



Executive

Tuesday, 14 September 2010 at 7.00 pm
Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Lead Member Councillors:

Portfolio

John (Chair)	Leader of the Council
Butt (Vice-Chair)	Deputy Leader of the Council
Arnold	Lead Member for Children and Families
Beswick	Lead Member for Crime Prevention and Public Safety
Crane	Lead Member for Regeneration and Economic Development
Jones	Lead Member for Human Resources and Diversity, Local Democracy and Consultation
J Moher	Lead Member for Highways and Transportation
R Moher	Lead Member for Adults, Health and Social Care
Powney	Lead Member for Environment, Planning and Culture
Thomas	Lead Member for Housing and Customer Services

For further information contact: Anne Reid, Principal Democratic Services Officer
020 8937 1359, anne.reid@brent.gov.uk

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The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item **Page**

1 Declarations of personal and prejudicial interests

Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

2 Minutes of the previous meeting 1 - 10

3 Matters arising (if any)

4 Deputations (if any)

Housing and Community Care Reports

5 Homes and Communities Agency investment plan 11 - 18

This report seeks approval to the draft Borough Investment Plan (BIP) that is being negotiated with the Homes & Communities Agency (HCA) under their “Single Conversation” process. This process governs the way in which investment resources will be allocated to deliver housing, regeneration and infrastructure. The BIP will form the basis of a detailed borough investment agreement with the HCA to confirm the proposed levels of investment required in the borough. If HCA investment powers for the London region are devolved to the Mayor of London (the “Mayor”), then the BIP and specific investment agreements will form the basis of a devolved delivery investment agreement for Brent between the Council, the Mayor, the HCA and other investment partners. The BIP is expected to be agreed with the HCA before the Comprehensive Spending Review announcement in October 2010.

Appendices 1 and 2 have been circulated separately and are available on the council's website.

Ward Affected:
All Wards

Lead Member: Councillor Thomas
Contact Officer: Maggie Rafalowicz, Housing Strategy and Regeneration
Tel: 020 8937 4066
maggie.rafalowicz@brent.gov.uk

6 ALMO New Build Programme 19 - 34

This report seeks to progress the Brent Housing Partnership Limited

(BHP) development of five new affordable homes under the Homes and Communities Agency's (HCA) 2008-11 National Affordable Housing Programme. This report specifically requests the Executive to agree to dispose of the Ander Close, Mead Court and Coppermead Close Garage sites to BHP at nil financial consideration and to allow BHP to enter into a Grant Agreement with the HCA and for the Council to enter into a Performance Guarantee Bond and Rent Charge Agreement with the HCA. The Council will receive 100% nomination rights to these homes. *(Appendices also below).*

Ward Affected:
Dollis Hill;
Fryent;
Wembley
Central

Lead Member: Councillor Thomas
Contact Officer: Maggie Rafalowicz, Housing
Strategy and Regeneration
Tel: 020 8937 4066
maggie.rafalowicz@brent.gov.uk

Environment and Culture Reports

7 **Petition for improved safety measures in the footpath between Station Grove and Lyon Park Avenue** 35 - 40

This report informs the Executive of a petition that was received from residents in Wembley Central Ward to provide better lighting and consideration of CCTV in the footpath between Station Grove and Lyon Park Avenue, Wembley.

Ward Affected:
Wembley
Central

Lead Member: Councillor J Moher
Contact Officer: Keith Balmer, Director of
StreetCare
Tel: 020 8937 5066 keith.balmer@brent.gov.uk

8 **New building control scheme of charges** 41 - 68

Agreement is needed for the introduction of a replacement London Borough of Brent Building Regulations Charging Scheme 2010 from the 1 October 2010, based on the new charges regulations as outlined in this report. Under the transitional provisions contained in the regulations the new charging scheme must be made before the 1 October 2010 at the latest.

Ward Affected:
All Wards

Lead Member: Councillor Powney
Contact Officer: Andy Hardy, Building Control
Tel: 020 8937 5476 andy.hardy@brent.gov.uk

9 **Adoption of new 'Sexual Entertainment Venue' provisions of Local Government (Misc. Provisions) 1982** 69 - 74

Pole dancing, lap dancing, striptease and similar forms of entertainment

have until recently been controlled by the licensing Act 2003. They have been subject to the same rules and regulations as music and dancing generally. Because some Authorities have seen a proliferation of this type of entertainment the legislation has been amended to allow Councils to licence “sexual entertainment venues” separately. Section 27 of the Policing and Crime Act 2009 requires the Council to either adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 or to hold full community consultations to decide whether to adopt.

Ward Affected:
All Wards

Lead Member: Councillor Powney
Contact Officer: Alan Howarth, Health, Safety and Licensing
Tel: 020 8937 5369 alan.howarth@brent.gov.uk

Central Reports

10 Brent - Our Future 2010 - 2014 75 - 90

This covering report accompanies the proposed corporate strategy - ‘Brent – Our Future 2010 – 2014’ for agreement by the Executive. The attached document sets out the strategic priorities and commitments of the Labour Administration for the coming four year. It provides an ambitious and clear direction for our future financial and service planning both internally and with our partners in the public, private, voluntary and community sectors.

Ward Affected:
All Wards

Lead Member: Councillor John
Contact Officer: Cathy Tyson, Policy and Regeneration
Tel: 020 8937 1045 cathy.tyson@brent.gov.uk

11 Access to health sites for people with learning disabilities task group - final report 91 - 112

The access to health sites for people with learning disabilities task group has completed its review and reported its findings to the Health Select Committee. That committee has endorsed the recommendations in the task group’s report and they are now being presented to the Executive for approval.

Ward Affected:
All Wards

Contact Officer: Andrew Davies, Policy and Regeneration
Tel: 020 8937 1359
andrew.davies@brent.gov.uk

12 Local Authority Gold Resolution 113 - 128

The ALG Leaders’ Committee, at their meeting on 13 July 2010, agreed

the text of an addendum to be recommended to London local authorities. This would amend the previous 'Gold' resolution agreed by the Brent Executive on 13 March 2004. The purpose of the addendum is to broaden the powers of the 'Gold' Chief Executive so as to enable him or her to act on behalf of all the London local authorities in responding to an emerging incident as well as to enable a trigger for Local Authority Gold to respond to incidents and in the event of extreme and disruptive weather, where if necessary incurring minimum levels of expenditure not exceeding £1 million. In addition to consider the value of Brent signing a Memorandum of Understanding to give assistance to another Local Authority if required during an emergency.

Ward Affected: All Wards
Lead Member: Councillor John
Contact Officer: Fiona Ledden, Borough Solicitor
Tel: 020 8937 1292 fiona.ledden@brent.gov.uk

13 Disposal of two former park keeper properties on the Barham Park 129 - 136

This report informs the Executive of the current position regarding 776 and 778 Harrow Road Wembley following Members' decision on 14 December 2009 to approve disposal of these two former park keepers houses to Notting Hill Housing Trust (NHHT) and for the capital receipt to be used for improvements within Barham Park as match funded with application to Heritage Lottery Fund. It also invites members to consider the options for the properties now NHHT has withdrawn its interest and to determine subject to the appropriate Charity Commission and Planning approvals whether the properties are to be retained for other operational purposes or are to be sold in the open market.

Ward Affected: Sudbury
Lead Member: Councillor Butt
Contact Officer: Louis Eden, Property and Asset Management
Tel: 020 8937 1325 louis.eden@brent.gov.uk

14 Performance and Finance review Q1 10/11 137 - 154

This report summarises Brent Council's spending, activity and performance in the first quarter of 2010/11 and highlights key issues and solutions to them. It takes a corporate overview of financial and service performance and provides an analysis of high risk areas. The report is accompanied by appendices providing budget, activity and performance data for each service area, the Local Area Agreement, ring fenced budgets and the capital programme. Vital Signs trend data and graphs are also provided along with the council's overall budget summary. *(Appendices to this report have been circulated separately and are also available on the Council's website)*

Ward Affected: **Lead Member:** Councillor John

Children and Families Reports - none

15 Reference of item considered by Forward Plan Select Committee

None

16 Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

17 Exclusion of Press and Public

The following item(s) is/are not for publication as it/they relate to the following category of exempt information as specified in the Local Government Act 1972 namely:

APPENDIX:

ALMO New Build Programme

(report above refers)

Date of the next meeting: Monday, 18 October 2010



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near The Paul Daisley Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge



LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Wednesday, 11 August 2010 at 6.00 pm

PRESENT: Councillor John (Chair), Councillor Butt (Vice-Chair) and Councillors Arnold, Beswick, Crane, Jones, J Moher, R Moher, Powney and Thomas

ALSO PRESENT: Councillors S Choudhary, Gladbaum, Hashmi, Lorber, McLennan, Naheerathan and BM Patel

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

Councillor Powney declared a personal interest in the item relating to the waste strategy review as a member of the West London Waste Authority.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 12 July 2010 be approved as an accurate record of the meeting.

3. **Order of business**

The Executive agreed to change the order of business so as to take early in the meeting those items for which members of the public were present.

4. **Deputation - advice service grants**

The Executive received a deputation from Mary Purcell representing Brent Citizens Advice Bureau in connection with the report from the Director of Housing and Community Care which sought authority to review grant funding for Brent CAB and the Brent Community Law Centre. Ms Purcell acknowledged the reality of central government budget cuts but asked that the effect on residents be minimised. She reminded the Executive that BCAB dealt with approximately 500 clients per week many of whom had complex cases and it was felt that to impose cuts in excess of 4.5% would adversely affect service provision. Service quality could be maintained with this level of budget reduction as indicated in option one of the Director's report as administrative staff were volunteers trained by the CAB and independent audit indicated that the service was considered to provide value for money. Additionally, BCAB had other funding sources. Ms Purcell advised that the national CAB was in the process of providing information on the impact of cuts nationally.

5. **Authority to renew advice service grants to Brent Citizens Advice Bureau and Brent Community Law Centre Limited**

The report from the Director of Housing and Community Care sought authority to renew grant funding for a period of one year for Brent Citizens Advice Bureau (BCAB) and the Brent Community Law Centre Limited (BCLC). There was no provision in the council's constitution to extend existing grant funding, so the renewals would amount to fresh grants. Earlier in the meeting the Executive received a deputation from Mary Purcell on behalf of Brent Citizens Advice Bureau concerning the options to reduce funding to the BCAB. Members expressed appreciation for the work carried out by the service.

Option one in the Director's report was to reduce the BCLC's and BCAB's budgets by 15% and 4.5% respectively during the one year renewal period and option two was to agree an additional 10.5% from the BCAB's existing budget. Councillor R Moher (Lead Member, Adults, Health and Social Care) in responding to the deputation and introducing the report referred to the pending strategic review of advice services and negotiations with the organisations to reduce funding. She was aware of the sterling work of the BCAB and mindful that their caseload was likely to increase in the future. She asked that the savings in option one be noted.

RESOLVED:-

- (i) that the grant for the Brent Citizen's Advice Bureau be renewed for a further 1 year from 1 October 2010, to conclude 30 September 2011 pending the outcome of a strategic review;
- (ii) that the grant for the Brent Community Law Centre be renewed for a further 1 year from 1 October 2010, to conclude 30 September 2011 pending the outcome of a strategic review;
- (iii) that the savings as set out in option 1 of the report from the Director of Housing and Community Care be noted.

6. Primary places - allocation of the balance of Basic Need Safety Valve funding and council's main capital programme allocations to primary schools for expansion

The report before members from the Director of Children and Families recommended the allocation of the balance of funds Basic Need Safety Valve funding, allocated by central government in November 2009 and the balance of the Council's main capital programme to supply an additional 8FE (1,680 primary school places) across 6 primary and secondary schools. Schools have been proposed after all the primary schools were sent an invitation to expand, followed by an initial feasibility assessment and on the basis of maximum need for school places in the local areas. The Lead Member (Children and Families) drew attention to the schools likely to be included in the scheme and welcomed the design proposals which would give high quality, modular buildings the detailed costings to be the subject of a further report. The Lead Member also drew attention to the requirement for the BNSV funding to be spent and invoiced by August 2011, should this not be possible it was more than likely that the funding would be lost.

RESOLVED:-

- (i) that approval be given to the allocation of Basic Need Safety Valve funds across the schemes set out in the table in paragraph 3.3.8.3 of the report from the Director of Children and Families for the primary expansion schemes presented;
- (ii) that approval be given to the allocation of funds under the council's main capital programme across the schemes set out in the table in paragraph 3.3.8.8 of the Director's report for the primary expansion schemes presented;
- (iii) that it be noted that the council would commence initial procurement activity for consultants to advise on these projects in accordance with the council's procurement procedures;
- (iv) that it be noted that a further report will be presented at the Executive's September meeting with further costing and recommending which projects should be taken forward.

7. Educational use of Coniston Gardens

At their meeting of January 2010 the Executive were presented with two options in respect of the former scouts' hut site on 2 Coniston Gardens, NW9 (adjacent to Oliver Goldsmith Primary School): to dispose of the site to a housing association for the provision of two large family homes or to retain the land within the council's portfolio and develop Extended Services from the site. The Executive agreed at that meeting to dispose of the site to a housing association. Councillor J Moher (Lead Member, Highways and Transportation) introduced the report before members which proposed the revocation of the previous decision and to instead retain the site for educational use under the school's management. Councillor Moher advised that the scout hut on the site was derelict and beyond repair and the housing association proposal had been withdrawn. In the interim, the scout hut would be demolished and the land used as a wild life area. In the longer term, Oliver Goldsmith school would welcome the opportunity to draw up proposals for use of the site, using capital funding, recognising the need for family learning and raising attainment levels.

RESOLVED:-

- (i) that the decision made by the January 2010 Executive meeting to dispose of the site to a Housing Association be revoked and instead to retain the site within the council's portfolio for educational and community use;
- (ii) that officers re-engage with Oliver Goldsmith Primary School and various council service areas to establish the potential service options and appropriate funding streams available to support the development and sustainable use of the site for the local community and/or educational purposes.

8. Authority to extend the existing contract for the delivery of Play Services in Brent

The report from the Director of Children and Families updated the Executive on the progress of the current tender process for the delivery of play services in Brent.

The report requested authority to further extend the current contract with Brent Play Association to 31 March 2011 while officers considered options for the future delivery of play services with a report back to the Executive on such options by December 2010.

RESOLVED:-

- (i) that the current position with regard to the tender process for the delivery of play services in Brent and officers' intention to report to the Executive on options for the future delivery of play services by December 2010 be noted;
- (ii) that a further extension of the existing contract for play services with Brent Play Association (BPA) be authorised for a period of 7 months from 1 September 2010 to 3 March 2011.

9. **Waste Strategy Review**

Councillor Powney (Lead Member, Environment and Culture) introduced the report from the Director of Environment, Planning and Culture which presented proposals that were central to the policy programme of the new Administration namely an increased focus on sustainability and environmental improvement which included a number of specific goals relating to waste including increasing the recycling rate to 60% and restoring the free collection of bulky waste items for householders. This would also help deliver long term efficiency savings in excess of £1 million each year. The report proposed a programme of public consultation on the draft waste strategy and the revised collection and recycling arrangements the outcome of which would report back in November. Councillor Powney drew members' attention to the implications of repealing the £25 bulky waste charge and proposed that the free service be reintroduced with effect from 1 October 2010.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

RESOLVED:-

- (i) that the detailed outcomes from the Waste Strategy Review as described in the report from the Director of Environment and Culture be noted;
- (ii) that approval be given to the consultation on the preferred scenario for waste collection as set out in Sections 4.0 – 5.3 of the report from the Director of Environment and Culture;
- (iii) that approval be given to the consultation on the revised Waste Strategy for Brent as set out in Appendices A and B of the Director's report;
- (iv) that the financial implications of repealing the £25 charge for bulky household waste collections, as set out in paragraph 6.14 of the Director's report be noted;

- (v) that approval be given to the introduction of a free bulky waste collection service and that this should be introduced from 1 October 2010;
- (vi) that the Director of Environment and Culture be authorised to develop proposals for the street cleansing service in discussion with the Council's service provider – Veolia ES (UK) Limited, and that these proposals be reported back to the Executive.

10. Introduction of a vehicle emission-based charging regime for residents' parking permits

The report from the Director of Environment and Culture set out details of a proposal to generally increase charges for residents permits for parking on the highway (within controlled parking zones) at the same time as introducing a full vehicle emission based charging regime.

Councillor J Moher (Lead Member, Highways and Transportation) in introducing the report reminded the meeting that residents' parking permits charges had remained unchanged for many years and drew attention to the revised scale of charges. Councillor Moher explained that the proposals should encourage residents to consider the contribution their vehicles make to CO₂ emissions and climate change and monies received would go towards funding transport related issues. The proposals were for agreement subject to the outcome of consultation. It was noted that the proposals were comparable with other London boroughs with similar parking conditions and practices.

RESOLVED:-

- (i) that approval be given to the introduction of a vehicle emission based regime and new charges for residents parking permits and accordingly instructs the Director of Environment and Culture to undertake appropriate consultation and the advertising of Traffic Orders in association with the Council's intention to introduce the new charges and charging regime for residents parking permits as set out in the report;
- (ii) that the Director of Environment and Culture be authorized to subsequently consider all representations received in relation to the proposals and, having considered those representations and if appropriate, and making any modifications, make the proposed Traffic Orders to introduce the proposed regime and charges;
- (iii) that the Director of Environment and Culture introduce a "permit surrender price" scheme and a scheme to allow users of car club cars to park free of charge within parking bays in any CPZ within Brent and to amend, following consultation, the relevant Traffic Orders;
- (iv) that the Director of Environment and Culture explore opportunities to introduce a vehicle emission based regime for business and other parking permits and bring suitable proposals to the Executive at an appropriate time.

11. Authority to call off from a West London collaborative procurement framework agreement for the provision of home care for adults

The report from the Director of Housing and Community Care requested the award of call off contracts from a series of Framework Agreements, following a successful collaborative procurement exercise with other London boroughs for the provision of home care for adults. Approval for participation in this procurement exercise was given by the Executive Meeting of 19 October 2009. The report also requested that authority be delegated to the Director of Housing and Community Care to award further call-off contracts as required throughout the life of the Framework Agreement for the provision of home care, including reablement services and housing related support without the need to get these approved by the Executive (such approval would otherwise be required where a call-off contract exceeded £500,000 in value).

RESOLVED:-

- (i) that the result of the tender run by the West London Alliance Joint Procurement Unit, leading to the establishment of series of framework agreements by the London Borough of Hammersmith and Fulham for the supply of home care across older people, mental health, learning disabilities and physical disabilities sectors be noted;
- (ii) that approval be given to the awards of call-off contracts using the WLA framework for Personal Home Care to London Care plc, Enara Community Care, Supporta Care Ltd, Jays Homecare and Taylor Gordon and Co Ltd trading as Plan Personnel from 1 October 2010 for 4 years;
- (iii) that authority be delegated to the Director of Housing and Community Care authority to award further contracts in excess of £500,000 from the WLA frameworks as required throughout the life of the framework agreements, in consultation with the Director of Finance and Corporate Resources and the Borough Solicitor.

12. The transfer of resources from NHS Brent to Brent Council for people with learning disabilities

Following the issue of government guidance and support to effect the transfer of responsibilities for the commissioning of health and social services for people with learning disabilities from the NHS to local authorities, negotiations with NHS Brent have been concluded regarding the resources and commissioning responsibilities for those under the relevant criteria from 2007, with effect for 2009/10 and going forward from April 2010, as outlined in the report from the Director of Housing and Community Care. The Lead Member (Adults, Health and Social Care) outlined the areas that would be included in the transfer which she felt would sit well with the council's role as a provider of public health services and dealing with people with complex needs.

RESOLVED:-

(i) that approval be given to the financial agreement for the commissioning of services for individuals with learning disabilities between the Council and NHS Brent and approve the PCT transferring the following funds to the Council:

£7.511m for 2009-10 (£7.261million plus inflation of £250,000)

£7.611m for 2010-11 (£7.261million plus inflation of £350,000)

(ii) that approval be given to the revision of the joint commissioning of services by staff responsible for the learning disabilities function, such that the Council becomes the lead commissioner, with accountability for the function being held by the Joint Executive Team, between NHS Brent and the Council;

(iii) that the Director for Housing and Community Care submit a report seeking approval on the remaining transfers of responsibilities and resources for individuals with learning disabilities from NHS Brent to the Council by 31 March 2011. This is to include the NHS Campus closure programme and the future arrangements for the Community Team for People with a Learning Disability.

13. Award of contract for procurement and management of temporary accommodation

Councillor Thomas (Lead Member, Housing and Customer Services) introduced the report which detailed the process of the competitive tendering of two contracts for the Procurement and Management of Temporary Accommodation (Brent Direct Leasing Scheme), and made a recommendation as to award. Advertisements for the tender had been placed in November 2009 and following evaluation, Brent Housing Partnership had been assessed as the best provider.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

RESOLVED:-

(i) that approval be given to the award of both the Procurement and Management of Temporary Accommodation contracts to Brent Housing Partnership Ltd from 1 September 2010 for 2 years with provision to extend for a further 12 months;

(ii) that approval be given to an extension to the current contract for Procurement and Management of Temporary Accommodation to cover the period from 16 August 2010 to 31 August 2010 until the projected start date of the new contracts;

(iii) that authority be delegated to the Director of Housing and Community Care to further extend the current contract for Procurement and Management of Temporary Accommodation beyond 31 August 2010 if required, to allow for a later start date than 1 September 2010 for the new contracts, whether due to

delay in obtaining the required Secretary of State consent to the outsourced service or otherwise.

14. Rising to the challenges: re-shaping Brent Council to deliver the new Administration's priorities

The Chief Executive introduced his report which set out proposals to restructure departmental arrangements in order to ensure that they were fit to meet forthcoming challenges particularly in the light of the acute financial crisis facing local government and the need to ensure efficiency, the protection of front line services and the ambitions set out in the new Administration's policy programme.

The Chief Executive advised that since the publication of his proposals extensive consultation had taken place with council departments and staff and he was aware that some would be disappointed. He paid tribute to staff especially those who had been with the council for a relatively short time and had made valuable contributions. He commended the recommendations in the report to the Executive.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

RESOLVED:-

- (i) that the major changes and challenges currently facing local government be noted;
- (ii) that the broad vision for the future shape and structure of the Council set out in the body of the report from the Chief Executive and in Appendices 1 and 2 of the report be agreed;
- (iii) that the measures already taken to modernise the Council's structure, staffing and spans of management control as set out in section 4 of the Chief Executive's report be noted;
- (iv) that agreement be given, agree subject to the outcome of consultation with staff, to the deletion of the Business Transformation department and the reconfiguration of its functions as set out in section 5 of the report;
- (v) that the other proposed departmental structures as set out in section 5 of the report be endorsed;
- (vi) that the Chief Executive, in consultation with the Leader of the Council, be authorised to make such other consequential changes as may be needed to give effect to the proposals in the report.

15. Treasury Management Annual Report 2009/10

The purpose of the report from the Director of Finance and Corporate Resources was to provide information on borrowing and investment activity, and performance compared to prudential indicators during 2009/10. It also set out revised requirements in the 2009 Treasury Management Code of Practice and a progress report for 2010/11 as required by the revised Code. Councillor Butt (Lead Member, Resources) welcomed the report which was positive and asked the Executive to recommend it to Full Council for approval.

RESOLVED:-

that Full Council be recommended to:

- (i) adopt the 2009 Treasury Management Code of Practice as set out in the report from the director of Finance and Corporate Resources;
- (ii) approve the Treasury Management Annual Report (section 3); and Annual Investment Strategy Report (section 4);
- (iii) note the outturn for prudential indicators (section 5);
- (iv) note the updated position in 2010/11 (para. 3.25).

16. Reference of item considered by Forward Plan Select Committee

None.


17. Any Other Urgent Business

None.

The meeting ended at 6.45 pm

A JOHN
Chair

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	<p style="text-align: center;">Executive 14 September 2010</p> <p style="text-align: center;">Report from the Director of Housing and Community Care</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p style="text-align: center;">Homes and Communities Agency Investment Plan</p>	

1.0 Summary

- 1.1 This report seeks approval to the draft Borough Investment Plan (BIP) that is being negotiated with the Homes & Communities Agency (HCA) under their “Single Conversation” process. This process governs the way in which investment resources will be allocated to deliver housing, regeneration and infrastructure. The BIP sets out the strategic vision of the borough’s investment needs and identifies the various investment routes and mechanisms that are needed to support the delivery of the Council’s housing and regeneration priorities. The BIP will form the basis of a detailed borough investment agreement with the HCA to confirm the proposed levels of investment required in the borough. If HCA investment powers for the London region are devolved to the Mayor of London (the “Mayor”), then the BIP and specific investment agreements will form the basis of a devolved delivery investment agreement for Brent between the Council, the Mayor, the HCA and other investment partners. The BIP is expected to be agreed with the HCA before the Comprehensive Spending Review announcement in October 2010.

2.0 Recommendations

- 2.1 The Executive to approve the draft Borough Investment Plan attached in Appendix 1.
- 2.2 The Executive delegates authority for the Director of Housing and Community Care and the Director of Regeneration and Major Projects (once appointed) to agree the final draft of the Borough Investment Plan.
- 2.3 The Executive delegates authority to the Director of Housing and Community Care and the Director of Regeneration and Major Projects to submit an Expression of Interest to enter into a Devolved Delivery Agreement with the Mayor and other investment stakeholders. .

3.0 Detail

Background

- 3.1 In December 2008, the Homes and Communities Agency (HCA) launched a new business process, known as the “Single Conversation” process as means of transforming the way in which housing and regeneration can be delivered at a local and national level. The single conversation process governs the way in which the HCA, local authorities and delivery partners will work together on a range of housing, regeneration, infrastructure and community activities. The single conversation is intended to be an iterative process, setting out the contribution of all partners to agreed objectives, developing over time and covering:
- Strategy: reaching a view on objectives and priorities for an area
 - Investment: setting out broad, indicative levels of investment from all partners
 - Capacity: roles, responsibilities and abilities
 - Delivery: what interventions will be supported by investment
- 3.2 In April 2009, the HCA produced initial guidance on the Single Conversation process¹. The Single Conversation process aims to enable partners to achieve the following:
- bridge local ambition and national targets
 - achieve their vision through a shared investment agreement
 - agree and secure local delivery
 - achieve positive outcomes for people and places.
- 3.3 The Council was approached by the HCA in June 2009 to initiate negotiations under the Single Conversation process. The HCA required the Council to produce a draft investment plan for the borough, which is now more commonly referred to as the Borough Investment Plan (BIP). The BIP will set out the investment required for an area to deliver the agreed vision and economic purpose of the place. In doing so it will identify the needs to be addressed, based on robust evidence from local strategies, including the Sustainable Communities Strategy, Local Development Framework and the local economic assessments. The BIP will include objectives, outputs and outcomes that are expected from each of the Council’s partners, including the contributions and interventions they make. Given that the BIP has an economic, social and environmental focus it is necessary to engage with key stakeholders in its preparation, include housing association partners, private developers and funding agencies. In addition to these priorities for housing and regeneration, the BIP should also include assumptions on how affordable housing is to be funded, how the Decent Homes Standard is to be achieved and priorities for housing specific groups of people with support needs and for vulnerable people.
- 3.4 Once a BIP is approved, the Council is in a position to negotiate a more detailed Borough Investment Agreement which sets out the funding and resources that can be invested in the area over time as resources are made available, and the outputs and outcomes expected from them.

¹ [HCA Single Conversation Process Guidance April 2009](#)

Preparation of the Borough Investment Plan

- 3.5 The Council was approached by investment officers from HCA London Region in June 2009 to initiate negotiations under the single conversation process. Following a series of meetings with the HCA, an initial draft BIP was produced at the end of last year which was reviewed by the Corporate Management Team and the HCA's London Regional Director. In January 2010, the HCA confirmed that the initial draft of the BIP was in an acceptable form for detailed negotiations to be commenced. Given this, CMT established governance arrangements, in line with the corporate approach to major projects to oversee the preparation of the investment plan. The preparation of the BIP was overseen by a Project Board comprising the Director of Housing and Community Care and the Council's Major Projects Group. The HCA's main contact on the development of the BIP was the Assistant Director of Housing and Community Care (Strategy and Regeneration).
- 3.6 The draft BIP has been prepared by the Council's Affordable Housing Development Unit which has responsibility for the day to day engagement with HCA's investment team on the affordable housing delivery programme in the borough. In preparing the draft BIP a series of discussions has been held with senior officers within the Council responsible for housing delivery, planning and regeneration functions. Additionally, the Council's Housing Association Partners and Brent Housing Partnership were consulted on the draft investment plan. The draft BIP has also been shared with private developers, such as Quintain Estates and Development plc for comments. The BIP has also been discussed with other authorities from the West London sub-region. The HCA have been engaged throughout the consultation process. The BIP was considered under the HCA's peer review process in July 2010 and the comments raised have been addressed in the latest draft of the BIP which is attached in Appendix 1. The HCA's expectation is that the final draft of the BIP will be agreed prior to the Government's Spending Review announcement in mid October 2010.
- 3.7 A further round of consultation will be undertaken with officers, the HCA and other key stakeholders prior to the Executive meeting in September and shortly afterwards. The Director of Housing and Community Care is currently responsible for the preparation of the BIP. However, this responsibility will be shared once the Director of Regeneration and Major Project has been appointed. Given this, the Executive is asked to delegate authority to the Director of Housing and Community Care and the Director of Regeneration and Major Projects (once appointed) to jointly prepare a final draft of the Borough Investment Plan.

The Borough Investment Plan for Brent

- 3.8 The BIP comprises seven section and four appendices. The first section sets out the purpose of the BIP and the consultation process taken with stakeholder to prepare and approve the BIP. The second section provides an introduction to the borough and includes specific details on the geography and physical context, population, demographics, economy, deprivation, housing and regeneration. The section also includes details of how Brent is positioned within a regional and sub-regional context.
- 3.9 Brent's corporate vision is set out in the third section. This section provides further context around our key planning, housing and regeneration policies and strategies. The section also provides details of the Council's strategy for economic development, tackling worklessness and sustainability. Section 4 identifies the Council's approach

towards delivery, in particular, our delivery performance, governance arrangements and our key partnership arrangements. This section also examines the key challenges and barriers to investment and delivery.

- 3.10 The bulk of the document covers the investment needs for the five Growth Areas identified in the Council's adopted Local Development Framework (LDF) Core Strategy – Wembley, South Kilburn, Alperton, Church End and Burnt Oak/Colindale. In addition, the BIP includes details of the investment priorities for the North Circular Road and Barham Park. The key investment priorities across these geographical areas are set out in Section 5. We have included details of our investment and infrastructure priorities over the short, medium and longer term, and what steps are being taken to deliver these.
- 3.11 Section 6 provides details of the Council's other investment priorities, which are summarised as follows:
- i) Increase the provision of family housing;
 - ii) Providing new supported housing accommodation and remodelling existing schemes;
 - iii) Delivery of a range of tenures, in particular intermediate and low cost housing for sale and rent;
 - iv) Achieving decent homes for Council, Housing Association and private sector properties;
 - v) Meeting housing needs for gypsies and travellers;
 - vi) Future of Local Authority Housing Stock and development opportunities.
- 3.12 Finally, section 7 sets out our spatial priorities for investment on site specific level. A table summarising the key investment priorities on a site by site basis is included as an appendix to the BIP. Other Appendices include details of the evidence base supporting the BIP, a copy of the Infrastructure and Investment Table which supports the Council's adopted LDF Core Strategy and a list of key borough contacts.

Devolved Delivery Agreement

- 3.13 The funding approach for housing and regeneration in London is currently undergoing a period of change. A key element of the Government's proposed Decentralisation and Localism Bill is to devolve housing and regeneration powers to the Mayor of London. There is a tight timetable for the Decentralisation and Localism Bill: it is expected to be introduced in November 2010, with Royal Assent in late 2011, and proposed commencement as of April 2012. The proposed change seeks to bring together the responsibilities for the HCA's London region and London Development Agency into the Greater London Authority. The Mayor is also keen to devolve a greater degree of responsibility for housing investment decisions to London boroughs and therefore is currently considering how devolved delivery arrangements can operate. The devolved delivery agreement will cover all funding that the Mayor and HCA are currently responsible for such as NAHP, targeted funding streams, growth area funding and decent homes. The BIP and Borough Investment Agreements will form the basis of negotiating a specific delivery agreement once the housing and regeneration powers are devolved to the Mayor.
- 3.14 The Mayor, together with London Councils have issued guidance on the Devolved Delivery Framework, which has been approved by the HCA London Board. This Devolved delivery framework document sets out the broad shape of how the Mayor sees local and London-wide government working together to deliver housing and

regeneration. The guidance has been circulated as a discussion document rather than a formal statement of policy as many details still need to be worked through. Boroughs with a Devolved Delivery Agreement would, in exchange for agreeing a set of broad outcomes with the Mayor and the HCA board, be given greater autonomy over investment decisions, certainty on a given level of resources for a two to three year period and the flexibility to commit those resources in the way that best suits local circumstances. A copy of the Mayor's proposed Devolved Delivery Framework Guidance is attached in Appendix 2.

- 3.15 Devolved Delivery will provide this certainty by identifying an indicative budget for investment in the borough over the period of the spending round. Whilst this does not mean that the cash itself would be transferred to the council, it does mean the Council will have the ability to move funding flexibly across different types of investment and substitute schemes. The Devolved delivery arrangements are intended to enable the council to lead on negotiations and decisions on investment from the start of the process and make key funding decisions throughout the investment period. One of the key parts of the agreement that is still to be finalised is how the indicative budget for each authority will be arrived at. It is likely that any formula is likely to include both an element relating to housing need and the ability and willingness of the borough to build affordable homes. Any budget is also dependent on the overall budget that the government gives to GLA/HCA which is anticipated will be significantly smaller than recent years.
- 3.16 The Mayor would like the first Devolved Delivery Agreements signed in April 2011 and therefore is requesting London Boroughs to submit an Expression of Interest by 1st October 2010 if they wish to enter into a Devolved Delivery Agreement. Any such Expressions of Interest would be in no way binding on either part, but would enable detailed discussions to be held to ensure that agreements are in place by April 2011. Entering into a Devolved Delivery Agreement with the Mayor will give the council some certainty about the future levels of expenditure in the borough. This is particularly important given the current market conditions and economic outlook. The Executive is asked to delegate authority to the Director of Housing and Community Care and Director of Regeneration and Major Projects to submit an Expression of Interest to enter into a Devolved Delivery Agreement with the Mayor and other investment partners. The Executive is asked to note that a further report will be presented to Members to approve the final form of the Devolved Delivery Agreement as detailed negotiations are progressed with the Mayor, HCA's London Board and other key stakeholders and are concluded.

Conclusion

- 3.17 These discussions are taking place at a time where difficult market conditions are being generated from the current economic recession and in the context of considerable uncertainty about future levels of public expenditure, in particular, the scale of future HCA investment. It is therefore necessary to provide an element of certainty which allows the council and its delivery partners to make the best use of limited resources to deliver outputs in line with the agreed priorities for an area. The Single Conversation process and approval of the BIP, specific investment agreements and a Devolved Delivery Agreement are all designed to enable this to be achieved. The Mayor and the HCA are keen to have all BIPs approved by the end of September in order to allow the Council sufficient time to negotiate Devolved Delivery Agreements or specific Borough Investment Agreements by spring 2011.

4.0 Financial Implications

- 4.1 A key driver for developing a partnership working framework through the Single Conversation process is to lever external funding and investment in order to deliver the Council's infrastructure and growth plans as set out in the council's adopted LDF Core Strategy. The development of the BIP and borough investment agreements will allow the Council to set out its key investment requirements and inform the Council's overall financial management strategy over the short, medium and longer term.
- 4.2 Reaching an agreement with the HCA under the Single Conversation is critical as its terms inform the Council's investment requirements in preparation for the 2011-2014 Comprehensive Spending Review (CSR). There is a risk that reduced government funding will be available for housing and regeneration investment in the future and that a change of emphasis from grant to investment on the part of the HCA will lead to little or no grant for affordable housing schemes, creating a real issue for delivery. However, the Single Conversation is the only process by which government funding for housing will be made available and therefore it is something the Council must engage with positively.
- 4.3 As the BIP and proposed Devolved Delivery Agreement indicate the level of public sector investment committed or required, the documents will be key in terms of ascertaining the level of private sector investment that is required to delivering new housing, regeneration and growth priorities as well provide private sector investors a degree of market confidence that sites are deliverable on the basis of funding availability and commitments made under the Single Conversation Process.
- 4.4 The Single Conversation Process and Devolved Delivery Framework provides the Council with an opportunity to seek agreement on investment models and approaches that can be taken, in particular with respect to delivering the wider regeneration priorities across South Kilburn and Wembley. In particular, the Single Conversation process will provide an opportunity to negotiate a reinvestment strategy which encourages the reinvestment of grant to ensure longer term delivery projects are viable.
- 4.5 It is important that determining other key investment priorities, such as delivering larger family homes and supported housing schemes, will in the longer term generate ongoing savings for the Council in terms of delivering the various projects identified in the Council's Improvement and Efficiency Action plan, for example the Adult and Social Care Transformation programme.
- 4.6 The Executive is asked to note that in approving the draft BIP, Members are not being asked to approve any resources in respect to the delivery of the plan. The BIP's purpose is to present a statement of intent and is not a legally binding agreement. Details on specific investment commitments will come out negotiations on the delegate delivery agreement with the Mayor, HCA and other delivery partners. Any financial commitments referred to within the BIP are strictly restricted to those decisions have already been endorsed by the Executive on specific schemes.

5.0 Legal Implications

- 5.1 The Borough Investment Plan is not legally binding and is voluntary. As stated in paragraph 3.16 above, a further report will be presented to Members to approve the final form of the Devolved Delivery Agreement following negotiations with the Mayor, HCA and other key stakeholders. In the further report, detailed legal implications regarding the content of the Devolved Delivery Agreement will be set out.
- 5.2 By the time a further report is presented to Members, further details will be known about the content of the Decentralisation and Localism Bill, which was included in the Queen's Speech in May 2010 and is expected to be presented before Parliament in the autumn of 2010. The Greater London Authority has indicated that it expects the proposed Bill to include provisions to devolve housing and regeneration powers from central Government and the Homes and Communities Agency to the Mayor of London. The Greater London Authority has confirmed that it will not request that specific references to Devolved Delivery Agreements are included in the forthcoming Bill.
- 5.3 Prior to any changes brought by the forthcoming Decentralisation and Localism Bill, the introduction of any Devolved Delivery Agreements will need to be undertaken within the existing legislative and institutional framework, and will need to be ratified by the HCA National Board and the Housing Minister. Until this point, the existing statutory set of delegations between the Ministers and officers of the HCA remain enshrined in law.
- 5.4 The proposals, as set out in paragraphs 3.13 and 3.14 above and in the Greater London Authority's Devolved Delivery Agreement Framework in Appendix 2 to this report, aim to ensure that decision-making powers are devolved to the boroughs by the Mayor and London Board, on the basis that these same decision-making powers have been devolved to the Mayor and London Board by the Minister of State and the National HCA Board. However, this cannot work outside of the existing set of HCA delegations or accountabilities until the changes made in the forthcoming Decentralisation and Localism Bill have been enacted by Parliament.

6.0 Diversity Implications

- 6.1 An equalities impact assessment will be completed on the Borough Investment Agreement delivered through the single conversation process as appropriate.

7.0 Staffing/Accommodation Implications

- 7.1 There are no specific staffing issues.

Appendix 1 Draft Borough Investment Plan for Brent Council

Appendix 2 Devolved Delivery Framework

Background Papers

HCA Single Conversation File

HCA Single Conversation Guidance Note

LDF Core Strategy

Local Investment Plan Guidance

Devolved Delivery Framework Guidance

Contact Officers

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Martin Cheeseman

Director of Housing and Community Care

Appendix 1
Appendix 2

Draft Borough Investment Plan
Devolved Delivery Framework

Both circulated separately.

	<p style="text-align: center;">Executive 14 September 2010</p> <p style="text-align: center;">Report from the Director of Housing and Community Care</p>
<p style="text-align: right;">Wards Affected: Dollis Hill, Fryent, Wembley</p>	
<p>ALMO New Build Programme</p>	

Appendices 4 and 5 are not for publication as they contain the following categories of exempt information as specified in the Local Government Act 1972, namely:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

1.0 Summary

1.1 This report seeks to progress the Brent Housing Partnership Limited (BHP) development of five new affordable homes under the Homes and Communities Agency's (HCA) 2008-11 National Affordable Housing Programme. This report specifically requests the Executive to agree to dispose of the Ander Close, Mead Court and Coppermead Close Garage sites to BHP at nil financial consideration and to allow BHP to enter into a Grant Agreement with the HCA and for the Council to enter into a Performance Guarantee Bond and Rent Charge Agreement with the HCA. The Council will receive 100% nomination rights to these homes.

2.0 Recommendations

2.1 To agree to dispose of the Council owned HRA land at the Ander Close, Mead Court and Coppermead Close Garage sites to BHP at nil financial consideration.

2.2 To agree to enter into a building lease with BHP under which they will agree to procure the construction of the five new homes on terms to be determined by the Director of Housing and Community Care in consultation with the Borough Solicitor.

2.3 To give approval to BHP to finance the development using its reserves to cover the shortfall in funding the scheme subject to the availability of grant. The reserve sum is shown in appendix 4.

2.4 To agree to allow BHP enter into a new Grant Agreement with the HCA and allow the Council to enter into:

2.4.1 a Performance Guarantee Bond in respect of the Grant Agreement on terms to be approved by the Director of Finance and Corporate Resources

2.4.2 a Rent Charge Agreement to charge the Council's freehold land to the HCA as required by the Grant Agreement on terms to be approved by the Borough Solicitor.

3.0 Detail

3.1 Background

3.1.1 On 6th August 2007 the Executive agreed, in principle, that BHP be permitted to own, manage and grant tenancies of properties to newly developed properties that have been developed under the Housing Corporation's (now known as the HCA) 2008-11 National Affordable Housing Programme (NAHP), and agreed, in principle, to provide a Performance Guarantee Bond in respect of any funding allocation received by BHP under this programme. This approval was given on the basis that specific schemes would require express executive approval as and when they came on stream.

3.1.2 BHP achieved Housing Corporation Preferred Partner status on 19th July 2007. As part of this qualification, BHP was set a target to deliver 175 units over the 2008/11 development programme. BHP has made considerable progress on delivering schemes since its Partner status:

- In 2009, BHP acquired the Granville New Homes scheme in South Kilburn to provide 110 affordable housing units.
- Over the past year, BHP has acquired 33 one bedroom properties for market renting and is expected to complete the purchase of a further 12 properties by the end of September.
- BHP has commenced an acquisition programme under tranche 1 of the Settled Homes Initiative (SHI) to deliver 11 of the 42 properties for homeless households.
- BHP has secured HCA funding to in order to develop the Aldbury Avenue garage site. The development will deliver three 3 bedroom houses for affordable rent by February 2011.

3.1.3 BHP has reviewed the feasibility of developing a number of infill sites, such as disused garages sites, that are located in existing housing estates. BHP has identified three infill sites to take forward in the next stage of their development programme.

- Garage Site at Ander Close, Wembley
- Garage Site at Mead Court, Kingsbury
- Garage Site at Coppermead Close, Cricklewood

3.1.4 BHP's development function is overseen by its Development Sub-Committee which gave approval to the schemes at its meeting on 26 January 2010.

3.2 Development Proposals and Planning Status

3.2.1 ***Ander Close Garage Site***

The development proposal is to build 2 three bedroom houses for affordable rent. The existing site comprises 24 garages, none of which are let. The site is overgrown and is prone to fly tipping. The garages have been vacant for a substantial period of time and based on their current condition would require a significant investment to return them to a lettable standard. The site is a secluded site which is not visible by the general public and whilst there are some overlooking views from neighbouring properties, has been subject to anti social behaviour.

3.2.2 Detailed planning permission (reference 08/2863) for the demolition of the existing garages and the erection of two 3 bedroom 5 person houses was granted on 24/02/09.

3.2.3 ***Mead Court Court Garage Site***

The proposed scheme comprises two 3 bedroom 5 person houses. The existing site comprises 29 garages of which 7 are let. The site is unwelcoming as it is at the rear of an existing block of flats and is badly lit. A detailed survey of the garages is currently underway to establish how they are currently being used e.g. let on licence.

3.2.4 Discussions are ongoing regarding access to the site which is preferred via Oak Tree Dell. There is no current access or right of way across Oak Tree Dell and a planning application has been submitted which will be amended if access is achievable via Oak Tree Dell. If this access is not achievable then the application will be withdrawn.

3.2.5 ***Coppermead Close Garage Site***

It is proposed to deliver a 4 bedroom 7 person house on this site. The existing site comprises 12 garages of which 4 are let. The garages are mostly derelict and would require significant investment to return them to a lettable condition. The site has fallen into decay and leads into an existing residential area.

3.2.6 BHP has carried out general consultation with the residents whose properties adjoin the site and their concerns about the development were considered as part of BHP's design of the scheme and its discussion with the Council's planning officers. Following the pre-application consultation exercises, the Mead Court and Coppermead Close planning applications are to be resubmitted. The schemes are being redesigned to planning officers' specifications and comments and any access difficulties will need to be resolved before planning applications can be resubmitted. The provision of new parking spaces is to be included in the proposals for the schemes.

3.2.7 ***Development Options***

Alternative tenure options, in particular intermediate housing properties, were considered, however, these were not feasible as BHP requires grant assistance to be able to deliver these sites. Moreover, the sites were very constrained due to their location and by the surrounding properties, and it has not been possible to design a smaller flatted development on these sites. At the end of last year, nearly 40% of households registered on the Council's

waiting list were seeking rehousing due to overcrowding and therefore a key priority for the Council is to ensure that the level of investment into new development sites supports the provision of family sized housing. Given this, a key consideration in preparing these development proposals was to maximise the number of larger affordable rented homes that could be accommodated on these sites.

3.2.8 ***Development Costs and Delivery***

The total scheme costs for the three schemes are shown in appendix 4, along with the requested value of social housing grant and the amount to be financed from BHP's reserves. The appraisal methodology is line with the approach taken by RSLs to determine the schemes' viability. It is anticipated that the schemes will be procured via a competitive tendering exercise. If planning permission and grant confirmation is achieved, start on site is expected to take place within the current financial year between December 2010 and February 2011, with completion by March 2012.

3.2.9 Plans showing the boundaries of the sites are shown in appendices 1-3 (site boundaries are indicative only and are subject to a detailed survey).

3.3 **Grant Agreement**

3.3.1 BHP will submit a bid to the HCA for grant funding under their Continuous Market Engagement Process once planning approval on the sites has been secured. Initial discussions have been held with HCA investment officers who have indicated the schemes could be supported if they can be delivered by March 2012.

3.3.2 It will not be possible to know the outcome of the bid request until mid October, however if the funding allocation is confirmed BHP will be required to enter into a new Grant Agreement with the HCA. However, the Executive is asked to note that for each development scheme BHP intends to take forward that receives HCA funding, the Council must give approval to provide a Performance Guarantee Bond to the HCA.

Performance Guarantee Bond

3.3.3 The Performance Guarantee Bond will underwrite BHP's liabilities should they default on the Grant Agreement. The Performance Guarantee Bond will be in the same format as that approved for the first scheme at Aldbury Avenue. The Executive is asked to give its approval for the Council to enter into a Performance Guarantee Bond with the HCA provided that the Director of Finance and Corporate Resources approves the terms thereof. The key obligations of the Council as guarantor to the ALMO NAHP Grant Agreement with the HCA are summarised in paragraphs 5.12 to 5.20 below.

3.4 **Disposal Options**

3.4.1 The key options available to the Council for the disposal of the land are as follows:

- i) Disposal on the open market
- ii) Disposal to Registered Social landlord (RSL)

- iii) Disposal to BHP
- iv) Do nothing

3.4.2 **Disposal on open market**

If this option were to be considered then the normal practice would be to maximise the capital receipt from the disposal of the sites. Valuations of the sites are to be carried out once planning permission is achieved. However, it is anticipated that the disposal of the sites on the open market, based on an independent valuation carried out on one of the sites in 2009, would generate a capital receipt of approximately £500k in total for all three sites. This would be subject to deductions for any associated costs such as demolition or clearance for open market disposal and planning permission being granted (without planning permission the land value of the sites is expected to be approximately £20k per site). Interest from the private sector would be minimal because of the location of the sites and the number of units capable of being developed. Factoring in the severe shortage and demand for larger family homes, it is anticipated that open market disposal would not represent the most effective benefit that the Council can derive from these sites (issues in respect of pooling of the capital receipt are summarised in section 4.5 below).

3.4.3 **Disposal to RSL**

This could be considered if BHP cannot deliver the site. However, it is difficult to get RSLs involved in delivering infill sites due to expense and lack of management presence. Also, they have other programmes and given current funding constraints are not willing to consider these sites given the relatively small number of units. Disposal to an RSL is also unlikely to be viable because the HCA is aware of BHP's interest in these schemes and the Council would need to provide a reasonable explanation as to why an RSL scheme would be favoured over BHP's bid.

3.4.4 **Disposal to BHP**

The recommendation in this report is for disposal of the land to BHP at nil financial consideration. The reasons for this are as follows:

- i) This is HRA land held for housing purposes. Disposal to BHP at nil financial consideration with 100% nomination rights held by the Council whilst the property is used as social rented accommodation, will ensure that this land continues to meet housing need in the borough.
- ii) The HCA funding is based on the expectation that the Council would contribute its own land at nil financial consideration. If a receipt is generated, then the HCA would apply a corresponding reduction in grant support.
- iii) The scheme would not be viable if the land was provided at market value.
- iv) The use of BHP for this project will assist BHP in building up its development role in carrying out wider regeneration of the area, delivering decent and sustainable neighbourhoods, as well as decent homes.
- v) In practice, the current state of the housing market means that it would be difficult for the council to dispose of the site on the private market that would provide good value to the Council.

3.4.5 The Executive is therefore asked to give its approval to dispose of the sites to BHP for nil financial consideration, and to delegate authority to the Director of Housing and Community Care to enter into a building lease in relation to the sites.

3.4.6 ***Do nothing***

The garages are in a state of disrepair. At present, the Council does not have the funding to carry out the necessary improvements and repairs. The cost of bringing the garages within all of the sites back into use is estimated to be approximately £1.3m. Furthermore, the condition of the sites is also likely to worsen without intervention and would result in revenue loss to the HRA in recurring repairs and maintenance to the garages. Also, if these sites were not to be included as an integral part of any development there is a risk that they would become an area of nuisance and litter/dumping to the detriment of the neighbouring community and the sites would have restricted viability. The demolition of the garages and the provision of new affordable housing to provide accommodation more suitable for meeting the Council's identified housing needs is therefore the preferred option. The proposals in this report will also contribute to the administration's new Corporate strategy which will be published in Autumn 2010.

3.4.7 The risks associated with the recommendations of this report relate primarily to the deliverability of the sites for affordable housing. It is difficult to quantify the risk as the sites will be considered in their own right as all the planning and community considerations are worked through. The general principle of development on the sites has been agreed by the planning officers.

4.0 Financial Implications

4.1 A bid will be made to the HCA under the Continuous Market Engagement process for Ander Close by Mid August 2010. A bid for Mead Court and Coppermead Close will be made when planning permission has been granted or when a recommendation for approval has been made by the planning officer. The balance of scheme costs will be directly financed from BHP's reserves. The total estimated cost of these schemes is shown in appendix 4.

4.2 The value of the sites is yet to be determined. The amount of capital receipt being foregone would need to take into account the current valuation of the sites and costs the Council would incur to dispose of the sites.

4.3 The Building Lease will include a provision that the development cannot commence before the Section 106 Agreement is completed and planning permission is granted.

4.4 In respect of Stamp Duty Land Tax (SDLT), this scheme will not attract SDLT liability since the transfer is at nil value. As the grant of nomination rights will be a planning obligation in the s.106 agreement, no SDLT will be payable by the Council or BHP on the deemed open market value of the nomination rights.

- 4.5 Under the Prudential Capital Finance System, which was introduced in 1st April 2004, the value of capital receipts foregone will need to be taken into account for the Capital Receipts Pooling (in which a percentage of capital receipts is paid to the Secretary of State).
- i) Regulation 22 of the Local Authorities (Capital Finance and Accounting (England) Regulations 2003), sets out that where an authority makes a disposal which would normally come within the scope of the pooling requirement, but is not paid in cash (in this case it is at nil financial consideration), then the authority must work out what it would have received if the sale has been in cash, and then apply the pooling requirements to that amount.
 - ii) Certain types of capital receipts can be treated as reduced before calculating the pooling percentage be reference to the “capital allowance”. The overall effect of the capital allowance is to allow capital receipts to be recycled into the authority’s own affordable housing and regeneration projects. Officers consider there is sufficient resources in the authority’s Capital Allowance that determine that none of this “Notional Capital Receipt” will need to be pooled.
- 4.6 Should BHP default on the Grant Agreement the Council could be liable to repay the grant to the HCA plus interest and expenses. In these circumstances, the land ownership would revert back to the Council, and the Council may dispose of the site or transfer the site to an RSL in order for the liability to be minimised.
- 4.7 As part of the s106 agreement required for the planning approval, BHP is required to meet the reasonable costs of the Council’s legal and professional services and make an additional contribution which is due to be paid to the Council on material start on site. The payment is a standardised charge which applies to all residential developments.
- 4.8 The land is held on the Housing Revenue Account but no revenue implications are anticipated for the Council as a result of the proposed disposal of the sites for affordable housing. BHP is to reimburse the Council for any reasonable legal and other professional fees the Council incurs, and acquisition costs of the additional affordable units are to be borne by BHP.
- 4.9 Whilst BHP is a wholly Council-owned company with separate governance arrangements through its Board, in accounting terms BHP’s accounts are part of Brent’s consolidated group balance sheet for statutory accounting purposes. Properties owned by BHP under this scheme and any liabilities arising from these will be shown in BHP’s accounts and not in the Council’s single entity accounts. However, both sets of accounts will be combined to form the Council group accounts, which include BHP’s assets and liabilities in the group balance sheet.
- 4.10 The financial risk to the Council in foregoing some or all of the anticipated capital receipts from open market disposal of the sites, either because of a lack of planning permission or because of unexpected costs in developing the site, is considered to be small. The anticipated capital receipt is not expected to be of any significant value and would be a ‘windfall’ as it has not been

assumed in any budget forecasts. Furthermore, any costs overruns arising from the construction and delivery of the scheme are to be met by BHP.

5.0 Legal Implications

- 5.1 As the Council holds the property for housing purposes it cannot dispose of the same other than in accordance with a Consent issued by the Secretary of State for Communities and Local Government under Section 32 to 34 of the Housing Act 1985.
- 5.2 Whilst there is a General Consent issued in March 2005 under the Housing Act 1985 and the Local Government Act 1988 which sets out different categories of disposals which are deemed to have consent, it will be necessary to obtain a Special Consent from the Secretary of State in this instance given that the disposal is to an ALMO for nil financial consideration. The building lease cannot be granted to BHP until such Consent has been granted.
- 5.3 In respect of the granting of the Performance Guarantee to the HCA on behalf of BHP, the Council has the power under section 24 of the Local Government Act 1988 ("LGA 1988") to provide any person with financial assistance for privately let housing accommodation. Financial assistance includes the acquisition, construction, maintenance and management of the properties (pursuant to section 24(1) LGA 1988) and includes guaranteeing the performance of any obligation owed to the person to whom the financial assistance is provided (pursuant to section 24(2) LGA 1988). Regarding privately let housing accommodation, under section 24(3) LGA 1988, this means that the properties are occupied as housing accommodation pursuant to any lease or licence of any description or under a statutory tenancy and that the immediate landlord of the occupiers of the properties is not a local authority, which BHP is not.
- 5.4 Under section 25 of the LGA 1988, it states that such a power (under s.24 LGA 1988) cannot be exercised without the consent of the Secretary of State. Therefore, the Council needs to seek the consent of the Secretary of State under section 25 of the LGA 1988 to give the Performance Guarantee to the HCA on behalf of BHP and the associated Rent Charge Agreement with the HCA.
- 5.5 In the decision of the Executive in its meeting dated 6 August 2007, Members agreed for BHP to own property and manage and grant assured tenancies which have been funded by the HCA using social housing grants allocated under the National Affordable Housing Programme. However, the Executive decided that this would be subject to the Executive's approval for BHP to enter into each scheme under this initiative.
- 5.6 It is proposed that BHP enter into a Building Lease with the Council to build out the scheme. BHP needs a full legal interest in the site to enter into a Grant Agreement with the HCA. A Building Lease achieves this object. On completion of the scheme the land will be transferred to BHP with appropriate covenants and restrictions being placed on the BHP title.

- 5.7 Under paragraph 5(3) of the Articles of Memorandum of Brent Housing Partnership, subject to the written consent of the Council, BHP has the power to borrow money, issue loan stock and raise money in such a manner as BHP sees fit.
- 5.8 In the Report to the Executive meeting of 6th August 2007, the Council agreed in principle to providing a Performance Guarantee Bond in relation to BHP's participation in the 2008-2011 NAHP. The HCA will give grants on a scheme by scheme basis to RSLs and ALMOs that satisfy the necessary criteria. The approval was given by the Executive in principle and subject to the terms set out by the HCA.
- 5.9 The terms of the Performance Guarantee Bond are set out in a document known as a base document for the NAHP to be agreed between the HCA and the ALMO, with the Council as Guarantor.
- 5.10 Allied to the Performance Guarantee Bond the Council is required by the terms of the Grant Agreement to enter into a Rent Charge Agreement with the HCA.
- 5.11 Under the Rent Charge Agreement the Council agrees to make the Property available for use as affordable housing and charges the freehold for the purpose of securing its covenants (inclusive of those to be performed by BHP under the Building Lease) which are enforceable by the HCA against the owners for the time being of the Property.
- 5.12 As part of the guarantee, the Council agrees to guarantee the "due performance" of BHP's performance obligations under the Grant Agreement, and this includes any variation or addition to the Grant Agreement. There are a number of consequences for the Council if the ALMO fails to carry out its obligations as set out in the NAHP Grant Agreement. The consequences are as follows:
- the Council will be liable for and indemnify the HCA on demand against all losses, damages, costs and expenses which are properly and reasonably incurred by the HCA and which the HCA may incur by reason or in consequence of any failure on the ALMO's part to carry out, observe or perform the obligations under the Grant Agreement or in consequence of the Grant Agreement being terminated;
 - upon demand from the HCA, the Council will carry out, observe, perform and fulfil in place of the ALMO the obligations, duties, undertakings, covenants under the Grant Agreement.
- 5.13 The ALMO will own the land for which it will obtain a grant from the HCA. If the Council were to observe the obligations of the Grant Agreement as landlord of the properties being funded under the NAHP, it is likely that the tenancies will change from being assured tenancies to secure tenancies as local authorities cannot grant assured tenancies. This may have an effect on the Housing Revenue Account.
- 5.14 Furthermore, the HCA is not bound to enforce any rights against the ALMO or any other guarantor or other person before enforcing guarantee. As long as

the HCA has served on the Council and the ALMO written notice requiring the ALMO to comply with the Grant Agreement and the ALMO has not done so within 14 days of such written notice, the HCA will be able to enforce the Guarantee without further resort to the ALMO. This is a standardised term applied to all of the HCA preferred partners and it is unlikely that revised terms would be offered to the Council, as this would result in an uncompetitive advantage in favour of the authority. However it should be noted that the Performance Guarantee specifically states that the Council will have no greater liability as guarantor than if it been named as a party to the Grant Agreement with the ALMO.

5. 15 The Council will not be discharged from the Guarantee, or released or otherwise exonerated) if any of the following occurs:
- waiver, amendment or variation of the Agreement
 - waiver or release alteration to the nature of the NAHP Project
 - any allowance of time or other concession granted to the ALMO under the Grant Agreement or any other compromise or settlement of any dispute between the HCA and the ALMO
 - liquidation, bankruptcy, administration, dissolution, incapacity or absence of legal personality of either the ALMO or the Council
 - any provision of the Grant Agreement becoming illegal, invalid, void or voidable
 - suspension of or termination of the Grant Agreement
 - suspension or termination of the employment of the ALMO under the Grant Agreement
 - failure to take or realise, release, discharge or exchange any security guarantee or indemnity in respect of the Grant Agreement
 - any other act which might operate to discharge, release, impair or otherwise exonerate the Council from the Guarantee
- 5.16 The Guarantee is continuing and will continue until all obligations, duties, undertakings, covenants, conditions and warranties carried out or performed by the ALMO under the Grant Agreement will have been observed, satisfied or performed and discharged in full.
- 5.17 The HCA may make more than one demand under the Guarantee.
- 5.18 The Council has no right to counterclaim or set off against the ALMO for sums payable by the ALMO to the HCA for payment of monies by the Council to the HCA.
- 5.19 The Council will not, without prior consent from the HCA (which will not be unreasonably withheld or delayed), hold any security from the ALMO or any other person in respect of the Council's liability under the Guarantee.
- 5.20 As the Guarantee will be executed as a Deed, the Council's limitation will be 12 years from the date when the cause of action arose.
- 5.21 BHP to grant assured tenancies in respect of these properties and set rents in line with the Government's target rents.

5.22 BHP can offer prospective tenants an opportunity to own their home through Right to Acquire. Under the scheme tenants will be eligible for a discount, which is based on the location of the property. These discounts are in line with the discounts applied for the Right to Acquire scheme as set out in the Housing (Rights to Acquire) (Discount) Order 2002 (SI 2002 No 1091).

6.0 Diversity Implications

6.1 BHP will be required to deliver new homes to Lifetime Homes standards to maintain the future accessibility of properties

6.2 The Council currently has 3,693 households registered on its waiting list that require three bedroom accommodation. Officers are currently forecasting that RSLs will only complete 80 three bedroom properties from the new build programme over the next 12 months. The proposals are aimed at helping the Council achieve its Housing Strategy priorities of developing new homes. BHP plays a key role in encouraging community cohesion by bringing ethnic minorities and other excluded groups into the wider community through a number of innovative schemes, initiatives and a range of coordinated actions.

6.3 BME households are disproportionately reflected in the Council's Housing Register and amongst homeless households in the borough. This development aims to maintain the relationship respecting diversity and promoting choice for applicants registered on the Council's waiting list for the affordable housing. Given the current financial climate and down turn in the property market, the Council needs its development to partners continue to maximize the delivery of affordable homes.

6.4 As part of BHP's selection as a preferred partner, BHP were required to submit a BME Method Statement which sets out their approach to ensure their development activities are in line with the requirements of the HCA and the Council.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 N/A

8.0 Additional Information

Appendix 1: Site Map – Ander Close
Appendix 2: Site Map – Mead Court
Appendix 3: Site Map – Coppermead Close
Appendix 4: Financial information
Appendix 5: Financial appraisals

Contact Officers

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Affordable Housing Development Unit
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Martin Cheeseman
Director of Housing and Community Care

EXECUTIVE COMMITTEE

**Garages Adjacent to 32 Harrowdene Road,
Ander Close, Wembley, London HA0 2JE.**



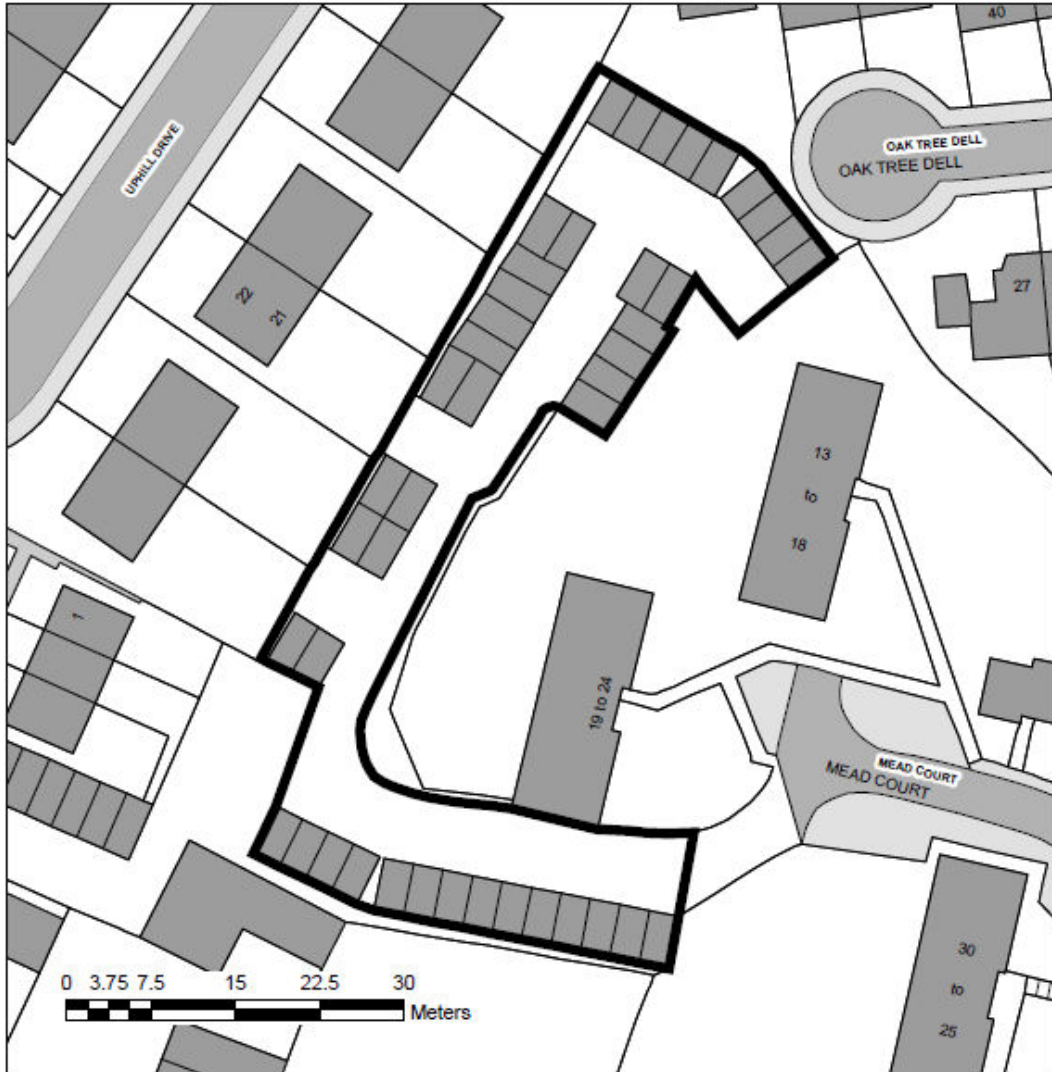
**Site shown heavily outlined black.
Plan for information purposes only.
Site boundaries are indicative only
and are subject to detailed survey.**

NORTH

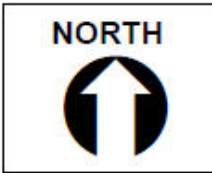


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EXECUTIVE COMMITTEE
Garages at Mead Court, Buck Lane, London, NW9 0XN



**Site shown heavily outlined black.
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Site boundaries are indicative only
and are subject to detailed survey.**

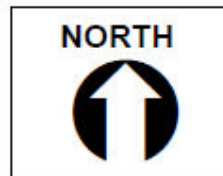


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EXECUTIVE COMMITTEE
Garages at Coppermead Close, Dollis Hill, London NW2 6NP.




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	<p style="text-align: center;">EXECUTIVE 14 September 2010.</p>
<p style="text-align: right;">Ward Affected: Wembley Central</p>	
<p>Petition for improved safety measures – footpath Station Grove and Lyon Park Avenue</p>	

1.0 Summary

- 1.1 This report informs the Executive of a petition that was received from residents in Wembley Central Ward to provide better lighting and consideration of CCTV in the footpath between Station Grove and Lyon Park Avenue, Wembley.

2.0 Recommendations

- 2.1 That the Executive note the contents of the petition received and seeking better lighting and consideration of CCTV in the footpath between Station Grove and Lyon Park Avenue, Wembley.
- 2.2 That the Executive note the current status of street lighting in the footpath concerned.
- 2.3 That the Executive note the Council's CCTV Strategy's position on the priorities for the installation of new CCTV.
- 2.4 That the Executive note information supplied by the Police in relation to this alleyway.
- 2.5 That the Executive does not support investment in new CCTV or additional street lighting.

3.0 Petition

- 3.1 A petition has been received from residents of in Wembley Central Ward. The petition is headed "Petition for safety measures in the footpath between Station Grove and Lyon Park Avenue, Wembley" and states "we the residents of Lyon Park Avenue and neighbouring roads all on Brent Council to provide better lighting

and to consider installing CCTV in this footpath to cut the crime and anti-social behaviour there”

- 3.2 The petition has been verified as containing the signatures of at least fifty persons on the Borough’s electoral register and hence requiring the consideration of the relevant Committee,

4.0 Details

- 4.1 The footpath concerned runs from Station Grove to the north-east to Lyon Park Avenue in a south westerly direction. From the northern end, there is a left bend of approximately 40 degrees, making it impossible to see the full extent of the footpath from one end to the other. A plan is shown at Appendix A.
- 4.2 The footpath is illuminated by four light columns, with some light also provided by a light column in Lyon Park Avenue at the southern entrance to the footpath.
- 4.3 The following information addresses the respective street lighting and CCTV issues, and the relevant crime statistics and history of lighting defects.

Street Lighting

- 4.4 The Council’s street lighting is managed through a Private Finance Initiative (PFI) Contract that has improved the standard of street lighting to BS5489, which is recognised nationally as a high standard for street lighting.
- 4.5 There are 4 street light columns in the alleyway and these have been inspected as achieving the BS5489 lighting level. In the last two years, there have been six reported faults, all of which have been resolved. A fifth column at the Lyon Park Avenue end also provides some illumination into the alleyway.
- 4.6 On those occasions when overhanging trees and other vegetation has encroached from adjacent properties and impeded the lighting level, officers have contacted the property occupier to serve them with notice to cut back the overgrowth.
- 4.7 In summary, officers advise that the lighting infrastructure already in place is meeting the required standard and upgrading the lighting is not necessary.

CCTV Priorities

- 4.8 The Council’s CCTV Strategy was approved by the Executive in 2007, and sets out priorities for new CCTV locations as being based on the following evidence based criteria:

- a. Evidence, based on statistical information and techniques such as crime mapping, that the area in question has become a sustained crime hotspot;

AND

- b. That the installation of fixed CCTV cameras is an appropriate element of the response to this problem.
- 4.9 Crime hotspots in Brent have almost always been based around town centres and transport interchanges. At present, Wembley, Harlesden, Kilburn, Neasden and Kingsbury have systems in place. An area around Church End has also benefited from recent investment.
- 4.10 Once the criteria at 4.8a and 4.8b above have been met, the Strategy sets out that the placement of cameras is made on the following basis:
- Priority 1 - New town centres and/or transport interchanges not already served
 - Priority 2 - Expansion of existing town centre systems / transport interchange systems
 - Priority 3 - Crime hotspots outside of town centres
- 4.11 Assessments against the above criteria are made by the cross-agency CCTV Steering Group, who in turn report to the Crime & Disorder Reduction Partnership (CDRP).

Crime and anti-social behaviour in the alleyway and its close vicinity

- 4.12 The area concerned has not been highlighted through information from the Borough Intelligence Unit at Wembley Police Station as a high crime area.
- 4.13 Officers advise that placing fixed CCTV in residential areas such as this is generally avoided because of the fear of intrusion into local residents' properties, and to do so would not be a proportionate response to the level of crime and anti-social behaviour known to the Police. The option of placing deployable cameras is also not generally favoured in areas such as this, even where crime levels are higher, as the lamp columns are too low, and there is a risk of expensive cameras being vandalised or tampered with, as has happened elsewhere in the Borough.

5.0 Conclusions

- 5.1 Officers conclude that the type of area concerned is low priority for new fixed CCTV installation and there is a danger that deployable cameras (even if the crime statistics supported some form of CCTV) would be vulnerable to attack and vandalism.
- 5.2 The current lighting provision and lighting levels achieved meet the Council's lighting standard (BS5489).
- 5.3 It is not, therefore, recommended to install CCTV or enhance the lighting levels in the alleyway concerned.

6.0 Financial Implications

- 6.1 There is no existing budget provision for additional street lighting columns. Each new light column would cost in the order of £1,000 capital.
- 6.2 There is some provision (around £150k) for capital investment in CCTV, and the CCTV Steering Group is considering a number of proposals which include purchasing more deployable cameras and making necessary upgrades to the electronic systems that support the Borough's CCTV infrastructure.
- 6.3 An initial survey of the alleyway suggests that three cameras would be required at an estimated cost of £120,000 subject to survey and whether the cameras were linked by fibre optic cable or dependent on BT transmission links. If the latter, there would be revenue implications of around £10k per annum for transmission costs and maintenance.
- 6.3 However, there are no financial implications arising from the recommendations of this Report as they do not result in any new expenditure on lighting or CCTV.

7.0 Legal Implications

- 7.1 There are no direct legal implications.

8.0 Environmental Implications

- 8.1 There are no environmental implications arising from the recommendations of this Report.

9.0 Staffing/Accommodation Implications (if appropriate)

There are no staffing implications arising as a result of this report.

10.0 Background Papers

CCTV Strategy 2007

Any person wishing to inspect the above papers should contact Keith Balmer, StreetCare Unit, Brent House, 349/357 High Road, Wembley, Middlesex HA9 6BZ, Telephone 020 8937 5066

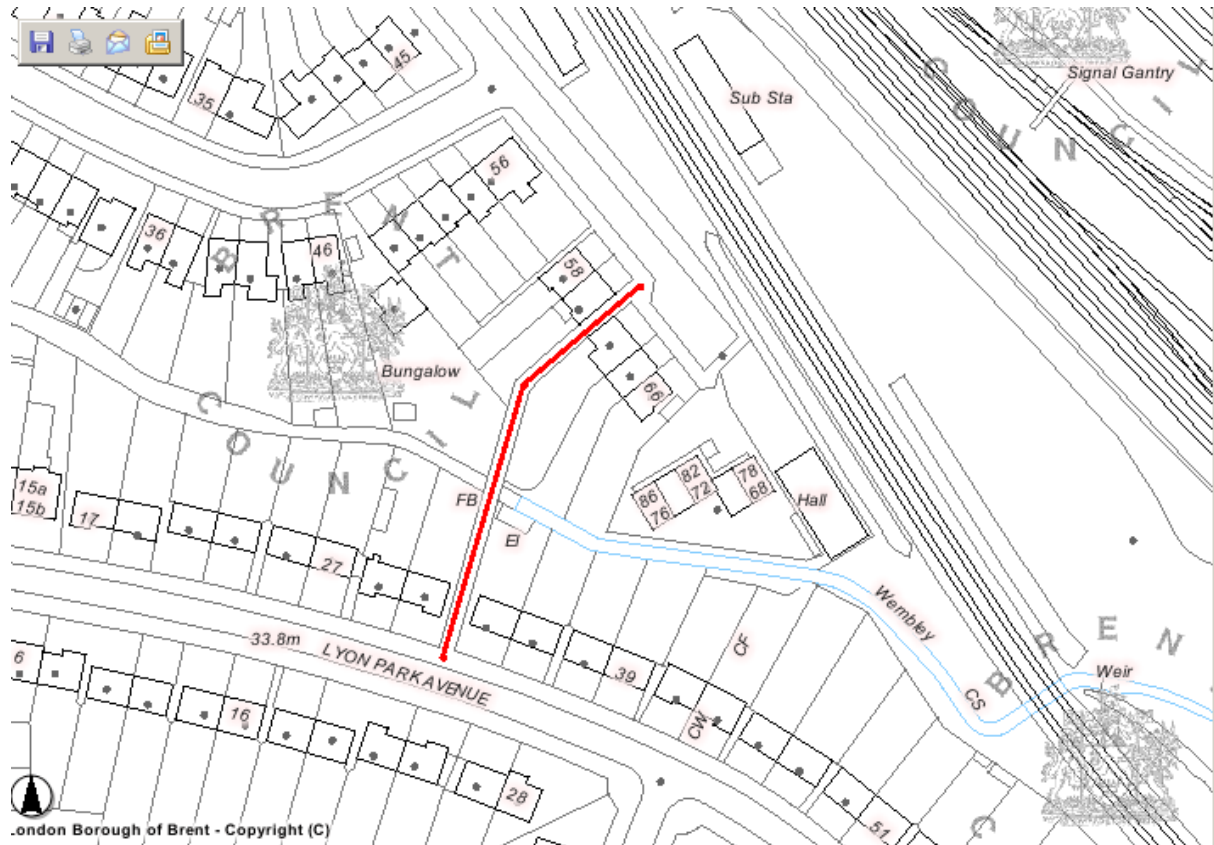
13.0 Contact Officers:

Keith Balmer, Head of Service (StreetCare)
020 8937 5066
keith.balmer@brent.gov.uk


RICHARD SAUNDERS
Director of Environment and Culture

Footpath from Station Parade to Lyon Park Avenue, Wembley

Approx Scale of 500:1



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	<p style="text-align: center;">Executive 14 September 2010</p> <p style="text-align: center;">Report from the Director of Environment and Culture</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p>New Building Control Scheme of Charges</p>	

1.0 Summary

- 1.1 The Building (Local Authority Charges) Regulations 2010 came into force on the 1st April, 2010 and provide the legal framework for the setting of a new Building Regulations Charging Scheme. Local authorities are authorised to fix, by means of a charging scheme, and to recover their costs for carrying out their main building control functions. The regulations apply to the chargeable elements of the building control service and allow for the setting of plan charges, inspection charges, building notice charges, reversion charges, regularisation charges and for a new category of chargeable advice. The new regulations introduce more flexible charging arrangements whereby the charges set should relate directly to the costs of carrying out the building regulations chargeable service.
- 1.2 The overriding principle is to set charges to recover the costs of carrying out the building regulations chargeable service for individual building projects as nearly as possible. This principle is designed to avoid cross-subsidisation between individual building projects and to provide fairer charges to individual applicants.

Agreement is needed for the introduction of a replacement London Borough of Brent Building Regulations Charging Scheme 2010 from the 1st October 2010, based on the new charges regulations as outlined in this report. Under the transitional provisions contained in the regulations the new charging scheme must be made before the 1st October 2010 at the latest.

2.0 Recommendations

2.1 That the London Borough of Brent Building Regulations Charging Scheme 2010 to come into effect on 1st October 2010, as outlined in Appendix A, be agreed.

2.2 That the Director of Environment and Culture be given delegated authority to publish, amend, revoke or replace any future London Borough of Brent Building Regulations Charging Scheme made under the new Building (Local Authority Charges) Regulations 2010.

3.0 Detail

3.1 Local Authorities have been authorised to set down scales of fees for the performance of their building control functions since the 1st April, 1980. These early fees were made under section 62 (3) of the Health & Safety at Work etc. Act 1974.

3.2 The original building regulation fees and subsequent amendments related to the passing or rejection of building plans and for the first inspection of building work, and were prescribed by central government.

3.3 Following the introduction of the Building Act 1984, and prescribed fee regulations from 1985 onwards, building regulation fees were extended to include building notice fees, regularisation fees and reversion fees (taking over from approved inspectors). Because the fees were prescribed by central government, this resulted in standardised fees for every local authority in England and Wales.

3.4 The Building Act 1984 (Commencement No. 2) Order 1998 brought into operation paragraph 9 of Schedule 9 of the Act on the 7th August 1998. This order enabled building regulations to be made authorising local authorities to fix and recover charges in connection with their building regulation functions.

3.5 The Commencement No. 2 Order 1998, resulted in the publication of the Building (Local Authority Charges) Regulations 1998, which came into force on the 1st April 1999. These regulations, for the first time, required each local authority to prepare a scheme fixing charges for the performance of their building control functions aimed at recovering the cost of the service. The London Borough of Brent Building Regulations Charges Scheme No. 1 was made on the 1st April 1999, and subsequent amending charges schemes have been made since then.

3.6 In 2009, the Government published a consultation paper '*Proposed Changes to the Local Authority Building Control Charging Regime*' which took into account the responses received to the previous consultation paper '*The Future of Building Control*'.

- 3.7 Following responses to the consultations, The Building (Local Authority Charges) Regulations 2010 were laid before parliament on the 25th February, 2010 and come into force on the 1st April 2010. The Council is obliged to make a new charging scheme under the regulations by the 1st. October, 2010 at the latest.
- 3.8 The Building (Local Authority Charges) Regulations 2010 extend the devolution of building regulation charge setting to local authorities and introduce more flexibility and discretion to enable local authorities to relate their charges to the actual costs of carrying out their main building regulation functions.
- 3.9 A new overriding accounting objective requires local authorities to ensure that “taking one financial year with another” their charges income as nearly as possible equates to the costs incurred by the authority in carrying out their chargeable functions and providing chargeable advice, i.e. to breakeven and achieve full cost recovery.
- 3.10 The regulations also provide that local authorities are required to set out the accounting treatment of income, costs and any surplus income or deficit in an annual financial statement to be approved by the person having responsibility for the administration of the financial affairs of the local authority under section 151 of the Local Government Act 1972.. Local authorities must to calculate their charges by relating the average hourly rate of building control officers to the time spent carrying out their building regulation services in relation to particular building work or building work of particular descriptions. The regulations also provide for an increased number of factors which local authorities can take into account in determining the estimated time to be spent on their building control services.
- 3.11 The Council will have the power to determine standard building regulation charges or individually assessed building regulation charges. A charge can also now be made for the giving of chargeable building regulation advice. Where charges are made and the amount of work undertaken will be less than originally estimated, a refund will have to be made. But, conversely, if more work is undertaken than originally estimated, a supplementary charge may be made.
- 3.12 An individual determination can be made in all cases where there is no standard charge or, where one or more standard charges apply to the work, with the agreement of the applicant.
- 3.13 The proposed Brent Building Regulations Charging Scheme 2010 made under the Building (Local Authority Charges) Regulations 2010 is shown in Appendix A and it is proposed that it be authorised to come into effect from the 1 October 2010. The proposed Brent Building Regulations Charging Scheme 2010 is based on the LDSA Model Charging Scheme 2010, which has been adopted as a model scheme in the London Boroughs.

- 3.14 The new charging scheme should result in fairer charges, helping to avoid under or over charging and the consequent deficits or surpluses arising there from. The regulations introduce more transparency into the building regulations charging regime to safeguard income. The main effect will be to allow local authorities to more accurately relate their charges to the actual costs in carrying out their main building control functions for individual building projects.
- 3.15 The Chartered Institute of Public Finance and Accountancy (CIPFA) has produced an amended guidance document (*Local Authority Building Control Accounting Guidance for England and Wales, 2010 edition*) to support the new regulations and to isolate chargeable costs from other building control activities. The Brent Building Regulations Charging Scheme 2010 has been prepared based on the latest CIPFA guidance document.

4.0 Financial Implications

- 4.1 It is estimated that the set up costs relating to the initial setting up of new Building Regulation charging scheme in accordance with the 2010 regulations will be in the order of £3000. This allows for the preparation of the scheme, amendments to documentation and IT systems. Future amendments to the scheme are likely to attract costs of approximately £1500 to £2000. These costs will be covered by the charges themselves.
- 4.2 The local authority are authorised to set charges for building regulation chargeable functions by setting “standard charges” or by “individual assessment” where no standard charge is identified. A number of changes have been made.

These include:

- a) Amendment to charges for new build residential units such that existing standard charges apply up to 20 dwellings and Building regulation charges for larger developments are individually assessed:
- b) retention of a number of existing standard charges in relation to domestic extensions, loft conversions, etc and an increase in the scope of standard charges for larger extensions and for certain commercial works:
- c) creation of standard charges in relation to certain alteration work which will generally be fairer and relate charges more closely to the cost of providing a building regulation function.
- d) amendment to the table of charges based on estimated cost of relevant building work to simplify charging structure and reduce number of charging bands.

e) application of individually assessed charges for projects where no standard charge has been set, where multiple standard charges apply which, when aggregated would result in an excessive charge or where the estimated cost of work exceeds £150k;

f) a new charge for (pre-application) chargeable advice in excess of one hour;

g) new provision for refund of charges or invoicing additional charges, where appropriate,

h) revision to proportion of Plan Charge in relation to Full Plans applications to 40/60 from 25/75 resulting in increased Plan Charge and reduced Inspection Charge. Overall charge remains the same;

i) Increase in Regularisation charges set at 125% of Building Notice Charge to reflect additional costs incurred in dealing with these applications.

- 4.3 It is estimated that the resultant income from these changes will be largely similar to that expected under the previous charging scheme for year 2010/11 although charges should reflect more accurately on a project by project basis and remove elements of cross subsidy. This also assumes that the workload profile remains similar.
- 4.4 Charges have, as far as reasonably practicable, been set to meet the overriding objective and achieve a break even situation on the building regulation account. If however a surplus arises from these charges, CIPFA guidance recommends that this is to be held within an earmarked reserve. Income arising from building regulations charges will be kept under regular review to ensure that a breakeven situation occurs which may result in increase or reduction of charges.
- 4.5 It will be necessary to review availability of resources to accommodate any sustained variation in workload and / or income. A business case will be made to substantiate any variation in resources and / or adjustment of charges.
- 4.6 Since the revised charging scheme will result in more accurate recovery of costs and reduce significant surpluses / deficits, the new scheme may result in a relative increase or decrease in cost of non-chargeable work due to elimination of cross-subsidy between areas of work. At present, it is difficult to estimate the full effect of the new charges and it will be necessary to review financial implications in time for 2011/12 budget making process once we have experience of operating the new charging regime.
- 4.7 The new charges have been produced in accordance with CIPFA guidance and include allowance for overheads and central costs associated with the Building Regulations service.

- 4.8 The revised CIPFA guidance document (*Local Authority Building Control Accounting Guidance for England and Wales, 2010 edition*) should be followed, including the necessity to record officer's time on projects and to highlight chargeable and non-chargeable building regulation costs.

5.0 Legal Implications

- 5.1 The legislative background to charging for building control functions has already been set out in this report.
- 5.2 The Building (Local Authority Charges) Regulations 2010 extend the devolution of building regulation charge setting to local authorities and introduce more flexibility and discretion to enable local authorities to relate their charges to the actual costs of carrying out their main building regulation functions.
- 5.3 The key principles relating to building control charges remain the need to fix charges by means of a scheme, full cost recovery and the fact that the user should pay for the actual service that they receive. However greater emphasis is given to the need to relate charges to the cost of carrying out the building control function for individual building projects provided that the framework for this is set out in the charging scheme
- 5.4 Local authorities will continue to be able to amend, revoke or replace any charging scheme that they make under the 2010 Regulations at any time.
- 5.5 The Council has to publish at least 7 days before the new charges come into effect the fact that it has made replaced or amended a charging scheme, and to provide details including the date the scheme or amendment takes effect and the address where it may be inspected. The Council is also required to keep the scheme up to date and make it available for inspection by any member of the public free of charge.

6.0 Diversity Implications

- 6.1 There are no diversity implications arising from this report save that regulation 4 of the Building (Local Authority Charges) Regulations 2010 outlines the principles of the charging scheme in relation to building work solely required for disabled persons. No building regulation charge can be authorised in relation to providing means of access solely to an existing dwelling occupied as a permanent residence by a disabled person or for the provision of facilities and accommodation (including the provision or extension of a room in limited circumstances) designed to secure the greater health, safety, welfare or convenience of such a disabled person. Similarly, no building regulation charge can be authorised in relation to an existing building to which members of the public are admitted in similar circumstances as stated above.

7.0 Staffing/Accommodation Implications (if appropriate)

None

8.0 Environmental Implications

None

Background Papers

London Borough of Brent Building Control Charging Scheme No 9 (Effective from 1st October 2010)

The Building Act 1984

The Building (Local Authority Charges) Regulations 2010 SI 2010 No. 404

Depart for Communities & Local Government Circular 01/2010, 25/2/2010

Communities & Local Government Circular letter SB/006/010/011, 25/2/2010

CIPFA Local Authority Building Control Accounting Guidance for England & Wales (Fully revised Second Edition 2010)

LABC Model Building Regulations Charging Scheme 2010

Contact Officers

Any person wishing to inspect the above papers should contact Andy Hardy, Building Control, 4th floor, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ , telephone 0208 9375476

Richard Saunders
Director of Environment

Meeting: Executive Date 11/9/10	Version No4 Date 2/9/10
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Appendix A

Brent Building regulations Charging Scheme 9: 2010



**Brent London Borough of Brent Building Control Charging
Scheme No.9
Effective from 1st October 2010**

The Building [Local Authority Charges] Regulations 2010

To be read in conjunction with the following documents:

- [Circular letter: The Building \(Local Authority Charges\) Regulations 2010 \(S.I. 2010/404\)](#)
- [Circular 01/2010: The Building Act 1984, The Building \(Local Authority Charges\) Regulations 2010: New Provision for Local Authority Building Control Charges](#)
- [The Building \(Local Authority Charges\) Regulations 2010 \(S.I. 2010/404\)](#)
- **Local Authority Building Control Accounting Guidance for England and Wales_(Fully Revised Second Edition 2010)**

SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES

1. 'This scheme is to be known as the “**London Borough of Brent (Building Regulations) Charges Scheme No. 9. 2010**” (the “charges scheme”)
2. This “charging scheme” is made under the **Building (Local Authority Charges) Regulations, 2010** (the “Charges Regulations”) and is effective from 1st October 2010. The charging scheme includes Tables of charges as set out in Annex A and also contains advise on assessed charges where projects fall outside of the standard charges determined in Annex B. (NOTE: It may be advisable to read the charges scheme in conjunction with the charges regulations and guidance).
3. **Interpretations and Definitions [Regulation 2]**

The charges scheme includes the following clauses and definitions and should be read in conjunction with the other clauses and tables which constitute the Charging Scheme:

‘building’

means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building.

‘building notice’

means a notice given in accordance with regulations 12(2A)(a) and 13 of the Principal Regulations [Building regulations 2000 (as amended)].

‘building work’ has the meaning given in Regulations 3(1) of the Principal Regulations [Building regulations 2000 (as amended)].and includes:

- (a) the erection or extension of a building;
- (b) the provision or extension of a controlled service or fitting in or in connection with a building;
- (c) the material alteration of a building, or a controlled service or fitting, as mentioned in paragraph 3(2);
- (d) work required by Building Regulation 6 (requirements relating to material change of use);
- (e) the insertion of insulating material into the cavity wall of a building;
- (f) work involving the underpinning of a building;
- (g) work required by Building Regulation 4A (requirements relating to thermal elements);
- (h) work required by Building Regulation 4B (requirements relating to a change of energy status);
- (i) work required by Building Regulation 17D (consequential improvements to energy performance);

'chargeable function' means a function relating to the following –

- (a) the passing or rejection of plans of proposed building work which has been deposited with the London Borough of Brent in accordance with section 16 of the Act [Building Act 1984] (**a “Plan charge”**).
- (b) the inspection of building work for which plans have been deposited with the London Borough of Brent in accordance with the Principal Regulations [Building Regulations 2000 (as amended)] and with section 16 of the Act [Building Act 1984] (**an “Inspection charge”**).
- (c) the consideration of a building notice which has been given to the London Borough of Brent in accordance with the Principal Regulations [Building Regulations 2000 (as amended)] (**a “Building Notice charge”**).
- (d) the consideration of building work reverting to the local authority under the Approved Inspectors Regulations [Building (Approved Inspectors etc.) Regulations 2000 (as amended)] (**a “Reversion charge”**); and
- (e) the consideration of a regularisation application submitted to the local authority under Regulation 21 of the Principal Regulations [Building Regulations 2000 (as amended)]. And the inspection of any building work to which that application relates (**a “Regularisation charge”**).

'cost' does not include any professional fees paid to an architect, quantity surveyor or any other person.

'estimated cost' means the amount accepted by the local authority as that which a person engaged in the business of carrying out building work would reasonably charge for carrying out the work in question, excluding VAT and professional fees.

'dwelling' includes a dwelling-house and a flat.

'dwelling-house' does not include a flat or a building containing a flat.

'flat' means a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.

'floor area of a building or extension'

- (a) the floor area of -
 - (i) any storey of a dwelling or extension; or
 - (ii) a garage or carport,is the total floor area calculated by reference to the finished internal faces of the walls enclosing the area, or if at any point there is no enclosing wall, by reference to the outermost edge of the floor;
- (b) the total floor area of any dwelling is the total of the floor area of all the storeys which comprise that dwelling, and
- (c) the total floor area of an extension of a dwelling is the total of the floor areas of all the storeys in the extension, and
- (d) the floor area relating to a domestic loft conversion is the total internal floor area, calculated by reference to internal faces of walls/partitions forming the loft conversion and includes the stairwell opening and any loft storage area.

'relevant person' means:

- a) in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out;
- b) in relation to a regularisation charge, the owner of the building; and
- c) in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of 'chargeable advice' [refer Regulation 5(2)]

4) Principles of the Scheme: Authority to fix and recover charges [Regulation 3] payment [Regulation 8]

4.1 The London Borough of Brent is authorised [Regulation 3(1)] subject to and in accordance with the Charges Regulations and their charges scheme to fix charges as they may determine and to recover such charges from relevant persons for, or in connection with, the performance of their functions relating to Building Regulations. However, the local authority shall not fix or recover any charges where the whole of the building work in question is solely for the benefit of a disabled person in accordance with Regulation 4.

4.2 The London Borough of Brent is authorised, subject to and in accordance with the Charges Regulations, to amend, revoke or replace the Charges Scheme, which has been made by them in accordance with clause 2 above.

5) Exemption from charges for building work solely required for disabled persons [Regulation 4]

5.1 The London Borough of Brent has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing dwelling that is, or is to be, occupied by a disabled person as a permanent residence; and where the whole of the building work in question is solely-

- (a) for the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or
- (b) for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.
Regulation 4(1)]

5.2 The London Borough of Brent has not fixed by means of its scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence where such work consists of-

- (a) the adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or
- (b) the provision of extension of a room which is or will be used solely-
 - (i) for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any other room in the dwelling; or
 - (ii) for the storage of medical equipment for the use of the disabled person; or
 - (iii) to provide sleeping accommodation for a carer where the disabled person requires 24-hour care. [Regulation 4(2)]

5.3 The London Borough of Brent has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise); and where the whole of the building work in question is solely-

- (a) for the purpose of providing means of access for disabled persons by way of entrance or exit to or from the building or any part of it; or
- (b) for the provision of facilities designed to secure the greater health, safety, welfare or disabled persons. [Regulation 4(3)]

Note: ‘disabled person’ means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959, applied but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children Act 1989. The words in section 8(2) of the Mental Health Act 1959 which extend the meaning of disabled person in section 29(1) of the National Assistance Act 1948, are prospectively repealed by the National Health Service and Community Care Act 1990, section 66(2), Schedule 10, as from a day to be appointed [Regulation 4(4)]

6) Chargeable functions and advice [Regulation 5].

6.1 The set charges or method of establishing the charge have been established in this scheme for the functions prescribed in the Building (Local Authority Charges) Regulations 2010 [Regulation 5(1) referred to as the “chargeable functions”, namely:

- **A Plan charge** for, or in connection with, the passing or rejection of plans of proposed building work which have been deposited with the local authority in accordance with the Principal Regulations and Section 16 of the Building Act 1984. [Regulations 5(1)(a)]. (NOTE: A Plan Charge is payable when plans of the building work are deposited with the Local Authority [Regulation 8(1)(a)]),
- **An Inspection charge** for, or in connection with, the inspection of building work for which plans have been deposited in accordance with the Principal Building Regulations. [Regulation 5(1)(b)]. (NOTE: An Inspection charge is payable on demand after the authority carry out the first inspection in respect of which the charge is payable [Regulation 8(1)(b)])
- **A Building Notice charge** for, or in connection with, the consideration of a Building Notice which has been given to the local authority in accordance with the Principal Building Regulations. [Regulation 5(1)(c)]. (NOTE: A Building Notice charge is payable when the building notice is given to the authority [Regulation 8(1)(c)])
- **A Reversion charge** for, or in connection with, the consideration of building work reverting to local authority control under the Approved Inspectors Regulations [Regulation 5(1)(d)] in relation to a building:
 - a) Which has been substantially completed before plans are first deposited with the Authority in accordance with Regulation 20(2)(a)(i) of the Approved Inspectors Regulations [Regulation 8(1)(d)(i)], or
 - b) In respect of which plans for further building work have been deposited with the Authority in accordance with the Regulation 20(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are or have been deposited [Regulation 8(1)(d)(ii)].

(NOTE: A Reversion Charge is payable when plans are submitted to the local authority [Regulation 8(1)(d)])

- **A Regularisation charge** for or in connection with the consideration of an application under Building Regulation 21 (unauthorised building work) of the Principal Building Regulations [Building Regulations 2000 (as amended)] and the inspection of any building work to which the application relates. [Regulation 5(1)(e)]. (NOTE: A Regularisation charge is payable at the time of the application to the authority [Regulation 8(1)(e)])

- **Chargeable advice.** The local authority are authorised to make a charge for giving advice in anticipation of the future exercise of their chargeable functions (ie pre-application advice before an application or notice is received for a particular case). No charge will be made for the first hour of time spent in providing “chargeable advice”. The charge is payable on demand after the authority has given notice required by Regulation 7(7) of the Building (Local Authority) Charges Regulations 2010 (ie the charge has been confirmed in writing following an individual determination). This charge may be discounted from a subsequent application or notice received for the work in question **at the discretion of the local authority**. No charges may be made for the first hour of advice in relation to any particular scheme. [Regulation 5(2)]

Such charges are set out in Appendix 1

7. Principles of the Charging scheme: Overriding objective in determining charges [Regulation 6].

- 7.1 The overriding objective is that the London Borough of Brent must ensure, taking one financial year with another, that the income derived by the Council from performing chargeable functions and providing chargeable advice (“chargeable income”) as nearly as possible equates to the costs incurred by the Council in performing chargeable functions and providing chargeable advice (“chargeable costs”) [Regulation 6(3)].
- 7.2 At the end of the financial year in which the local authority first make a charging scheme (2010/11), and each subsequent financial year, the authority shall conduct a review of the level of charges set under the scheme in accordance with Regulation 7, for the purpose of achieving the overriding objective given above [Regulation 6(2)].
- 7.3 Immediately following the review, the authority shall prepare a Building Control statement which sets out, as regards the financial year to which it relates:-
- a) The chargeable costs;
 - b) The chargeable income; and
 - c) The amount of any surplus or deficit. [Regulation 6(4)]
- 7.4 The statement shall be published not more than six months after the end of the financial year to which the statement relates [Regulation 6(5)] and must be approved by the person having responsibility for the administration of the financial affairs of the local authority under section 151 of the Local Government Act 1972 [Regulation 6(6)(a)]. Generally this is the Director of Finance.
- 7.5 A financial year is the period of 12 months beginning with 1st April [Regulation 6(9)]

8. Principles of Charging scheme: Calculating Charges [Regulation 7]

- 8.1 Charges in relation to chargeable functions and advice are payable by the relevant person (see definition above) [Regulation 3(1)(b)].
- 8.2 Any charge which is payable to the authority may, in a particular case, and with the agreement of the authority, be paid by instalments of such amounts payable on such dates as may be specified by the authority. If the applicant and an authority are agreeable, an inspection charge can be fully or partly paid up front with the plans charge.
- 8.3 The charge for providing a chargeable function or chargeable advice is based on the principle of achieving full cost recovery having regard to the overriding objective outlined in clause 7.1 above.

- 8.4 In calculating standard (fixed) charges or individually assessed charges, these will be calculated taking account of the hourly rate at which the time of local authority officers will be charged (currently £81.55) in accordance with CIPFA guidance and some or all of the factors listed below [Regulation 7(5)] to estimate the time required to perform the chargeable function or providing chargeable advice given in the charging scheme [Regulation 7(2)],
- a) The existing use of a building, or the proposed use of the building after completion of the building work;
 - b) The different kinds of building work described in regulation 3(1)(a) to (i) of the Building Regulations 2000 (as amended);
 - c) The floor area of the building or extension;
 - d) The nature of the design of the building work and whether innovative or high risk construction techniques are to be used;
 - e) The estimated duration of the building work and the anticipated number of inspections to be carried out;
 - f) The estimated cost of the building work [refer Regulation 7(10)];
 - g) Whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(5) or 20B(4) of the Building Regulations (i.e. related to competent person/self certification schemes);
 - h) Whether in respect of the building work a notification will be made in accordance with regulation 20A(4) of the Building Regulations (i.e. where design details approved by Robust Details Ltd have been used);
 - i) Whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;
 - j) Whether an application or building notice is in respect of building work, which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority;
 - k) Whether chargeable advice has been given which is likely to result in less time being taken by a local authority to perform that function;
 - l) Whether it is necessary to engage and incur the costs of a consultant to provide specialist advice in relation to a particular aspect of the building work.
- 8.5 Where the London Borough of Brent consider it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to particular aspect(s) of building work, those costs will be included in the determination of the charges referred to in this charging scheme [Regulation 7(3)]
- 8.6 The London Borough of Brent have determined that charges for particular building work or building work of particular descriptions will attract a standard (fixed) charge, taking account of such relevant factors itemised above, and these standard charges are contained within Appendix 1.
- 8.7 Charges have been assessed assuming that, where applicable, electrical works being carried out in connection with any building work for which a standard charge has been identified that the electrical works are to be undertaken by a suitably qualified and registered electrician and that the local authority is notified through a relevant Competent Persons Scheme (such as NICEIC – Domestic Installer). Where notifiable electrical works under Part P are not undertaken through a Competent Person Scheme an additional charge will be made. If the local authority are originally notified that works will be subject of CPS notification but this turns out not to be the case a Regularisation charge will be applied.

- 8.8 Where any building work comprises or includes the erection of more than one extension / outbuilding to a building, the total floor areas of all such extensions / outbuildings shall be aggregated to determine the relevant charge payable, providing that the building work for all aggregated extensions is contained within the same application and carried out at the same time. Loft conversions and extensions are to be charged separately and floor areas are not to be aggregated. However, where multiple standard charges apply the building regulation charge may, with agreement of the applicant, be individually assessed. Any reference to number of storeys includes each basement level as one-storey and floor areas are cumulative.
- 8.9 Where Building Regulation charges relating to a Full Plans application are to be split between Plan Charge and Inspection Charge these will be in 40% / 60% proportion.
- 8.10 A Building Notice Charge is equal to the aggregate of the Plan Charge and Inspection Charge for the corresponding building work given in standard charges or calculated on an individual basis.
- 8.11 A Regularisation Charge is 25% greater than the aggregate of Plan Charge and Inspection Charge for the corresponding building work given in standard charges or calculated on an individual basis.
- 8.12 Where, in relation to a request from a relevant person, multiple standard (fixed) charges would apply to the building work in question, the local authority may, with the agreement of that person, determine the charge on an individual assessment basis [Regulation 7(8)].
- 8.13 The building regulation charges for the following types of building work will be individually determined and the authority will state which factors in regulation 7(5) of the charges regulations it has taken into account in establishing a standard or individually determined charge.
- a) A Reversion charge (this should always be included as an individually determined charge);
 - b) The work consisting of alterations to any use of building where the estimated cost exceeds £150,000; or
 - c) The work consists of the erection or conversion of 20 or more dwellings; or
 - d) The work consists of the erection or conversion of dwellings where the floor area of each dwelling exceeds 300m²; or
 - e) The work consists of a non-domestic extension or new build and the floor area exceeds 100m²; or
 - f) The work consists of a domestic garage with a floor area over 100m²; or
 - g) Any other work when the estimated cost of work exceeds £150,000; or
 - h) The building work is in relation to more than one building.
- 8.14 Individually determined charges will be confirmed in writing specifying the amount of the charge and the factors that have been taken into account in determining the charge.
- 8.15 Where multiple standard charges apply to the building work and, with the agreement of the relevant person, the authority may establish the charge by individually determining the charge.
- 8.16 When the charge is individually determined the authority shall calculate the charge in the same way a standard charge was set by taking account of the average hourly rate of officers' time, multiplied by the estimated time taken to carry out their building regulation functions in relation to that particular piece of building work and taking into account the applicable factors listed in regulation 7(5) of the charges regulations.

9. Principles of Charging scheme: Payment of Charges [Regulation 8]

9.1 Payment is required for various chargeable functions at the following times:

- a) **A Plan Charge** is payable when plans of the building work are deposited with the Local Authority [Regulation 8(1)(a)].
 - b) **An Inspection charge** is payable on demand after the authority carry out the first inspection in respect of which the charge is payable [Regulation 8(1)(b)]
 - c) **A Building Notice charge** is payable when the building notice is given to the authority [Regulation 8(1)(c)]. The Building Notice Charge is equal to the Plan Charge PLUS the Inspection Charge for the corresponding building work using the Tables of Standard Charges or Individually assessed charge.
 - d) **A Reversion Charge** is payable when plans are submitted to the local authority [Regulation 8(1)(d)]. The Reversion Charge is equal to the Plan Charge PLUS the Inspection Charge for the corresponding building work using the Tables of Standard Charges or Individually assessed charge. However, it should be noted that (currently) no VAT is payable.
 - e) **A Regularisation charge** is payable at the time of the application to the authority [Regulation 8(1)(e)]. The Regularisation Charge is 20% greater than the Building Notice Charge for the corresponding building work using the Tables of Standard Charges or Individually assessed charge. The Reversion Charge is, generally, equal to the Regularisation Charge for the corresponding building work using the Tables of Standard Charges or Individually assessed charge. (NOTE: Reversion Charges for anything other than “simple” works will normally be individually assessed).
 - f) **Chargeable Advice:** The charge is payable on demand after the authority has given notice required by Regulation 7(7) of the Building (Local Authority) Charges Regulations 2010 (ie the charge has been confirmed in writing following an individual determination).
- 9.2 Where plans are deposited and no Plan charge has been paid or agreed charges installments have not been made, the plans are not considered to have been deposited in accordance with section 16 of the Building Act (as amended).

9.2 Where a Building Notice, Reversion or Regularisation application is given and no Building Notice, reversion or Regularisation charge has been paid or agreed charges installments have not been made, the Building Notice, Reversion or Regularisation application is not considered as being valid in accordance with the Building Regulations.

9.3 The charges payable in accordance with 9.1 (a to f) above are payable by the “relevant person” [Regulation 8(1)(g) and Regulation 2]

9.4 There shall be paid with any charge payable to the authority under this Charges Scheme (in accordance with Charges Regulations) an amount equal to any VAT payable in respect of that charge (NOTE: At present (1st October 2010) no VAT is chargeable on Regularisation applications).

9.5 Notwithstanding 9.1 (a to f) any charge which is payable to the authority may, in a particular case, and with the agreement of the authority, be paid by installments of such amounts payable on such dates as may be specified by the authority. Payment by installments will, generally, not be available in respect of any Plan charge, Reversion or Regularisation charge payable or for inspection or Building Notice Charges less than £10000 (excluding VAT). In no case shall the amount of any installment be less than £500 and all installments must be paid to London Borough of Brent before completion of the work.

9.6 Where an individual assessment of charges is to be made and the local authority have not advised of the charge prior to submission of a Full Plans or Building Notice application, the Plan Charge or Building Notice Charge, will become payable immediately following notification of the charge. In all other cases payment must be made on submission of the application.

9.7 All charges must be paid in full prior to the giving of a final certificate of completion.

10. Information required for determining charges [Regulation 9]

10.1 If the authority requires additional information to enable it to determine the correct charge the authority can request the information under the provisions of Regulation 9 of The Building (Local Authority Charges) Regulation 2010.

10.2 The standard information required for all applications is detailed on the authority's Building Regulation application forms. This includes the existing and proposed use of the building and a description of the building work, contact details, etc.

10.3 Additional information may be required in relation to –

- The floor area of the building or extension
- The estimated duration of the building work and the anticipated number of inspections to be carried out.
- The use of competent persons or Robust Details Ltd.
- Any accreditations held by the builder or other member of the design team.
- The nature of the design of the building work and whether innovative or high-risk construction is to be used.
- The estimated cost of the building work. If this is used as one of the factors in establishing a charge the 'estimate' is required to be such reasonable amount as would be charged by a person in business to carry out such building work (excluding the amount of any value added tax chargeable).

11. Non-Payment of a Charge

Your attention is drawn to Regulation 8(2) of the Building (Local Authority Charges) Regulations 2010, which explains that plans are not treated as being deposited for the purposes of Section 16 of the Building Act or building notices given unless the London Borough of Brent has received the correct charge. In other words, relevant timescales do not start until the agreed payment has been made. The debt recovery team of the authority will also pursue any non-payment of a charge.

12. Complaints about Charges [Regulation 10]

If you have a complaint about the level of charges you should initially raise your concern with the **Head of Building Control**. The London Borough of Brent has a comprehensive complaint handling process. If your complaint is not satisfactorily responded to by the officer concerned, details of how to resolve your complaint is available on request (contact 020 8937 5499) and can be viewed on the London Borough of Brent's web site.

13. Refunds and supplementary charges [Regulation 11]

13.1 Where the London Borough of Brent has determined a charge in relation to a chargeable function or chargeable advice, payment of the charge has been made to the Council and the actual amount of work required by officers of the Council is less than that which was originally assessed, the London Borough of Brent will make a refund on request in respect of the proportion of the charge relating to excess payment.

- 13.2 Where the London Borough of Brent has determined a charge in relation to a chargeable function or chargeable advice, payment of the charge has been made to the Council and the actual amount of work required by officers of the Council is more than that which was originally assessed, the London Borough of Brent may make a supplementary charge in respect of any additional work carried out by its officers.
- 13.3 If the basis on which the charge has been set or determined changes, the LA will provide a written statement setting out the basis of the refund/supplementary charge and also state how this has been calculated. In the calculation of refunds/supplementary charges no account shall be taken of the first hour of an officer's time.
- 13.4 Where the local authority fail to give notice or passing of plans within the statutory required period (including such extended period as may be agreed) under section 16 of the Building Act 1984 they shall refund the Plan Charge paid [Regulation 11(1)].
- 13.5 No refund will be given by the London Borough of Brent where the reason for not giving notice of passing or rejection of plans within the period required by section 16 of the Building Act, 1984, is due to the failure by the person by whom, or on whose behalf, the plans were deposited to supply information within a reasonable time, necessary to meet the Councils duties.
- 13.6 No refund will be given by the London Borough of Brent in respect of Regularisation applications where it has not been possible to progress the application to satisfactory completion and issue of a Regularisation certificate, particularly where this is due to the failure of the owner , or such other person, to undertake the reasonable request by the local authority to provide information or expose works carried out to ascertain compliance with the Building Regulations and associated legislation.

14. Publicity

The local authority will, not less than 7 days prior to the date on which this charging scheme comes into effect, publish in their area on Building Control Website and within Brent House OSS the fact that a scheme has been made, the date it comes into effect and the address where it may be inspected (free of charge).

15. Transitional Provisions [Regulation 15]

The London Borough of Brent's previous schemes for the recovery of charges continue to apply in relation to building work for which plans were first deposited, a building notice given, a reversion charge becoming payable, or a regularisation application is made during relevant period under those schemes.

For clarity:

The Building (Prescribed Fees) Regulations 1994 will continue to apply to building work within the London Borough of Brent area for which plans were first deposited, a Building Notice or Initial Notice was given before the 1 April 1999. The Building (Prescribed Fees) Regulations 1994 are revoked by the Building (Local Authority Charges) Regulations 1998 from the 1 April 1999.

- a) **The LBBrent Charges Scheme No 1** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 1999 and 30th April 2001 (inclusive) regardless of when the work on site commences.

- b) **The LBBrent Charges Scheme No 2** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st May 2001 and 31st May 2004 (inclusive) regardless of when the work on site commences.
- c) **The LBBrent Charges Scheme No 3** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st June 2004 and 31st March 2006 (inclusive) regardless of when the work on site commences.
- d) **The LBBrent Charges Scheme No 4** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2006 and 31st March 2007 (inclusive) regardless of when the work on site commences.
- e) **The LBBrent Charges Scheme No 5** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2007 and 31st March 2008 (inclusive) regardless of when the work on site commences.
- f) **The LBBrent Charges Scheme No 6 (effective 1st April 2008 - 17.5% VAT) and 6A (effective 1st December 2008 - 15.0% VAT)** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2008 and 31st March 2009 (inclusive) regardless of when the work on site commences.
- g) **The LBBrent Charges Scheme No 7 (effective 1st April 2008 - 15.0% VAT) and 7A (effective 1st January 2010 – 17.5% VAT)** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2009 and 31st March 2010 (inclusive) regardless of when the work on site commences.
- h) **The LBBrent Charges Scheme No 8 (effective 1st April 2010)** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2010 and 31st September 2010 (inclusive) regardless of when the work on site commences.

16. Contravention

Contravention of any of the Building (Local Authority Charges) Regulations 2010 and or the non-payment of any charge which becomes payable are not treated as offences under Section 35 of the Building Act 1984 (penalty for contravening building regulations) (as amended).

17. Revocation

The Building (Local Authority Charges) Regulations 1998 are revoked by the Building (Local Authority Charges) Regulations 2010.

18. Further information.

1. Further information and advice concerning building regulation charges and the London Borough of [INSERT NAME OF COUNCIL] Charging Scheme, can be obtained from

Building Control Consultancy Services
4th Floor Brent House, 349 High Road,
Wembley,
Middlesex HA9 6BZ.

Telephone: 020 8937 5499
Email: bccs@brent.gov.uk
Website: www.brent.gov.uk/bccs.nsf

Signed.....

Andy Hardy.
Head of Building Control.
(The officer appointed for this purpose).

Dated: 1st September 2010.

Appendix 1.

TABLE A – New Housing – refer separate excel spreadsheet

TABLE B – Extensions, etc - refer separate excel spreadsheet

TABLE C – Alterations - refer separate excel spreadsheet

TABLE D – Other Works - refer separate excel spreadsheet

TABLE E – Individually assessed Charg

TABLE E - ASSESSED CHARGES for estimated cost of work in excess of £150,000

Individual assessment of Building Regulation charges, on a project by project basis, will be made when projects fall outside of “standard” charge limits, where multiple standard charges apply or where the estimated cost of controllable building work exceeds £150,000. Assessed charges are to be determined following submission of full plans, inspections, building notices, reversion applications, and regularisation applications as applicable or, alternatively, on submission of sufficient detail to assess the charge. The charges determined will be specified and confirmed in writing taking into account the factors listed below. The charges may be increased or decreased depending on the assessment, which will be specified and confirmed in writing.

1. the existing use of a building, or the proposed use of the building after completion of the building work;
2. the different kinds of building work described in regulation 3(1)(a) to (i) of the Building Regulations 2000 (as amended).
3. the floor area of the building or extension;
4. the estimated duration of the building work and the anticipated number of inspections to be carried out;
5. the estimated cost of the controllable building work;
6. the nature of the design of the building work and whether innovative or high risk construction techniques are to be used; and
7. whether the person who intends to carry out part of the building work is a person named in a self-certification scheme or list of exemptions under schedule 2A of the Building Regulations 2000 (as amended); or is carrying out the descriptions of work where no building notice or deposit of full plans is required under schedule 2B of the Building Regulations 2000 (as amended) both as mentioned in building regulation 12(5), or is a person who is registered by the British Institute of Non-destructive Testing under regulation 20B(4) of the Building Regulations 2000 (as amended);
8. whether in respect of the building work a notification has been made that design details approved by Robust Details Limited are to be used as outlined in regulation 20A(4) of the Building Regulations 2000 (as amended);
9. whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;
10. whether an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the London Borough of Brent
11. whether chargeable advice has been given which is likely to result in less time being taken by the London Borough of Brent to perform the chargeable function; and
12. whether it is necessary to engage and to incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of the building work.

The charges may be increased or decreased depending on the assessment, which will be specified and confirmed in writing. The hourly rate of London Borough of Brent Building Control Service is £77.90

Notes: Where the London Borough of Brent has determined a building regulation charge and the actual amount of work required of an officer of the Council is more than that which was originally determined and for which payment has been made, the London Borough of Brent may raise a supplementary charge in respect of any additional work carried out its officer. The request for any supplementary charge will be accompanied by a statement setting out the reason for the assessment and the calculation of the supplementary charge necessary. Similarly, where the amount of work required of an officer is less than that which was estimated, and where payment has been made and a completion or regularisation certificate issued, the Council will refund upon request an amount equal to the charge attributable to the work that was not required. In either case, one hour of an officer’s time may be disregarded.

VAT values in Annex A are for guidance only. The total charge is calculated initially and then VAT applied at the appropriate rate to determine the total charge payable.

**Building Act 1984
Building Regulations 2000 (As amended)
Quotation request form for Individual assessment of
Building Control charges**

**Building Control Charges
(From 1st October 2010)**

Please send this form to the address shown or e-mail to:
bccs @brent.gov.uk

Written quotations will be sent by e-mail, unless no e-mail address is given.

Quotations will be given as soon as possible and in no case greater than 2 working days of our office receiving the request.

Planning Ref No:
(if relevant)

Date of quotation request:

Postal address:

Building Control
4th Floor, Brent House,
349 High Road,
Wembley HA9 6BZ

General Tel: 020 8937 5499

Fax: 020 8937 5475

Email: bccs@brent.gov.uk

Website:

www.brent.gov.uk/buildingcontrol.nsf

ADDRESS OR LOCATION OF PROPOSED WORKS: (please include postcode)

DESCRIPTION OF PROPOSED WORKS:

DETAILS OF PERSON / ORGANISATION REQUESTING QUOTATION:

Contact Name:

Organisation:

Address:

Postcode:

Tel:

Mobile:

E-mail:

NOTES:

The floor area of the building or extension.
(Please provide breakdown if different use types)

Sq.m

Estimated duration of the building work

Months

The estimated controllable cost of the building work

£

Are there innovative features involved?
(E.g. use of fire engineering)

Yes/No

Any self-certification scheme used?
(If so please attach details)

Yes/No

Robust Details Limited Notification given?
(If so please attach details)

Yes/No

Is there any duplication of building work?
E.g. several flats / dwellings of same design

Yes/No

Has any pre-application advice been given to
allow a speedier approval?

Yes/No

Is there anything else you would like us to take
into consideration?

Yes/No

TABLE A - New Housing
Units not exceeding 300m2

No. of dwellings	17.5% VAT						FULL PLANS			BUILDING NOTICE			REGULARISATION
	PLAN CHARGE			INSPECTION CHARGE			COMBINED CHARGE			COMBINED CHARGE			
	CHARGE	VAT (17.5%)	TOTAL	CHARGE	VAT (17.5%)	TOTAL	CHARGE	VAT (17.5%)	TOTAL	125% of BN Charge			
			PAYABLE			PAYABLE				(No VAT Payable)			
	2 (40%)	3	4	5 (60%)	6	7	8 (100%)	9	10	11 (125%)			
1	£280.00	£49.00	£329.00	£420.00	£73.50	£493.50	£700.00	£122.50	£822.50	£875.00			
2	£340.00	£59.50	£399.50	£510.00	£89.25	£599.25	£850.00	£148.75	£998.75	£1,062.50			
3	£400.00	£70.00	£470.00	£600.00	£105.00	£705.00	£1,000.00	£175.00	£1,175.00	£1,250.00			
4	£470.00	£82.25	£552.25	£705.00	£123.38	£828.38	£1,175.00	£205.63	£1,380.63	£1,468.76			
5	£540.00	£94.50	£634.50	£810.00	£141.75	£951.75	£1,350.00	£236.25	£1,586.25	£1,687.50			
6	£610.00	£106.75	£716.75	£915.00	£160.13	£1,075.13	£1,525.00	£266.88	£1,791.88	£1,906.26			
7	£680.00	£119.00	£799.00	£1,020.00	£178.50	£1,198.50	£1,700.00	£297.50	£1,997.50	£2,125.00			
8	£750.00	£131.25	£881.25	£1,125.00	£196.88	£1,321.88	£1,875.00	£328.13	£2,203.13	£2,343.76			
9	£820.00	£143.50	£963.50	£1,230.00	£215.25	£1,445.25	£2,050.00	£358.75	£2,408.75	£2,562.50			
10	£890.00	£155.75	£1,045.75	£1,335.00	£233.63	£1,568.63	£2,225.00	£389.38	£2,614.38	£2,781.26			
11	£955.20	£167.16	£1,122.36	£1,432.80	£250.74	£1,683.54	£2,388.00	£417.90	£2,805.90	£2,985.00			
12	£1,020.00	£178.50	£1,198.50	£1,530.00	£267.75	£1,797.75	£2,550.00	£446.25	£2,996.25	£3,187.50			
13	£1,085.20	£189.91	£1,275.11	£1,627.80	£284.87	£1,912.67	£2,713.00	£474.78	£3,187.78	£3,391.26			
14	£1,150.40	£201.32	£1,351.72	£1,725.60	£301.98	£2,027.58	£2,876.00	£503.30	£3,379.30	£3,595.00			
15	£1,215.60	£212.73	£1,428.33	£1,823.40	£319.10	£2,142.50	£3,039.00	£531.83	£3,570.83	£3,798.76			
16	£1,280.80	£224.14	£1,504.94	£1,921.20	£336.21	£2,257.41	£3,202.00	£560.35	£3,762.35	£4,002.50			
17	£1,346.00	£235.55	£1,581.55	£2,019.00	£353.33	£2,372.33	£3,365.00	£588.88	£3,953.88	£4,206.26			
18	£1,411.20	£246.96	£1,658.16	£2,116.80	£370.44	£2,487.24	£3,528.00	£617.40	£4,145.40	£4,410.00			
19	£1,476.40	£258.37	£1,734.77	£2,214.60	£387.56	£2,602.16	£3,691.00	£645.93	£4,336.93	£4,613.76			
20	£1,541.60	£269.78	£1,811.38	£2,312.40	£404.67	£2,717.07	£3,854.00	£674.45	£4,528.45	£4,817.50			

NEW For development in excess of 20 units Individually assessed charges apply - refer to BCCS.

TABLE B - EXTENSIONS ETC

		PLAN CHARGE (40%)			INSPECTION CHARGE (60%)			BN CHARGE (100%)			RG Charge (125%)		
Proposed April 2010 (17.5%)		Charge	VAT (17.5%)	Total	Charge	/AT (17.5%)	Total	Charge	/AT (17.5%)	Total			
EXTG	1A	Detached Garages/Carports < 40m2	Fixed Price	£276.60	£48.40	£325.00	£0.00	£0.00	£0.00	£276.60	£48.40	£325.00	£345.74
EXTG	1B	Detached Garages/Carports < 60m2	Fixed Price	£382.98	£67.02	£450.00	£0.00	£0.00	£0.00	£382.98	£67.02	£450.00	£478.72
Non-exempt (Insulated) detached building (Store/Gym/Playroom/Office, etc) as per eDomestic extension of various area.													
EXTG	2A	Domestic Extension <10m2	Fixed Price	£340.43	£59.57	£400.00	£0.00	£0.00	£0.00	£340.43	£59.57	£400.00	£425.53
EXTG	2B	Domestic Extension <40m2	Fixed Price	£204.26	£35.74	£240.00	£306.38	£53.62	£360.00	£510.64	£89.36	£600.00	£638.30
EXTG	2C	Domestic Extension <60m2	Fixed Price	£268.94	£47.06	£316.00	£403.40	£70.60	£474.00	£672.34	£117.66	£790.00	£840.43
NEW	2D	Domestic Extension <100m2	Fixed Price	£306.38	£53.62	£360.00	£459.57	£80.43	£540.00	£765.96	£134.04	£900.00	£957.45
EXTG	2E	Domestic Loft Conversion < 60m2	Fixed Price	£204.26	£35.74	£240.00	£306.38	£53.62	£360.00	£510.64	£89.36	£600.00	£638.30
NEW	2F	Domestic Loft Conversion < 100m2	Fixed Price	£268.94	£47.06	£316.00	£403.40	£70.60	£474.00	£672.34	£117.66	£790.00	£840.43
NEW	2G	conversion.											
NEW	3A	Commercial Extension <10m2	Fixed Price	£408.51	£71.49	£480.00	£0.00	£0.00	£0.00	£408.51	£71.49	£480.00	£510.64
NEW	3B	Commercial Extension <40m2	Fixed Price	£231.49	£40.51	£272.00	£347.23	£60.77	£408.00	£578.72	£101.28	£680.00	£723.40
NEW	3C	Commercial Extension <60m2	Fixed Price	£292.77	£51.23	£344.00	£439.15	£76.85	£516.00	£731.91	£128.09	£860.00	£914.89
NEW	3D	Commercial Extension <100m2	Fixed Price	£333.62	£58.38	£392.00	£500.43	£87.57	£588.00	£834.04	£145.96	£980.00	£1,042.55
NEW	3E	Commercial Loft Conversion < 60m2	Fixed Price	£231.49	£40.51	£272.00	£347.23	£60.77	£408.00	£578.72	£101.28	£680.00	£723.40
NEW	3F	Commercial Loft Conversion < 100m2	Fixed Price	£299.57	£52.43	£352.00	£449.36	£78.64	£528.00	£748.94	£131.06	£880.00	£936.17
NEW	3G	conversion.											
NEW	4A	Conversion of domestic garage to form habitable room		£254.68	£44.57	£299.25	£0.00	£0.00	£0.00	£254.68	£44.57	£299.25	£318.35
EXTG	5A	Domestic Electrical works (Not CPS)	Fixed Price	£88.51	£15.49	£104.00	£132.77	£23.23	£156.00	£221.28	£38.72	£260.00	£276.60
NEW	5B	Domestic Electrical works. Not CPS but in conjunction with Domestic Extension (at same time)	Fixed Price	£51.06	£8.94	£60.00	£76.60	£13.40	£90.00	£127.66	£22.34	£150.00	£159.57
EXTG		Works ancillary to / within an extension and/or loft conversion (at same time)	NA	Included in the charge for the extension / loft conversion									
NEW	6A	Domestic alterations undertaken at the same time as work chargeable under extensions, loft conversions , etc up to £10,000 estimated cost (Table B)	Fixed Price	£220.64	£38.61	£259.25	£0.00	£0.00	£0.00	£220.64	£38.61	£259.25	£275.80
NEW	6B	Domestic alterations undertaken at the same time as work chargeable under extensions, loft conversions , etc up to £20,000 estimated costs (Table B)	Fixed Price	£114.85	£20.10	£134.94	£235.50	£41.21	£276.71	£287.11	£50.25	£337.36	£358.89

TABLE C - Alterations

Proposed October 2010 (17.5%)		PLAN CHARGE (40%)			INSPECTION CHARGE (60%)			BN CHARGE (100%)			RG Charge (125%)
		Charge	VAT (17.5%)	Total	Charge	VAT (17.5%)	Total	Charge	VAT (17.5%)	Total	

DOMESTIC ALTERATIONS

EXTG	Works ancillary to / with an extension and/or loft conversion	NA	Included in the charge for the extension / loft conversion								
------	---	----	--	--	--	--	--	--	--	--	--

NEW	Underpinning upto 10m in length	Fixed Price	£254.68	£44.57	£299.25	£0.00	£0.00	£0.00	£254.68	£44.57	£299.25	£318.35
NEW	Underpinning (each additional 10m or part)	Fixed Price	£170.21	£29.79	£200.00	£0.00	£0.00	£0.00	£170.21	£29.79	£200.00	£212.77

NEW	Window / Door Replacement (Not CPS) up to 5 windows / doors	Fixed Price	£127.66	£22.34	£150.00	£0.00	£0.00	£0.00	£127.66	£22.34	£150.00	£159.57
NEW	Window / Door Replacement (Not CPS) up to 20 windows /doors	Fixed Price	£221.28	£38.72	£260.00	£0.00	£0.00	£0.00	£221.28	£38.72	£260.00	£276.60

Window / Door replacement (Not CPS) > 20 provide estimated cost

NEW	Recovering existing roof structure (terraced / semi)	Fixed Price	£254.68	£44.57	£299.25	£0.00	£0.00	£0.00	£254.68	£44.57	£299.25	£318.35
NEW	Recovering existing roof structure (Detached)	Fixed Price	£338.18	£59.18	£397.36	£0.00	£0.00	£0.00	£338.18	£59.18	£397.36	£422.72

EXTG	Domestic Electrical works (Not CPS)	Fixed Price	£88.51	£15.49	£104.00	£132.77	£23.23	£156.00	£221.28	£38.72	£260.00	£276.60
NEW	Domestic Electrical works. Not CPS but in conjunction with Domestic Extension (at same time)	Fixed Price	£51.06	£8.94	£60.00	£76.60	£13.40	£90.00	£127.66	£22.34	£150.00	£159.57

TABLE D - Other Charges

PROPOSED		PLAN CHARGE (40%)			INSPECTION CHARGE (60%)			BN CHARGE (100%)			RG Charge (125%)
From	To	Charge	'AT (17.5%	Total	Charge	'AT (17.5%	Total	Charge	'AT (17.5%	Total	
£0.01	£5,000.00	£221.28	£38.72	£260.00	£0.00	£0.00	£0.00	£221.28	£38.72	£260.00	£276.60
£5,000.01	£10,000.00	£254.68	£44.57	£299.25	£0.00	£0.00	£0.00	£254.68	£44.57	£299.25	£318.35
£10,000.01	£20,000.00	£135.27	£23.67	£158.94	£235.50	£41.21	£276.71	£338.18	£59.18	£397.36	£422.72
£20,000.01	£30,000.00	£171.88	£30.08	£201.96	£306.90	£53.71	£360.61	£429.69	£75.20	£504.89	£537.12
£30,000.01	£40,000.00	£208.84	£36.55	£245.38	£372.90	£65.26	£438.16	£522.09	£91.37	£613.46	£652.62
£40,000.01	£50,000.00	£245.80	£43.01	£288.81	£438.90	£76.81	£515.71	£614.49	£107.54	£722.03	£768.12
£50,000.01	£60,000.00	£282.76	£49.48	£332.24	£504.90	£88.36	£593.26	£706.89	£123.71	£830.60	£883.62
£60,000.01	£70,000.00	£319.72	£55.95	£375.67	£570.90	£99.91	£670.81	£799.29	£139.88	£939.17	£999.12
£70,000.01	£80,000.00	£356.68	£62.42	£419.10	£636.90	£111.46	£748.36	£891.69	£156.05	£1,047.74	£1,114.62
£80,000.01	£90,000.00	£393.64	£68.89	£462.52	£702.90	£123.01	£825.91	£984.09	£172.22	£1,156.31	£1,230.12
£90,000.01	£100,000.00	£430.60	£75.35	£505.95	£768.90	£134.56	£903.46	£1,076.49	£188.39	£1,264.88	£1,345.62
£100,000.01	£110,000.00	£448.15	£78.43	£526.58	£672.23	£117.64	£789.87	£1,120.38	£196.07	£1,316.45	£1,400.48
£110,000.01	£120,000.00	£463.55	£81.12	£544.67	£695.33	£121.68	£817.01	£1,158.88	£202.80	£1,361.68	£1,448.60
£120,000.01	£130,000.00	£478.95	£83.82	£562.77	£718.43	£125.72	£844.15	£1,197.38	£209.54	£1,406.92	£1,496.72
£130,000.01	£140,000.00	£494.35	£86.51	£580.86	£741.53	£129.77	£871.30	£1,235.88	£216.28	£1,452.16	£1,544.85
£140,000.01	£150,000.00	£509.75	£89.21	£598.96	£764.63	£133.81	£898.44	£1,274.38	£223.02	£1,497.40	£1,592.98

NOTE: Band of charges have been consolidated and should result in approximately the same income as under previous Charging Scheme within bracket upto £150k.

NEW Above 150k charges are to be individually assessed.



Executive
14 September 2010

Report from the Director of Environment and Culture

Wards Affected:
ALL

Adoption of the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 (as amended by The Policing and Crime Act 2009) Licensing of Sexual Entertainment Venues

1.0 Summary

- 1.1 Pole dancing, lap dancing, striptease and similar forms of entertainment have until recently been controlled by the licensing Act 2003. They have been subject to the same rules and regulations as music and dancing generally.
- 1.2 Because some Authorities have seen a proliferation of this type of entertainment the legislation has been amended to allow Councils to licence “sexual entertainment venues” separately.
- 1.3 Section 27 of the Policing and Crime Act 2009 requires the Council to either adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 or to hold full community consultations to decide whether to adopt.

2.0 Recommendations

- 2.1 This report recommends Members adopt Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Police and Crime Act 2009 and appoint 12th October 2010 as the first appointed day.

3.0 Detail

3.1 Background

- 3.1.1 Establishments such as lap dancing clubs have, until now, been licensable under the Licensing Act 2003. Their licensing has therefore been determined in accordance with the four “licensing objectives”. The four objectives are:

- i) The prevention of crime and disorder.
- ii) The prevention of public nuisance.
- iii) Ensuring public safety.
- iv) The protection of children from harm.

3.1.2 A resolution to adopt the new provisions would take lap dancing clubs outside the regulation of the Licensing Act 2003 (except in respect of “licensable activities” under that Act). i.e. The sale of alcohol or the provision of late night refreshments.

3.1.3 Adoption of the new powers is not a mandatory requirement, although if local authorities do not adopt the provisions by April 2011, they will be obliged to consult to decide if they should.

3.1.4 Section 27 of the Policing and Crime Act 2009 reclassifies lap dancing, and similar clubs, as “sexual entertainment venues” and gives local authorities in England and Wales the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. These new measures took effect on 6th April 2010 in England.

3.1.5 Sexual entertainment venues are premises at which there is any live performance or display of nudity provided solely or principally for the purpose of sexually stimulating any member of the audience and can include lap dancing, pole dancing, table dancing, strip shows, peepshows, and / or live sex shows.

3.1.6 Sexual entertainment venues that operate less than one day in any calendar month are not classified as sexual entertainment venues. Sex cinemas and sex shops are sex establishments and dealt with separately under the Local Government (Miscellaneous Provisions) Act 1982.

3.2 **Transitional Period**

3.2.1 The transitional period is one year and commences on the first appointed day (“being the day the Act is formally adopted)

3.2.2 The second appointed day falls 6 months after the first appointed day and it is during this six month period that applications for a sexual entertainment venue licence may be made. All applications received during this six month period are determined at the same time. All further applications are determined in chronological order.

3.2.3 The third appointed day falls six months after the second appointed day and this is the day when licences will take effect if granted.

3.3 **Transitional Arrangements**

3.3.1 If the Council agrees to adopt and agrees 12th October 2010 as the first appointed day, the Authority must place a notice in a local newspaper two weeks running confirming the adoption and appointed day. The first notice must appear within 28 days of the adoption.

- 3.3.2 The second appointed day will be 12th April 2011 and the third appointed day 12th October 2011.
- 3.3.3 Any person currently using or undertaking preparatory work to use a premise as a sexual entertainment venue may continue to do so until the third appointed day or until any appeal against the refusal of a licence has been determined.
- 3.3.4 On the second appointed day applications for existing licences and any new applications are determined and granted where appropriate. The start date will be the third appointed day (12th October 2011).

3.7 **General**

- 3.7.1 Sex establishments include sexual entertainment venues, sex shops and sex cinemas. Only sexual entertainment venues are covered by this part of the legislation, shops and cinemas are covered by other parts of the Local Government (Miscellaneous Provisions) Act 1982 and already form part of the Council's existing licensing regime.
- 3.7.2 In Brent sex venues were licensed under the legislation that controlled premises used for public entertainment. e.g. music and dance.
- 3.7.3 Additional conditions applicable to striptease and nudity were attached to these licences.
- 3.7.4 The Licensing Act 2003 reduced the Council's ability to put conditions on a licence and in theory any premises with music and dance on their licence could introduce lap dancing or striptease.
- 3.7.5 Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 will take pole dancing, lap dancing, striptease and similar entertainments away from the Licensing Act 2003 and allow the Council to licence them separately.
- 3.7.6 Separate licensing will allow the Council when determining an application to refuse a licence on the grounds that:
- (a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
 - (b) if the licence were granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) the number of sex establishments in the relevant locality at the time the application is made [determined] is equal to or exceeds the number which the Council considers is appropriate for that locality; (nil may be an appropriate number for these purposes)

- (d) the grant or renewal of a licence would be inappropriate, having regard-
 - (i) to the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.7.7 The Council may from time to time and in its absolute discretion set an appropriate number as the maximum number of sex entertainment venues for a relevant location. (see paragraph 3.7.6 (c)). When determining a locality it may not be necessary to show the exact boundary on a map but the whole of Brent or even an entire town would be too large an area to be considered a relevant locality within the meaning of the Act.

3.7.8 The use of powers to restrict numbers in relevant localities should only be used where there are problems with the proliferation of establishments, or, there is or is likely to be crime and disorder, or vulnerable persons may be affected. In other cases the powers listed in Paragraph 3.7.6 (d) should be used.

3.8 **Present Situation**

3.8.1 Currently there are no sex entertainment venues in Brent.

3.8.2 Over the past few years the numbers have varied and at their peak there were 4 clubs in total.

3.8.3 No clubs have survived very long with the exception of For Your Eyes Only (later changed to Route 66). This club was situated on the Park Royal industrial Estate and operated for about 10 years.

3.8.4 None of the clubs that have operated within Brent have given cause for concern from the way they have been run but some have attracted complaints purely because of their location and or on moral grounds.

3.9 **Failure to Adopt**

3.9.1 The legislation requires Councils that fail to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 to hold a full consultation exercise with residents and businesses on whether to adopt the Schedule.

3.9.2 Consultations on whether to adopt must start one year after the commencement of the Act and would therefore begin in April 2011.

3.9.3 It is very likely that any consultation would result in the Council being asked to adopt the legislation as this is an emotive subject and would almost certainly attract strong lobbying from residents.

4.0 Financial Implications

- 4.1 If the Schedule is adopted licence fees will be set and reviewed using the Council's existing regime for setting fees.
- 4.2 It is envisaged that fees will be the same as those for other sex establishments and are currently set at £10,984 for the application of a new licence and £9,345 for the renewal of an existing licence.
- 4.3 Fees are set to take account of the cost of consulting and holding a hearing for opposed applications. They also take account of the possible need for appeals through the Courts and for the more intensive inspection regime.

5.0 Legal Implications

- 5.1 None specific other than those covered in the body of the report.

6.0 Diversity Implications

- 6.1 Although there are no sexual entertainment venues in Brent at present, adoption of the Act will allow greater and more effective control of such premises should they be proposed in future. Such premises clearly have the potential to be exploitative of performers working in them, predominantly women, and greater and more effective control is to be welcomed.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 None specific to this report.

Background Papers


FILE	LOCATION
Sexual Entertainment Venue File	HSL Offices

Contact Officers

Alan Howarth
Licensing Manager
Health Safety & Licensing
Brent House
High Road
Wembley
Middlesex HA9 6BZ Tel: 020 8937 5369

Richard Saunders
Director of Environment and Culture

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	<p style="text-align: center;">Executive 14 September 2010</p> <p style="text-align: center;">Report from the Director of Policy and Regeneration</p>
Wards affected: All	
Brent – Our Future 2010 - 2014	

1. Introduction

- 1.1 This covering report accompanies the proposed corporate strategy - 'Brent – Our Future 2010 – 2014' for agreement by the Executive. The attached document sets out the strategic priorities and commitments of the Labour Administration for the coming four year. It provides an ambitious and clear direction for our future financial and service planning both internally and with our partners in the public, private, voluntary and community sectors.
- 1.2 The vision, strategic objectives and priorities have been defined following consultation with the Executive, service departments, partners in the Local Strategic Partnership and members of the Labour Group. They reflect the commitments made in the Labour Party Manifesto during the election in May 2010 as well as the economic, social and demographic needs of the borough.

2. Recommendations

Members of the Executive are requested to:-

- 2.2 Agree the attached document 'Brent – Our Future 2010 -2014' as the strategic policy framework for the borough for the coming four years.
- 2.3 Agree that 'Brent – Our Future 2010 -2014' be presented to Full Council on 10th October for agreement.

3. Detailed Considerations

- 3.1 Since 1998 the Council has produced every four years a Corporate Strategy setting out the key local ambitions and service priorities of the incoming Administration. This document has been used as the policy framework for the medium term financial strategy, service planning and monitoring of council performance. The Corporate Strategy is central to providing coherence, clarity and structure to the planning and delivery of local services. While initially the Corporate Strategy focused on just council services increasingly the document has included shared partnership objectives. There is no legal requirement to produce a Corporate Strategy but it is considered good practice.
- 3.2 Brent – Our Future 2010 – 2014 has been produced following consultation with a wide range of stakeholders and reflects the shared priorities agreed with the Local Strategic Partnership for the borough. Consultation activities included:-

- Review of our service and performance improvement priorities with the Corporate Management Team and Departmental Management Teams.
- Discussion with Executive members during the Service and Budget Planning away days.
- Discussion with the Executive of the Local Strategic Partnership and the Strategic Forum.
- Discussion with the Members of the Labour Group.
- Reviewing the findings of the Resident's Attitude Survey and service specific user consultation.

3.3 In addition the Brent Evidence Base, which contains a comprehensive range of statistical information on the economic, social and demographic needs of the borough and its population was used to inform the vision, objectives and strategic priorities set out within the document.

4 **Financial Implications**

4.1 There are no financial implications arising directly from this report. However it is important to keep in mind the current financial situation of the public sector and the impending reduction in available funding. A major theme within 'Brent – Our Future 2010 – 2014' is the reconfiguration of public service delivery models to achieve efficiency and continue to meet local needs. This emphasis means that inclusion within the Corporate Strategy cannot be considered a mandate for any growth. The proposals contained within the document are ambitious but also realistic and are consistent with the aims of the One Council programme designed to achieve reductions in the councils operating costs, increase our efficiency and improve service performance.

4.2 Colleagues in Finance and Corporate Resources will ensure that all Corporate Strategy proposals are properly costed and are consistent with both the One Council Programme and the Medium Term Financial Strategy.

5. **Diversity Implications**

5.1 'Brent – Our Future 2010 – 2014' has been specifically designed to reflect the diverse nature of Brent and its population. Both the vision and the three key strategic objectives are built on the principles of reducing poverty and exclusion, promoting community cohesion and supporting individuals to fulfil their potential.

5.2 Each of the individual proposals within the document will be the subject of the normal council process for Equality Impact Assessments.

6. **Background Information**

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Brent – Our Future
2010 – 2014

One Borough, One Community, One Council

OUR VISION

Brent will be a thriving, vibrant place, where our diverse community lives in an environment that is safe, sustainable and well maintained. All our services will enable local people to fulfil their potential and improve their quality of life. Public resources will be used creatively and wisely to produce lasting benefits for our residents and the borough. Our commitment to reducing poverty, redressing inequality and preventing exclusion will be at the heart of all our actions.

Our Strategic Objectives

One Borough

- Creating a sustainable built environment that drives economic regeneration and reduces poverty, inequality and exclusion.

One Community

- Providing excellent public services which enable people to achieve their full potential promote community cohesion, and improve our quality of life.

One Council

- Improving services for residents by working with our partners to deliver local priorities more effectively and achieve greater value for money from public resources.

BRENT TODAY

Brent is a place of contrasts. Home of the iconic Wembley Stadium, and Wembley Arena and the spectacular Swaminarian Hindu Temple, our borough is the destination for thousands of British and international visitors every year. Brent is served by some of the best road and rail transport links in London and the area is accustomed to the successful staging of major events. We are a 2012 Olympic borough and are working closely with the national Olympic Committee and our local partners to ensure this event leaves lasting economic benefits for our residents' and our borough. We have award winning parks, outstanding schools, a great night life and a reputation for fostering and celebrating community cohesion. Our population is young, dynamic and growing. Our long history of ethnic and cultural diversity has created a place that is truly unique and valued by those who live and work here.

However despite these strengths Brent is ranked amongst the top 15 per cent most deprived areas of the country. This deprivation is characterised by high levels of long-term unemployment, low average incomes and a reliance on benefits and social housing. In our priority neighbourhoods the impact of the recession has seen unemployment increase above nine per cent. Children and young people are particularly affected with a third of children in Brent living in a low income household and a fifth in a single-adult household. The proportion of our young people living in acute deprivation is rising with a growing disparity between the educational achievements of some children in comparison with a rising borough average. Living in poverty generally contributes to poorer health, well-being and social isolation. The statistics show that people on low incomes are more likely to have a life limiting health condition, take less exercise and have a shorter life.

Tackling these issues underpins the ambitions and commitments that are set out in this document. Our objective is to lead the physical regeneration of the borough to enable all sections of the community to participate in, contribute to, and benefit from the future success of Brent.

Key facts about Brent

- 59% of the population in Brent is from black and ethnic minority backgrounds
- 36% of the population is aged 20 – 39 and 23% are 19 or under. 16% are aged over 60 years.
- 16.8% of the population are claiming some form of out of work benefits. The London average is 15.4%
- 5.29% claim job seekers allowance but this proportion raises to 9.84% within our 5 most deprived wards.
- There is a low level of adult skills within the borough with only 25% of people having NVQ level 4 or above (the London average is 38.6%) Brent has the second lowest level in London of people with NVQ1 or above at 56% (the London average is 73.7%)
- 15% of the adult population have no formal qualifications at all.
- Average annual earnings are £27,248 which is below the London average of £31,096 and is the third lowest in London.
- 20% of households have an annual income of £15k or less.
- Average house prices are the 8th highest in London at £309, 819.
- Only 15.8% of adults undertake physical activity for 3 x 30 minutes per week. This is the second lowest level in London.
- 21.6% of adults are classed as obese. This is slightly below the national average, but 10.6% of children are obese which is above the national average.

- There is an 9 year gap in life expectancy between people living in Harlesden and those in Northwick Park.
- The incidence of cases of tuberculosis in the borough is the second highest in London at 100 cases per 100,000 head of population.
- The borough has one of the highest prevalence's of diabetes in the country at 6.3% and it is widely considered that this is an under reported figure.

ONE BOROUGH

Driving economic opportunity and regeneration

Our borough has great potential for economic regeneration. We benefit from excellent transport links both into central London and out to the wider sub-region. With the international visitor destination of Wembley Stadium located at our heart we are ideally placed to promote Brent as a place to do business and attract new investment into the borough.

The council is leading this drive with the creation of the new Civic Centre within the Wembley Regeneration area. This unique building will provide a world class public facility. It will be the most environmentally sustainable public building in the country, offering accessible community services and much needed space for arts and cultural events. Bringing together Council activities, along with our partners, into one modern building will enable us to provide better customer services while significantly reducing our property and administrative costs. These savings mean we can create an outstanding community asset for the future while still making better use of our public funding. Our investment in the Civic Centre will act as a catalyst for greater private sector investment with major retail, leisure and commercial developments coming into the area over the next four years.

To enhance access to council services in the south of the borough we will be redeveloping Willesden Green Library with more community facilities, a customer service point and a better library. In addition to these two public buildings we will create three further multi-use council contact points to ensure that all parts of the borough are well served. We will also be working with the voluntary sector to develop a resource centre for local community and voluntary groups.

Brent's Local Development Framework identifies five key growth areas across the borough. These include South Kilburn and Church End which we will transform by working with the private sector to create opportunities for more business, retail, housing and environmental improvements. Through the positive reputation we have already established with developers, vital new investment will be brought into these areas. In consultation with local residents we have agreed plans to tackle the poor environment and air quality along the North Circular. These plans will include redesigning local housing and making better use of open spaces to minimise the impact of traffic on peoples' daily lives.

We will use these regeneration projects to enhance the local skills base of Brent residents, supporting local employment and training wherever possible. Poor transport services to some parts of the borough act as a barrier to employment and we will work with partners in Park Royal to improve transport services to the area.

In addition to regenerating the physical environment existing local businesses are of course crucial to the economic future of the borough. We already have good relationships with many of our small and medium size firms, and are working with our Employers Partnership to coordinate the business support available to grow local enterprise. The 2012 Olympic and Para Olympic Games is a great opportunity to promote Brent as a destination and we are working with local business to enhance the employment and tourism opportunities from Brent being an Olympic venue.

Our local town centres provide vital services and amenities within their neighbourhoods. We want to work with local traders to improve their viability by creating a better mix of retail and leisure businesses, providing free parking for the first hour and improving public transport services. We will work with Camden Council to develop plans to improve Kilburn High Road as a shopping area.

Protecting our environment

Our regeneration plans will be delivered within the context of creating a sustainable economic and social environment which provides residents with the services and opportunities they need, while protecting the quality of our environment for the future. For this reason we are concentrating our growth within areas that have good public transport access, have the capacity to accommodate growth and are in need of regeneration.

Environmentally we will lead by example and aim to reduce our CO₂ emissions by as much as 25 per cent by 2014. This will be achieved by improving energy efficiency in council buildings, encouraging the use of public transport, minimising business travel, promoting car clubs and cycling facilities and using alternative sources of energy. The council will work with partners to implement our Climate Change Strategy so that the whole borough is prepared for its effects and local communities are kept informed. Where possible we will make sustainable choices in our purchasing of goods and services and promote the work of the Brent Fairtrade Network.

Making green choices is very important to many local people and we want to make it easier for them to do this. A Brent 'Green Charter' will be developed setting out how we can work together to protect our environment. One key objective is reducing the amount of house hold waste we all create and our aim is to increase the proportion of waste that gets recycled or composted to upto 60 per cent by 2014. We will improve the range of items that can be recycled in the collection service and make it easier for people living in flats to recycle by providing more bring sites with mixed collections. More of our residual waste will be treated to reduce the amount that is sent to landfill. Bulky items will be collected free of charge and where possible these items will be reused or recycled. Our residents parking permits will encourage people to choose cars with lower emission levels and the cost of permits will be set using this principle.

Everyone deserves to live in a clean and well maintained neighbourhood. Clean streets, free of nuisance cars, graffiti and dumped rubbish will be the norm. We will prosecute those individuals that do not respect our shared environment and spoil our streets.

Brent Residents' value their parks and open spaces. We will protect our parks by improving their biodiversity and most importantly enabling people to use them safely with improvements to the wardens service. New sports and physical activities, particularly for older people, children and young people will be available in local parks and more multi-use games areas will be provided in suitable spaces. Overall our development plans aim to increase the amount of open space within the borough with the objective of creating new parks and allotments.

We are continuing to enhance the public realm, improving the state of our roads and pavements, and increasing road safety, particularly where it affects children. In addition the council will lobby the Mayor of London on strategic transport issues which matter to Brent, including high-speed orbital bus based services connecting outer London town centres.

Greater access to affordable housing

As in many parts of London housing in Brent is expensive and in short supply. With a low average income in the borough and with the cost of housing well above the London average many people find it very difficult to afford suitable accommodation. Being in need of housing has a serious impact on people's job prospects, their health and sometimes their family relations. Homelessness affects the most vulnerable people in our community and frequently leads to isolation and exclusion.

One of the core principles of our Housing Strategy is to create more housing within our growth areas at Wembley, Alperton, South Kilburn, Church End, Burnt Oak and Colindale. Over the next four years we will provide 4500 new homes in the borough and 50 per cent of these will be designated as affordable. There is a particular shortage of family sized housing in the borough, which we need to protect through limiting the conversion of larger properties into flats. We will also ensure that 25 per cent of all new build properties are suitable for families.

While there is no quick solution to meeting all the housing need in the borough we provide a range of services that help to prevent people losing their homes, address inequalities in access to housing and offer alternative solutions. We will continue to reduce the numbers of families who are in temporary accommodation through our partnership work with registered social landlords and the private rented sector and ensure that social housing meets the decent homes standards. Working with private landlords to improve the quality of rented accommodation and bringing unused property back into use will be part of our overall strategy to create a better supply of affordable housing in Brent.

Increasing sports, leisure and cultural facilities

One of our top priorities is to build more high quality sports and leisure facilities. Our ambition is to have a new third swimming pool serving the north of the borough and to redevelop and improve the centre at Bridge Park. Many people in our community are unable to enjoy the health and well-being benefits of an active life style which includes regular exercise. This is due to the lack of local facilities. 52 per cent of our population never undertake any exercise and the impact of this can be seen in growing levels of health inequalities and obesity. We must tackle this problem working with local health providers and the community to provide accessible sports facilities and services for all age groups.

Our joint Sports and Physical Activity Strategy sets out a programme of partnership work to increase the numbers of people taking part in regular exercise as well as provide practical support to local sports clubs and schools. These actions are closely linked to our response to the 2012 Olympic and Para Olympic Games. We will use this global event to promote the wider health and community cohesion benefits from participation in both individual and club sports. Our 2012 Action Plan also looks beyond the sporting benefits and includes projects that will train volunteers to gain new work skills and access job opportunities, support young learners to be inspired by the Olympics and cultural events that will showcase Brent at its best. In the build up to the Olympics we will implement the 2012 Action Plan to secure maximum employment, health and community cohesion benefits are delivered and sustained in the borough.

Brent is unique in its cultural diversity. This is reflected in a rich and dynamic cultural heritage which is celebrated and shared through our popular festivals programme and a myriad of local community events. We want to build on this foundation to support the growth of arts and cultural industries in Brent and encourage more people to engage with local arts projects. Cultural activities make a significant contribution to the lives of local people, fostering cohesion, supporting achievement and reducing exclusion. Our Cultural Strategy sets out actions to provide better venues for arts and community events, attract more funding for local cultural facilities and ensure all parts of the community can take part.

As part of our approach to neighbourhood services we will undertake a major review of our libraries service with the aim of creating a network of modern and fit for purpose libraries, in high quality buildings, at convenient locations across the borough. These will not only provide library services but act as contact points with access to a range of information, IT facilities and public services. The

model will be our successful Kingsbury Plus which has both increased library usage and made it easier for local people to get the services they need.

ONE COMMUNITY

Reducing worklessness and low incomes

Brent is one of the country's most deprived areas for employment and income. In our priority neighbourhoods unemployment is at over nine per cent while the borough average is also above that of London. Many people who are in employment still have a low income and during this time of economic recession many individuals and families are financially vulnerable or already living in poverty. We know that living in poverty contributes to poorer physical and mental health, excludes people from their community and reduces the chances of children doing well at school.

Our plans for the physical regeneration of Brent will bring new job opportunities into the borough and we want our residents to access these jobs, to improve their own prosperity and benefit from a thriving local economy. We also want them to be better equipped to compete for jobs across London.

We have a comprehensive range of employment services in place to prepare and support people into local jobs. Whether it is help with making an application or additional language skills over 1000 local people have successfully got into employment through Brent in2work. We will focus on those people who have been out of the labour market for longest and provide them with the right skills and experience to gain employment. We will provide specialist support to people with a disability who wish to find employment. By working with local employers to identify the type of skills they need our programmes help local people make that all important first step into a job.

Raising local employment is a critical part of our ambition to reduce poverty and inequality in Brent particularly for our most deprived communities. Our aim is to reduce the numbers of people claiming out of work benefits to the London average and raise the income level to at least the London average by 2014. Together these actions will reduce the numbers of households living in poverty to 16 per cent by 2014.

Supporting Children and Families

A good education is the foundation for future success. The educational achievement of Brent's children and young people has improved dramatically in the past decade and our ambitious young people have exam results amongst the top performers in London. The quality of teaching in our local schools is very high with 85 per cent of our schools being judged as good or above by OFSTED. We will work in partnership with local schools to deliver an excellent education for all children in Brent and reduce the gap in attainment that exists for some ethnic groups. Our challenge is to support those children that find it most difficult to succeed educationally, either because they need extra assistance with learning or because the circumstances of their lives are difficult. Through specific support programmes for children looked after by the local authority, those who have special educational needs and children with disabilities we will ensure they are able to achieve their full educational potential.

Demand for school places continues to increase and our schools are already oversubscribed. Our aim is to build at least one new secondary school and one primary school in areas with high demand as well as expanding capacity at our existing schools where there is the potential. We will lobby central government for the necessary resources to build new schools, expand our existing schools and re-build dilapidated facilities.

All Brent schools now have a range of extended services that support pupils learning and focus on providing children with the additional help that they sometimes need to do well at school such as home work clubs, language support and mentoring. These extended services provide vital neighbourhood sports, arts and cultural activities and we will seek more opportunities for these facilities to be accessible for community uses. All Brent schools will achieve accreditation as 'Healthy Schools' promoting sensible eating and regular exercise as part of a preventative approach to health and well-being for children and young people.

We know that the earlier in a child's life support is provided the better they will do in the future. All children deserve the best start in life within a strong and safe family environment. Our programme of locality services and children's centres are working with families to provide the right kind of help during those first crucial years of a child's life. We will invest in our early years services and increase access to childcare to make sure that families are able to take-up employment or training opportunities more easily.

Keeping children safe and protecting those that are most vulnerable is a critical responsibility of all local authorities. Working with our partners on the local Safeguarding Board we will strengthen our role as 'Corporate Parents' making sure that our early intervention services identify, protect and support any child at risk. We will respond quickly and appropriately to the needs of all children and where it is in the interests of the child to be looked after by the authority we will provide a stable, consistent and caring environment.

Enabling young people to thrive

Twenty three per cent of the population in Brent is under 19 years of age. Young people have been particularly badly affected by the economic recession with many finding it increasingly difficult to gain employment or access appropriate further education. We need to ensure that we support these young people during their transition to adulthood with better careers guidance and ensuring they have access to effective education and training provision at age 14-19 within our schools, colleges and other training provider organisations.

A lack of suitable activities for young people in our neighbourhoods is often raised as a concern by residents. We are addressing this through developing neighbourhood projects as part of our Ward Working initiative often in collaboration with voluntary groups and schools. Our sports service works closely with local clubs and groups to deliver activities for young people in parks and sports centres. However we recognise that we can do more and will be reviewing our Youth Service to ensure that all parts of the borough have access to a relevant and engaging range of activities for young people. Information about the youth activities provided locally needs to be more easily and widely available. We are working with young people to continually improve our dedicated young people's website, Bmyvoice, to make sure they can find out what is going on in their neighbourhood, as well as giving them better information about other public services that can provide them with support and advice.

Greater personal choice and independence in adult social care

Many people at some point in their lives will require additional care to maintain their quality of life and independence. For some this can be a short intensive period of help, for others with a critical illness or disability it can be more long-term. Our services for adults are designed to give people more choice about the type of care they receive and to retain an independent life style for as long as possible.

We will encourage more of our social care clients to use direct payments as a way of having more choice and control over the services they receive, while working with our partners in the voluntary

sector to develop a range of suitable options that reflect cultural preferences. Our aim is to streamline the assessment process and service provision, making the best use of resources and enabling individuals to take an active part in their community. Our staff will provide advice and guidance on making the best choice for each individual client depending on their personal circumstances and needs.

Our fully comprehensive reablement service will support people to return to independence more successfully after treatment and avoid unnecessary hospital admissions in the future. Working with our colleagues in the health sector we will reduce the number of people whose transfers from hospital are delayed by not having suitable intermediate care packages in place to help them return home.

When people decide to use care services provided directly by us, they will receive a modern service that better reflects their aspirations and wishes. We will improve the buildings and facilities for our day care and residential homes and increase the efficiency of our transport services. Relatives and friends provide vital support to many of our social care clients. When putting in place care packages we will also assess the impact on carers and their need for assistance to maintain a good quality of life while caring for their relative or friend. Our assessment process will be streamlined to give people a decision more quickly and we will review our charging policy to ensure that it is fair.

With growing demand for adult care services it is vital that we use our resources wisely to provide the best care options for local people. In collaboration with other local authorities in west London we are working to maximise the purchasing power of our budgets through joint procurement arrangements and shared service models.

Staying active and participating in the local community prolongs health and well-being and reduces isolation. Our range of sports, cultural and leisure activities are designed to improve the physical fitness, mental well-being and social inclusion of all our residents. Helping people to lead an active life is a key component to maintain independence and prevent the escalation to more serious levels of need.

Reducing crime and the fear of crime

Protecting the public from crime and the fear of crime is one of our highest priorities. Despite an overall decrease in crime of over 20 per cent in recent years, there are still some parts of the borough where violent crime, including knife and gun crime is a concern. We will focus on reducing gun crime through more intelligence lead approaches in high risk areas and engaging with the communities most affected. Working with the police, we will focus on preventative programmes in schools engaging children, young people and their families to understand the social impact and consequences of violent crime. Violence in the home frequently leads young people to develop a wider acceptance of violence in all forms. Our programmes to reduce domestic violence, which is a significant proportion of all violent crime in Brent, will support victims and their families to escape from violent situations and put in place alternative solutions.

Working with the Safer Neighbourhood Teams we will reduce residential burglary by targeting known burglary locations, increasing advice and support on home security and focusing on known repeat offenders to prevent future crimes. Our range of local ward projects designed to reduce anti-social behaviour are popular and successful. These targeted initiatives create alternative options for young people, tackle problem locations that encourage anti-social behaviour and use the right level of deterrent measures to prevent re-offending. 85 per cent of resident's are happy with how we have dealt with anti-social behaviour in their area and as a result the number of young people coming into the criminal justice system has reduced. We will focus this preventative work on those

young people most at risk of becoming an offender and support them to make better choices for their futures.

The incidence of brothels and prostitution is an emerging issue in Brent and one which we are determined to tackle. Following an innovative research project into this disturbing issue the police and other partners have agreed a set of protocols that will make identifying women who have been trafficked or pressurised into prostitution easier. We will lobby local newspapers to stop the advertising of sex services and promote charities that assist women to exit prostitution.

Drug and alcohol abuse, while not a wide spread problem in Brent, is an acute and persistent problem for some individuals and can lead to criminal activity as a means of funding a drug or alcohol addiction. The completion of treatment and the successful transition to a new life style are key to preventing repeat offending. We will improve the support available to people completing treatment and help them to lead a life that is drug and alcohol free.

Although Brent is now a safer place, residents still express concern about crime levels. Through the Safer Neighbourhoods Teams (SNT's) we are working with the police to provide local people with more influence and information about how their neighbourhoods are policed. The SNT's work with the Ward Panels and neighbourhood watch to coordinate the work of the Police Community Support Officers on the streets. High visibility policing is central to our approach to stopping street crime and helping to reduce the fear of crime felt by local people.

Address health inequalities and the gap in life expectancy

People who enjoy the best health in Brent can expect to live an average of 9 years longer than those who experience poor health. This stark difference in life expectancy across the borough is the result of the significant inequalities in health and well-being experienced by residents in our most deprived wards compared to the most affluent parts of Brent. Across a range of health conditions such as heart disease, obesity, cancers, diabetes and respiratory conditions communities on lower incomes are disproportionately affected. Health and well-being is frequently determined by an individual's quality of life and circumstances. Poor housing, air quality, diet and poverty are all contributory factors. Working with local health service providers we have developed a set of co-ordinated plans that will decrease the gap in life expectancy and reduce the inequalities in health and well-being. The Health and Well-being Strategy focuses on two objectives, improving the wider environment issues that impact on health and supporting people to adopt healthier life styles.

By delivering our ambitions to regenerate the borough, reduce unemployment and improve housing provision we will address many of the underlying causes of poor health. Our environmental health service is focused on protecting and promoting public health with initiatives to improve air quality, enforce food standards, reduce obesity and control tobacco use. By improving Brent's environment, tackling crime and anti-social behaviour and encouraging achievement we will make a significant contribution to securing longer, healthier lives for our residents.

As well as providing the right environment we need to make it easier for people to make healthy choices in their lives. We aim to build at least one new swimming pool serving the north of the borough and run more local sports events in parks and local venues. Our sports centres provide a range of activities for all abilities and ages that will improve physical fitness and help in the management of weight. All of our schools are working towards being accredited as 'Healthy Schools' and we run intensive support projects for families wanting to improve their diet and fitness as part of tackling childhood obesity. Our planning and design policies will make it easier for people to include exercise in their daily lives with more cycle routes and safe foot paths.

Smoking is the single greatest cause of preventable illness and death. While smoking has decreased overall, in some wards in Brent 25 per cent of people still smoke. We aim to reduce smoking further by delivering our programme of practical help and advice to quit smoking and making sure that young people don't start by implementing robust systems to tackle the availability of tobacco to them.

Take up of routine screening for cancers and immunisation rates are low amongst some communities. We must encourage people to use these valuable preventative services with more information on the availability of primary care services and better access to GP's. Brent has a particularly high level of people contracting tuberculosis. Early diagnosis of this condition is important for effective treatment, so regular screening for those who are most susceptible to this illness is critical.

Changes to the way in which primary health care and hospital services are provided in London are likely to take place in the coming months. The council will work with Brent GP's to ensure that the new process for commissioning local health services reflects the diverse and specific needs of the local population. We will ensure that local health services are safe, modern and effective and accessible to all parts of the community.

ONE COUNCIL

Consistent engagement with local communities

We will empower local people by providing more opportunities for them to engage with local elected Members on decisions affecting their area at ward forums. Our new Brent wide Engagement Strategy sets out the ambition of the council and partners to inform, consult, engage and involve our communities in all aspects of service provision from design through to delivery. To achieve this we will provide a variety of opportunities to engage with officers and Members and ensure that all communication and information materials are written clearly and simply. The Brent Magazine will be distributed to households regularly containing information on available services and consultation events. Working with our partners we will make the best use of consultation information and share the results with local communities. Our regular Residents' Attitude Survey and Citizen's Panel will be used to measure residents' satisfaction with the area and local services and we will respond to the concerns raised.

Our Ward Working initiative focuses on Members working in their communities to address local priorities and improve the way services are delivered on a neighbourhood level. Each ward has a budget to spend on community led projects and the environmental improvements that matter most to local residents. We will ensure that residents have regular feedback about what is happening in their area through ward bulletins and the opportunity to influence neighbourhood priorities. By ensuring that their involvement can make a difference to the place they live we aim to encourage residents to participate in the democratic life of Brent.

The council website is a popular source of information on services and events. Increasingly people expect to be able to access more services via web technology. We will put more transactional services onto our website to make it quicker for users to get the response they need at a time that is convenient to them.

Overview and scrutiny is a Member led process independent of the council's decision making function that looks at the performance of Brent Council and partner organisations in the borough to ensure that they deliver good quality services to local residents. The overview and scrutiny function

enables our Members to become involved in reviewing and developing council policies and provides constructive challenge to the Executive and partners. It can also look at other matters of concern such as policing, health services or a particular local issue such as fuel poverty. We will encourage residents from all sections of the community to engage with and participate in overview and scrutiny. To do this we will focus on the issues that matter to local people, hold meetings out of the town hall when possible, work with partners and voluntary groups and publicise our work as widely as we can.

The building of our new Civic Centre will provide the perfect venue for more people to participate in local democratic debate. With the move to the Civic Centre we will consider televising Council meetings and our citizenship ceremonies via the internet.

Our engagement and consultation activities will take into account the need to reflect the diverse needs of our population and seek out the views of all sections of the community. We are working towards achieving 'Excellence' level of the national Equalities framework by 2012. Through our approach to addressing and reflecting diversity within our service planning and employment practices we will become a beacon of best practice for ensuring equality of opportunity.

Achieving organisational efficiency and service improvement

The whole of the public sector is facing an unprecedented reduction in the level of central government funding for local services over the next four years. With the level of demand for many services increasing, and the population in urban areas such as Brent expanding, we will inevitably be faced with making some hard choices. However a difficult financial environment should not be used as the excuse for mediocrity and poor service standards. It is now that we need to be most innovative, ambitious and creative to turn this challenge into an opportunity to reinvent how we deliver public services in the future.

Our One Council programme has been carefully designed to target reductions in the operating costs of the council so that we can deliver efficiency savings while minimising the impact on front line services to the public. The programme will reduce our expenditure on property, consolidate our support functions and redirect a greater proportion of our staff and resources to direct service delivery. We will make maximum use of new technology to reduce the costs of internal business processes and review all our externally procured contracts to ensure value for money is being achieved. These actions mean we can redesign our customer contact arrangements making sure that more enquires and requests for service are resolved on the first contact.

We are undertaking fundamental change projects in our mainstream services such as adult social care, children's social care, waste collection and street cleaning that will enable us to provide better services, increase our performance and reduce the costs. By implementing our One Council programme we will be better placed to protect the vital public services that many people depend on, while still maintaining a fair balance between taxation and spending.

As part of our approach to efficiency we are working with our public and voluntary sector partners to identify how we can collectively make best use of all public spending in Brent. The aim of having an area based focus on our expenditure, rather than a single organisation is to eliminate duplication, explore how investment in preventative services could release savings and find ways that we can share facilities or support functions.

Although we recognise resources will be tight we have not lowered our performance targets and still aim to have 85 per cent of our indicators within the top two quartiles of performance by 2014. We will measure our achievements against the views of local residents and our objective is for 90 per

cent of residents to be satisfied with their area as a place to live and 85 per cent to be happy with how the council runs the local area.

The next four years will be challenging and at times difficult for our staff. We will be a smaller organisation but we will also be more effective with more of our resources focused on responding to the needs of our residents. We will support our staff by providing high quality training that gives them the skills they need to excel as part of a modern, public service organisation. All staff will be given the opportunity to contribute to discussions and decisions on how we implement our change programme and they will be kept well informed through staff forums, briefings and the intranet. Individual appraisals and development plans will ensure that good performance is recognised and rewarded. In return staff will observe the highest standards of conduct, maintaining our commitment to excellence in every thing we do and serving the public.



Executive
14 September 2010

Report from the Director of Policy and Regeneration

Wards Affected:
ALL

Access to health sites for people with learning disabilities task group – final report

1.0 Summary

- 1.1 The access to health sites for people with learning disabilities task group has completed its review and reported its findings to the Health Select Committee. That committee has endorsed the recommendations in the task group's report and they are now being presented to the Executive for approval.
- 1.2 The review was commissioned because Brent Carers spoke to local councillors about the difficulties they faced when using general health services with the person that they cared for, who had a learning disability. People with learning disabilities experience worse health than the general population and the task group found that they often receive a poor service from health providers. The need for improvement has been recognised by seven national reports in the last ten years. Despite so much attention being given to this problem little noticeable improvement has been made.
- 1.3 As a result of their investigations, the task group has made a number of recommendations that it believes will improve services for people with learning disabilities if they are implemented. Most of the recommendations are for NHS Brent, but it is hoped that the council can lend its support to this agenda and recognise the needs of people with learning disabilities within the services it provides.

2.0 Recommendations

- 2.1 To agree the recommendations set out in the report.
- 2.2 To thank the members of the task group for their work.

3.0 Details

- 3.1 The access to health sites for people with learning disabilities task group was established because Brent Carers spoke to local councillors about the difficulties they faced when using general health services with the person that they cared for, who had a learning disability. People with learning disabilities experience worse health than the general population and the task group found that they often receive a poor service from health providers. This was a concern to members who felt that the subject would benefit from an overview and scrutiny task group investigation.
- 3.2 During the course of their work, the task group met with Brent carers who reported a number of on-going difficulties when using primary care services in the borough such as dentistry, GP's and opticians. Many of the problems relate to an overarching lack of awareness about learning difficulties issues and failure to implement reasonable adjustments which would make these services accessible to all patients. The task group's evidence found that there are variable standards for patients across the borough.
- 3.3 Additionally, at the national level there is a strong body of evidence highlighting failures across health and social care to provide adequate healthcare services for people with learning disabilities, who are among the most vulnerable adults in society. Brent is not alone in this regard, but the task group hopes that local services can be adjusted to meet people's needs.
- 3.4 The task group visited the Treat Me Right! project in Ealing. This project, commissioned by the local NHS, has developed a range of measures to improve the experience for patients with learning disabilities when they use services at Ealing Hospital. They have produced information in easy to read formats, such as the complaints policy and admission information as well as provide staff training. One of the main recommendations of the task group is that NHS Brent develops a similar model for Brent Hospitals.
- 3.5 In all, the task group made five recommendations. They were:
1. That NHS Brent implements a project – similar to the Treat me Right project developed by Support for Living in Ealing Hospital.
 2. That there are specific actions to address the needs of people with learning disabilities in the Brent Obesity Strategy and other health promotion strategies.
 3. That the Health Select Committee monitor the implementation of the NHS Brent learning disability self assessment framework and improvement of statutory functions such as dentists.
 4. That information is gathered on residents that have a learning disability to ensure that they receive targeted appropriate services.

5. That the go-ahead is given to the council project to look at transitions from children's to adult services for people with disabilities - as a matter of urgency. The appropriate Overview and Scrutiny Committee should monitor the progress of this work.

NHS Brent's response

- 3.6 The Health Select Committee has endorsed these recommendations and have passed them to the Executive for approval. Members will note that NHS Brent has provided a positive response to the review, which is set out below:
- 3.7 **Carer and Service User Involvement** - NHS London had identified that one of the main areas of progress within NHS Brent's recent Self Assessment Performance Framework was how well service users and carers were supported to input into the general planning and development of new health services.
- 3.8 There is now a health action sub group of the Learning Disability Partnership Board with user and carer representation which will drive forwards and monitor the delivery of the Health Action Plan which has been agreed with NHS London.
- 3.9 A sub group of the Learning Disability Partnership Board is being formed which will have a role in developing learning from the outcomes processes from complaints and incidents involving people with learning disabilities so that a consistent approach is implemented and monitored across agencies. Through this group quarterly learning disabilities thematic reports on safeguarding and complaints will be reported to the Learning Disabilities Partnership Board.
- 3.10 **Local Population Needs Analysis** - There is an need to improve the information available in Primary Care regarding people with learning disabilities and their family carers, and their particular health needs through the use of existing data collection processes.
- 3.11 Work is currently underway on a specific project to produce a more comprehensive health needs assessment of the local population of people with learning disabilities. This involves working across Public Health and Primary Care using information generated from GP Registers under the Directly Enhanced Service. This will be completed by October.
- 3.12 Work has also been commissioned to develop an Autism Strategy by October which will contain a local needs analysis of this specialist area across mental health and learning disabilities services, including information on people in transition from Children's to Adults Services. Both of these pieces of work will feed into a Joint Commissioning Strategy which is also being developed in tandem by November.
- 3.13 **Ensure reasonable adjustments and access to health services** - Work has already taken place linking Primary Care and the Specialist Community Team in reviewing GP reporting requirements and mechanisms to enable the

Community team to play a more active role in monitoring and updating the information held on the GP Registers and provide training for GP practices. A better system for the recording and monitoring of health screening is also being developed. This has resulted in a large improvement in the number of annual health checks completed and NHS Brent is now above the national average. The Health Action Plan contains a target to improve the number of annual health checks to 100% by 2013.

- 3.14 The admission and discharge arrangements for vulnerable people accessing acute hospital care and appropriately working with families and individuals to meet and understand their individual needs will be improved by the appointment of an acute liaison nurse for people with learning disabilities who has been commissioned to work with the North West London acute sector. This role will ensure robust care pathway's for individuals into acute care ensuring that people's needs are properly identified and meet.
- 3.15 **Treat Me Right Project** - Funding has been identified to develop a local service which will work within local hospital settings to provide training to hospital staff on the needs of people with learning disabilities and to introduce an accessible Hospital Passport Booklet for all people with a learning disability accessing acute care, identifying their needs and wishes so that services that can better understand and meet the patient's needs.
- 3.16 Interest in proving this service has been shown by Support for Living who run this project in neighbouring Ealing. Local providers have also shown interest in delivering the service. The Partnership Board have agreed that interested parties will be invited to submit expressions of interest which will be evaluated by the Sub group of the Partnership Board. It is hoped that the new service will be in place by November.
- 3.17 **Health Self Assessment Performance Framework** - The existing Health Action Plan will be updated in the light of the outcomes of the recent self assessment and taken to the Joint Executive Team and the Sub Group of Learning Disability Partnership Board for approval in August. The targets and actions have been accepted by NHS London as a good strategy for improvement and they will monitor the delivery of the Plan.

Response from Housing and Community Care

- 3.18 The report makes reference to service criteria for people with learning disabilities. The following comments have been provided by the Housing and Community Care Department in relation to the report:
- The Council is committed to the prevention agenda across the whole of Adult Social Care. The current eligibility threshold for Adult Social Care is set at meeting the needs of those people with substantial and/or critical needs and this applies to all client groups. Given the current financial position that Council's are facing it will be important to ensure that there remains equity of access for all client groups across Adult Social Care.

4.0 Financial Implications

4.1 See comments from Housing and Community Care above.

5.0 Legal Implications

5.1 As a Public Authority Brent Council has General duties to promote equal opportunities relating to race, disability and gender to remove discrimination and under the Disability Discrimination Act 2005 (DDA) to promote positive attitudes towards disabled people and take positive steps, these recommendations are consistent with this function.

6.0 Diversity Implications

6.1 This report makes a number of recommendations for changes to services for people with learning disabilities. As the task group has pointed out, this group is particularly disadvantaged when it comes to receiving health services and generally suffers from worse health than the rest of the population. By completing this work the task group members hope that services for people with learning disabilities will improve and take into account their needs and circumstances. The initial commitments from NHS Brent are extremely encouraging in this regard.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

Background Papers

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Access to Health Services for People with Learning Disabilities

Membership:

Councillor Eddie Baker
Councillor Ruth Moher
Councillor Emily Tancred (Chair)

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Foreword by the task group

People with learning disabilities* experience worse health than the general population and often experience a poor service from health providers. The need for improvement has been recognised by seven national reports in the last ten years. Despite so much attention being given to this problem little noticeable improvement has been made.

It is, therefore, vitally important that something is now done, that is why the overview and scrutiny committee have agreed to commission this task group. Councillors believe that there has been enough talking and strategy development, and concerted action needs to take place.

The recommendations set out in this task group are practical and can be achieved without excessive financial cost to Brent. It is in many cases a matter of making practical adjustments to the systems used by clinics and hospitals, and of educating all staff in the use of better communication techniques, for people with learning disabilities.

The Task Group has been assisted by many experts and we would like to thank everyone who has spent time preparing reports and attending meetings, to advise us.

We would also like to give particular thanks to the carers we met at both Hay Lane School and Wembley Centre for Health and Care, who shared their personal experiences of the obstacles encountered by them, when accessing health services.

We intend to continue working to ensure that the recommendations of this task group are realised, and that Brent has systems for people with learning disabilities to be proud of.

*The suitability of the word 'disabilities' was considered briefly by the task group. It is currently being reviewed by various professionals in the UK and may also be usefully reviewed by Brent Council.

Executive Summary

This review was commissioned because Brent Carers spoke to local councillors about the difficulties they faced when using general health services with the person that they cared for, who also happened to have a learning disability.

The task group met with Brent carers who reported a number of on-going difficulties when using primary care services in the borough such as Dentistry, GP's and Opticians. Many relate to an overarching lack of awareness about learning difficulties issues and failure to implement reasonable adjustments which would make these services accessible to all patients. Our evidence found that there are variable standards for patients across the borough.

At the national level there is a strong body of evidence highlighting failures across health and social care to provide adequate healthcare services for people with learning disabilities, who are among the most vulnerable adults in society.

There has been recognition within NHS Brent that further progress needs to be made in implementing government guidance on services for people with learning disabilities. NHS Brent has recently recruited an Acute Liaison Nurse. This role works across a number of hospitals and is based in the community team. They have a specific duty to support PWLD in hospital, they are alerted when a patient with learning disabilities is admitted and they ensure that their needs are met while they are in hospital. The Trust has expressed its commitment to achieving these aims and has agreed a number of important self assessment framework targets with NHS London.

The task group were concerned about the transition from children to adult services. Members were informed by the Chief Executive of Mencap and the Head teacher at Hay Lane School that this is an important area for the task group to focus on. Members were informed by the Assistant Director for Community Care that a project looking at this area had already been scoped and is awaiting the go-ahead. The task group believe that this project must start as a matter of urgency.

The task group also considered the 'invisible community'. It refers to the residents of this borough who have mild to moderate learning disabilities yet we do know who they are, if they are prevalent among the groups who do not have regular health checks. Nor do we understand whether they are accessing the services that they need. We do know that they are vulnerable group and early investment can provide longer term savings to the council.

There is a project in the London Borough of Ealing called Treat Me Right! which has developed a range of measure to improve patients with learning disabilities experience in the acute care sector. They have produced information in easy to read formats, such as the complaints policy and admission information as well as provide staff training. One of the main recommendations of the task group is that NHS Brent develops a similar model for Brent Hospitals.

As a result of their investigations, recommendations from the task group included that the Health select committee monitor the implementation of NHS Brent targets to improve services for people with learning disabilities and that specific reference should be made to the needs of this group within health promotion strategies and the obesity strategy which is currently being developed by the council and its partners.

Introduction

One of the main roles of the overview and scrutiny function is to look at issues that are of concern to local residents. This review was commissioned because Brent Carers spoke to local councillors about the difficulties they faced when using general health services with the person that they cared for, who also happened to have a learning disability.

On the whole, carers felt that their views and opinions were ignored when dealing with medical professionals although they are best placed to provide information about the people that they support. Medical professionals often have limited knowledge about people with learning disabilities which has a big impact on the patients experience and treatment. There were also barriers around some practical issues; carers felt that they were not catered for in hospitals when they are providing support to their loved one, even though this has benefits for hospital staff. Appointments at hospital or the GP's surgery posed a real difficulty, as people with learning disabilities often need extra time and can find waiting for appointments difficult.

The Overview and Scrutiny Committee were asked to set up this task group to consider if the concerns raised by carers were more broadly felt across the borough and if local health services are meeting the needs of people with learning disabilities as required in equalities legislation.

During the course of the task group investigation, Members also became aware that accessing health services for people with learning difficulties is not just a local issue but is a major problem across the UK, which has prompted national government to develop a targeted, strategic response.

The difficulties faced in accessing health services by this group are exacerbated by the fact that many people with learning disabilities are also more likely to have poorer health. Also, the number of people with this condition is on the increase, currently around 2.5% of the population in the UK has a learning disability depending on definition. A report entitled *Healthcare For All*¹ highlights that advances in medical care leading to longer life expectancy will mean that this figure is likely to rise. Rates are likely to go up by around one per cent per annum for the next ten years and grow overall by over ten per cent by 2020.

Recommendations

1. That NHS Brent implements a project – similar to the Treat me Right project developed by Support for Living in Ealing Hospital.
2. That there are specific actions to address the needs of people with learning disabilities in the Brent Obesity Strategy and other health promotion strategies.
3. That the Health Select Committee monitor the implementation of the NHS Brent learning disability self assessment framework and improvement of statutory functions such as dentists.
4. That information is gathered on residents that have a learning disability to ensure that they receive targeted appropriate services.

¹ Healthcare for All, Independent Inquiry into access to healthcare for people with learning disabilities, Sir Jonathan Michael, July 2008.

5. That the go-ahead is given to the council project to look at transitions from children's to adult services for people with disabilities - as a matter of urgency. The appropriate Overview and Scrutiny Committee should monitor the progress of this work.

Membership/scope

The members of the task group were:

- Councillor Eddie Baker
- Councillor Ruth Moher
- Councillor Emily Tancred

Methodology

The aims of the task group were to:

1. Identify what specialist services are available to meet the health needs of children and adults with a learning disability
2. Identify gaps in specialist health service provision for people with learning disabilities
3. Review the effectiveness of the mainstream health related provision for children and adults with a learning disability
4. Identify what reasonable adjustments have been made or need to be made to services to enable people with learning disabilities to access health services
5. Review the plan to meet the Valuing People Now health related targets with Brent NHS

The task group consulted as widely as possible and carried out the following activities:

- Met with the Chief Executive, Brent MENCAP
- Met with Assistant Director for Community Care, Brent Council
- Met with Head of Service for People with Learning Disabilities
- Visited Head teacher, Hay Lane School
- Met with Head of Diversity, Brent Council
- Met with Brent Carers
- Met with Deputy Director, NHS Brent
- Met with Deputy Director Partnership Commissioning NHS Brent, Brent Council.
- Met with Support for Living Project in Ealing.

National Context

At the national level there is a strong body of evidence highlighting failures across health and social care to provide adequate healthcare services for people with learning disabilities, who are among the most vulnerable adults in society.

The Department for Health defines learning disability as “a significantly reduced ability to understand new or complex information, to learn new skills (impaired intelligence) with a

reduced ability to cope independently impaired social functioning which started before adulthood, with a lasting effect on development.”²

A report by National Mencap in 2004 entitled *Treat me Right* drew attention to this problem. The report highlighted that this group are more likely to have poorer health than the rest of the population with a higher prevalence of medical conditions such as epilepsy and thyroid problems. Despite their greater reliance on healthcare, this group are more likely to receive a poorer service. The report highlighted that many medical professionals are not being trained to deal with patients with learning disabilities. This can lead to poor quality of care as the staff are not able to communicate with patients effectively and understand their needs. This was also reinforced by a report commissioned by the then Disability Rights Commission called *Mind the Gap* which highlighted the high level of health inequalities experienced by people with a learning disability and also those with mental health problems.

The 2006 Government White Paper “ Our Health, Our Care, Our Say” stated that many people with learning difficulties have a poor experience of using health services and can find it difficult to access mainstream services.

A further report by MENCAP in 2007 entitled *Death by Indifference* featured six case studies where the patients suffered fatal consequences due to the poor services they had received. In some cases, the inability of healthcare professionals to take into consideration the patients learning disabilities was highlighted as a contributory factor.

In 2008, the Secretary of State for Health set up an independent inquiry chaired by Sir Jonathan Michael to review these issues. His report *Healthcare For All* identified a range of barriers experienced by people with learning disabilities including:

- People with learning disabilities find it much harder than others to access assessment and treatment for general health problems which has nothing to do with their disability.
- Carers of adults with learning disabilities often find their opinions and assessments ignored.
- Health staff often have limited knowledge about learning disability. As a result people with learning disabilities are less likely to receive pain relief and palliative care. There was some evidence of belief amongst some staff that people with learning disabilities have a higher pain threshold.

Valuing People Now, an updated version of the 2001 Strategy for people with learning disabilities was issued in early 2009 and lays down much clearer expectations on both councils and Primary Care Trusts to address the continuing poorer health of people with a learning disability highlighted in the above mentioned reports. It also includes more compulsory performance management indicators to be met by statutory providers within defined timescales which include health, employment and housing.

Local Context

Brent MENCAP estimates that there could be as many as 7,000 people with a learning disability in Brent, based on an assumption that around 2.5% of the population have some form of learning disability. That said, at present only 573 adults with learning disabilities are

² Valuing People Now, Department of Health 2001

in receipt of council services. Council services for people with learning disabilities (PWLD) are provided by the Brent Learning Disability Partnership Unit (BLDP). This is a statutory organisation and was established on 1st April 2002 as an integrated Brent Council, NHS Brent learning disability service with the Council as the lead organisation. This multi agency unit is responsible for the provision of comprehensive health & social care services for adults with learning disabilities ranging from assessment, care management, specialist community health services, placement services, crisis intervention, community outreach services, residential services, and various day care services. The service users range from those with a mild learning disability to those with profound learning and physical disabilities, including people with autism and or challenging behaviour.

One of the outcomes from Valuing People Now is that the Primary Care Trusts must transfer the commissioning of services for PWLD to the council. In Brent this will involve at least £7m worth of care costs. The council is in the process of reviewing services for people with learning disabilities to ensure that they are of a high quality and meet the objectives within Valuing People Now.

At the time of writing this report the council is undergoing a major transformation programme as part of its Improvement and Efficiency agenda. A number of services have been identified which need to be modernised and will deliver efficiency savings for the council. The Learning Disability Service currently has two projects as part of this agenda;

- A wide scale review of the Learning Disability Community team
- In-house review of day services including how to position them in future in line with personalisation guidance

NHS Brent progress

NHS Brent has an important role in commissioning services for people with learning disabilities. A report went to the NHS Trust Board in July 2009 setting out how they would implement the latest Valuing People Now strategy and the recommendations for addressing Healthcare for All and Six Lives Reports. The progress with this will be discussed later in this report.

NHS Brent has recently recruited an Acute Liaison Nurse. This role works across a number of hospitals and is based in the community team. They have a specific duty to support PWLD in hospital, they are alerted when a patient with learning disabilities is admitted and they ensure that their needs are met while they are in hospital.

Key findings

We met with the Chief Executive of Brent Mencap who gave us a general overview of some of the issues that people with learning disabilities and their carers are faced with when accessing health services. PWLD may not understand simple instructions; might find some activities difficult such as time keeping, travelling and navigating their way around a hospital. Some PWLD may not be able to read and write. People with autism don't understand standard rules and conventions therefore if they have to wait for an appointment they can shout and get agitated.

It was further reported that careful consideration must be given to service planning otherwise PWLD could find it almost impossible to use public services. For example, If they are invited for a smear test they could be given a five minute appointment which could be difficult if they do not understand what is happening. Some reasonable adjustments can be made to this

process including allowing more time for the appointment, writing to people in simple English and using pictures. As a result of the current failures to plan for the needs of PWLD there is a lower level of basic check ups and they have a higher level of cardiovascular disorders and high blood pressure.

Primary care

We met with Brent carers who reported a number of on-going difficulties when using services such as Dentistry, GP's and Opticians. Many relate to an overarching lack of awareness about learning difficulties issues and failure to implement reasonable adjustments which would make these services accessible to all patients. Our evidence found that there are variable standards for patients across the borough.

We were told by Brent Carers that GP's can be over cautious when dealing with issues of consent between a patient with learning disabilities and their carer. In many instances there is a great disparity between the physical and mental age of a patient with learning disability. Therefore a patient can resist an injection or dental treatment as they do not understand the longer term benefit.

Carers told us that although they try to explain this to the medical professional in some instances they still refuse to carry out the procedure. Many of the carers believe that there is fear within the medical profession about being sued by an adult who has to be restrained to receive treatment. For a carer this will mean that they have to face a battle with medical professionals time and again even if they have been with the same GP over a number of years. This is an additional burden upon a family who are dealing with the everyday challenges of supporting someone with a learning disability.

Waiting for appointments can be a big issue as PWLD can find this difficult and can become disruptive – one carer told us that as a coping mechanism her husband will wait outside with her son and she will call them when it is time for their appointment. The hospital had refused her requests for fast tracked appointments. This view was reiterated by another carer who told us that when waiting for appointments her child is more likely to become restless and engage in challenging behaviour such as spitting at people.

Carers also told us GP's can often try and get them out of the surgery as soon as possible therefore lower priority conditions are often not addressed as the focus is on their more complex needs. A mother told us that she wanted to talk to the doctor about her son's acne but since there was limited time she had to focus on the bigger issues.

The Chief Executive of Mencap told us that appointments need to be longer and there may need to be two slots. One to explain to the patient what will take place then the procedure to take place on the second visit. Another option is to make appointments at the beginning or end of the day. All the carers that we spoke to felt that these options needed to be implemented as a matter of urgency.

A carers experience at the optician also highlighted a lack of awareness amongst the wider medical profession about how to deal with PWLD. An optician was trying to get a patient with learning disabilities to read the eyesight testing board and carer had to highlight that although the person looked like an adult they have a child's mentality and needed to go to the children's side and use pictures. Carers would like to see greater awareness and urgent training for the medical profession.

There also needs to be continuity with GP's who have a good knowledge of the case history, many carers reported seeing a number of GP's within a short period of time.

We met with the Head Teacher at Hay Lane School which is designated for pupils with severe, profound and multiple learning difficulties and all have statements of special educational need. It was reported that many pupils in the school have problems with their teeth however the difficulties posed by getting a pupil to the dentist and sit in a chair with their mouths open means that dental issues are often neglected unless it becomes acute. The Head Teacher confirmed that this issue affected the majority of pupils within the school.

We were informed that the law requires that dentists need to provide a service to all members of the community making reasonable adjustments where necessary. In this instance it could mean that dentists would be required to go to the patient's home or school to carry out basic check-ups. NHS Brent informed us that they are considering the appropriateness and feasibility of offering dentistry services from a school base. The Health Select Committee will monitor dentist services for this group.

Acute Care

The Chief Executive of Mencap told us that there are difficulties with the interface between primary and acute care and some health professionals are unable to meet the needs of PWLD. Patients can arrive at hospital without adequate handover, therefore staff are not equipped to deal with the often unique needs that PWLD have. The task group hope that the newly employed acute care nurse will help to tackle some of these issues. Although there are concerns that it would be impossible for one individual to meet the needs of all PWLD in the borough.

The Chief Executive of Brent Mencap reported that inadequate training amongst health professionals means that they can assume that that behavioural changes for PWLD are a result of disability not a sign of pain, this is known as 'diagnostic overshadowing'. It can be very serious in relation to detecting illnesses such as breast cancer as late diagnosis makes it difficult to treat and the treatments more invasive. Medical Professionals can also have an apathetic attitude towards PWLD who often take carers along to medical appointments, health professionals are known to address the carer and act as if the patient with learning disability is not there.

Brent carers told us about the difficult situations that they faced when staying in hospital with the person that they support. Firstly many carers didn't feel confident in the ability of the hospital staff to provide the necessary care which led to decisions to stay with them. Many found that although they were in effect doing the work of hospital staff by interpreting the needs of the patient, providing encouragement and a comforting presence, their needs were totally ignored. This often meant that they were not provided with adequate eating or sleeping facilities. A carer told us of her experience of staying with her sister at a hospital in the borough. She stayed at the hospital for 5 days and slept on the floor. She did everything for the patient but was refused a cup of tea. The hospital only agreed to relieve her for half an hour to go home and freshen up.

The carers raised issues around screening for breast cancer. One carer explained that she looks after someone with a chronological age of 53, mental age of 5 and the body of a 70 year old. However she didn't qualify for screening as the programme is for the over 60s. Due to the complexity of the health issues that PWLD face their bodies age differently, this needs to be taken into consideration when developing screening programmes. Furthermore, as many PWLD have limited communication skills it may mean that carers don't always realise when there is a problem.

Carers are often not allowed to go into the screening room with the patient. This can make the screening process distressing for the patient as the carer can provide reassurance and

help with communication. For some PWLD going for mammograms is just too difficult because the procedure is painful and people are required to stand up. We raised these issues with NHS Brent who agreed that we need to strengthen the role of carers in the acute sector.

Health Promotion

Given the health inequalities and prevalence of health issues that PWLD face such as obesity we felt that specific reference should be made to this group within health promotion strategies. We are aware that the council and its partners are currently developing an obesity strategy and it is important that there explicit references to the needs of PWLD and how they will be met, based on the fact that there are higher levels of obesity amongst PWLD due to sedentary lifestyles and restricted access to healthy diet and exercise.

Recommendation

That there are specific actions to address the needs of people with learning disabilities in the Brent Council Obesity Strategy and other health promotion strategies

Health Action Plans

The White Paper, Valuing People 2001 highlighted the need for Primary Health Care to ensure that all people with a learning disability had a health action plan to ensure their health needs were met by primary, secondary and acute health care providers. This document sets out information about what a person with learning disability needs to do to stay healthy. It lists any treatment needed and the support that individuals require to get it. Local research undertaken by Brent PCT, Brent Mencap and Brent Learning Disability in 2007 could only find evidence of about 40 health action plans being completed out of a population of about 1250 people with a learning disability.

NHS Brent has put in place an enhanced scheme where GP's are paid a sum of money for every Annual Health Check completed. During our investigations the task group found a number of problems with Annual Health Checks and Health Action Planning:

- Many GP's are still not signed up to the scheme as it is perceived as little remuneration for the work that it entails.
- Conversely, some carers felt that GP's can be faced with a perverse incentive to complete health action plans.

Carers told us that they were approached and asked to complete one as a tick box exercise rather than real concern for the patient's welfare. NHS Brent are aware of these challenges, they informed us that so far 53% of GP's are signed on to the scheme. Other GP's have asked for more training. The recent data submitted from NHS Brent to the Department of Health has showed that the number of Annual Health Checks completed in 2009-10 has risen to 289.

Transitions for young people from children to adult services

Overall the task group found that in reviewing services for both adults and children, young people with learning disabilities often benefitted from the fact that they were in statutory education which is attached to specialised medical provision. This was the case at Hay Lane

school where it was reported by the head teacher that there is a good structure in place that is currently working well. A team of nurses' work between Hay Lane and Grove Park Schools there is also a paediatrician attached to the school. There are a number of medical professionals involved with the pupils but as it is within the context of the school, they work together and share information about the pupils.

The concern for young people lies in the transition from children to adult services. We were informed by the Chief Executive of Mencap and the Head teacher at Hay Lane School that this is an important area for the task group to focus on. The Assistant Director for Community Care informed us that a project looking at this area had already been scoped and is awaiting the go-ahead. We believe that this project must start as a matter of urgency.

Recommendation

That the go-ahead is given to the council project to look at transitions from children's to adult services for people with disabilities - as a matter of urgency. The appropriate Overview and Scrutiny Committee should monitor the progress of this work

NHS Progress

There has been recognition within NHS Brent that further progress needs to be made in implementing the Valuing People Now recommendations. The Trust has expressed its commitment to achieving these aims and has agreed a number of important self assessment framework targets with NHS London. It has outlined a number of important actions within primary care that will enhance services for people with learning disabilities including;

- That GP's surgeries have a register of patients with learning disabilities and their carers.
- That PWLD have annual health checks
- That PWLD receive disease prevention, screening and health promotion activities to the same extent as the rest of the population
- Work to ensure that better health outcomes for PWLD is promoted across primary care

The council, through the Health Select Committee can play an important role in monitoring the self assessment targets to ensure that they are being implemented within the given time scales.

The task group welcomes the news that Brent Mencap has been commissioned to provide training from admin staff to director level to ensure healthcare staff understand the issues and that reasonable adjustments are addressed through strategic plans. This training focuses on commissioning services, to ensure that patients have a better experience with providers.

Recommendation

That the Health Select Committee monitor the implementation of the NHS Brent learning disability self assessment framework and improvement of statutory functions such as dentists.

The Invisible community

We were informed by officers in the council and the Chief Executive of Mencap that only 20% of people with learning disabilities are known to local specialist services provided by the council and its partners. The other 80% have a learning disability but do not meet the eligibility criteria which are critical and substantial needs, therefore they do not become known to the council unless there is a crisis such as their carer dies.

We defined this group as the 'invisible community'. It refers to the residents of this borough who have mild to moderate learning disabilities. The council and local partners' needs to draw together a comprehensive understanding of this group, to determine if they are prevalent among the groups who do not have regular health checks and if they are accessing the services that they need and whether they need further investment and support. We know that they are vulnerable group and early investment can provide longer term savings to the council.

The Chief Executive of Brent Mencap shared our concerns. She told us that as 60% of PWLD live at home this will be a time bomb as very few families are putting support in place. When carers pass away they will be an additional responsibility for the council. Many of the PWLD do not have the skills to live independently, this needs to be addressed at an earlier stage. There needs to be long term planning and preventative work to ensure that PWLD can gain the skills to live independent lives.

We asked our witnesses if they had put any provision in place to care for their loved ones in the event that they were not able to and none were in the position to do so. We raised this with the Assistant Director for Community Care who agreed that preventative care can stop the need for high level services. The council does what it can but is subject to financial constraint.

The task group were keen to find ways to identify this group to monitor the services that they are accessing. The Head of Diversity informed us that it is possible to find out more information about people with learning disabilities in the borough. If we had the resources to map every statutory agency that has information, such as council tax, police and job centre plus records. We could work with statutory agencies to find out what they know. However there may be some concerns within some agencies about sharing this type of information.

We were also informed by the Head of Diversity that they had received some funding to do some targeted work with the Muslim community in Brent. Consultants were commissioned to do some research to provide more information such where they live, ethnic background, as little was known about this group. The results from this work gave the diversity team a detailed understanding of the group and they were able to develop targeted projects. However the project was funded by national government.

A practical way to resolve this issue was found through a new project set up by the housing and community care department. The Assistant Director for Community care informed us that the invisible community can be identified through a new project that the team had recently received funding for. The council and NHS Brent and other partners put in a bid and received £100,000 from the social exclusion workforce for a project starting in April 2010. The project focuses on developing training and work opportunities for people with learning disabilities.

It was recognised that there is a lack of co-ordination and capacity in the voluntary sector, although they are best placed to work with these groups and support them to access services. The project will pump prime and build the capacity of the voluntary sector to get PWLD into specialist services.

The Assistant Director assured us that the project will focus on employment and training for PWLD and through this process they will be able to identify this group and ensure that they are accessing the services that they are entitled to.

The task group welcome this project and congratulate officers for securing funding for this piece of work. We would like to emphasis the importance of using this opportunity to map the wider group of PWLD in order to ensure that they are accessing the services that they need.

Recommendation

That information is gathered on residents that have a learning disability to ensure that they receive targeted appropriate services.

Leading by example

The task group also investigated the councils support for PWLD. In reviewing this issue we thought it important to ensure that our own house was in order as well as challenging our partners to improve services. We met with the Head of Diversity to discuss the work of the team and the extent to which learning disabilities features as a priority within equalities issues. We were informed that the council has already gone beyond the statutory requirements of race, disability and gender and includes age, faith and sexuality. Brent is one of the most diverse boroughs in the country with a majority BME population. The council celebrates its diversity as it adds to the richness of the area. However the Chief Executive of Brent Mencap argued that PWLD are marginalised by the council in important strategic documents like the corporate strategy which make no reference to the needs of this group. The Head of Diversity said that the council's strategic documents generally refers to the six strands of equality and diversity as an umbrella term and within each strand there is a great deal of difference. This does not mean that we disregard learning disability. In the Brent Council Single Equality Scheme there are a number of targeted activities for people with learning disabilities. For example one of the targets was to meet the housing support needs of people with learning disabilities. As part of this the diversity team carried out a strategic review of learning disability and housing support services tendered for new providers and reconfigured the service. The Brent Council Single Equality Scheme had been consulted upon widely and Mencap were a member of the council's Disability Equality Liaison Group (DELG) who had helped to shape the document.

In Brent Council, 4% of the workforce has a learning disability. However it is thought that the real figure is much higher as the declaration rates for PWLD among staff is low. Some find it uncomfortable to discuss and others do not want to declare it but there are requests for support needs from staff. So discussions are taking place with managers about needs. If we were to gather this information it would present a far clearer picture about the extent of learning disabilities in the council.

We were concerned by reports that PWLD are still stared at in the street by the general public. We believe that the council can play an important role in promoting positive images of PWLD in everyday activities and not only in relation to their disability. We were told by the Head of Diversity that the council uses a mix of people in promotional material and does try to avoid it being contrived. For example we use pictures of people in wheel chairs and images of other types of disability including people with learning disabilities in all sorts of articles not just those about disability.

We also spoke to the Head of Diversity about terminology. The chair of this task group was particularly keen to understand the policy around how language was framed as there was

concern that some people found the use of the word 'disabled' offensive. We were informed that the term disabled is used because of the legislative framework. The chair argued that the use of the term 'special' should be adopted, however the Head of Diversity argued that though she was supportive of this, careful consideration needs to be given to use of euphemisms because as there are 130 languages spoken in Brent and this may cause confusion.

The Chief Executive of Brent Mencap was concerned that we do not use diversity monitoring as an opportunity to drill down into types of disability, this could be useful in identifying the needs of residents and contribute to service planning. The Head of Diversity informed us that the council's diversity monitoring guidance uses the Disability Rights Commission recommended format and definitions and in the case of disability it does drill down into different types of learning disability.

Treat Me Right! – Support for Living project with Ealing Hospital

Desk top research conducted for this review led the task group to become aware of a project being carried out by Support for Living³ in conjunction with Ealing Hospital. Support for Living set up a project called Treat Me Right! This project came about because clients complained about the difficulty in accessing Ealing Hospital. Support for Living (SfL) approached Ealing Primary Care Trust and made a proposal for funding to help staff gain a better understanding of challenges faced by people with learning disabilities. The project received £70,000 in funding and has been able to implement a whole host of measures to improve services for PWLD. The funding has enabled them to produce information in easy to read formats, such as the complaints policy and admission information.

We met with the Treat Me Right project team who gave us an overview of the work. We were informed that senior level buy-in is essential to make this model successful. The project team met with the Chief Executive of Ealing Hospital to talk about the Treat Me Right project including expectations and legal requirements. The Head Nurse for Improvement and Development acts as a link person. She has proved very useful and ensures that staff take part in the training. There is a steering group in the hospital which includes service users, carers, and commissioners. This group helps to drive the project forward.

We found that in the Treat Me Right project they are developing a new approach to health action plans. The aim is to empower the patient or the carer to complete the forms so that they are in control of it. The underlying thinking is that this is not a medical document. When people take responsibility for ensuring that they are completed, it will help them to understand their needs and explain this to medical professionals.

As an alternative to Health Action Plans they have developed a hospital passport which provides a summary of the most important information about people with learning disabilities when they go into hospital. Patients, carers and hospital staff have found the hospital passports very useful, which has resulted in lots of positive feedback. The SfL team works with patient to fill in the passport. For example a small adjustment was agreed for a patient with learning disabilities who was prone to leaving their hospital bed and 'wandering off'. This was recorded in the hospital passport and the patient was placed near the nurse station and familiar items were provided to help him relax.

³ Support for Living is a not for profit organisation providing support for people with learning disabilities across Ealing, Hillingdon, Hounslow, Harrow and Brent.

We believe that a similar model to the Treat Me Right project should be implemented in hospitals in Brent. We shared our findings about this work with NHS Brent who immediately contacted Support for Living to ask them to develop a proposal for Brent. During our meeting with NHS Brent we were assured that they agreed with our view that this is the type of model we need to implement in hospitals in our borough as a matter of urgency.

There was a concern that there would be overlap between the Support for Living model and the Mencap training however it was agreed that the two activities were different. Mencap would be focussing on commissioned services while Support for Living would be looking at staff training and reasonable adjustments within the hospital. The Ealing model is the logical next stage as it is about putting things into practice in order to commission services.

NHS Brent is also interested in Ealing's concept of trying to ensure that everyone within the hospital understood the needs of PWLD and spread good practice across the hospital rather than having one designated nurse. The task group were informed that it is important that this agenda is seen as everyone's responsibility rather than one individual.

Recommendation

That NHS Brent implements a project – similar to the Treat me Right project developed by Support for Living in Ealing Hospital

Conclusion

The underlying thrust of the issues within this review is about equal opportunities, based on the premise that everyone should have equal access to public service irrespective of age, race or disability. It involves looking beyond the narrow focus on physical access which is often associated with disability issues to focus on the importance of clear targeted communication, challenging prejudice, assumptions and ensuring that the needs of this group is embedded in service planning and are consistent across the board.

The task group found many of the issues raised in this review disturbing. The idea of young people having to endure dental pain, carers having to sleep on the floor and a general lack of understanding the needs of people with learning disabilities is wholly unacceptable. As a task group we recognise that this review is the beginning rather than the end of the piece of work. The overview and Scrutiny function must prioritise this issue to ensure that the recommendations in this review are implemented. NHS Brent must also deliver on its commitments within the agreed timeframe.

 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and two lions, surrounded by the words 'BRENT COUNCIL' in a circular arrangement.</p>	<p>Executive 14 September 2010</p> <p>Report from the Borough Solicitor</p>
<p>Wards Affected: ALL</p>	
<p>Addendum to the Local Authority Gold Resolution</p>	

1. Summary

- 1.1 The ALG Leaders' Committee, at their meeting on 13th July 2010, agreed the text of an addendum to be recommended to London local authorities. This would amend the previous 'Gold' resolution agreed by the Brent Executive on 13th March 2004.
- 1.2 The purpose of the addendum is to broaden the powers of the 'Gold' Chief Executive so as to enable him or her to act on behalf of all the London local authorities in responding to an emerging incident as well as to enable a trigger for Local Authority Gold to respond to incidents and in the event of extreme and disruptive weather, where if necessary incurring minimum levels of expenditure not exceeding £1 million.
- 1.3 In addition to consider the value of Brent signing a Memorandum of Understanding to give assistance to another Local Authority if required during an emergency.

2. Recommendations

- 2.1 That the addendum to the Local Authority Gold Resolution, attached as Appendix B, be agreed subject to any further changes considered necessary by the Borough Solicitor following consultation with the ALG and other London boroughs who shall have delegated authority to make such changes to it.
- 2.2 That consideration be given to Brent signing a Memorandum of Understanding as set out in Appendix C to provide assistance to other London Local Authorities during an emergency.

3. Detail

- 3.1 As part of the arrangements for dealing with major incidents or emergencies in the capital, all London Boroughs and the City Corporation adopted a resolution, known as the 'Gold Resolution', that delegates certain powers (see below for further detail) to the Gold Chief Executive so that he or she can act on behalf of all boroughs and the City to deliver a coordinated local government response in emergency situations. The role of Gold Chief Executive (known as London Local Authority Gold) is undertaken by Heads of Paid Service on a rotational basis. A copy of the Gold Resolution is attached to this report at **Appendix A** for information.
- 3.2 Under the resolution, London Local Authority Gold can act formally only where the Gold Co-ordinating Group (Gold Command) has been convened to respond to an incident requiring what was known as a 'level 2' response. Gold Command is normally led by the Police. The powers delegated to Local Authority Gold extend to incurring expenditure or making grants or loans but only if certain conditions are met such as confirmation that the expenditure will be reimbursed by HM Government or by the Council(s) in whose area(s) the incident has occurred.
- 3.3 The Gold Resolution was last reviewed and revised in 2006 and this paper sets out proposals to update and clarify the current arrangements in the light of experience over the last 3 - 4 years and changed circumstances.
- 3.4 The heavy snowfall covering Greater London in February 2009 was an extreme and exceptional weather event. Such accumulations of snow had not been seen in the capital for a number of years and, across London, organisations faced considerable challenges in keeping their services running. Gold Command was not convened on that occasion (the incident was not deemed to be an emergency requiring a 'blue-light' response), but the Head of Paid Service on the 'Gold' rota was, nevertheless, active during the period, albeit informally, since there was a clear need for a local government response to be co-ordinated across the Boroughs.
- 3.5 A review of the position has therefore been carried out and a number of amendments are proposed to the resolution in the following four key areas:-
- to reflect changes in procedural arrangements (currently Local Authority Gold can only respond to an incident requiring a 'level 2' response but the national terminology has changed and this is no longer relevant);
 - to formalise existing arrangements whereby Local Authority Gold is expected to play a part in 'rising-tide' incidents, (for example severe weather and pandemic influenza) albeit without any formal authority. In these circumstances, Local Authority Gold's role should be confined to coordinating any local authority response as necessary, through guidance and advice;
 - to agree an arrangement under which Local Authority Gold could be authorised, in exceptional circumstances, to exercise delegated powers in response to incidents where the ('blue-light' led) Gold Command has not been convened, subject to appropriate checks and balances; and
 - to allow Local Authority Gold a limited amount of discretion to incur minimum expenditure on behalf of councils where prior consent may not be rapidly obtainable (for example, the need for an immediate response to a major

incident that has occurred in the early hours of a Sunday or on a bank holiday).

Responding to Rising-Tide Incidents and other Disruptive Events

- 3.6 In principle, there are two types of events that would require a local authority response, namely, major incidents or emergencies and incidents that are emerging or have emerged over a period of time. Arrangements for a coordinated local government response to major incidents or emergencies, such as the bombings in London in July 2005, where the Police and other emergency services are in command, are provided for within the existing resolution and Local Authority Gold is able to exercise his or her powers of delegation.
- 3.7 The London Local Authority Co-ordination Centre (LLACC) was also actively involved in ensuring a coordinated London local authority regional response to the severe weather conditions and the maintenance of winter service provision, between 17th December 2009 and 26th March 2010. Undertaking 24/7 operations during peak periods of activity, the LLACC performed a number of critical tasks supporting London Local Authority Gold. These tasks included the co-ordination of 83 mutual aid transactions, resulting in the transfer of 5,300 tonnes of salt, and the process and dissemination of 912 priority gritting requests to local authorities following identification by TfL CentreCom and other partner agencies. Additionally the LLACC maintained regional situational awareness regarding the impact on council services and collated London borough grit stock levels on a daily basis, and produced grit stock usage projections, to inform the regional and national resupply prioritisation process.

Ability to Respond to Emergencies

- 3.8 There may be exceptional circumstances where it could become appropriate for Local Authority Gold to be able to respond to incidents and exercise delegated powers where Gold Command has not been convened, for example in the event of extreme and disruptive weather or other events. The point in such 'rising-tide' events at which the full Local Authority Gold arrangements may need to be implemented will not be clear at the outset. Nor would it be triggered by the convening of a police-led Gold Command. To cover this eventuality and any unforeseen events, a process has been developed which permits the full Gold powers to be triggered in the absence of a police-led Gold Command being established, but only where certain procedures are complied with to give the Councils comfort that use of the delegated powers by Local Authority Gold will only be operated in exceptional circumstances and where absolutely necessary.
- 3.9 In these circumstances, before Local Authority Gold can exercise powers under section 138(1) of the Local Government Act 1972, a London Partnership meeting (which is normally led by the Government Office for London) will need to have been convened and, additionally, the prior agreement of London Councils, on behalf of the Boroughs, will need to have been obtained. In practice, London Councils will be consulted and its approval will need to be given before Local Authority Gold is able to exercise any delegated powers. Approval is sought for this power to be delegated to the Chief Executive of London Councils in consultation with the Leaders (or their

deputies) of each of the three main political parties. The power of Local Authority Gold to incur any expenditure would be subject to further controls as set out below.

Discretion to incur expenditure on behalf of Councils

- 3.10 Whatever the circumstances under which the executive powers are triggered, Local Authority Gold will, as at present, still seek to obtain confirmation from the Council(s) in whose area(s) the incident has occurred that expenditure reasonably incurred by them in taking immediate action to safeguard life or property, to prevent suffering or severe inconvenience and to promote community cohesion and a return to normality, will be met by the Council (or Councils in proportions to be agreed by them).
- 3.11 There may, however, be a situation where rapidly obtaining this confirmation is simply not possible, for example if an incident happens in the early hours of a Sunday or a bank holiday and Local Authority Gold is unable to make contact with all relevant Council(s). Local Authority Gold may still need to take the immediate action referred to in paragraph 3.10 above and it is proposed that, where this is absolutely essential, they should be able to exercise their delegated powers, including incurring minimum levels of expenditure up to sum not exceeding £1m in total, while the process is taking place to secure the necessary confirmation.

The impact of the 2012 Olympic Games

- 3.12 In the run up to and during the 2012 Olympic and Paralympic Games in London a national and London level control and coordination function will be required. Resilience and security arrangements during the Games are currently being developed and a number of mechanisms will come into play in the event of an incident. Local Authority Gold will be expected to play a key part in those plans and the arrangements proposed in the **Appendix B** particularly those in paragraph 3, will help to formalise the position. Current thinking includes maintaining operations during what is described as a 'steady state' and there is likely to be a borough chief executive or other senior local government representatives active in that process. There could also be a demand for further local government participation in other Olympic security arrangements in the Capital such as COBR and nationally in what is known as the National Operations Centre. The final details for London's local government are being considered and will be agreed with London Councils in due course.

Mutual Aid

- 3.13 Informal arrangements and understandings currently exist between London local authorities for mutual aid. These arrangements are robust and well tested and they are frequently called upon by boroughs for the provision of staff and other resources. They supported the running of the temporary mortuary in the aftermath of London's 7/7 bombings and in the provision of assistance to local authorities outside London during the 2007 floods. During the severe weather of February 2009, 13 local authorities reported calling upon or offering mutual aid during the first four days of the incident.

- 3.14 A Memorandum of Understanding for mutual aid has been drafted for adoption by those London Local Authorities wishing to participate. It is not intended for the Memorandum to be a legally-binding contract, but rather an accepted set of guidelines for providing mutual aid between participating boroughs. A copy is attached at Appendix C.
- 3.15 The Memorandum provides for participating authorities to endeavour to provide assistance to another participating authority in the form of provision of personnel and/or equipment in the event of, or in the reasonable anticipation of, an emergency or other disruptive or rising tide incident when asked to do so. The authority requesting aid will undertake to reimburse the authority providing it on a cost recovery basis, although the reimbursement will not include any opportunity costs incurred whilst employing an officer to cover the duties of an officer deployed on mutual aid unless agreed in advance.

4. Legal Implications

- 4.1.1 Section 138(1) of the Local Government Act 1972 provides that where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and the Council considers that that is likely to affect any or all of its area or inhabitants, the Council may:
- (a) incur such expenditure as considered necessary in taking action themselves which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event, and
 - (b) make grants or loans to other persons or bodies on conditions determined by the Council in respect of action taken by such persons or bodies
- 4.1.2 Section 138(1A) authorises the Council to incur expenditure in undertaking contingency planning to deal with a possible emergency or disaster which, if it occurred, would involve destruction of or danger to life or property likely to affect its area.
- 4.1.3 Section 19 of the Local Government Act 2000 authorises the Secretary of State to make regulations which permits a local authority to arrange for the discharge of any functions, which under executive arrangements, are the responsibility of that local authority by the Executive of another local authority. Powers to deal with an emergency are executive functions and it is therefore for the executive to decide this matter and confer authority on the Chief Executive to act as requested.

5. Staffing Implications

- 5.1 The Chief Executive participates in the London LA Gold rota and is likely therefore to assume responsibility for ensuring a co-ordinated response across London to emergencies as and when they occur. He will be empowered to take action and incur expenditure in relation to the incident. The ALG are currently considering whether chief executives exercising gold command should be indemnified in relation to any losses they may bear as a result of exercising their gold powers. Other members of staff involved in emergency planning and response will also be required to act on a London wide basis if necessary. Deputising arrangements have been made to ensure continuity of leadership of the paid service in Brent for the duration of the Chief Executive and his support team's deployment on London-wide emergencies.

6. Environmental Implications

- 6.1 Co-ordinated London-wide action would facilitate more effective management of environmental risks during any regional emergency.

7. Diversity Implications

- 7.1 There are no immediate diversity implications arising from the recommendation. It is possible however, depending on the cause of the incident, that implications may arise in the aftermath.

- 7.2 Emergency Planning is a service that is provided for the benefit of all residents and aims to protect life and minimise the social disruption that emergencies can bring. Experience shows that greater use of Council Emergency Services tends to be made by residents with the least independent means. In this sense an effective emergency planning service will help to reduce the inequalities that exist in residents and businesses resilience to emergencies.

8.0 Background Information

ALG Leader's Committee Meeting 9th December 2003 – Item No. 7 – Report on London Resilience – Authority Gold: Inter-borough Agreement.

ALG Chief Executives' Circular 66/03 (including the Resolution), 19th December 2003.

Letter from Nick Raynsford, Minister for London Resilience to Chair of ALG regarding Expenditure by LA Gold ,21st October 2003.

Any person wishing to inspect the above papers should contact: Fiona Ledden, Borough Solicitor, Town Hall, Forty Lane, Wembley, Middlesex.
Telephone: 020 8937 1292.

Fiona Ledden
Borough Solicitor

LOCAL AUTHORITY “GOLD” RESOLUTION**Resolution passed by each London Borough Council and the Common Council of the City of London (“the Councils”)**

1. This resolution is made in accordance with section 138 Local Government Act 1972, section 101 Local Government Act 1972, section 19 Local Government Act 2000, Regulations 7 and 10 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and all other enabling powers. The resolution has regard to “Emergency Response and Recovery” the non-statutory Guidance issued pursuant to the Civil Contingencies Act 2004.
2. As from the date of this resolution the Council’s functions under section 138(1) Local Government Act 1972 (Powers of principal councils with respect to emergencies or disasters) are delegated to the Council which has appointed the Head of Paid Service as defined in paragraph 3 below in the circumstances set out in paragraphs 4-7 below.
3. The Head of Paid Service is the person appointed by one of the Councils under section 4 Local Government and Housing Act 1989 who, following the convening of the Strategic Co-ordinating Group (“Gold Command”) to respond to an incident requiring a “Level 2” response (as defined in paragraph 4 below) has agreed to discharge the functions under section 138(1) Local Government Act 1972 (“the functions”) on behalf of the Councils.
4. An emergency requiring a Level 2 response is a single site or wide-area disruptive challenge which requires a co-ordinated response by relevant agencies.
5. The functions hereby delegated shall not be exercised until resolutions delegating the functions have been made by all the Councils.
6. The powers hereby delegated to the Council which has appointed the Head of Paid Service shall not include any power to incur expenditure or to make grants or loans to any person unless either:
 - the Head of Paid Service has received confirmation from the Minister that expenditure reasonably incurred by the Head of Paid Service in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience will be reimbursed by HM Government; or
 - the Head of Paid Service has received confirmation on behalf of the Council(s) in whose area(s) the incident has occurred that expenditure reasonably incurred by the Head of Paid Service in taking immediate action to safeguard life or property; to prevent suffering or severe inconvenience and to promote community cohesion and a return to normality, will be met by the Council (or the Councils in proportions to be agreed by them).
7. In the event the Minister has confirmed that expenditure will be reimbursed by HM Government, the Head of Paid Service shall, insofar as reasonably practicable,

consult with and inform the Council(s) in whose area(s) the incident has occurred regarding any action proposed to be taken.

Addendum to the Local Authority ‘Gold’ Resolution to be agreed on behalf of each London Borough Council and the Common Council of the City of London (“the Councils”)

1. The purpose of this addendum is to clarify and amend the Local Authority “Gold” Resolution that has been entered into by the Councils to a) reflect changed procedural arrangements for responding to incidents b) permit the Head of Paid Service (Local Authority Gold) as defined in paragraph 3 of the Local Authority Gold Resolution to incur minimum essential expenditure where it has not been possible to secure the prior agreement of the Councils affected and c) agree that, in other circumstances known as rising tide or disruptive events, Local Authority Gold should be able to coordinate the local authority effort, including providing advice and guidance, as necessary, to help shape the responses of individual authorities.

2. The Local Authority “Gold” Resolution will, in future, operate in accordance with the following arrangements:

Coordination of the Local Authority Effort

3. Where an incident, emergency or other event emerges or has emerged over a period of time (such as pandemic influenza or extreme weather), and where the convening of the Gold Coordination Group (Gold Command) may not have occurred, Local Authority Gold will be empowered, on behalf of the Council(s) to coordinate any local authority response as necessary, providing advice and guidance as required. In these circumstances, Local Authority Gold will not have any power to incur expenditure unless authorised under paragraph 4 b) below.

Delegation of Powers

4. Local Authority Gold shall, in discharging the functions under section 138(1) Local Government Act 1972 on behalf of the Councils, do so only in the following circumstances:

a) following the convening of the Gold Coordination Group normally led by the Police in response to the declaration of a major incident (Gold Command);

or

b) for other disruptive events such as extreme weather that do not require the immediate establishment of Gold Command, following the convening of a London Partnership Meeting (normally led by the London Resilience Team), provided that the agreement of London Councils under delegated powers is also secured for Local Authority Gold to discharge the functions

DATED [] 2010

**LONDON LOCAL AUTHORITIES
MUTUAL AID – MEMORANDUM OF UNDERSTANDING**

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STATEMENT OF PURPOSE

This agreement sets out the intentions of the local authorities listed in Appendix 1, all of which are Category 1 Responders for the purposes of the Civil Contingences Act 2004 (“CCA 2004”) (collectively referred to as “the Participating Authorities) to provide mutual aid and assistance to each other during an emergency or other disruptive or “rising tide” incidents.

Each of the Participating Authorities will endeavour to provide assistance to another of the Participating Authorities in the form of provision of personnel and/or equipment in the event of, or in the reasonable anticipation of, an emergency or other disruptive or rising tide incident when asked to do so in accordance with these procedures.

Background and Scope of the Agreement

- (a) Defined as Category 1 Responders in the CCA 2004, the Participating Authorities are subject to the full range of duties conferred upon them in relation to making arrangements for civil protection in an emergency.
- (b) Regulation 4 of the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 provides that general Category 1 Responders which have functions that are exercisable within a Local Resilience Area must co-operate with each other in connection with the performance of their duties under section 2(1) of the CCA 2004. That co-operation may take the form of two or more Category 1 Responders co-operating with each other.
- (c) Central Government guidance issued by the Cabinet Office (December 2008) recognises the shift away from purely local arrangements to the realisation of wide-area mutual aid arrangements,
- (d) The Participating Authorities are enabled to provide mutual aid support to each other under section 1 Local Authorities (Goods and Services) Act 1970, the “well-being powers” contained in section 2 of the Local Government Act 2000 and under sections 111 and 113 of the Local Government Act 1972.
- (e) This Agreement outlines the process for requesting mutual aid from any Participating Authority to another Participating Authority when responding to an emergency or other disruptive or “rising tide” incident.
- (f) This agreement details the process for obtaining support from boroughs whether activated as a result of the implementation of the Gold Resolution or as a result of a rising tide or other disruptive incident.

This document is intended to support, not replace, any local agreements which are already established and is not intended to be a legally binding contract

1 Activation of Mutual Aid Arrangements

1.1 Each of the Participating Authorities will endeavour to provide assistance in the form of personnel and other resources in the event of or in anticipation of an emergency or disruptive or rising tide incident affecting the area of any Participating Authority in accordance with the following procedures:

1.1.1 The initial request may be made by telephone, but written confirmation should be sent by e mail as soon as practicable to ensure clarity of the request and assist any subsequent requests for reimbursement.

- 1.1.2 The Responding Authority shall, so far as is reasonably practicable, provide staff and other resources as requested by the Requesting Authority.
- 1.1.3 If the Gold Resolution has not been activated a request for aid shall only be made by a person authorised by the chief executive of the Requesting Authority, to the chief executive or other Authorised Person acting for the Responding Authority.
- 1.1.4 If the Gold Resolution has been activated all requests and agreements for mutual aid between boroughs will be notified to the LLACC. Mutual aid will be brokered between boroughs unless:
- The scale and complexity of the incident determines that centralised, regional support through the LLACC is required.
 - LLAG determines a strategy that requires centralised support for all mutual aid through the LLACC.
 - A point is reached where by the LLACC can add value in support of a Borough brokering mutual aid.'
- 1.1.5 Termination of aid. The Responding Authority may at any time, on giving the Requesting Authority such notice as is reasonable in the circumstances, terminate the mutual aid if the chief executive believes failing to do so would jeopardise the responding authority's ability to deal with an incident within their own area. For the avoidance of doubt the decision to terminate assistance will not be taken lightly and is likely to be invoked only where an emergency or major incident occurs in the Responding Authority's area requiring resources that are on loan to a Requesting Authority.

2 Supervisory and Financial Arrangements and Recovery of Costs

- 2.1. The responsibility for co-ordinating aid and meeting all legal requirements for the supervisory control and health and safety of loaned staff rests with the Requesting Authority or, where more than one Participating Authority has been affected by the emergency or major incident (e.g. a cross boundary incident) by each of the Requesting Authorities in respect of the staff deployed to their Authority.
- 2.2. The Requesting Authority undertakes to reimburse the Responding Authority on a cost recovery basis upon the termination of the aid and where practicable within 28 days of receipt of the written submission to the Requesting Authority by the Responding Authority of documented accounts for settlement.
- 2.3. The cost and financial implications of providing mutual aid assistance are likely to include, but are not limited to:

- Staff salary and overtime costs;
- Out of pocket travelling expenses;
- Provision of resources used;
- Damage to rental/leased items;
- Contractor expenses.

Reimbursement of costs will NOT include any opportunity costs incurred whilst employing an officer to cover the duties of someone deployed on mutual aid unless agreed in advance by the requesting authority.

2.4 It is recognised that the resources and equipment physically held by local authorities have reduced significantly over the years. It is more likely that the sourcing of specialist resources to assist the emergency services or neighbouring Participating Authorities will have to be obtained via existing contracts or specific purchasing arrangements.

3 **Personnel**

3.1 During or following an emergency Participating Authorities may require additional personnel in order to respond to and/or maintain service delivery.

3.2 The Requesting Authority is responsible for co-ordinating additional personnel in the event of an emergency.

3.3 It is important that when personnel are deployed to assist a Requesting Authority they have the appropriate skills and competencies and have had previous training relating to the role.

3.4 Where personnel from a Responding Authority are deployed to provide mutual aid they will work within the existing crisis incident management structure of the Requesting Authority.

3.5 The Requesting Authority should also ensure that the welfare needs of responding staff are dealt with – this may include travel arrangements, accommodation and subsistence.

3.6 Responding Authority staff will receive the same debriefing and welfare support provided to the Requesting Authority's staff for the duration of their deployment. The Requesting Authority may also be liable to contribute towards any welfare costs incurred by the Responding Authority supporting staff who have completed mutual aid, providing the costs incurred are as a direct result of the officers attachment.

4 **Facilities and Temporary Accommodation**

4.1 Each of the Participating Authorities may have a number of facilities and/or locations that could be used in response to an Emergency. In certain circumstances it may be more appropriate for neighbouring Participating Authorities to request use of these facilities, although their use would depend on the scale and nature of the emergency.

4.2 For example, in the event of an evacuation of an area on a borough boundary it might be more appropriate and/or safer to move evacuees to a Rest Centre established and run by the neighbouring Participating Authority.

4.3 Participating Authorities shall, where practicable co-operate in the use of such facilities and locations

5 Health and Safety and Insurance

5.1 The health and safety of all staff providing mutual aid is the responsibility of the Requesting Authority, the Responding Authority and individual members of staff.

5.2 A Requesting Authority shall not hold liable a Responding Authority, in respect of any claims arising from any loss, injury or damage suffered by the Requesting Authority or any third party as a result of the provision of assistance under this Agreement, unless, and to the extent that, such loss, injury or damage arises from the negligence of the Responding Authority or any of its employees (excluding the responding staff) or agents.

5.3 Each Participating Authority is responsible for ensuring that their liability insurance is appropriate and kept up to date for the duration of their participation in this Agreement.

5.4 The Requesting Authority is responsible for ensuring that a risk assessment is carried out prior to deployment of Responding Authority staff (with whom the risk assessment should be shared) and that any Personal Protective Equipment is available.

5.5 The Responding Authority is responsible for ensuring that its staff has the appropriate ID to identify their personnel and the Requesting Authority is responsible for facilitating the appropriate access to locations.

5.6 The Responding Authority is responsible for ensuring that any response staff deployed to engage with the public have the appropriate Criminal Records Bureau (CRB) clearance (where necessary for the role in which they are deployed).

5.7 The Responding Authority should make arrangements to ensure that regular contact is maintained with its employee(s) working for the Requesting Authority and ensure that management issues are dealt with appropriately.

5.8 Any disputes between the Responding and Requesting Authorities should be resolved by negotiations between the Authorised Persons with a view to achieving an early amicable resolution. Any failure to resolve a dispute should be referred to an independent chief executive,

that is, the chief executive of a Participating Authority which is not involved in the emergency (or if all Participating Authorities are involved, then to a senior authorised person of London Councils) who shall endeavour to resolve the dispute within 7 working days of the referral and whose decision shall be final and binding on the parties to the dispute.

This Agreement is activated by each Participating Authority signing a Memorandum of Participation on behalf of that Authority and such Memorandum of Participation shall be evidence of activation by that Participating Authority when annexed to this Agreement. Provided that this Agreement shall not come into effect until Memoranda of Participation have been activated by at least **half of all London Local Authorities**.

LONDON LOCAL AUTHORITIES MUTUAL AID

MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF PARTICIPATION

THIS MEMORANDUM is signed by an authorised signatory for [insert name of borough] .

Signed


Date.....

APPENDIX 1

Appendix 1 to the Memorandum of Understanding on Mutual Aid

(This Appendix will comprise a list of those local authorities who agree to provide mutual aid and assistance to each other during emergency or other disruptive or 'rising-tide' incidents.)

To be completed

	<p>Executive 14 September 2010</p> <p>Report from the Director of Finance and Corporate Resources and Director of Environment and Culture</p>
<p>Ward Affected: Sudbury</p>	
<p>Barham Park - Former park keepers houses at 776 & 778 Harrow Road Wembley - current position and options for these properties</p>	

1.0 SUMMARY

- 1.1 This report i) informs the Executive of the current position regarding 776&778 Harrow Road Wembley following Members' decision on 14 December 2009 to approve disposal of these two former park keepers houses to Notting Hill Housing Trust (NHHT) and for the capital receipt to be used for improvements within Barham Park as match funded with application to Heritage Lottery Fund and ii) invites Members to consider the options for the properties now NHHT has withdrawn its interest and to determine subject to the appropriate Charity Commission and Planning approvals whether the properties are to be retained for other operational purposes or are to be sold in the open market

2.0 RECOMMENDATIONS

- 2.1 Members note the position following the decision on 14 December 2009 as detailed in this report
- 2.2 Members consider the options for the properties which range from retention through to disposal and determine subject to the appropriate Charity Commission approval, and subject to paragraph 2.3 below to dispose of the houses in the open market at auction (on such terms as the Head of Property and Asset Management considers to be in the Council's best interests) and in this event Members to agree that the capital receipt generated is retained for works and improvements to Barham Park.
- 2.3 Members instruct officers to advertise the proposed disposal of public open space (as set out in paragraph 5.4 below) and to proceed with the disposal unless, in the opinion of the Head of Property and Asset Management, significant objections are received, in which case this should be reported back to the Executive for it to consider.

3.0 DETAIL

- 3.1 Members considered the report of the Director of Environment and Culture at the meeting on 14 December 2009. This detailed how two properties located on the

western edge of Barham Park were surplus to Parks Service operational requirements and how capital secured from the sale of the two properties could be used to improve infrastructure and facilities within the park

- 3.2 Members resolved that subject to consent from the Charities Commission (CC) and necessary local advertising as a disposal of public open space, agreement be given to the disposal of 776 and 778 Harrow Road to Notting Hill Housing Trust (NHHT) and the capital receipt to be used for improvements within the park
- 3.3 Members further resolved that officers develop an application for grant funding to the Heritage Lottery Fund, using the capital receipt from the disposal of the properties as match funding. The report and minutes are appended as background papers
- 3.4 Barham Park is held in Perpetual Trust by the Council for the purpose of providing public open space for active and passive recreational activities. The park and associated facilities passed to the Council in the 1930's. The issues relating to the trust status of the Council are explained in the Legal section below
- 3.5 In the 1970's the Council built a pair of 3 bed semi detached houses on the western border of the park to be used as housing for staff working in the park. The properties are no longer used for this purpose and for a number of years were left vacant. One is currently in use as a temporary child care facility operated by Brent and the other is used as temporary housing. The effect is that the properties are no longer providing a direct benefit to the park
- 3.6 The park itself although well maintained and holding the green flag award would benefit from significant capital investment to realise its full potential. The Council made an initial application in mid 2009 to the Heritage Lottery Fund for a grant to undertake a full landscape restoration, including restoring the walled garden, improving paths and walk ways, improving children's play facilities and installing better signage. Feedback from the Heritage Lottery Fund Senior Grants Officer was not particularly favourable and it was felt that in times of strong competition the park would not be of high heritage value/benefit to warrant a full pass.
- 3.7 The intention, if Members agree, would be to sell the two former park keepers houses and land on which they stand including the short access road in order to generate some capital to put towards this project. Whilst the HLF option does not appear to be viable the intention now is to either access other grant bodies in particular the Landfill Committee Fund Scheme or implement a smaller improvement programme and use only the capital receipt from the sale of the properties to make improvements to the park, albeit on a smaller scale. The maximum amount to be elicited from the Landfill Committee Fund Scheme is £100,000 and is dependent on the application being made by an active community group.
- 3.8 At the time of Members decision on 14 December 2009 The Council's preferred purchaser of the properties was NHHT which is partnering the Council in the redevelopment of the Barham Park housing estate opposite. NHHT proposed a small scale redevelopment of the Barham Park houses to provide a low rise block of 11 flats which would initially provide decant accommodation for those residents disturbed as a result of the joint project with Brent – which is to demolish the resiform built estate and develop out approximately 335 mixed tenure units. NHHT has however now withdrawn its interest due to financial constraints.

- 3.9 The Council's duty as trustee of the Barham Park Estate is to secure market value on sale of the properties. Officers commissioned an independent open market valuation of the properties last year by the District Valuer. The open market value reported for the properties was £630,000. Whilst this valuation is historic officers consider there is no significant change since in residential property values although prices have softened. A reserve price will be established prior to auction and confirmed to the Director of Finance and Corporate Resources.
- 3.10 Given the fundamental change in the original proposal for the properties officers now seek Members decision on the two options available for the properties which are identified in the Recommendations of this report. In the event the site is sold as two residential units a covenant may be imposed preventing development.

4.0 FINANCIAL IMPLICATIONS

- 4.1 Any capital receipt from a sale of the properties could only be used to fund improvements to Barham Park

5.0 LEGAL IMPLICATIONS

- 5.1 As the properties form part of land held under a charity, then, in its role as trustee, the Council has to be satisfied that the disposal is in the best interests of the charity. In considering this issue, the benefits of the disposal to the purchaser or to the Council's wider objectives in its corporate role, must be ignored. In this case, the Barham Park Trust Management Team has considered the issues and concluded that a disposal of the two residential units is in the best interests of the charity since as explained above:

- 1) It will produce a receipt which can be used to improve the park
- 2) It will not involve the loss of park land as the area is currently occupied by two houses.
- 3) Demolition of the existing buildings and reinstatement of this area of land back to park land would not result in any significant increase in the overall quality of Barham Park.

- 5.2 As well as this general duty, there are specific requirements which have to be complied with under Section 36 of the Charities Act 1993, before any disposal can be undertaken. These are to obtain a written report from a qualified surveyor and to advertise the disposal (unless the surveyor advises that it is not necessary to market the property) and to be satisfied that the proposed terms are the best that can reasonably be obtained in the circumstances. If these requirements cannot be complied with then Charity Commission consent for the disposal will be required. In this case, the Head of Property & Asset Management is satisfied that a disposal at auction would produce the best price reasonably obtainable in the market. Officers therefore consider that the Executive can be satisfied that the terms obtained on a disposal at auction would be the best than can reasonably be obtained in the circumstances of the disposal, although formal approval from the District Valuer will be required.

- 5.3 However, the land in question forms part of the charity's "permanent endowment". Under Section 75 of the Charities Act 1993, specific consent is required to dispose of any land forming part of a charity's "permanent endowment" and Charity Commission consent will also be required on this ground. The Executive is therefore asked to approve the disposal subject to Charity Commission consent. As these properties are situated within Barham Park they form part of the estate and so, under charity rules, any capital gained from their disposal would have to be used to further benefit the recreational enjoyment of the park by the public. Members are therefore recommended to, in their role as Trustees, dispose of the two properties and use the capital receipt towards the match funding for a Lottery application. If a HLF application were not successful, the capital receipt would still need to be ring-fenced for improvements within Barham Park (as explained above).
- 5.4 There is also a separate issue to be considered by virtue of Section 123 of the Local Government Act 1972. This requires that any disposal of the freehold of any land owned by the Council must be at the best consideration reasonably obtainable, unless consent from the Secretary of State for the disposal is obtained. In assessing whether best consideration has been obtained, all possible planning uses need to be considered. However in this case, the view of the Planning Service is that the only other possible use (apart from retention as park land) would be use for a small housing scheme. Accordingly the land has been valued on this basis either as a sale as existing or as a residential development. A residual valuation has suggested that a sale as a residential development site would produce a lower value than an outright sale as existing therefore the Head of Property & Asset Management is satisfied that this proposed disposal, at the figure independently provided by the District Valuer Service of the Valuation Office agency is sufficient to satisfy the requirement to obtain best consideration on any disposal. Officers therefore consider that the requirements of Section 123 are fulfilled in this case.
- 5.5 Since the land in question forms part of the Park, then notwithstanding the fact that the two houses that have been constructed on it, Officers view is that it should be treated as public open space. Accordingly, assuming that Officers approve the proposed disposal in the open market, then the intention to dispose of the land to them will need to be advertised in a local newspaper for two weeks and any objections which are made will need to be considered. Accordingly, members are asked to instruct Officers to carry out this procedure, but to report back to the Executive if any objections are received which are, in the opinion of the Head of Property and Asset Management, significant.

6.0 DIVERSITY IMPLICATIONS

- 6.1 None specific

7.0 STAFFING/ACCOMMODATION IMPLICATIONS

- 7.1 None specific

8.0 BACKGROUND PAPERS

- 8.1 Report of the Director of Environment & Culture to the Executive Meeting on 14 December 2009 and Minutes

Contact Officers

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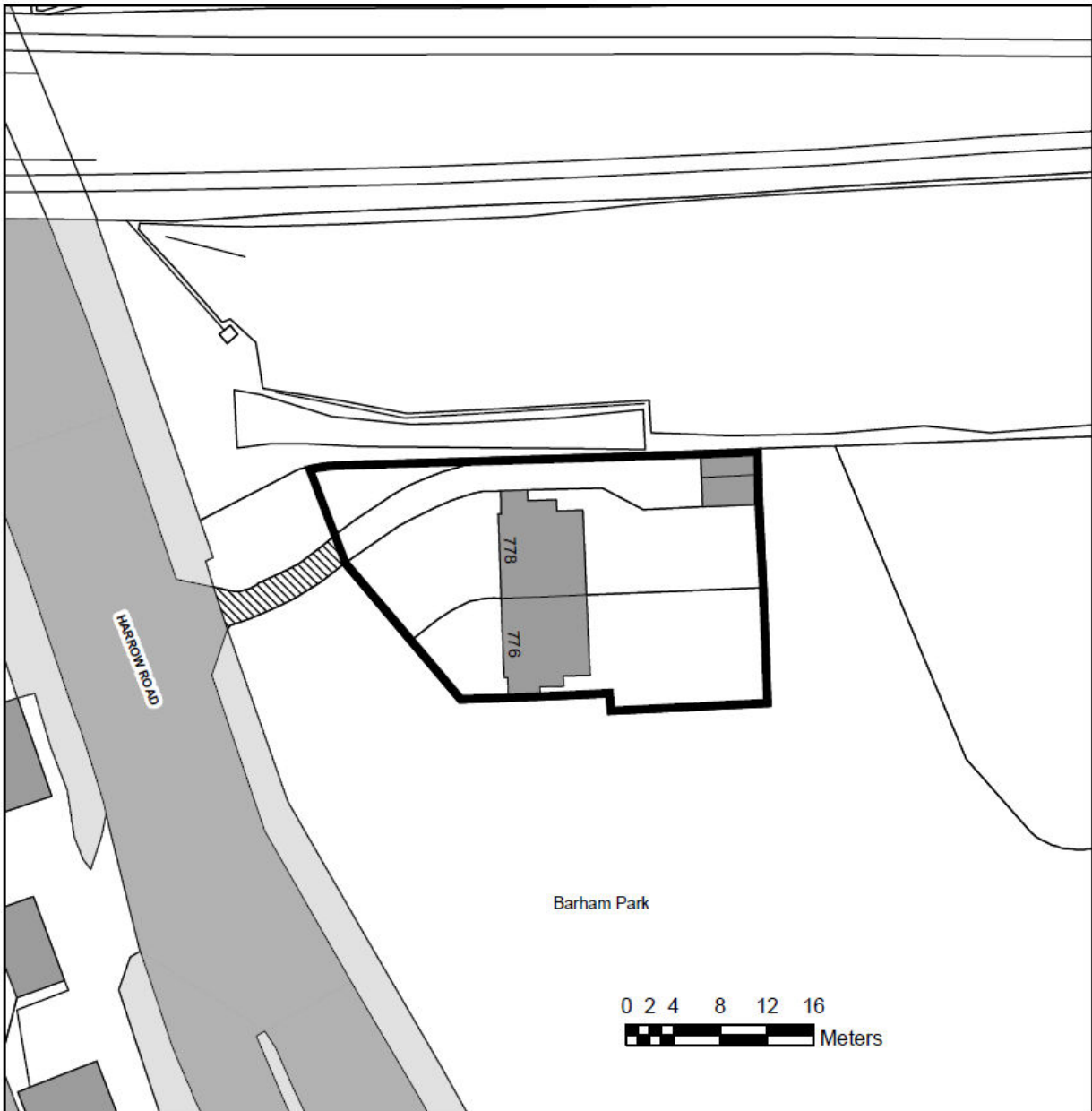
Duncan McLeod Director of Finance & Corporate Resources
Tel 020 8937 1424 email duncan.mcleod@brent.gov.uk

Duncan McLeod
Director of Finance and Corporate Resources

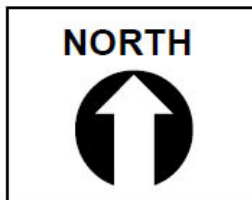
Richard Saunders
Director of Environment and Culture

EXECUTIVE COMMITTEE

**Former Park Keepers Houses,
776/778 Harrow Road, London HA0 2HE.**



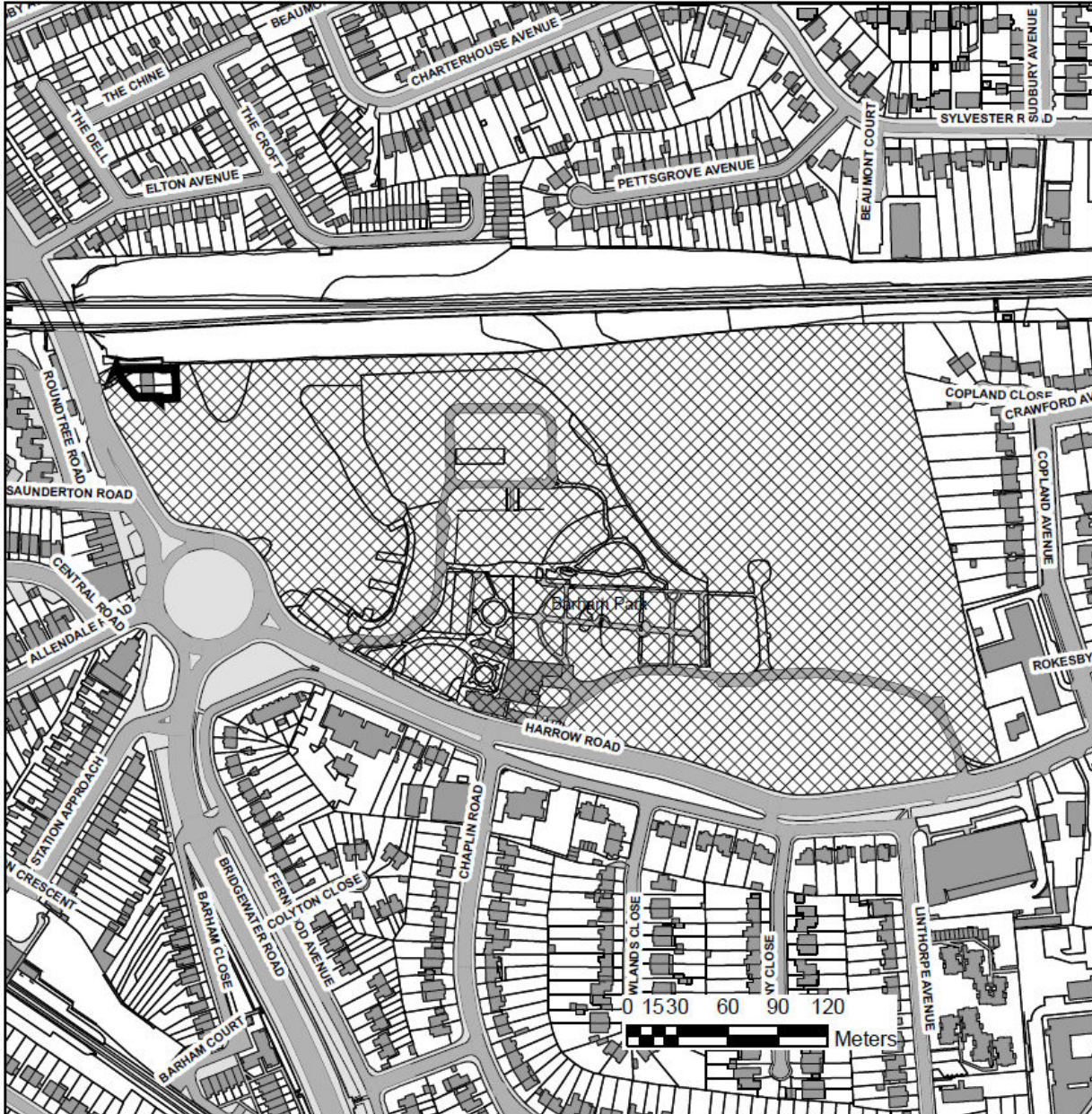
**Premises shown edged black.
Access hatched black.
Plan for information purposes only.**



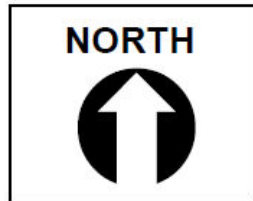
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EXECUTIVE COMMITTEE

**Barham Park and houses at 776/778
Harrow Road, London HA0 2HE.**




**Park shown cross hatched.
Premises shown edged black.
Plan for information purposes only.**



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	<p style="text-align: center;">Executive 14 September 2010</p> <p style="text-align: center;">Report from the Directors of Finance and Corporate Resources and Policy and Regeneration</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p style="text-align: center;">Performance and Finance Review - Quarter 1, 2010/11</p>	

1. Summary

- 1.1 This report summarises Brent Council's spending, activity and performance in the first quarter of 2010/11 and highlights key issues and solutions to them. It takes a corporate overview of financial and service performance and provides an analysis of high risk areas. The report is accompanied by appendices providing budget, activity and performance data for each service area, the Local Area Agreement, ring fenced budgets and the capital programme. Vital Signs trend data and graphs are also provided along with the council's overall budget summary.

2.0 Recommendations

The Executive is asked to:

- 2.1 Note the council's spending, activity and performance in the first quarter of 2010/11.
- 2.2 Require that all directors ensure that spending is kept within budget and underperformance tackled, and that measures are taken, in consultation with relevant portfolio holders, to achieve this.
- 2.3 Note the virements agreed at the Executive on 26th July 2010 included in appendix F(i) and agree the virements detailed in appendix F(ii).

3.0 Background

- 3.1 The success of the council is ultimately measured by the delivery of the priorities within the Corporate Strategy and its jointly agreed outcomes in the Local Area Agreement. That is principally determined by the council's overall strategic planning framework and reviewed through the annual report to Council in November on progress against the Corporate Strategy and the Annual Review published in late summer. Regular Performance and Finance

Review reports allow members to ensure that council finances and performance remain on track to help achieve these priorities.

3.2 This approach to monitoring and reporting reflects other changes in the council's approach in recent years, including strengthening the link between the Corporate Strategy and the Medium Term Financial Strategy, active performance monitoring and management, a greater focus on outcomes as part of capital programme monitoring, and bringing together financial and performance monitoring of partnership activity through the Local Area Agreement. It provides more clarity about the relationship between spending, performance and activity – and provides a basis for assessing the potential impact of future decisions.

3.3 Appendices included in this report as supplementary documentation are:

Appendix A	Performance summary -
- A1	- Children and Families
- A2	- Environment and Culture
- A3	- Housing and Community Care
- A4	- Corporate Centre
Appendix B	General Fund services – Financial, activity and performance monitoring information for each of the council's main service areas:
Appendix C	Capital programme
Appendix D	Housing Revenue Account
Appendix E	Local Area Agreement
- E1	- A Great Place
- E2	- A Borough of Opportunity
- E3	- One Community
Appendix F	Budget Virements
Appendix G	Budget Summary
Appendix H	Vital Signs – high and medium risk performance digest

4.0 Corporate context

4.1 Looking forward, the Council's new Administration is in the process of developing a new Corporate Strategy, which reflects new priorities for a challenging economic environment – one which will see unprecedented and sustained pressure for the Council to deliver more with considerably less resources. Difficult decisions will need to be taken and priorities will need to be achieved against a background of reduced government grant, Members' ambitions to keep council tax increases low, demographic pressures, and the increasing costs of Waste Disposal and Social Care.

4.2 Continuous improvement has always been at the centre of the Council's approach to service development and financial planning, and we have demonstrably raised the responsiveness, relevance and quality of our public services. Despite these real and sustained improvements, the organisation now acknowledges that the conventional silo-based and incremental approaches to improving performance and efficiency are no longer the most appropriate strategies to sustain us for the new economic realities in which we find ourselves. Brent has therefore developed an ambitious change programme to support the Council's Improvement and Efficiency Strategy which is structured around three key themes:

- *Making the 'One Council' approach a reality*
Development of the infrastructure to build a leaner, more effective, dynamic and community focused organisation, which maximises the use of its resources.
- *Raising performance and maximising efficiency*
Service reviews run by cross-council teams to develop and implement more customer-focused and effective service delivery models.
- *Delivering on major projects*
Delivery of large capital schemes around the borough including the new Civic Centre and the regeneration of Wembley, South Kilburn and the North Circular Road.

4.3 The impact of the recent economic downturn and heightened public concern about child protection means that the council has had to reassess its priorities, although its fundamental approach remains the same. A lot of what we already do supports people who might be most affected by the economy by helping them find work, adult and community education, other employment and training initiatives, preventing homelessness and providing accommodation when people become homeless, ensuring people receive the state benefits to which they are entitled, and supporting those with social care needs. We also have a programme in place to transform our children's social care service which has improved from an 'adequate' (2 out of 4) service that overspent, to a 'good' service (3 out of 4) that lives within its budget.

5.0 Overall financial position

General Fund Revenue budget

5.1 A summary of the latest 2010/11 budget position is included in Appendix G. This is the first quarter of the financial year and takes a prudent view of the likely outturn. All managers are expected to come within available resources and actions to be taken to achieve this may not be reflected in the forecast at this point but when the impact has been assessed.

5.2 The 2009/10 provision outturn was reported to the Executive as part of the quarter 4 2009/10 Performance and Finance review on 26th July 2010. That

showed an improvement in balances brought forward from 2008/09 of £55k, from £8.908m forecast when the 2010/11 budget was set to £8.963m. This improvement is provisional, pending completion of the audit of the 2009/10 accounts by the Audit Commission.

- 5.3 As part of the central government savings announced on 10th June Brent lost £6.855m of grant funding compared with that previously announced of which £5.371m related to 2010/11. These were two main sources of funding, £2.249m of Area Based Grant and £4.606m of other grants including £3.634m of LAA Reward Grant, £390k of Housing Planning Delivery Grant, £143k of swimming grant and £439k from the Local Authority Business Growth Incentive scheme. At the Executive on 26th July members agreed that reductions were to be made directly from areas where the grant was being utilised and service areas are currently building those reductions into their budgets. These will be incorporated into the quarter 2 monitoring report. Members also agreed a number of virements at the same meeting and these are detailed in appendix F(i) and these will also be incorporated into quarter 2 monitoring.
- 5.4 At this early stage in the financial year a number of the budget pressures have been identified. The main factors driving these include:
- (i) Increases in activity, particularly client numbers in Adult Social Care and Children's Services, that became evident or occurred late in the financial year. They were therefore not part of the 2010/11 budget considerations.
 - (ii) Inflationary pressures from suppliers. The retail price index to which a number of major contract prices are linked such as refuse, parking and revenues has been above 5% for a number of months.
 - (iii) In year savings required by central government (see above in paragraph 5.3). Delivering full year savings when the announcement was only made in June puts overall pressure on overall service area budgets as the full saving may not be possible from the area funded from grant.
 - (iv) The continuing legacy of the recession on income figures and some service budgets such as benefits. The number of Housing and Council tax benefit live claims has risen from 34,082 in June 2008 to 40,774 currently.
 - (v) The One Council Programme is driving out "*headroom*" in budgets that may previously have been used to absorb "*overspendings*" elsewhere.

The table below sets out the latest forecast.

	Latest Budget £'000	Forecast £'000	Variance £'000
Children and Families	60,145	62,200	2,055
Environment and Culture	48,859	48,859	0
Housing & Community Care:			
o Housing	27,665	27,790	125
o Adult social care	88,288	91,088	2,800
Finance & Corporate Resources / Central Units / Business Transformation	25,792	25,792	0
Service Area Total	250,749	255,729	4,980
Central items	44,706	44,189	(517)
Area Based Grants	(28,578)	(28,578)	0
Total council budget	266,877	271,340	4,463
Application of balances	(1,408)	(5,871)	4,463
Total after application of balances	265,469	265,469	0

5.4 The main issues in individual services areas are as follows:

- Children and Families. The major risk area to this budget in 2010/11 is the cost of children's placements for children in care and the associated legal costs. The children's placement budget is projected to overspend by £2.0m, with legal costs £500k over budget. This is being partially offset in other budgets. The number of looked after children rose sharply in March 2010 to 374 children having been running at about 350 throughout the year. Much of the increase was for children in the age range 0-12 with high numbers of these being the subject of court proceedings. Although the number of children coming through in the 1st quarter has returned to normal levels the financial commitment brought forward from 2009/10 will have to be funded in this financial year. The mix of independent and in-house foster carers still remains an area of concern and the current review of foster caring aims to increase the number in-house carers so reducing costs. A number of other initiatives including preventative work is being undertaken as part of the One Council Programme to improve the position.
- Environment and Culture. There are a number of general pressures linked to the factors described in paragraph 5.4. The most difficult currently is meeting the impact of the removal of the Planning Delivery Grant which amounted to £390k. We are still anticipating the service meeting its budget limit.
- Housing and Community Care The government's plan to put caps on housing benefit with a £280 per week cap on one-bedroom properties and £400 per week on 4-bedroom or larger properties. This change was

notified only just before the start of the financial year. This will impact on our temporary accommodation budget. Current estimates are £125k.

Adult Social Care recorded a net overspend of £2.8m in 2009/10. This was actually mitigated by some one-off underspendings which will not be available in 2010/11 although £1.3m of growth was added to the budget. A number of these spending pressures continue into this financial year. These centre on rising costs and client numbers. Current forecasts suggest that the level of overspend in 2009/10 is likely to be at least repeated if client numbers and costs remain at current levels. The Transformation Programme, which is a key project within the One Council Programme, is seeking to generate efficiencies while increasing choice and service quality for clients. It will be crucial that this is able to deliver to help ensure that the budget is brought back into balance in the medium term. A more detailed report will be brought to a future Executive.

- 5.5 The forecast for central items is for a £517k underspend. This is made up of an underspend of £223k on concessionary fares where the final settlement agreed for 2010/11 was lower than expected. In addition there is an underspend on savings on the reduction of 50 management posts where the savings achieved have over exceeded original estimates by £294k. The target saving from the overall One Council Programme is on target to be achieved.
- 5.6 The current forecast based on the first quarter's figures show a significant overspend from the two main Service Areas. This will need to be strictly monitored and reduced as the consequences of the present position will adversely impact on both 2010/11 and also future years at a time when resources are severely constrained. It is proposed to bring a report to the next Executive setting out some of the options available.
- 5.7 Members agreed a number of 2010/11 virements as part of the 2009/10 quarter 4 report which went to the Executive on 26th July. These virements are detailed in appendix F(i). In addition members are being asked to agree a number of additional budget virements in 2010/11. These are included in Appendix F(ii) and are as follows:
- Following the transfer of various internal charging budgets as part of the virements agreed by the July Executive An E- Recruitment saving of £150k agreed as part of the 2010/11 budget process will now be allocated to Business Transformation.
 - The Improvement and Efficiency programme includes the Structure and Staffing Review which is projected to achieve at least £8.5m of savings in total in a full year. The first tranche of these savings covering vacant posts and voluntary redundancies can now be allocated to service areas and units.

The above changes will be reflected in the second quarter monitoring report.

Housing Revenue Account

- 5.8 The Housing Revenue Account (HRA) is a ring-fenced account containing the income and expenditure relating to the Council's Landlord duties for more than 9,000 dwellings.
- 5.9 The HRA forecast outturn for 2010/11 indicates a surplus carried forward of £466k, which is in line with the budget.

Schools Budget

- 5.10 The ring-fenced Schools Budget is split into two parts. The first part delivers delegated funding to schools - school budget shares. The second part is termed central items expenditure and covers local authority retained elements to support activities such as pupil referral units and payments to non maintained nurseries.
- 5.11 The central items budget for 2010/11 is £20.8m and the latest forecasts indicate there will continue to be pressures on this budget due to increased numbers of children being given Special Education Needs (SEN) statements in schools. We will have a clearer picture of the position after the start of the new school year.

Capital programme

- 5.12 Financial monitoring information for the capital programme is included in Appendix B.
- 5.13 There have been a number of changes to the forecast outturn position for 2010/11 since the budget was set in March 2010, including the inclusion of re-phased expenditure from 2009/10 which was detailed in the Quarter 4 Performance and Finance Review report to the Executive in July 2010. The following paragraphs detail those changes to the forecast outturn position not previously reported.
- 5.14 The 2009/10 Quarter 4 Performance and Finance review report provided members with initial information on the 2010/11 Government savings and reviews announced to that point in time and the likely impact of those reductions on capital investment. This report builds upon that initial information and where possible incorporates the impact within the forecast figures. Further information on announcements is also included where available but members should note that this does not represent the full extent of the potential adjustments to capital funding and this is unlikely to be known until after the comprehensive spending review has been announced on 20th October.

Children and Families capital

- 5.15 An additional ring fenced Youth Capital Grant allocation of £77k has been received.
- 5.16 Reductions arising from the announcement of Central Government savings have been incorporated as follows:
- Harnessing Technology Grant – Reduction of £465k as per notification dated 14th July 2010.
 - Extended Schools – Reduction of £151k as per notification dated 14th July 2010.
 - Co-Location Grant - Reduction of £141k as per notification dated 22nd July 2010.
 - Building Schools for the Future – Grant potentially totalling £85,587k has been removed from the programme over financial years 2011/12 to 2013/14 as per the Education Secretary's notification of cessation of the initiative dated 5th July 2010.
 - In July 2010 Children and Families were notified that the Department for Education (DfE) was reviewing Sure Start Children's Centre and associated funding in terms of expenditure to date, commitments and potential savings from all Local Authorities in order to propose a savings figure to Treasury. As a result of this a hold was put on making further commitments against the grant until the revised allocation was confirmed. On 12th August 2010 the DfE notified the Council of the revised allocation for 2010/11 which reflected a £200k reduction overall.
- Current forecasts indicate that this reduced allocation will still provide sufficient funding to deliver the approved Phase 3 Children's Centre Programme. However, officers are currently reviewing this to confirm the position and ascertain the impact of the delay in committing expenditure against the grant to the programme deadline of 31st March 2011.
- 5.17 Grants paid directly to Voluntary Aided Schools have been removed from the capital programme as these schools do not appear on the council's balance sheet and the schools are not required to make returns to the Council. These amounts were as follows in 2010/11:
- Voluntary Aided Devolved Formula - £3.846m
 - Voluntary Aided Programme - £4.014m
 - St Mary Magdalen Targeted Capital Funding - £3.336m
 - The Avenue Targeted Capital Funding - £3.410m
- 5.18 Slippage amounts of £26k relating to ICT Mobile Technology and £18k relating to Specialist Schools Grant are no longer being carried forward.

- 5.19 The Gwenneth Rickus scheme totalling £685k has been removed from the programme. This is due to action taken to address Children and Families revenue account overspends in 2009/10 resulting in the revenue contribution that was to fund the scheme no longer being available.
- 5.20 The Education Secretary's notification of cessation of Building Schools for the Future on 5th July 2010 included reference to the Crest Boys and Girls Academy schemes, noting that the future of these was for discussion. On 6th August 2010 the Department of Education notified the Council that the capital funding for these schemes would be released and the schemes could continue as planned.
- 5.21 On 6th July the Council received correspondence from the Big Lottery Fund on behalf of the Department of Education with regard the Myplace capital funding programme. This correspondence notified the Council that until there is a final decision from the Department the milestone review decision is on hold and any commitment to expenditure in excess of 5% of the lead in payment will be at the Council's own risk. The position on this funding stream has not yet been confirmed and as such it has been proposed that the scheme should proceed up to the limit of £250k, representing 5% of lead in payment, at which point the project will be temporarily closed at a natural milestone, whilst officers continue to seek confirmation on a funding decision.
- 5.22 In the Quarter 4 monitoring report to Executive members were advised that the Nursery block at Chalkhill Primary School had been condemned and required extensive refurbishment. The school had devised a scheme to relocate the Nursery to the caretakers' house, remodelling it and refurbishing it to create a Foundation block. The majority of funding for this scheme is to be provided by the school through its own resources but a funding gap of £140k had been identified and Children and Families had been requested to contribute to the funding.

Due to the implications for a potential closure at the Nursery should the scheme not go ahead and the need for works to be carried out over the summer holiday period Children and Families agreed to contribute to the scheme from the LA roofing works, from which the nursery block roof was to be addressed, in the sum of £36k and up to £80k from the Hut Replacement budgets. These contributions were conditional upon the school agreeing to bring forward a further £24k from future years Devolved Formula Capital contributions towards the scheme and taking action to attempt to further reduce the funding gap.

Environment and Culture capital

- 5.23 Additional Contaminated Land Grant of £49k has been received relating to St. Raphael's Estate, Wembley.
- 5.24 Additional grant of £125k has been received from the Department of Transport under Section 31 for repair to damaged highways following the extreme winter weather.

Housing and Community Care: Adults capital

5.25 Additional grant of £165k has been received for Social Care Reform.

Housing and Community Care: Housing capital

5.26 The St Raphael's Estate – Affordable Homes scheme has been deleted from the programme due to the loss of grant as per the notification from the Housing and Communities Agency dated 6th July 2010. This totals £3.737m over the financial years 2010/11 and 2011/12. Full details of the implications of this cut in grant are provided in a separate report elsewhere on this agenda.

5.27 Major Repairs Allowance works have been reduced by £3.435m to reflect the MRA Adjustment previously announced by central government.





Prudential Indicators

5.28 Prudential indicators were introduced as part of the prudential borrowing regime as part of the Local Government Act 2003. The arrangements are aimed at ensuring authorities exercise their borrowing powers responsibly, with capital expenditure plans that are affordable, external borrowing that is prudent and sustainable, and treasury management decisions taken in accordance with good professional practice. Prudential limits are set as part of the budget process, monitored during the year, and actual performance reported at outturn. There are no variations to report for quarter 1.





6.0 Overall performance position

Corporate and Community Strategies

6.1 The council has decided on a revised set of Vital Signs indicators to accurately reflect its changing priorities and keep in line with the changing needs of residents. Newly introduced indicators include those that focus on: communications and diversity, human resources spend and health and leisure. Of the new Vital Signs, 48% are currently on target (green star) or just below target (blue circle), a ten percent drop from last quarter. 17% are well below target (red triangle) compared to 30% last quarter but this is due to the incomplete data returns of many indicators.

Overall Council Performance				
				
	Low risk	Medium risk	High risk	No data
Percentage Quarter 1 PIs	33%	15%	17%	35%

Local Area Agreement Update

Overall LAA Performance				
				
	Low risk	Medium risk	High risk	No data
Percentage Quarter 1 PIs	32%	10%	19%	39%

- 6.2 The Local Area Agreement for 2008-2011 was refreshed between January and March of 2008/09. The Local Area Agreement is currently made up of 29 targets, seven of which are local indicators. March 2008/09 was the final year in which the 12 stretch targets were reported. This is the final year of the Local Area Agreement.

LAA Priorities:

6.21 **NI 16 Serious Acquisitive Crimes**

Performance for the current quarter has worsened by 9% on the previous quarter, with an increase in robbery, burglary and motor vehicle crime. This seems to be due to the increase in 'Cash 4 Gold' shops and the recession. However, the annual target should still be achieved as there is an increased number of Police in vehicle crime hotspots, increased vigilance of housekeeping and recording systems as well as increased publicity in advising people to keep their property concealed.

6.22 **NI 24 Satisfaction with the way the Police and Council deal with ASB**

The performance for this quarter is 2% short of the target. However, 6% of users did not state a response to this question on the survey, the result of which could have an impact on the overall performance for this indicator. In the future, it must be made certain that all users provide a response to this question. However, it is expected that the annual target will be met if staffing levels continue.

6.23 **NI 15 Serious Violent Crimes**

This quarter's performance has improved 25% from the previous quarter and is showing to be on track to meet and possibly over-achieve this year's target. This quarter's performance is below target which indicates good performance. The overall annual target is expected to be met through regular Offender Management Meetings, which review cases across the crime spectrum. This enables trends to be identified early so that remedial action can be taken. Risks which may affect the achievement of the annual target include: the recession (resulting in anger and violence), summer months (increased alcohol consumption resulting in violence) and gang tensions (this is currently being seen around the border with Westminster).

6.24 Local – Number of Accidental and Deliberate Fires in Residential Properties

The Fire Brigade has recently changed its targets to include accidental and deliberate fires. Therefore the annual target has now changed to 251 fires, which equates to less than 62 fires per quarter. The actual performance for this quarter is 60 fires which shows that the priority is on track to achieving the overall target at the end of the year.

6.25 NI 192 Percentage of Household Waste sent for Reuse, Recycling and Composting

This quarter's performance is significantly below target. When the compulsory recycling scheme was first introduced there had been an increase in investment to support this scheme. However, there has since been a decrease in this investment which has made it difficult to support the necessary infrastructure to achieve this target. A waste and street and cleansing review is now underway to identify options for increasing the recycling rate beyond 50%. It will be decided later this year which options will be taken forward and it is intended that these should be implemented during 2011.

6.26 NI 188 Planning to adapt to Climate Change

Steps are being taken to achieve the next level - Level 3 - by March 2011, and we are on track to achieve this, although this will require more active involvement by the Local Strategic Partnership and its members during quarter 2.

6.27 NI 185 CO₂ Reductions from Local Authorities

Current evidence shows that this indicator is unlikely to achieve its target of 6% (37,406,639 kg) reduction in CO₂ emissions. Presently a saving of only 231,520 kg of CO₂ has been identified through behavioural change and reducing business travel alone, although no saving figures have been made available for the work through Property & Asset Management on council premises and schools.

6.28 NI 152 Working Age People on Out of Work Benefits

This indicator is currently on track. However, with the current government spending cuts, the lack of general funding and the minimal impacts that the reduced Brent in2 Work service can provide this priority is not expected to achieve its overall target by the end of the year.

6.29 NI 150 Adults in Contact with Secondary Mental Health Services in Employment

No monitoring form returned for this quarter.

6.30 Local – Income Maximisation

No monitoring form returned for this quarter.

- 6.31 **NI 40 Number of Drug Users Recorded as being in Effective Treatment**
There is usually a three month time lag in receiving data for this priority. However, NHS Brent have developed a *real time* performance management programme, which enables them to provide trajectory figures on how the indicator is performing throughout the course of the year. The current quarter's trajectory target is 207, in comparison to the trajectory performance of 218. This implies that the overall annual target should be met.
- 6.32 **Local – Tuberculosis Treatment Completion Rate**
This indicator is expected to achieve the overall target for this year. This priority is also part of the NHS Brent Corporate Strategic Initiatives, and treatment rates consistently achieve and exceed the targets.
- 6.33 **NI 121 Mortality Rate from all Circulatory Diseases at Ages under 75**
All the milestones for this indicator have been achieved for this quarter. However, the current economic climate and the reorganisation of both NHS Brent and Brent Council make achieving the target for this indicator very challenging.
- 6.34 **NI 112 Under 18 Conception Rate**
Due to a time lag in data, the current available data is for 2009/10. There was a reduction in the number of conceptions for quarter 1, which provides a head start to reduce the rate of conceptions; however it is too early to determine whether the 2009/10 target of a 41.4% reduction will be met. However, the Teenage Pregnancy Unit has indicated that a 34% reduction would be required in 2009 to meet the 50% reduction in 2010. This target is likely to be more achievable for the coming year.
- 6.35 **NI156 Number of Households Living in Temporary Accommodation**
Overall, quarter 1's performance is positive, as the target has been exceeded by 9%. A large proportion of temporary to permanent scheme conversions achieved last year has had a cumulative effect on the good performance so far. Whilst it is envisaged that the overall target will be met, there is a high risk that the target may not be achieved as the planned changes to the housing benefit scheme (announced in the budget) will have a significant impact on overall availability of the private rented sector.
- 6.36 **NI 155 Number of Affordable Homes Delivered (gross)**
The cumulative target over the three year period (2008-2011) is 1552, of which 1384 homes have already been completed in the first two years (2008-2010). The delivery forecast for 2010/11 is over 600 affordable housing units, 20 of which have already been completed and 414 are 'start on site'. Therefore, this indicator will have over-achieved its target by the end of this financial year. However, there are some high risk factors which could influence the attainment of this target such as: changes in funding arrangements, changes in housing benefit arrangements and remodelling of Local Housing Allowance rent regime schemes.

6.37 NI 154 Net Additional Homes Provided

This indicator has an annual target of 650 homes and it can only be measured effectively on an annual basis. Due to the current lack of information on the number of housing schemes in progress and those which will commence later, there is a high risk that this target may not be achieved. In addition, it may not be possible for planned housing developments to commence building or building work may be 'stalled' due to the current economic climate in the private and public sectors. Another possible high risk factor is adverse weather conditions where a harsh winter can significantly reduce anticipated completions.

6.38 NI108 Key Stage 4 Black Caribbean Boys and Somali Boys

Overall, the annual target is expected to be achieved for this year. The nature of the work in this area precludes a direct 'cause and effect' link between project activity and outcome indicators. However, there is a general agreement amongst the wider range of stakeholders that have been involved in this work to date, that there has been an indirect impact between project activity and outcome indicators, and in recent years the majority of outcome indicators have moved positively. The Black Children's Achievement Programme has been delivered in primary schools and the Black pupil achievement programme has been delivered in secondary schools. Targeted schools have seen improvements in their targeted pupil's progress.

6.39 NI 111 First Time Entrants to the Youth Justice System aged 10-17

Overall this indicator is expected to achieve the annual target that has been set. In 2009/10 performance exceeded expectations and this encouraging trend has continued into 2010/11. However, the main reason why the number of reported FTE's is significantly less than the quarterly target, is that the Department for Children Schools and Families has yet to supply Brent-specific PNC-derived NI 111 data, and we are not clear when this will be available. We therefore continue to measure performance using data stored in the Youth Offending Information System. Despite our adoption of the PENY information sharing programme, we would still expect that there will be a discrepancy between what we record locally in YOIS, and FTE's recorded on the PNC (up to 40%). In addition to this at the end of Q2, 2009/10, the YOS established a programme called Triage which aims to reduce the number of young people entering the criminal justice system.

6.40 NI 56 Child Obesity in Primary School (year 6)

This indicator is currently on track to achieving its target, with a quarterly target of 24 families completing the MEND programme, and an actual performance rate of 27 families completing the MEND programme. However, following trends from the previous two years where the percentage of obese children in year 6 has increased (from 22.5 to 22.9%) and the total percentage of overweight and obese children has been maintained (at approximately 32.2%), it is envisaged that the overall LAA target (22%) will not be met.

- 6.41 NI 63 Stability of Placements of Looked After Children**
 This priority is currently underachieving and not meeting the quarterly target. This is partly due to there being 100% increase in the number of care proceedings cases in 09/10 both in Brent and across London; this significantly impacts on the capacity and resources of the care planning service in providing robust and focussed support to all children and young people in care. This is a high risk factor in the indicator not achieving the overall target, and staffing and resource is being reviewed to mitigate this risk. However, comparing the previous outturn figures for the last 3 years (61 to 64%) with the statistical neighbouring outturn for 2009/10 (65.8%) and the target for this year (80%) it is highly unlikely that this indicator will achieve its overall target.
- 6.42 Local – Children’s Sports Participation**
 No monitoring form returned for this quarter.
- 6.43 NI51 Effectiveness of Child and Adolescent Mental Health Services (CAMHS)**
 The LAA CAMHS priority is achieving its current objectives and is working towards achieving the required outcomes by the end of the life of the LAA. There is only one more target across the four proxy indicators that we need to achieve. This will be achieved through the CAMHS review which is starting in July 2010 and should be concluded by the end of March. This will be concentrating on looking at how services can be delivered in a different model to ensure that there are more community based and early CAMHS interventions.
- 6.44 NI 54 Disabled Children’s Services**
 No monitoring form returned for this quarter.
- 6.45 NI 130 Social Care Clients receiving Self Directed Support**
 This indicator is currently on track. Due to increased take up of Personal Budgets by people being reviewed and all new people with long term needs, it is expected that the overall target to be achieved.
- 6.46 NI 135 Carers receiving Needs Assessment or Review**
 This priority is presently underachieving. This is due to Carers Assessments not being prioritised, and therefore additional resources allocated to stimulate the development of DP’s is not being utilised. However, it is anticipated that with the Customer Journey Project and Direct Services Review this will improve the level and quality of information and advice for people who use services and their carers as well as look at undertaking reviews of needs. This should aid in achieving the overall target for this priority.
- 6.47 NI 141 Vulnerable People achieving Independent Living**
 Whilst the first 2 years targets have been met, it is going harder to meet the 3rd year’s target of 80%. Although, through continuous work with partners (providers) and others such as START PLUS are monitoring issues around unplanned moves are trying to be addressed, which may hinder the achievement of this target. Additional work is being done for client groups

such as Young People, Offenders, Drug & Alcohol and Single Homeless (young) which are recognised to be the groups that tend to impact upon this indicator. Overall, it is anticipated that the LAA target will be achieved.

6.48 NI 131 Reducing Delayed Transfers of Care

This indicator is currently on track and the overall target for this indicator is expected to be met.

6.49 Local – Volunteering

Currently this priority is underachieving and is not likely to achieve the overall LAA target. The performance reward grant has been stopped by central government. Therefore, due to the lack of funding to support the work it is not possible to plan ahead for the target in 2010-11. It is anticipated that continued development for new volunteer opportunities take place, but it will not be possible to provide as much 1-2-1 support and training to organisations to enable this to happen.

Comprehensive Area Agreement (CAA)

7.0 The CAA was discontinued from May 2010 under the new central government. However, the LAA continues to be monitored for the remainder of its term until the end of March 2011.

8.0 Financial implications

8.1 These are set out in the body of the report.

9.0 Legal implications

9.1 The capital programme is agreed by Full Council as part of the annual budget process. Changes to, or departures from, the budget during the year other than by Full Council itself can only be agreed in accordance with the scheme of Transfers and Virements contained in the Constitution. Any decisions the Executive wishes to take and any changes in policy which are not in accordance with the budget set out in March 2009 and are not covered by the Scheme of Transfers and Virements will therefore need to be referred to Full Council.

9.2 The Director of Finance and Corporate Resources is satisfied that the criteria in the scheme are satisfied in respect of virements and spending proposals in the report.

10.0 Diversity implications

10.1 This report has been subject to screening by officers and there are no direct diversity implications.

11.0 Background documents

11.1 Corporate Strategy 2006/10
Community Strategy 2006/10
Local Area Agreement 2008/11

12.0 Contact officers

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