



MINUTES OF THE CALL IN OVERVIEW AND SCRUTINY COMMITTEE **Wednesday, 3 August 2011 at 7.30 pm**

PRESENT: Councillor Ashraf (Chair) and Councillors Mrs Bacchus, Gladbaum, Kabir, Lorber and HB Patel.

Also Present: Councillors Butt (Deputy Leader of the Council and Lead Member for Resources), S Choudhary, Jones (Lead Member for Customers and Citizens) and Powney (Lead Member for Environment and Neighbourhoods).

Apologies were received from: Councillors Denselow and J Moher (Lead Member for Highways and Transportation).

1. Declarations of personal and prejudicial interests

None declared.

2. Minutes of the last meeting held on 8 June 2011

RESOLVED:-

that the minutes of the last meeting held on 8 June 2011 be approved as an accurate record of the meeting.

3. Matters Arising

None.

4. Call-in of Executive decisions from the meeting of the Executive held on 18 July 2011

Decisions made by the Executive on 18 July 2011 in respect of the reports referred to in 4 a) and 4 b) below were called in for consideration by councillors for these to be considered by the Call In Overview and Scrutiny Committee in accordance with Standing Orders 6 (b) and 18.

4.1 Additional street cleansing savings

The reasons for the call in were:-

1. To allow public discussion and scrutiny of these proposals, which have not been subject to a public consultation (either these new proposals, or the original proposals to reduce street cleansing services), allowing alternative proposals to be developed.

2. To further consider the risk associated with on-going negotiations with Veolia and the possibility of their failure which may necessitate further reductions in the street cleansing service.

Suggested action for the Call in Overview and Scrutiny Committee to take:-

1. To consider whether alternative options to the single set of proposals put before the Executive could be developed.
2. For the Executive to consult on the proposed changes to Street Cleansing Services to ensure adequate democratic oversight has been carried out.

Councillor Lorber referred to the reasons for the call in of this item as set out in the agenda and expressed concern that the proposals represented the second reduction in the street cleaning budget this year and that this would impact upon the ability to maintain clean streets. He felt it was desirable to continue with the present street cleansing arrangements and he enquired whether any alternative options had been considered.

Councillor Powney (Lead Member for Environment and Neighbourhoods) was then invited to respond to the stated reasons for call in. Councillor Powney began by explaining that the savings included in the proposals were part of the council's wider savings target of £100m in the next four years. He stated that there had been considerable public discussion and scrutiny of the proposals and he did not think there was a serious risk to securing a desirable agreement with the contractor, Veolia. Councillor Powney suggested that it would be both imprudent and unrealistic to enter into further public consultation whilst negotiations with Veolia were ongoing. Furthermore, reopening consultation would lengthen these negotiations and delay the savings the council was looking to make.

During discussion by Members, Councillor Lorber commented that there had been extensive consultation prior to the waste management and street cleansing contract agreed in 2007 and the views expressed by the residents had influenced the nature of the contract. He suggested that the present proposals reversed many initiatives that residents had supported. Clarification was sought with regard to the change in frequency of sweeps as set out in item 3.3 of the report and what streets were classified as Zone 5 and why these changes were not going to be introduced at the same time as the proposed changes as set out in 3.10 of the report. It was queried what the implications would be in respect of the reduced weekend day service. Councillor Lorber asked what steps would be taken to ensure that the regular sweeps would include cleaning away leaf fall. Officers were asked to comment if there were any risk in the proposals in terms of not meeting duties with regard to the Environmental Act and associated legislation and what were the implications if reports from Keep Britain Tidy indicated that performance was dipping. Councillor Lorber suggested that reducing street sweeps would inevitably result in an increase in complaints and he asked how this would be addressed in terms of the standards set by the council. He felt that the views of the public had not been sufficiently sought with regard to the proposals and that alternatives should be explored. Councillor Lorber also enquired about the costs of providing a free bulky waste removal service and felt that there should be a re-consideration as to whether this should remain a priority.

Councillor Kabir stated that she had some concerns in respect of the reduction in street cleansing frequency and the potential environmental impact these would have, however she expressed satisfaction that the proposals avoided redundancies. She sought further details with regard to possible alternative options. Councillor H B Patel commented that the savings were larger than initially proposed and he sought more details as to how this could be achieved through agreement with Veolia. The implications of not reaching an agreement were also sought. Councillor H B Patel stated that falling leaves could present a real hazard with the possibility of increased accidents because of more leaves lying on the streets due to less road sweeps and he asked how this would be addressed.

Councillor Gladbaum asked why there was to be no Member involvement with regard to seeking further cost reductions with Veolia. An update with regard to the negotiations taking place between Veolia and the council with regard to waste collection arrangements and the forecast £410k shortfall for 2011/12 was sought. Councillor Gladbaum enquired whether the changes to clearing up of leaf fall would include parks and other public open spaces. She also asked whether both statutory and non-statutory consultation would take place with regard to the changes to the street cleansing service.

The Chair asked whether a consultation was a requirement because the proposals included a reduction in service. He sought views as to whether further savings to the contract may be proposed in future and also asked for a comparison between the cost of the contract upon commencement and what the current cost was. The Chair also commented that a lot of residents may not be aware of the changes and that the reduction in service may lead to increased complaints from them and he stressed the importance that councillors were made fully aware of the implications of the changes.

With the approval of the Chair, Councillor S Choudhary addressed the committee. Councillor S Choudhary commented that the geographical factors of various locations in the borough needed to be taken into account with regard to leaf fall, especially in areas of high tree density and he asked what steps were being taken to address this.

In reply to the issues raised, Michael Read (Assistant Director - Policy and Regulation, Environment and Neighbourhood Services) advised that the budget with regard to street cleansing had been agreed at the Council meeting on 28 February 2011. He advised that zone 5 streets were mainly residential and that as part of the street cleansing budget, it had been proposed to reduce the frequency of sweeps to once a week for these streets. This had been proposed because the refuse and recycling savings were unable to deliver short term savings due to the costs involved in buying new vehicles and bins, however these would achieve the desired savings in the longer term. The changes to the street cleansing service as set out in tables one and two in the report were not undertaken simultaneously as sweeps of zone five streets was a priced item and did not require negotiations with Veolia, resulting in these changes being agreed in October 2010 and implemented in March 2011. The proposed changes in table two involved negotiations with Veolia and those detailed reflected the outcome of these negotiations to date. Members heard that leaf sweeps were now to be included as part of the regular sweeps and Michael Read advised that discussions with Veolia were taking place

to ensure that the appropriate supervision was in place to ensure that this happened. He explained that the current arrangements meant that the leaf sweep was an addition to the usual road sweeps, however it was not felt that the £76k costs involved in providing this were justifiable in terms of the extra value it provided in the context of the savings that were required. Members noted in respect of waste collection and recycling, the shortfall of £410k for 2011/12 budget had been anticipated as a one-off shortfall and this is why additional savings from street cleansing were sought. Members noted that the budget requirements for 2012/13 and subsequent years would be met.

Chris Whyte (Head of Environment Management, Environment and Neighbourhood Services) confirmed that the ceasing of afternoon service at weekends meant that there would be no cleansing activity after 2pm on Saturdays and Sundays across all zones and the cleansing service at weekends would be less comprehensive than previously. In respect of the Wembley Stadium area, this was the responsibility of Wembley National Stadium Limited, whilst events at the Stadium were covered by separate operational arrangements. Members noted that zone 2 covered outlying shopping parades and local shopping centres. Chris Whyte advised that the council was no longer bound by the same environmental targets, however the Environmental Protection Act 1990 still needed to be adhered to. Veolia would remain bound by the agreed performance framework in respect of the contract and council inspections of the work undertaken would remain. In addition, Keep Britain Tidy would continue to undertake surveys and provide reports, however the council would not face any sanctions if the reports suggested standards were dropping, but this would be used for the council's information purposes. Veolia were also required to meet the Department for Environment, Food and Rural Affairs Code of Practice in relation to environmental matters. Chris Whyte added that although reducing the frequency of sweeps may potentially lead to cleansing standards dropping, the new provisions had been carefully thought through to minimise impact and to focus on areas which needed particular attention.

Chris Whyte advised that the cost of the waste management and street cleansing contract had been £14.1 million at the start of the contract in 2007. The introduction of compulsory recycling had required extra resources and had been the main reason why the cost had risen and there had also been increases in terms of the annual index. It was noted that the bulky waste removal service raised income of around £60k-£70k a year before charges had been dropped and the cost of providing a free service was £300k.

Councillor Powney advised that leaf fall collection contributed only a very small proportion to recycling. The changes to leaf collection and sweep frequency were due to financial necessity, however it was not perceived that health and safety would be compromised. Councillor Powney felt that a desirable agreement could be made in negotiations with Veolia and he and the Leader of the Council were due to meet Veolia on 15 August. He suggested that a briefing on street cleansing and recycling matters could be provided to councillors. The present contract was due to end in 2014 and there would be opportunities to seek improvements, which may include additional savings, for the new contract. Councillor Powney also explained that parks came under a different service area, however he would ensure that officers inform Councillor Gladbaum what the leaf fall collection arrangements would be for these locations.

Fiona Ledden (Director of Legal and Procurement) advised that a significant change to the service required consultation. In this case, the proposals included smaller changes with regard to the detail of some parts of the service and therefore consultation would not be a compulsory requirement.

Councillor Lorber expressed concern on the impact of a further reduction in street cleansing frequency and changes to leaf fall sweeps, whilst he also felt that the views of the public had not been sufficiently sought on the proposals. He put forward a recommendation to the committee that the Executive re-consider the proposals to reduce zone 5 street sweeps to once per week and the changes to leaf fall sweeps in view of the implications of these changes. The committee decided not to agree to this recommendation.

RESOLVED:-

that upon considering the report from the Director of Environment and Neighbourhood Services, the decisions made by the Executive be noted.

4.2 Future funding of an events programme

The reasons for the call in were:-

1. To test fully the argument that Equality legislation requires the cessation of all “cultural/faith based” events.
2. Because many of the “cultural/faith-based” events are inclusive and, in practice cross-community.

Suggested action for the Call In Overview and Scrutiny Committee to take:-

1. To consider the option of providing greater support to events delivered by the local community by diverting resources from large-scale events organised directly by the council.
2. To take full account of the consultation responses and views of the local community.
3. To consider advice on relevant Equality duties and legislation.

Councillor Lorber referred Members to the reasons for the call in of this item as set out in the agenda. He felt that the original intention of the proposals to make financial savings was now being justified on grounds of equality legislation which he questioned. In addition, he sought further explanation as to what defined a faith based event, as some of these were inclusive to the whole community. Councillor Lorber questioned whether holding council corporate events was the best approach in holding events and suggested that local organisations were better placed to undertake this as they had more experience and expertise in organising such events and that funds would be better used by providing support to these organisations.

Ashwinbhai Galoria, Secretary of Brent Hindu Council, was invited to address the committee by the Chair. Ashwinbhai Galoria began by stating that Brent was renowned both nationally and internationally for its Navratri celebrations and was the largest and best celebration of its kind in the UK. In acknowledging that the Navratri grant would be maintained for this year only, he requested that the council work with Brent Hindu Council in relation to equality legislation and seek to maintain the grant in future years. Members heard that the Navratri festival was inclusive of all the community and all residents had been invited to participate since the first festival held in Brent some 30 years ago.

Councillor Jones (Lead Member for Customers and Citizens) was invited by the Chair to reply to the initial points raised. Councillor Jones advised that the principal reasons behind the decisions remained because of the need to make financial savings and transitional arrangements offering a reduced amount of events were in place for events this year, whilst a new inclusive programme was intended for next year. Members heard that it was also intended that an Events and Marketing Team be set up to advice and support local organisations on events in future years. Councillor Jones explained that the report had initially been deferred as it needed to take into account changes in respect of the Equality Act 2010 which had come into effect on 5 April 2011. In respect of the consultation, a number of various views had been expressed and there had been some comments made that some residents felt that they did not feel included in some events such as Navratri, whilst other groups did not have any events funded or supported by the council. In this context, further consideration needed to be taken into account with regard to the Equality Act. Councillor Jones added that the council had long been at the forefront of supporting festivals, however the huge challenges posed by the savings required meant that the best way of ensuring that the whole of the community had an opportunity to celebrate was to hold an event drawing on all groups' participation and this would be undertaken with a 'Brent Celebrates' event. In addition, the council would continue to provide Fireworks Night, especially as there were safety issues involved, and Holocaust Memorial Day.

The committee then discussed the call in. Councillor Lorber began by stating that there had been some initial debate over the call in of this item because upon initial publication of the decisions, they had not specifically stated that all cultural and faith based events would cease by April 2012. Turning to the consultation, he argued that undue weight may have been placed on those who had felt that only certain groups benefitted from council support for their events as opposed to a majority of respondents who he felt supported the present funding arrangements. Councillor Lorber stressed that events were often successful where the council had provided funding and support for an organisation to run an event. Furthermore, considerable resources would be needed for an Events and Marketing Team and to hold a one day event such as Brent Celebrates may cost between £500K to £750K and its' success could be ruined, for example, by bad weather. By contrast, Navratri was a festival spread over ten days which the council had provided a £67K grant for in support. The organisations involved in running Navratri were also effective in getting the wider community involved, including both the old and young. In addition, schools benefitted from the income they received to host Navratri related events. Councillor Lorber stated that Brent Hindu Council and other such organisations did not need the advice of an Events and Marketing Team on how to run the Navratri festival and he opined that the Equality Act would not prevent the council from providing funding for such an event. He asked whether any other council activities

were at risk of being stopped because of the Equality Act and stressed the importance of being clear what the implications were for the council as a whole with regard to the Act.

Councillor H B Patel sought clarification of the term 'protected group' and what evidence was there that faith based festivals were divisive. He enquired why the Equality Act had not been taken into account at an earlier stage as it had come into effect from April 2011. Councillor H B Patel commented that the council had a duty to support local organisations and that as a significant proportion of Brent's population were of Indian ethnicity, support of the Navratri festival would be merited. In addition, the Navratri grant was considerably smaller than the costs involved for Brent Celebrates and would be run by organisations who were very experienced at organising Navratri events. Furthermore, people from all sections of the community attended Navratri. Councillor H B Patel also opined that in practical terms it was not possible to support exactly the same degree of support to each group. He also commented that many faith-based events attracted visitors from outside Brent and he enquired what weight was put on the council's duty to attract visitors to the borough in the context of the Equality Act.

Councillor Gladbaum acknowledged that the council had worked with Brent Hindu Council for 30 years and that the partnership had proven a big success, however in the context of the financial challenges the council faced, it could not continue to support festivals in its current form. It was no longer possible to provide financial support to Brent Hindu Council, but Councillor Gladbaum had every confidence that the organisation would be capable of raising their own funds and to continue to run successful Navratri festivals.

The Chair commented that newer protected groups would inevitably be less experienced in operating events and he enquired how a fair balance could be struck in relation to this. He also stated that festivals such as Navratri helped unite the community and suggested that if the council did not support such events, this could also be construed as divisive. With regard to the consultation, the Chair noted the considerable support for Navratri including the 5,000 plus signatures petition submitted requesting that the Navratri grant be maintained. The Chair commented on the Navratri festival's popularity with large turnouts and that it had been running successfully for years in comparison with minor events that have a lower turnout, support and inclusivity. In addition, the funds provided were often reinvested through hire of Brent school halls to host Navratri events. The Chair also suggested that some groups had a greater appetite for festivals than others and that this should be taken into account.

In reply to the issues raised, Councillor Jones explained that some groups had historically been generously funded compared to others, however the inequality in funding was now a bigger consideration because of the Equality Act. The present funding arrangements could be perceived as divisive or not being inclusive enough, whilst some responses to the consultation had requested more inclusive events. Councillor Jones felt that the council's corporate events had been successful in the past and it was envisaged that the Events and Marketing Team would work with groups to put together such events in the future, whilst also providing expertise and advice to organisations to host their own events. She acknowledged that the impact of the Equality Act needed to be considered on other council activities too.

Councillor Butt (Deputy Leader of the Council and Lead Member for Resources) commented that the Executive report clearly highlighted option three as the recommended option which set out what festivals the council would cease to provide financial support for.

Councillor Powney stressed that the Equalities Act 2010 was an Act of Parliament and therefore the council was legally bound to abide by it and it was not a question of choice. Some protected groups had received more council funding than others and a concern in respect of this had also been raised in the consultation.

Fiona Ledden advised that under the Equality Act 2010, the council was obliged to pay "due regard to protected groups" and consideration of how its actions would impact differently on different groups. In particular, it needed to consider how some groups may be perceived to be receiving services and support from the council which were not provided to other groups. The council needed to reconsider how it provided services to the community and to ensure that it gave due regard to the different needs of different protected groups. The needs of protected groups would be assessed to see how these could be provided for, whilst fostering good relations between the different groups also needed to be undertaken. Fiona Ledden acknowledged that it was a complex issue and the council was still at the formulative stage as to how it was to interpret the Act. The committee heard that a faith group would be regarded as a protected group and that where one such group was receiving funding whilst others were not, this could be perceived as unequal and this was a major factor the council needed to consider. Fiona Ledden advised that due regard in respect the equalities impact needed to be given by the Executive and officers for each key decision that was made. She confirmed that the council had the power to exercise its ability to attract visitors to Brent and to generate income from this. Members also heard that training in respect of the Equalities Act 2010 would be made available to all councillors.

Members then decided not to agree to a recommendation suggested by Councillor Lorber that in view of the impact the decisions would have on large sections of the community, the Executive be requested to reconsider funding arrangements for the festivals programme and to consider a better approach as to how the funds could be used. He added that the Executive could distribute funds from the grant making scheme to the various groups taking into account the Equalities Act 2010.

RESOLVED:-

that upon considering the report from the Director of Customer and Community Engagement, the decisions made by the Executive be noted.

5. The Executive list of decisions for the meeting that took place on 18 July 2011

RESOLVED:-

that the Executive list of decisions for the meeting that took place on 18 July 2011 be noted.

6. Date of next meeting

It was noted that the next meeting of the Call In Overview and Scrutiny Committee was scheduled for Wednesday, 7 September 2011 at 7.30 pm, however it would only take place in the event of there being any call ins of decisions made by the Executive on 17 August 2011.

7. Any other urgent business

None.

8. Exclusion of press and public

Members noted the information contained in the appendix to the additional street cleansing savings report with regard to item 4.1 was not for publication as it contained exempt information as specified in Schedule 12A to the Local Government Act 1972.

The meeting closed at 10.00 pm.

J ASHRAF
Chair