



**MINUTES OF THE RESOURCES AND PUBLIC REALM SCRUTINY COMMITTEE**  
**Thursday 14 March 2019 at 6.00 pm**

PRESENT: Councillor Kelcher (Chair) and Councillors Nerva, Gill, S Butt, Gbajumo, Kabir and Johnson (in place of Councillor Mashari)

Also Present: Councillors Krupa Sheth and McLennan

**1. Apologies for absence and clarification of alternate members**

Apologies were received from Councillor Mashari. Councillor Johnson was attending as a substitute member.

**2. Declarations of interests**

There were no declarations of interest made.

**3. Deputations (if any)**

None.

**4. Minutes of the previous meeting**

RESOLVED: that the minutes of the previous meeting held on 7 February 2019 were agreed as an accurate record of the meeting.

**5. Matters arising (if any)**

The Chair advised that a reply had been received to the letter sent to the Mayor's Office for Policing and Crime (MOPAC) from the Chair and Lead Member for Community Safety. The response from MOPAC would be circulated to the committee.

**6. Chair's Report**

The committee considered the Chair's report which included comment on the agenda for the current meeting, reasons for the selection of topics, and detailed the work of the committee outside of public meetings.

RESOLVED: that the report of the Chair of the Resources and Public Realm Scrutiny Committee be noted.

**7. Contracts 2023 - Merits & obstacles of bringing services back in-house**

The Chair advised that the committee would consider this item in two parts: first the committee would review the report from the Strategic Director of Resources regarding the merits and obstacles to bringing the Business Rates Service back in

house; secondly; the committee would receive a presentation from the Strategic Director of Regeneration and Lead Member for Environment on a proposed programme of work to design, deliver and integrate a range of front line environmental services due to be recommissioned for implementation in 2023.

At the invitation of the Chair, Margaret Read (Director of Brent Customer Services) introduced the report from the Strategic Director of Resources. Members heard that the Business Rates Service and associated IT Support had been retendered, with the contract award made to Capita Business Services Ltd following Cabinet approval on 12 November 2018. The contract was due to commence from 1 May 2019 and was for a period of five years. The report detailed an evaluation of the options for delivering the Business Rates Service, including advantages and disadvantages of in-house, shared service and outsourced delivery models. It was highlighted that a detailed options appraisal had been undertaken in 2017, at which time Cabinet had decided against bringing the service back in-house, noting that this would introduce a number of risks. In particular, as a small, specialist service with a big financial impact, it was prone to resilience issues. A key benefit of outsourcing the service was that it allowed services to be run at a larger scale therefore minimising vulnerability of the service to staff absence. Additionally, to bring the service back in-house would require investment in various specialisms including IT support. It was emphasised that the Scrutiny review was extremely timely as the council was now due to start planning for the next five year period.

The committee subsequently questioned whether better use of technology could address resilience issues. Members requested details of the number of businesses in the borough, queried whether relief was still offered for London Living Wage employers and questioned how the council supported the growth through mixed use developments. The committee further questioned whether contractors were incentivised to address hard to reach companies and whether the council made use of civil enforcement officers to aid debt recovery.

Responding to the queries raised Margaret Read advised that it was not possible to automate the service due to the complexities involved and the need for judgement in decision-making. The Council's Finance Department did monitor the number of businesses in the borough and this had not increased, though it was likely that the nature of Brent's businesses may have changed. Councillor McLennan (Deputy Leader) confirmed that the council continued to offer Business Rates relief to London Living Wage employers. Amar Dave (Strategic Director, Environment and Regeneration) confirmed that the council pursued mixed use developments but also sought to tailor the mixed-use offer as appropriate for specific sites. Margaret Read advised that the council ran a scheme under which the contractor helped identify businesses that may have been missed. The council also operated several initiatives to ensure that Brent's businesses received the assistance to which they were entitled. Civil Enforcement Officers were used where it was considered appropriate.

The Chair thanked the officers for their contribution to the discussion.

Members' attention was then drawn to the presentation on Environmental Services contracts, introduced by Councillor Krupa Sheth (Lead Member for Environment), Amar Dave (Strategic Director of Regeneration and Environment) and Chris Whyte (Operational Director of Environment). The committee heard that a purposeful

strategy had been adopted to synchronise the end dates of existing delivery models for Environmental Service contracts to enable the council to determine their future status before recommissioning for implementation in 2023. In doing so, the council had the option to design and integrate a range of frontline services, including Arboriculture Services, CCTV maintenance, Highways Maintenance, enforcement activity, Parking Enforcement Services, SEN Transport, Street lighting maintenance and Waste and Public Realm Services.

Highlighting key elements of the strategy, Chris Whyte explained that this included an outcome based delivery model with a clear commissioning strategy and clearly defined specifications regarding the level, quality and timing of delivery. The programme had five key objectives: establishing the services to be included; determining service standards and specifications; designing an integrated Environmental Services delivery model for Brent from 2023; establishing the duration of any new arrangements; and, establishing how the council would manage any new arrangements. It was explained that all delivery options and contract timescales would be considered, allowing for radical thinking and innovation. Outlining the next steps, Councillor Krupa Sheth advised that a members' away day would be held as an important early means of establishing the scope and key principles of the programme of work. Amar Dave emphasised that in order to have everything in place for 2023 implementation, work needed to be undertaken in the next three to six months to support contract awards no later than 2021.

In the following discussion, Members endorsed a joined-up approach and sought comment on related commissioning models, HR issues and how soft boundaries with neighbouring boroughs could be addressed. The committee questioned how social value would be accommodated within delivery models and queried whether a phased approach would be considered. Questions were raised regarding accessing expertise necessary to get the best out of contracts and whether exit clauses were written in to all contracts if contractors did not deliver as expected. Members questioned whether consideration would be given to supporting local businesses via the programme.

In response, Chris Whyte advised that early thinking around themes for the programme, included an on-street enforcement presence, with potential to pull a number of services together under an 'eyes and ears' initiative. Members further heard that the approach to commissioning was clear and the council wanted to encourage use of a supply chain to support this work going forward, optimising opportunities for local people. It was acknowledged that when considering options such as in-house delivery, the council had no recent history of delivering these services directly and there were challenges associated with that, not least HR support. These contracts could encompass between 400 to 500 members of staff. Amar Dave explained that he had prior experience of running such services in house and advised that in many ways it worked very well and had lots of flexibility, but in such circumstances it was important to foster the right culture. It was highlighted that in addition to a thematic approach, consideration could be given to focussing on a geographical approach, or even by size or value of contract. A phased approach could also be applied if felt beneficial. Addressing members comments on social value, Councillor McLennan advised that a report was due to be submitted to Cabinet regarding broadening the definition of social value and increasing the percentage weighted for social value when assessing tenders for

contracts. Amar Dave advised that there were best practice models, such as those provided by the New Economic Foundation, with regard to social value which could be utilised.

Chris Whyte explained that in view of the scale of the exercise, outside expertise would be brought in to help guide the process. Technical, financial and economic insight was also critical and such support would be drawn from Local Partners, a company owned by the LGA and the Treasury, and from other teams in the council including Procurement and Legal. It was also often useful to gather bidders and suppliers together to gather their views on what would work for Brent in practice and it was necessary to be mindful of the planning of neighbouring boroughs. A project manager had recently been appointed to take forward the project and specialist legal advice was currently being procured via the legal team.

Members were advised that all the council's main contracts were underpinned by a complex performance framework, which was subject to monthly monitoring performance reports. Any failures recorded against contracts would be dealt with via a financial deduction. Councillor Krupa Sheth advised that she met with different contractors every two weeks to review performance.

The Chair thanked everyone for their contribution to the discussion and emphasised the importance of this piece of work.

RESOLVED:

- i) That the Strategic Director of Regeneration and Environment ensure a role is established for Scrutiny Members with regard to the Member Away Day and the scope and expectations relating to that role be detailed and circulated to members.

## **8. Air Quality Pledges**

Jennifer Barrett (Nuisance Control Team Manager) introduced the report on the progress made against the Brent Air Quality Action Plan 2017-2022, noting that the five year plan sought to cut local pollutant emissions from key sources. Provided as an appendix to the report was the Annual Status Report for 2017, which the council was required to provide to the Mayor of London.

Jennifer Barrett advised that one of the core objectives had been engagement with the public and schools, advising that air quality around schools had been identified as an urgent priority. The report detailed a number of projects with schools including a raft of activities being undertaken under the council's Breathe Clean project. This project built on previous work with schools, including school audits, tailored assemblies and the ongoing schools idling programme, to provide data allowing the council to better estimate exposure of children to poor air quality around Brent Schools. It was intended that by late Spring 2019, the council would have a shortlist of high-priority schools.

Outlining another key strand of activity, Jennifer Barrett advised that emissions from construction sites from non-road mobile machinery (NRMM) had the potential to significantly contribute to local pollution. A GLA sponsored programme around inspection of this equipment was now underway and all London boroughs were

expected to join at a cost of £4,000 – a sum significantly less expensive than implementing a programme individually. It was intended that the council would join the NRMM action group once arrangements had been confirmed.

The Chair thanked Jennifer Barrett for her introduction to the report and invited questions from the committee. Members sought assurance that this was a matter of high priority for the Cabinet and questioned what regular monitoring data was provided to the Lead Member. Members welcomed the initiatives described but questioned what intensive, urgent action was being taken to address those four areas identified at crisis point. The committee emphasised the importance of community engagement and questioned how Clean Air for Brent was being engaged and included in the council's activities. Members sought to understand the role of the Director of Public Health in the council's response to poor air quality and further questioned the potential impact of the Mayor's forthcoming ultra-low emissions zone, which only partially included Brent. Questions were raised on whether the Cabinet would challenge the car lobby and what enforcement powers officers had with respect to idling vehicles. The committee further pushed for confirmation of the number of Fixed Penalty Notices (FPN) issued by the authority for idling. Discussing the pollution at construction sites, Members questioned what responsibilities developers had to fund mitigating actions to address the pollution caused at their sites and how closely the council worked with developers to achieve carbon neutral developments. Additional questions were raised regarding work with partners such as Transport for London (TfL) to address other significant sources of pollution. In concluding their questioning, Members queried what work was being done to encourage the uptake of more electric vehicles in the borough.

In response to the queries raised, Councillor Krupa Sheth (Lead Member for Environment) confirmed that Brent's air quality was an issue of significant importance. Jennifer Barrett cautioned that changes in results over shorter monitoring periods may not be particularly revealing. It was clarified that some of the intensive work being undertaken with streets surrounding schools targeted those specific areas identified as in need of urgent action. Councillor Krupa Sheth confirmed that she would meet with Clean Air for Brent as an important stakeholder in the activities going forward. It was confirmed that the Director of Public Health was involved with the work regarding air quality and one of the key things Public Health colleagues were currently working on was reviewing and updating the Joint Strategic Needs Assessment (JSNA) for Brent which provided an evidence base for the CCG when setting their commissioning intentions.

Councillor Krupa Sheth advised that Councillor Tattler (Lead Member for Regeneration, Highways and Planning) had met with TfL to discuss the implications of the ultra-low emissions zone for Brent and emphasised that discussions with all members of the council would be needed to determine the political will to support more proactive action against pollution from motor vehicles. Jennifer Barrett advised that Brent's enforcement officers did have the power to issue FPNs to drivers of idling cars if they refused to comply with a reasonable request to desist. However, no such FPNs had been issued to date. Furthermore, the maximum fine that could be awarded was £40 which was a minimal sanction. Other Local Authorities had been more successful using Public Space Preservation Orders (PSPOs) to increase the potential penalty. Brent was exploring this possibility and would take a more robust approach moving forward.

Jennifer Barrett confirmed that there were a range of funds that could be applied for and the schools most affected by poor air quality had been sign-posted to these. Where appropriate, schools and parents had been assisted in applying for Community Infrastructure Levy funds, and had also been very successful in undertaking fundraising to support projects. Via the Breathe Clean project, the council had worked closely with Brent's schools to identify local issues and needs.

Chis Whyte (Director of Environment Services) explained that there had been changes to the structure of Environment Services which brought together the strategic work around Air Quality management, including that of highways, sustainable transport, traffic movement and planning teams. Those structural changes supported the close working already taking place between the different teams.

It was confirmed that Councillor Tatler regularly met with TfL regarding the bus fleets used in Brent and Chris Whyte confirmed that that issue was extended to the council's own large vehicles, such as refuse vehicles and buses. The council proactively pursued grants and other opportunities to install electric car parking facilities in Brent and a diesel surcharge was applied to Brent parking permits.

The Chair thanked the officers for their contribution to the meeting.

RESOLVED:

- i) That Brent's policy on air quality rigorously focus on our worst areas and spread best practice thereafter.
- ii) That the committee establish a scrutiny task group at the earliest opportunity with the target of taking the action plan and developing into a delivery strategy with measurable and periodic review points.
- iii) The Lead Member for Environment receive regular updates from officers on the air quality in the target hotspots, with the results sent to all members periodically, as appropriate.
- iv) That the Chair of the committee write to the Chair of the Health and Wellbeing Board to request that the Board consider air quality in Brent as a Public Health issue and that this be added to the Board's future programme of work.
- v) That the Lead Member for Environment meet with Clean Air for Brent and that members of the Scrutiny Committees be invited to attend.

**9. Update on initiatives to reduce barriers and increase recycling in flats and flats and above shops**

At the invitation of the Chair, Councillor Krupa Sheth (Lead Member for Environment) introduced the report updating members on the initiatives to reduce barriers and increase recycling in flats, advising that Kelly Eaton (Policy, Projects and Support Manager) was in attendance to help address the committee's queries. Kelly Eaton highlighted that over 50 per cent of Brent's housing stock was flats and the council worked proactively and creatively, seeking ways to support and achieve

better levels of recycling in these properties. Summarising the activities undertaken, Kelly Eaton explained that a large project continued with the Education Team of Veolia, the council's public realm contractor, which reduced the proportion of general waste bins in flats and increased the number of recycling bins. It had been found that this helped to reduce the amount of contamination of recycling waste, though this remained a key issue for these communal bins. Recycling and waste collection for flats above shops took place twice a day, seven days a week and these residents were no able to collect free recycling bags from libraries. The council was also examining ways of managing food waste flats – as all flats in Brent were now provided with facilities for recycling and recycling separate food waste.

In the subsequent discussion, members welcomed leaflets helping residents to understand what could and couldn't be recycled but noted that this information needed to be available at the point of use in a very simple and accessible way either on or near the recycling bins. Clarification was sought on the contamination of recycling waste, noting that residents had expressed confusion about why some loads were not collected. The committee further questioned how the assessment was made that recycling matter was being placed in the general waste bins. Turning the discussion to flats above shops, members highlighted the issue of unsightly bags placed haphazardly on pavements for collection, often insufficiently secured, causing spillages. A further query was raised regarding the turnover of tenants in these premises and the difficulties this caused for the work of Veolia's Education Team. In concluding their questioning members sought an overview of the work undertaken with Houses in Multiple Occupation (HMO) landlord licensing and estate agents to ensure that responsibilities around recycling were communicated to all new tenants. Suggestions were made regarding ways to better communicate and make available information on recycling in Brent including the provision of information on fridge magnets and posters for flats rented out by landlords. A member also noted that the letting website, Zoopla, also provided policy documents for an area if made available to them.

Kelly Eaton responded to the issues and questions raised. Members were informed that where contamination was a frequent issue for particular blocks of flats, the information provided to those residents would be tailored to the specific circumstances. Whilst this did include visits to individual flats, posters would also be provided in the bin sheds to identify what could and could not be recycled. Residents would also be informed of the recyclapedia app available. With regard to contamination, one small item would not condemn a whole collection. If following a brief visual inspection, there was deemed to be so much non-recyclable material in a collection to cause it to be rejected, a bin tag should be left to identify why it had not been collected and the refuse collection team should be notified to collect the bin in the following rounds. Whilst this was the expected process, it was acknowledged that this did not always proceed as smoothly as intended and members were encouraged to share any information from residents where this did not happen. Officers assessing whether recycling material was just being placed in general waste bins did so by looking at the volume of waste. It was known that approximately 70 per cent of household waste could be recycled and it was therefore reasonable to expect similar proportions of recycling to general waste in the communal bins.

Kelly Eaton advised that residents were informed that robust black bags with tie handles needed to be used for general refuse to prevent spillages. This formed part

of the 'Love where you live' campaign and it was hoped that there may be a decline in these issues as information continued to be made available to residents.

Commenting on the issue of frequent turnover of tenants in some types of properties, Kelly Eaton welcomed members suggestions and confirmed that a trial had previously been run whereby the council worked with estate agents to identify those new to the borough. The Neighbourhood Manager for Willesden Green was looking into repeating this trial. Members further heard that as a condition of landlord licensing, landlords were responsible for informing residents of the correct methods of disposal. There was close working with the licensing team to share information about related issues. A key issue for HMOs was insufficient garden/outdoor space to accommodate the waste for the number of residents at the property but unfortunately, there was little that could be done about that particular issue.

The Chair thanked the officers and members for their contribution to the discussion.

10. **Any other urgent business**

None.

The meeting closed at 8.30 pm

M KELCHER  
Chair