic Centre regarding parking; it was possible that the private road next to the building could be utilised. Electors would be directed to the main entrance of the Civic Centre and tellers would be informed of this. It was explained that the proposal to relocate a polling place to the Civic Centre had been driven by the growth of the polling district which had made the current polling place less suitable. The committee was assured that the council was obliged to write to any electors affected by any changes. Furthermore, polling station staff were trained to ensure that they were able to redirect any electors attending the wrong polling station. If staff encountered any difficulties, they would be able to contact the electoral services office for advice.

RESOLVED:

- (i) that, in view of the current unavailability of the Willesden Green Library in Brondesbury Park Ward, the polling place for polling district HBP1 be the community room of George Furness House on Grange Road;
- (ii) that properties in Sidmouth Road, which currently fall into polling district HBP1 be transferred into polling district HBP3;

- (iii) that the former Brent Town Hall polling place in Barnhill ward be replaced in 2014 by temporary huts in the vicinity of the town hall and that negotiations be held with the new owners for the use of part of the building as a polling place in future years;
- (iv) that properties in Tanfield Avenue and Lovat Close in polling district CDU 1 be transferred to CDU2 polling district;
- (v) that in view of the unavailability of the Father O'Callaghan Centre, a temporary hut be placed in the district, the exact location to be consulted on with the three group leaders;
- (vi) that properties in Salmon Street in polling district NFR6 be transferred into NFR4;
- (vii) that properties in Chadwick, Fawcett and Fry Roads in polling district CHA2 be transferred to polling district CHA4;
- (viii) that the polling place at St John's United Reform Church in Kenton ward be replaced by St Gregory's Science College;
- (ix) that the polling place at Moberly Sports and Education Centre in Queen's Park ward be replaced by ARK Franklin Academy (formerly Kensal Rise School);
- (x) that properties in Mortimer Road in polling district HQP2 in Queen's Park ward be transferred to HQP3;
- (xi) that properties in North Way and Tintern Avenue in polling district NQY3 in Queensbury ward be transferred to NQY5;
- (xii) that the polling place at St Joseph's Social Club in Tokyngton ward be replaced by the Civic Centre;
- (xiii) that properties in Lincoln, Napier and Scarle Roads and part of Chaplin Road in polling district NWC2 in Wembley Central ward be transferred to NWC3;
- (xiv) that the polling places approved at this meeting be adopted for the Municipal and European Parliamentary elections on 22 May 2014;
- (xv) that in the event of any polling station becoming unavailable before the May 2014 elections, authority be delegated to the Democratic Services Manager to make any further changes required to polling places for these elections in consultation with the leaders of the three political groups on the Council.

7. Calculation of Council Tax Base 2014/15

A report setting out the council tax base calculations to be used for 2014/15 was presented to the committee by Conrad Hall (Chief Finance Officer). The level of council tax base set would be used in the calculation of the council tax for 2014/15

and regulations required that the council tax base be set by 31 January, prior to the start of the financial year.

It was explained that the calculation was initially based on the council tax base return submitted to the Department for Communities and Local Government (DCLG) in October 2013, which was used in government grant calculations. For 2014/15 the tax base used in grant calculations was 81,900 Band D equivalent properties. This reflected the decision taken at the Council meeting on 18 November 2013 regarding discounts and premiums and the proposed council tax support scheme being considered by Council on 20 January 2014. The 81,900 figure assumed 100 percent collection of council tax; in practice, actual amounts collected would vary and it was considered prudent to assume an overall eventual collection level of 96.25 percent for 2014/15. This estimated level of council tax collection took into account improvements in recent years of in-year collection and the smaller than anticipated reduction of collection rate in 2013/14. It was therefore proposed that the council tax base for 2014/15 be set at 79,205, representing an increase of 2,014 over the figure for 2013/14. This would form part of the overall calculation of the Council's budget.

RESOLVED:

- (i) that the collection rate for the council tax for 2014/15 be set at 96.25%;
- (ii) that, in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992, the amount calculated by the council as its council tax base for 2014/15 be set at 79,205.

8. **Calculation of Business Rates Income 2014/15**

Conrad Hall (Chief Finance Officer) presented a report to the committee setting out the calculation of the estimated income from National Non Domestic Rates (NNDR), also known as Business Rates, to be used for 2014/15. This figure would be used in the calculation of the council tax requirement for 2014/15 and was required to be agreed by 31 January 2013. It was explained that the estimate for the actual income figure (or net rate yield) for 2014/15 would be based on a return to the Department for Communities and Local Government (DCLG) called the NNDR1. However, due to changes introduced in the Autumn Statement there had been delay in the DCLG issuing the required NNDR1 form. Members were advised that the government had stated that local authorities would be fully reimbursed for the cost of these changes and had produced a draft NNDR1; this had been used as the basis for recommending that the estimated income from NNDR for 2014/15 be set at £113.82m, of which Brent would retain 30 percent (£34.146m). It was acknowledged that it might prove necessary to amend the calculation as more details were released by the DCLG and therefore it was recommended that the Chief Finance Officer be given delegated responsibility to amend the proposed figure if appropriate.

Members were advised the net rate yield for 2014/15 was calculated by applying a multiplier set by the government to the aggregate rateable value for Brent as at 31 December 2013; this was a fixed figure based on the Valuation Office's (VO) valuations for all Brent properties at that date. The resulting figure was then

adjusted to account for various uncertainties. It was emphasised that due to these uncertainties, it could be very difficult to accurately estimate NNDR income. In particular, it was difficult to predict the impact of appeals against the Valuation Office. There were approximately 1,000 appeals outstanding, accounting for 24 percent of the total rateable value. In the case of successful appeals, the DCLG had indicated that it would allow the costs of backdated refunds to be spread over five years to avoid large fluctuations in income. The council was required to undertake a further calculation at the end of each year of a surplus or deficit on the NNDR part of the collection fund, with Brent either receiving or bearing responsibility for 30 percent of this.

During members' discussion, it was queried whether the council had any powers to ask the VO to reassess a property or to seek assurance that the VO was satisfied that the correct valuation had been made. Clarification was sought on whether the council was responsible for the entire repayment in cases of successful appeals against the VO, noting that prior to 2013/14 there was no local retention of business rates.

In response, Conrad Hall advised that the council was not able to challenge a valuation of a property, as it was understood that this right only extended to the bill payer. In view of the considerable backlog of appeals, it was unlikely that the council could encourage the VO to re-examine a property; however, questions would be put to the VO regarding the processes by which it determined that valuations were correct. It was emphasised that the maximisation of NNDR income was best achieved by encouraging and attracting business to Brent. With regard to responsibility for backdated repayments following successful appeals, Conrad Hall advised that local authorities were currently bearing this burden, despite there having been a different system in place prior to 2013/14. The legislation had not been explicit on this matter and Local Authorities were making representations.

RESOLVED:

- (i) that the estimated income from NNDR for 2014/15 be set at £113.82m;
- (ii) that it be noted that Brent would retain 30 percent of the estimated income from NNDR for 2014/15, equaling £34.146m;
- (iii) that authority be delegated to the Chief Finance Officer to amend these figures to reflect any changes necessary once the final guidance from the Government had been produced.

9. **Gifts and Hospitality Policy and Procedures**

A report introducing an updated Gifts and Hospitality Policy for the committee's consideration and approval, was presented by Cara Davani (HR Director). The draft policy, attached at appendix 1 to the report, had been updated to incorporate legislative changes; namely, those introduced by The Bribery Act 2010. It was required by the Bribery Acts, that there be the widest coverage of staff involved in delivering council services; accordingly, the policy would, in future, apply to agency and interim staff.

Cara Davani explained that the proposed policy provided greater clarity on the type of function/hospitality/gift which could or could not be accepted and drew members' attention to key changes. It was noted that the policy no longer distinguished between what had to be declared and what had to be both declared and authorised by a manager; rather, under the new policy anything declared also required managerial authorisation. Members were further advised that the introduction of the revised policy would be supported by an electronic recording system, which would facilitate regular monitoring. Audit and Investigations would be responsible for monitoring the application of the policy on an annual basis. The online register would be reviewed by the Audit team and any concerns would be raised with the operational directors to ensure proper and consistent use of the policy. It was proposed that, if approved, the policy would become live on 17 February 2014 to allow sufficient time for feedback following a managers' briefing.

In the subsequent discussion, a member queried whether the council would publish the online register of staff declarations. The committee also sought clarification regarding the process for tickets occasionally provided to the Council by Wembley Stadium and allocated by ballot to staff. It was commented that tickets from Wembley Stadium were only provided when an event had not sold out and were marked as £0 value. It was further queried whether staff, for whom it was necessary as part of their role to attend particular events such as cultural or sporting events, would be required to declare and receive authorisation in respect of these. A member noted that the policy allowed for gifts to be accepted in particular cases where refusal might otherwise cause offence, for example those provided by overseas delegates where the norm was to give a gift. The member sought further detail regarding the types of gifts that might be permitted in these circumstances.

Cara Davani advised that the council was not obliged to publish the register. It was agreed that staff should not be required to make individual declarations for Wembley Stadium tickets obtained via ballot. Instead, a single declaration on behalf of the council could be made; the question of who would make this single declaration would need to be addressed and the policy amended accordingly. The policy allowed for staff attending events as part of their role; these required management approval and must be recorded on the register. Conrad Hall (Chief Finance Officer) explained that if an individual officer was unclear whether a gift should be accepted, the issue should be escalated to the relevant manager. Decisions would be made on a case by case basis and it was expected that officers would err on the side of caution when doing so.

RESOLVED:

- (i) that the revised Gifts and Hospitality Policy and Procedures be approved subject to the following amendment:
 - a. That staff should not be required to make individual declarations for tickets provided to the council by Wembley Stadium and distributed to staff via ballot.
- (ii) that the HR Director, in consultation with the Leader and the relevant trade unions, be authorised to make such other changes as may be necessary from time to time to the Gifts and Hospitality policy and associated procedures to ensure they remain relevant and 'fit for purpose'.

10. **Whistleblowing Policy and Procedures**

Cara Davani (HR Director) presented a report setting out a revised Whistleblowing Policy to the committee, advising that the policy had been updated in consultation with the council's designated Whistleblowing Officer and as part of a wider review of all the council's employment policies and procedures. The policy applied to all staff and associated individuals, including agency workers and interim managers. No significant changes had been made to the existing policy but the opportunity had been taken to clarify its purpose and to ensure that it accorded with current legislation and best practice.

Members' attention was drawn to the revised policy attached at Appendix 1 to the report. Cara Davani advised that greater emphasis had been placed on the parameters which defined a legitimate whistleblowing disclosure. In line with current legislation, all disclosures had to be made in good faith, and in the public interest. Furthermore, a member of staff would not be able to instigate the Whistleblowing Policy in conjunction with or alongside another policy. Members were advised that a further amendment to the draft policy before them was proposed; namely the removal of the second paragraph under Section 6. The removal of this paragraph would commit the council to investigating all disclosures made anonymously, as far as was practicable with the information provided. It was intended that subject to the committee's approval, the policy would be implemented on 17 February 2014.

During the subsequent discussion, clarity was sought regarding the treatment of disclosures made by members of staff who had already instigated the other policies, such as the Grievance Policy. Cara Davani explained that any such disclosures would be investigated on completion of the policy in progress. The committee also queried the appropriate response of members should they be approached by employees of the council with a disclosure. Cara Davani advised that staff were not permitted to approach councillors in this respect and this action could be classed as misconduct. Staff should be referred to the Whistleblowing policies and procedures if they wished to make a disclosure. The Members' Code of Conduct, set out in the council's Constitution, detailed required standards of behaviour from Members.

RESOLVED:

- (i) that the Whistleblowing Policy and Procedures be approved, subject to the removal of the second paragraph of Section 6;
- (ii) that the HR Director, in consultation with the Leader and then consultation with the relevant trade unions, be authorised to make such other changes as may be necessary from time to time to the Whistleblowing Policy and Procedures.

11. **Pay Policy and Procedures**

Cara Davani (HR Director) introduced a report to the committee, proposing the adoption of a new Pay Policy, as attached at Appendix 1 to the report. The new Policy brought together the various pay arrangement operating within the council into a single policy document, ensuring greater accessibility for employees. No

significant changes were proposed to the pay arrangements in the new policy, except to ensure that they remained fit for purpose and were in line with best HR practice. Included amongst these changes was the establishment of parameters for the duration of acting up and honoraria payments and the length of secondments. The new policy would limit acting up and honoraria payments to 6 months, with the possibility of extension to 12 months if required and agreed by the HR Director and the relevant Operational Director. The new policy also provided clarification on the spinal column and pay grades on which an employee could be placed in such circumstances. Secondments would be limited to 12 months, other than in exceptional circumstances, as it was considered that any longer period ceased to be of any discernible benefit to the council.

With reference to Section 5 of the policy, 'Allowances', a member noted that the £102 payment per annum for first aiders was under review and sought further details. Cara Davani advised that the review had since been completed and no change was recommended to the payment. Most London authorities provided the nominal payment to first aiders as a good will gesture and to encourage staff to undertake the role. It was queried whether similar arrangements were in place for Fire Wardens. Cara Davani explained that there were not but advised that she would feed the point back to Sue Harper (Strategic Director, Environment and Neighbourhoods) who was responsible for the review.

RESOLVED:

- (i) that the new Pay Policy and Procedures be approved;
- (ii) that the HR Director, in consultation with the Leader and then consultation with the relevant trade unions, be authorised to make such other changes as may be necessary from time to time to the Pay Policy and associated procedures to ensure they remain relevant and 'fit for purpose'.

12. **Any other urgent business**

None.

The meeting closed at 8.20 pm

M BUTT
Chair