



## Executive

**Monday, 11 April 2011 at 7.00 pm**

Council Chamber, Brent Town Hall, Forty Lane,  
Wembley, HA9 9HD

### Membership:

#### Lead Member Councillors:

#### Portfolio

John (Chair)	Leader/Lead Member for Corporate Strategy and Policy Co-ordination
Butt (Vice-Chair)	Deputy Leader/Lead Member for Resources
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](mailto: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
<b>1 Declarations of personal and prejudicial interests</b>	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
<b>2 Minutes of the previous meeting</b>	1 - 8
<b>3 Matters arising (if any)</b>	
<b>4 Petitions</b>	9 - 10
Petitions have been received in relation to the Libraries Transformation project. Details attached.	
<b>5 Deputations (if any)</b>	
<b>Environment and Neighbourhood Services reports</b>	
<b>6 Library Transformation Project</b>	11 - 36
In November 2010 the Executive agreed to a three month consultation of proposals contained within the Libraries Transformation Project. This report proposes a renewed Library Strategy, centred around a clearly defined library offer and driven by the Councils responsibilities and resources, the assessment of needs and consultation. It also addresses the potential implications for six buildings should the recommended strategy be agreed. <b><i>Appendices circulated separately</i></b>	
<b>Ward Affected:</b> All Wards;	<b>Lead Member:</b> Councillor Powney <b>Contact Officer:</b> Sue McKenzie, Arts, Libraries and Heritage Tel: 020 8937 3144 sue.mckenzie@brent.gov.uk
<b>7 Arboricultural Services Contract</b>	37 - 48
This report seeks authority to invite tenders for an Arboricultural Services Framework Agreement to commence on 1 <sup>st</sup> April 2012 as required by Contract Standing Orders 88 and 89.	

**Ward Affected:**  
All Wards;

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

## **8 Statement of Gambling Licensing Policy and Principles**

49 - 52

The Gambling Act 2005 requires Licensing Authorities to publish a Statement of Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough, which Brent did in January 2007. Full Council will need to approve the final Statement of Principles after consideration by this Committee. It is anticipated that the Policy will be put to Full Council in July 2011.

***Appendices circulated separately***

**Ward Affected:**  
All Wards;

**Lead Member:** Councillor Powney  
**Contact Officer:** Geoff Galilee, Director, Health  
Safety & Licensing  
Tel: 020 8937 5358 geoff.galilee@brent.gov.uk

## **Regeneration and Major Projects reports**

### **9 Authority to allocate primary capital programme funding and approve the award of a construction contract for the rebuild of Islamia Primary School**

53 - 84

This report requests Executive approval to support the award of a contract for construction works at Islamia Primary School. The contract is to be between Islamia Primary School/Trustees and the proposed contractor, Morgan Sindall, a contractor from the IESE (Improvement and Efficiency South East) Buildings Work-stream Construction Framework.

***Appendices also below***

**Ward Affected:**  
Queens Park;

**Lead Member:** Councillor Crane  
**Contact Officer:** Andrew Donald, Director of  
Regeneration and Major Projects  
Tel: 020 8937 1049  
andrew.donald@brent.gov.uk

## **10 Park Lane Primary School**

85 - 102

In the November 2010 Executive report, Park Lane Primary School is identified as a recipient of a share of the Basic Need Safety Valve (BNSV) monies to address expansion and remodelling proposals. The subject report notes that project costs have increased from an estimated £2.2m to an estimated £2.6m, due to necessary re-design and demolition costs. Project costs are to be met within both BNSV monies and the Schools

main Capital Programme. In order to meet tight timelines of BNSV spend, this report requests to delegate authority to the Director of Regeneration and Major Projects to appoint and award a contract to a contractor from the IESE (Improvement and Efficiency South East) Framework Agreement to undertake required new build and remodelling works at Park Lane Primary School.

***Appendices also below***

**Ward Affected:**

All Wards;

**Lead Member:** Councillors Crane and Arnold

**Contact Officer:** Christine Moore, Property and Asset Management

Tel: 020 8937 3118

christine.moore@brent.gov.uk

Krutika Pau, Director of Children and Families

Tel: 020 8937 3126 krutika.pau@brent.gov.uk

**11 Temporary primary school expansion schemes**

103 -  
122

Demand for primary school places is forecast to exceed the supply of places again in 2011. As is the case across most London Authorities, Brent Council is experiencing a shortfall of primary school places, with severe shortage in the reception cohort. Eight temporary school expansion proposals are being recommended in this report, which are deemed suitable to cope with the shortfall for September 2011. On 12 April 2010 the Executive approved the rebuilding of the Hay Lane and Grove Park School buildings as one school (now referred to as The Village School) incorporating the existing recently completed 16+ Centre, a new Short Break Centre on site and the provision of the necessary temporary accommodation during the construction period on the site of adjacent Kingsbury High School. A full report on this project is to go to Executive on 23<sup>rd</sup> May 2011. In order to maintain the programme the contract for constructing the temporary accommodation and legacy works for the Village School within the grounds of Kingsbury High School needs to be awarded prior to the Executive Meeting on 23 May 2011.

**Ward Affected:**

All Wards;

**Lead Member:** Councillors Crane and Arnold

**Contact Officer:** Christine Moore, Property and Asset Management

Tel: 020 8937 3118

christine.moore@brent.gov.uk

Krutika Pau, Director of Children and Families

Tel: 020 8937 3126 krutika.pau@brent.gov.uk

**12 Local Development Framework Site Specific Allocations SPD Adoption**

123 -  
146

This report explains that the Council has received an Inspector's report into the Examination of the Site Specific Allocations Development Plan Document (DPD) of the LDF and that the Inspector finds the document

sound subject to recommended changes being made. It asks Executive to recommend to Full Council that the DPD be adopted with the changes incorporated.

**Ward Affected:**

All Wards;

**Lead Member:** Councillor Crane

**Contact Officer:** Ken Hullock, Policy and Research Team

Tel: 020 8937 5309 ken.hullock@brent.gov.uk

**13 Former Alpertons Cemetery Offices, Clifford Road - disposal in the open market** 147 - 150

This report invites the Executive to consider the impact of withdrawing office-based staff from the Alpertons cemetery at Clifford Road and seeks approval to the open market disposal of the adjoining surplus vacant former cemetery offices, after all due regard to planning and architectural considerations in connection with the resolution of access and separation issues so as to ensure the best price is achieved.

**Ward Affected:**

Alpertons;

**Lead Member:** Councillor Crane

**Contact Officer:** Richard Barrett, Property and Asset Management

Tel: 020 8937 1334 richard.barrett@brent.gov.uk

## Children and Families reports

**14 BACES - accommodation strategy** 151 - 178

This report proposes a rationalisation of BACES provision across 3 main sites instead of 5. This is in response to the expected reduction in grant from the Skills Funding Agency from September 2011.

**Ward Affected:**

All Wards;

**Lead Member:** Councillor Arnold

**Contact Officer:** Krutika Pau, Director of Children and Families

Tel: 020 8937 3126 krutika.pau@brent.gov.uk

**15 BACES fees and charges 2011-2012** 179 - 194

This report sets out the proposals for the schedule of fees and charges for Brent Adult and Community Education Service effective from 1 September 2011 – 31 August 2012.

**Ward Affected:**

All Wards;

**Lead Member:** Councillor Arnold

**Contact Officer:** Krutika Pau, Director of Children and Families

Tel: 020 8937 3126 krutika.pau@brent.gov.uk

<b>16</b>	<b>Brent Music Service fees and charges</b>	195 - 198
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This report sets out the proposals for the schedule of fees and charges for Brent Music Service effective from 1<sup>st</sup> September 2011 – 31 August 2012.

<b>Ward Affected:</b> All Wards;	<b>Lead Member:</b> Councillor Arnold <b>Contact Officer:</b> Krutika Pau, Director of Children and Families Tel: 020 8937 3126 <a href="mailto:krutika.pau@brent.gov.uk">krutika.pau@brent.gov.uk</a>
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### Housing and Community Care reports

<b>17</b>	<b>Amendment to committee report 15 November 2010: authority to invite tenders for the procurement and management of temporary accommodation</b>	199 - 206
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This report acts as an amendment to the Executive Committee report dated 15 November 2010. It provides an update to the approval given by the Executive pursuant to Contract Standing Orders 88 and 89 to invite tenders to conclude a framework agreement for the Procurement and Management of Temporary Accommodation pursuant to the Council's Private Managed Accommodation Scheme (PMA). This report seeks approval for an amendment to the evaluation sub- criteria and to the procurement process for the award of contract for the above named tender.

***Appendices also below***

<b>Ward Affected:</b> All Wards;	<b>Lead Member:</b> Councillor Thomas <b>Contact Officer:</b> Perry Singh, Housing Needs/Private Sector Tel: 020 8937 2332 <a href="mailto:perry.singh@brent.gov.uk">perry.singh@brent.gov.uk</a>
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<b>18</b>	<b>Supply and demand and temporary accommodation</b>	207 - 228
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This report seeks members' approval of the lettings projections for 2011/12. It also provides an analysis of housing supply and demand issues, including performance in 2010/11 and challenges for 2011/12 onwards.

<b>Ward Affected:</b> All Wards;	<b>Lead Member:</b> Councillor Thomas <b>Contact Officer:</b> Perry Singh, Housing Needs/Private Sector Tel: 020 8937 2332 <a href="mailto:perry.singh@brent.gov.uk">perry.singh@brent.gov.uk</a>
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<b>19</b>	<b>Fortunegate Community Housing - transfer of engagements to CCHA</b>	229 - 262
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The purpose of this report is to seek the Council's approval to transfer the assets, obligations and liabilities of Fortunegate Community Housing ("Fortunegate") to Catalyst Communities Housing Association Limited.

**Ward Affected:**

All Wards;

**Lead Member:** Councillor Thomas**Contact Officer:** Perry Singh, Housing  
Needs/Private Sector

Tel: 020 8937 2332 perry.singh@brent.gov.uk

**Central Reports****20 Fuel Poverty and Health Task Group - final report** 263 -  
274

This report sets out the findings and recommendations of the Fuel Poverty and Health Task Group that are being presented to the Executive for approval. The report has been considered and endorsed by the Health Partnerships Overview and Scrutiny Committee.

***Appendices circulated separately***

**Ward Affected:**

All Wards;

**Lead Member:** Councillor R Moher**Contact Officer:** Andrew Davies, Policy and  
Performance

Tel: 020 8937 1609

andrew.davies@brent.gov.uk

**21 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.

**22 Reference of item considered by Call in Overview and Scrutiny Committee (if any)****23 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:

**APPENDICES (reports above refer):**

- Amendment to committee report 15 November 2010: Authority to Invite Tenders for the Procurement and Management of Temporary Accommodation
- Authority to allocate primary capital programme funding and approve the award of a construction contract for the rebuild of Islamia Primary School
- Authority to Delegate the Award of a Construction Contract in relation to Expansion Works at Park Lane Primary School

**Date of the next meeting:** to be agreed at the Annual Meeting in May 2011



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- 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 Monday, 14 March 2011 at 7.00 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 Adeyeye, Al-Ebadi, Mistry, Naheerathan and HB Patel

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

None declared.

2. **Martin Cheeseman**

The Executive paid tribute to Martin Cheeseman, Director of Housing and Community Care, who was attending his last meeting of the Executive before his retirement. Members thanked him for all his service to the council over the years.

3. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 15 February 2011 be approved as an accurate record of the meeting.

4. **Matters arising**

None.

5. **Review of formula funding for SEN statementing in mainstream schools**

The report from the Director of Children and Families sought members' approval to proposed changes to the schools funding formula in respect of statements of special educational need (SEN) in mainstream schools. Councillor Arnold (Lead Member, Children and Families) advised that the proposals involved simplifying the resource allocation system, increased the threshold beyond which new statements would be issued and had been agreed by the Schools Forum at its meeting 31 January 2011. Councillor Arnold also made reference to the government review on SEN on which a Green Paper had been recently published any recommendations from which were not expected to come through for some time.

RESOLVED:

- (i) that approval be given to a new system of resource bands with associated descriptors of SEN as set out in Appendix A of the report from the Director of

Children and Families for all new statements or individual pupil resource agreements issued from 1 April 2011 with any future changes to the descriptors and resource levels being agreed by the Schools Forum;

- (ii) that agreement be given to increase the threshold, at which new statements of SEN will be provided, to the support equivalent of 0.5 Teaching Assistant with effect from April 2011.

**6. Authority to invite tenders for short break services for disabled children and young people**

Councillor Arnold (Lead Member, Children and Families) reminded the Executive that on 18 January 2010 approval had been given to invite tenders for framework contracts for the provision of Short Break Services provided for disabled children and young people in their own homes, as required by Contract Standing Orders 88 and 89. Due to the need to achieve ever greater efficiencies and in view of the additional suppliers in this market, an alternate process of tendering the service was now envisioned with the establishment of multiple provider frameworks rather than single provider frameworks allowing needs to be met more broadly.

RESOLVED:-

- (i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 4.1 of the report from the Director of Children and Families;
- (ii) that approval be given to the invite of tenders for three multiple provider frameworks and their evaluation in accordance with the approved evaluation criteria referred to in (i) above.

**7. Provision of transport for adult social care service users - promoting independence**

The Lead Member, (Adults, Health and Social Care) introduced the report from the Director of Housing and Community Care which set out the results from the series of consultation meetings on the proposals to adopt an eligibility policy for access to council funded transport which aimed to ensure that a service would be available to those in need. Councillor R Moher advised that six meetings had taken place and while there were concerns over how the criteria would be developed, users that had been given the opportunity to gain independence by using public transport were proud of their achievement.

RESOLVED:

that the council adopts the eligibility policy for access to council-funded transport for users of adult social care services. Under this policy, eligibility will be determined by assessment of a service user's access to existing transport and an assessment of their mobility and ability to travel independently.

**8. Supporting people procurement plan and related contract issues**

In May 2007, agreement was given to a four year procurement plan for contracts funded through Supporting People Grant. As the period covered by this plan was coming to an end, the report from the Director of Housing and Community Care set out a Procurement Plan for Supporting People funded services for the next three years. Councillor Thomas (Lead Member, Housing and Customer Services) advised that the report requested authority to approve the award of new contracts for Supporting People funded contracts providing services for women escaping violence and homeless families and services for single homeless people in order to allow sufficient time for them to be procured in line with the Procurement Plan. The council would be participating in a West London agreement which would also help to generate savings.

**RESOLVED:-**

- (i) that the timetable for procurement of Supporting People services set out in the Procurement Plan attached at Appendix A of the report from the Director of Housing and Community Care be noted;
- (ii) that approval be given to participation in a collaborative procurement project to tender a joint Framework Agreement for housing and support services with other West London boroughs and that this project be exempted from the normal requirements of Brent's Contract Standing Orders on the basis of the reasons set out in section 5 of the report;
- (iii) that agreement be given to an exemption from tendering requirements for the reasons set out in section 6 of the report, and approve the award of new contracts for Supporting People funded contracts providing services for Women Escaping Violence and Homeless Families (as listed in para 6.2 of the report from the Director of Housing and Community Care). The new contracts would be for 15 months from 1 April 2011 to 31 June 2012, with the scope to extend for up to 9 months to 31 March 2013 (2 years in total) in order to allow time for new contracts to be put in place;
- (iv) that agreement be given to an exemption from tendering requirements for the reasons set out in section 7 of the report, and approval given to the award of new contracts for Supporting People funded contracts providing services Supporting People funded contracts providing services for Single Homeless (as listed in para 7.2 of the report). The new contracts would be for fifteen months from 1 April 2011 to 31 June 2012 with the scope to extend for up to another year to 31 March 2013 (2 years in total) in order to allow time for new contracts to be put in place.

**9. ALMO amendment to Memorandum of Association - registered provider status**

In introducing the report from the Director of Housing and Community Services, Councillor Thomas (Lead Member, Housing and Customer Care) advised that in order to meet regulatory requirements for access to grant funding to progress existing new build development, and to secure financial benefits for the delivery of the Settled Homes Initiative (SHI), Brent Housing Partnership (BHP) needed to become a Registered Provider with the Tenant Services Authority (TSA).

Registered Provider status and the regulatory compliance regime with the TSA would only apply to BHP's directly owned social rented homes.

RESOLVED:-

- (i) that BHP Board be authorised to make amendments to its objectives within its Memorandum of Association as set out and tracked in Appendix A to the report from the Director of Housing and Community Care in order to meet the requirements of the Tenant Services Authority (TSA) for registration as a social housing provider;
- (ii) that BHP be authorised to apply for Registered Provider status with the TSA;
- (iii) that it be noted that the changes proposed in the report from the Director of Housing and Community Care would not prejudice any actions or decisions which the Executive may make following the review of BHP that is currently being carried out on behalf of the Council by Navigant Consulting.

10. **Environment and Neighbourhoods Capital Spend 20011/12: Highways Major Works Programme**

The report from the Director of Environment and Neighbourhood Services made recommendations to members detailing the prioritised programme for major footway upgrade projects, carriageway resurfacing schemes, improvements to grass verge areas and accessibility, renewal of marginal highway land, new street signage, gulley maintenance, carriageway resurfacing – short sections, and footway upgrades – short sections. The Executive were asked to approve the expenditure of the £2,920k capital budget allocation for the 2011/12 capital works programme, which had been included in the Budget Setting report submitted to the meeting of the Executive on 15 February. Councillor J Moher (Lead Member, Highways and Transportation) drew members' attention to the efforts being made to maintain roads, even in the current difficult financial situation, with priorities established on the basis of independent advice and also taking into account contributions from ward councillors.

RESOLVED:-

- (i) that agreement be given to utilise the main highways capital programme of £2,920k as follows:

<b>Footways</b>		
	<b>% budget</b>	<b>amount (£ 000's)</b>
▪ Major footway upgrade	38.7	1,130
▪ Footway upgrades – short sections	3.4	100
▪ Renewal of marginal highway land	0.9	25
▪ Improvement to grass verges and accessibility	1.7	50
▪ New street signs	1.7	50
<b>total</b>	<b>46.4</b>	<b>1,355</b>

## **Carriageways**

▪ Major carriageway resurfacing of non-principal unclassified (borough road) network	37.3	1,090
▪ Major carriageway resurfacing of non-principal classified (B & C) network (NI169)	6.9	200
▪ Carriageway resurfacing – short sections	3.4	100
▪ Gulley replacement/maintenance	2.6	75
<b>total</b>	<b>50.2</b>	<b>1,465</b>

## **Miscellaneous**

▪ Contingencies for TfL funded schemes	3.4	100
<b>total</b>	<b>100</b>	<b>2,920</b>

- (ii) that approval be given to the schemes and reserve schemes, as listed in Appendices 1–3 of the report from the Director of Environment and Neighbourhood Services.

### **11. South Kilburn Regeneration - procurement of developer framework and regeneration update**

The report from the Director of Regeneration and Major Projects sought approval to finalise the procurement of the South Kilburn Regeneration Developer Framework. It also sought approval to progress planning applications for two sites within phase two of the regeneration and provided an update on the progress of the wider regeneration of South Kilburn.

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 agreement be given to the establishment of the South Kilburn Regeneration Developer Framework and to the appointment of those developers detailed in paragraph 3.5 of the report from the Director of Regeneration and Major Projects for a period of four 4 years from the framework commencement date;
- (ii) that officers' intention to progress the selection of a design team from the LDA Architecture, Landscape and Urban Design Framework Agreement to take a proposal through to full planning application (RIBA Stage C or D) for the Fielding House and Bronte House sites (Zones 3a and 3b respectively) and to report back to Executive with regard to contract award be noted;

- (iii) that the wider progress with the regeneration of South Kilburn be noted.

## 12. **Wembley Link Supplementary Planning Document (SPD)**

Councillor Crane (Lead Member, Regeneration and Major Projects) introduced the report which asked the Executive to consider the consultation responses to the draft Wembley Link Supplementary Planning Document (SPD) and proposed changes to the consultation draft. He advised that the SPD formed part of the Local Development Framework adopted last year and referred members to the comments received as part of the consultation process. Councillor Crane drew attention to the need for redevelopment in this area which would be to the benefit of Copland School in the vicinity.

RESOLVED:-

- (i) that the views expressed on the council's consultation draft of the Wembley Link SPD be noted and support given to the responses and changes proposed as a result, set out in Appendix 1 of the report from the Director of Regeneration and Major Projects;
- (ii) that Wembley Link be adopted as a SPD supplementary to the council's 2010 Core Strategy and Site Specific Allocations subject to the Council's adoption to the DPD;
- (iii) that authority be delegated to the Director of Regeneration and Major Projects to make minor text changes and illustration changes to the published document.

## 13. **Performance and Finance 2010/11 Quarter 3**

The report from the Directors of Finance and Corporate Services and Strategy, Partnerships and Improvement summarised the Council's budget position, expenditure, activity data and performance trends for the quarter and also recommended action. Councillor John (Lead Member, Corporate Strategy and Policy Co-ordination) drew members' attention to the recommendations in the report, the need to ensure the budget remained on target and for close attention to be paid to performance.

RESOLVED:-

- (i) that the council's budget position, expenditure, activity trends and performance information for the quarter be noted;
- (ii) that relevant lead members hold all service area directors to account by ensuring they operate within the confines of their allocated budgets, that under-performance is adequately redressed, and that effective measures are taken to mitigate areas of risk;
- (iii) that approval be given to the 2010/11 budget virements detailed in paragraph 5.5 of the joint report from the Directors of Finance and Corporate Services and of Strategy, Partnerships and Improvement;

- (iv) that the re-allocation of the Capital Programme to the new departmental structure, the details of which are included within Section 8 of the Directors' report be noted.

14. **Reference of item considered by Call in Overview and Scrutiny Committee**

None.

15. **Any Other Urgent Business**

None.

The meeting ended at 7.25 pm

A JOHN  
Chair

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## **EXECUTIVE** **11 April 2011**

### **BRENT LIBRARIES PETITIONS**

Petitions have been received in the following terms in response to the libraries transformation programme consultation each containing more than 50 signatures.

#### **a) Petition to Brent Council**

“We the undersigned, petition Brent Council to support the Observer’s campaign to keep our libraries local and call on Brent Council to cancel proposals to close six of the Borough’s libraries.”

**Lead petitioners:** Wembley Observer (e-petition)  
(approximately 124 signatures)

#### **b) Cricklewood Library**

“Petition to keep Cricklewood Library open.”

**Lead petitioners:** Friends of Cricklewood Library  
(approximately 1,317 signatures)

#### **c) Petition against the closure of Neasden Library**

“We the undersigned, strongly object to the library being closed. It is a lifeline not only for the senior citizens but also for the very young. Travelling to other libraries is not possible for the vast majority. The library is a community and a home for many people of every race, creed and colour, helping the young children who use the library to grow up without prejudice in a multi-cultural environment. Neasden Library is not an old building in a state of disrepair as it was completely refurbished at great cost less than two years ago.”

**From:** local residents  
(approximately 800 signatures)

#### **d) Save Preston Road Library**

“We the undersigned strongly object to the Labour Administration’s decision to close six libraries in Brent including our much-loved Preston Road.

Libraries are the lifeblood of the community and many people rely on them and the services they provide. The proposed closures will hit the most vulnerable residents hard and will reduce educational opportunities for those that need them the most. We call on the Labour Council to rethink this decision and keep local libraries open”.

Lead Petitioners: Councillors Colwill and HB Patel  
(approximately 819 signatures).

**e) Save Preston Library Campaign:**

“We the undersigned, petition Brent Council to:

Keep Preston Library open and give full consideration to alternatives to the removal of essential local library services to the Preston ward under the Brent “Library Transformation Project. We oppose the sale or redevelopment of the site that does not include a Brent public library.


**Lead Petitioner:** Samantha Warrington  
(approximately 5,897 signatures)

**f) Stop Labour’s Library Closures!**

“The Labour Executive who run Brent Council have agreed to close 6 libraries across the borough – Barham Park, Cricklewood, Neasden, Tokyngton, Kensal Rise and Preston. A public consultation on the proposals to close Libraries will take place from November 29<sup>th</sup> 2010 until March 4<sup>th</sup> 2011.

We oppose Labour’s plans to close our local library.”

**Lead petitioner:** Councillor Lorber  
(approximately 672 signatures)

	<p><b>Executive</b> 11 April 2011</p> <p><b>Report from the Director of Environment and Neighbourhood Services</b></p>
*	Wards Affected: All
<b>Libraries Transformation Project</b>	

## 1.0 Summary

- 1.1 In November 2010 the Executive agreed to a three month consultation of proposals contained within the Libraries Transformation Project. This report proposes a renewed Library Strategy, centred around a clearly defined library offer and driven by the Councils responsibilities and resources, the assessment of needs and consultation. It also addresses the potential implications for six buildings should the recommended strategy be agreed.

## 2.0 Recommendations

Members are recommended to agree:

- 2.1 A transformed library service to residents as set out at paragraph 4, which contains detailed service proposals for:
- Library Service Objectives
  - Services
  - Stock
  - Buildings
  - Online and digital services
  - Support for children, young people and families
  - Support for learners
  - Support for older people and people who find it difficult to access library services
  - Services for people with disabilities
  - Staff
  - Customer and Community Engagement

- Partners and partnership working
- The cultural offer

2.2 The continuation of the successful shared service approach and the further development of proposals to share functions with partners, including other London boroughs, as described in para 5.6 and Appendix 1.

2.3 That the following libraries be closed:

Barham Park  
Cricklewood  
Kensal Rise  
Neasden  
Preston  
Tokyngton

2.4 That Property and Asset Management undertake a detailed options appraisal on each of the six buildings being vacated by the Library Service with a further report to this Executive by the end of July 2011 and prior to any final decisions being made about possible disposals or changes of use

2.5 The Executive receives a report in one year's time reporting on the progress of implementing the Project.

### **3.0 Description of this report**

3.1 This complex report to members is divided into three parts:

- This report, which sets out the proposal for the future Library offer, the consultation and impact assessment processes and outcomes and the financial, legal and property implications of the recommendations
- Appendices, provided in paper form for members of the Committee, which set out more detailed analysis of the information
- A microsite, to be accessible via the Council's website at <http://www.brent.gov.uk/librariestransformation>, contains the information underpinning the evidence, including, for example, minutes of public meetings and demographic statistics. A list of this documentation, as identified at the time of finalising this report, is at Appendix Seven.

### **4.0 LIBRARIES TRANSFORMATION PROJECT: THE LIBRARY OFFER**

This report proposes a transformed library service, based on the previous successful strategy, available resources, needs assessments and consultation. A clear offer has been developed outlining what residents can expect from their library service.

The Library offer has been developed with input from a wide range of community and professional sources, and has been informed by the three months consultation from November 2010 to March 2011. In turn, this offer contains many elements which address issues raised during that consultation and through the Equalities Impact Assessment, so other parts of this report refer back to this section.

The Library offer will be backed up by an extensive communications and marketing campaign to ensure that it reaches all residents.

The core vision of the service was established in the 2008-10 Strategy and remains unchanged. Progress against this strategy is set out at Appendix Two. The vision set out there is:

**By 2012, Brent Libraries will have:**

- 21<sup>st</sup> century library buildings and services
- Opening hours that meet community needs
- More visits and issues every year
- More issues per head of population than any other London borough
- Services accessible in any language and in any format
- ICT services at the cutting edge of library technology
- Information and advice available 24 hours a day, seven days a week
- The best programme of events and activities in London
- A reputation as the leading public library service in England for equalities and diversity

In considering whether the service delivered by the Library Transformation Project is comprehensive, officers have had regard to a wide range of information about the borough's population, the active borrowers, people who are not library users, participants in consultation, the result of research and needs assessment, opportunities offered by a range of different forms of distribution and access, the differing needs of people with a range of characteristics, and other related factors, all of which are addressed in different parts of the main report and appendices.

In considering whether the service is efficient officers have had regard to detailed information and analyses of the costs of the existing service, the resources available to the Council for delivering library services, the balance between costs of different parts of the service, particularly the proportion available for spend on stock, alternative means of distribution and access and opportunities (some already well established) for savings through joint procurement and alternative provision.

#### **4.1 Services**

- Seven day opening in all libraries, with at least two late evenings
- Additional longer opening hours for students in selected libraries during exam periods
- A comprehensive range of books, E Books, audio and other media for loan or reference
- A service that can, within reason, obtain any title that a customer asks for.
- Free Wireless and Internet access for all library users available in all library spaces; with improved wireless speeds.
- A user friendly and accessible library website.
- Space for study and reading for pleasure
- An exciting calendar of author, poetry and cultural events. Opportunities to join reading groups.

- Short courses to promote recreational learning and skills for life including computer training. Opportunities for families to learn together.
- Advice and guidance on careers and training
- Parent and toddler groups, children's reading promotions, homework clubs, youth clubs, holiday activities
- A structured programme of class and outreach school visits to support the educational attainment of children and young people
- Improved range of children and young people's book stock available in greater numbers to support Children Young People (and their families) in literacy and learning development including revision and study guides.
- An enhanced outreach and home delivery service that brings our services to people who are unable to get to a library. The service also delivers monthly book collections to day centres, community groups and children's centres.
- An online reference library with encyclopaedias, general reference works, newspapers and homework help, available to all library users in the library or from a home pc.
- A comprehensive reference and community information enquiry service delivered by trained staff. Residents will be able to access online resources as well as well-stocked collections of reference books, newspapers and periodicals.
- Access to and training in the use of innovative technology, with an increased number of PCs (equipped with assistive technology)
- Further development of an online service available 24 hours a day, 7 days a week
- Marketing and promotion to enhance the accessibility and use of library services

## 4.2 **Stock**

- Continuous enhancement of the stock available in all our libraries
- We will promote access to our new E Books service and grow the e.book and audio offer to meet new reading trends. We will invest in a diverse range of e.books and audio downloads for customers to borrow. We will also invest in appropriate new media as it emerges.
- Stock will include fiction of all sorts, community languages, collections of cultural interest, ESOL, skills for life, up to date information books, e.books & audio books, large print & talking books. Consultation will take place with schools and colleges to ensure that stock reflects the curriculum.
- The stock policy will be revised using our new evidence based stock system to improve customer satisfaction and ensure that stock meets community need.
- There will be more customer involvement in the purchase of stock, in particular from community groups, valued customer panels and young people, building on the excellent work at Harlesden.
- In response to customer demand stock suggestion schemes will be visible in the libraries and online on our libraries catalogue page.
- We will continue to provide stock in alternative formats, such as large print and audio. Our stock in other languages will reflect the needs of our communities.
- Newspapers and periodicals for customers to browse in the library
- Our reservation process will be streamlined so that customers can get the books and other items they want quickly.

- We will continue our membership of the London Libraries Consortium through which stock purchases result in cooperative group discounts allowing us to purchase greater amounts of stock. Brent residents can borrow books from 14 London boroughs thus ensuring best value for money
- We will ensure via our stock policy that we continue to purchase stock from specialist stock suppliers in order to meet the stock needs of Brent's diverse communities and groups.
- We will provide books on prescription and work in partnership with Brent NHS, Brent Mind, clinics and doctors in order to support the health and well-being of Brent residents.
- Staff will be knowledgeable and confident in recommending book titles and recreational reads.

### 4.3 Buildings

We will work towards developing libraries that are modern and multi functional with a shared service approach. They will boast the following features:

- Safe and neutral places
- Dedicated and well-stocked children's areas to meet increased use, with adequate space for class visits, activities and study
- Separate teenage zones that are modern and attractive
- Improved, flexible study areas and quiet zones to meet increased demand
- Multi-functional community rooms suitable for meetings, courses and performances (available to hire at variable rates)
- Café facilities and a Library shop where appropriate

Six high quality library buildings in accessible locations, all open seven days per week:

**Ealing Road:** currently Brent's second busiest library, Ealing Road was last refurbished in 2003. It is open 7 days per week, has a busy IT suite that is in constant use

**Harlesden:** refurbished in 2010 following a successful Big Lottery application, Harlesden Library Plus provides library, adult education and council information services from one building. The library was designed by a community steering group who continue to play an active role in service delivery.

**Kilburn:** library is known for its thriving under fives Bookstart story rhyme time sessions, active adult reading group and selection of quality fiction, best sellers and author events. It has worked in partnership with local voluntary groups to develop its outdoor garden and it's actively engaged in community partnership projects. It is proposed to source capital funding to improve the library space

**Kingsbury:** relocated in 2008 to a high street location, Kingsbury Library Plus provides library and council information services. Since moving the library, visits and borrowing have increased by over 50%

**Town Hall/ Civic Centre:** popular library for local residents and council staff and is located near Asda supermarket, local schools and Children's Centre. It is well used

for reference and community information enquiries, its IT suite and its selection of best sellers, literary fiction and up to date information books. In 2013 this function will move to the new Civic Centre library nearby. A large state of the art library will be the showpiece of the new building.

**Willesden Green:** Brent's busiest library open 7 days per week is arranged over 2 floors within Willesden Green Library Centre. Its generous study area is well used by students, and its IT suite is very popular. The teen area is busy during after school hours but also well used for study and tutoring by excluded young people and their tutors. The children's library is a favourite space for under fives activities, regular class visits and holiday activities. A number of organisations share the premises including the gallery, Brent Museum and Archive and a council customer contact centre. Close partnership work is undertaken with the gallery and museum to deliver a vibrant cultural and learning programme.

The Council is currently investigating the possibility of redeveloping the Library Centre, to include an improved cultural offer to residents. If this should go ahead, a temporary replacement library service will be provided in the area.

Capital funding for improvements to buildings will be sourced from external grants, public/private financing and Brent Council capital programmes. In line with the One Council programme we will continue to pursue the shared service approach, both with council services, local organisations and neighbouring boroughs.

#### 4.4 Online and Digital services

Brent Libraries will be at the forefront of the revolution to ensure that services can be accessed on a 24/7 basis and are not limited to static library buildings. Library users will be able to access a virtual library from the comfort of their own homes. Virtual services will include being able to:

- Search the catalogue, access library accounts, reserve and renew items online from any computer or smart phone.
- Book a computer
- Receive overdue reminders by email or text
- Use our online reference resources for study and homework
- Access an online enquiry service
- Borrow e-books and audiobooks online (subject to constraints imposed by publishers and distributors)
- Join our email list for a monthly newsletter
- Take part in virtual reading groups
- Access virtual homework help
- We will aim to develop a library app for smart phones that will make our services more accessible, including directions and up to date information about library events, activities, and services.
- Online bookings for events and activities
- Events and talks will be recorded and filmed for YouTube and podcasts.

Access to technology will also include:



- Free access to bookable public Internet and MS Office services
- Access to and training in the use of innovative technology with an increased number of PCs
- Access to colour printing and scanning services
- Safe Internet surfing areas for children
- Free public wifi access with improved speeds and more plug sockets
- Access to assistive technology including hardware and software
- Access to fast, efficient self service technology
- Staff will also be able to easily access the technology to answer enquiries. In response to customer suggestions handheld devices will be purchased to ensure that enquiries are answered with accuracy and speed
- E.Learning packages
- An interactive, inspiring and accessible website

#### **4.5 Support for children, young people and families**

- Safe and neutral spaces
- Improved and increased number of study spaces
- Engage children and young people with a love of reading and resources to support educational attainment. This includes an improved range of children and young people's book stock available in larger quantities to support CYP (and their families) in literacy and learning development. We will improve our provision of revision, text books and study guides. For younger children an improved range of board books, dual language books, picture books, graded readers to support school reading schemes and literacy attainment, titles for fluent readers and graphic novels to encourage reluctant readers.
- The information books will support the National Curriculum covering key stages 1 – 4 and also include up to date and relevant study and revision guides in greater quantities.
- We will involve young people and schools in stock selection.
- Develop collections to support progression by young people into further education and into work and training. We will work in partnership with Connexions to ensure access to advice on training and further education is available.
- Promote and market e.books to support homework and study
- Outreach services to schools and children's centres will include learning support, story-telling, reader development workshops all delivered by trained staff, with an agreed timetable of visits and performance measures showing activity.
- An enhanced outreach offer, including a book loan scheme in partnership with youth centres, youth bus, children's centres and schools to target those groups of children who do not currently use library services.
- Bookstart story and rhyme times will be delivered weekly in all libraries
- Bookstart pack gifting sessions in all libraries on a monthly basis
- Bookstart Bear Club in all libraries which encourages parents / carers to read to their children, borrow books and gain certificates.
- We will work in partnership with Brent Adult and Community Education Services (BACES) and increase the range of exciting family learning courses focusing on literacy, learning and leisure in all our libraries.

- Chatterbooks Reading Groups will be run, after school on a monthly basis, by trained staff in all libraries and will focus on fun reader development activities.
- Teenage reading groups will build on the Summer Reading Challenge programme and be developed as after school clubs focusing on themed group reads, author events and manga and will be run by young people and trained staff together.
- Homework clubs in all libraries will have qualified teaching support and support learning development in children aged 8 – 11. Children will also benefit from reading support delivered by Volunteer Reading Help volunteers (available in some libraries)
- Virtual homework help for those unable to access a library easily.
- In collaboration with BACES we will support parents / carers whose children attend the homework clubs through the provision of learning courses.
- Support club for home schooled children and their parents / carers
- We will support children and young people who are excluded (with their tutors) by providing quiet zone areas for study and additional stock support upon request
- We will support young people during exam periods by opening for longer hours and sourcing other community venues (through partnerships) for additional study space.
- The Summer Reading Challenge will form part of our Outreach library offer to playschemes, disability play schemes, and through partnership working
- User friendly website developed to engage and involve children and young people in reading, study, leisure and information services, including a presence on BeBo or similar social networking sites
- Improved cutting edge teen facilities designed by young people

#### **4.6 Support for learners**

- E-Learning packages
- Open learning zones and learn direct centres in some libraries
- Attractive study spaces offering laptop provision
- Improved wifi facilities
- Access to e.books, improved study texts and learning collection materials
- Informal ESOL classes
- IT workshops and courses
- Partnership work with Brent Adult Community Education Service to ensure libraries are a place to access a range of informal learning and ICT classes
- Partnership working with voluntary groups to support learning

#### **4.7 Support for older people and residents who find it difficult to access library services**

- Our improved home visit service will be fully linked to all libraries so that customers have access to the full catalogue, including alternative media. Staff will bring to catalogue to customers via hand held devices.
- The home visit service will be marketed across the borough, and to organisations working with those people who find accessing services difficult. Strong links will be

fostered with social housing and sheltered housing schemes to create a well used home visit service

- Monthly outreach deposit collections will be delivered to day centres, community groups and children's centres where requested.
- Outreach reading events and activities will be offered to children's centres, care homes and day centres.
- Home Visit customers will also get the opportunity to be part of a valued customer service panel for the service and help drive service improvements as well as be involved in stock selection
- The Outreach Service will also work in partnership with Brent volunteering organisations in order to involve local residents in delivering services, such as the home visit service and to ensure we reach a wide selection of Brent residents.

#### **4.8 Services for people with disabilities**

- All staff will be trained in assistive technologies so that residents with disabilities have full access to library services. This service will be marketed through partnerships with support groups.
- Books in appropriate formats, such as Braille and talking books will be available for loan in all libraries, the home-visits service, the outreach services and online.
- All library buildings will be fully accessible for people with disabilities, with induction loops and adaptive technologies.
- Residents unable to get to a library will be able to make use of our home visit, outreach and online services.

#### **4.9 Staff**

The staffing restructure will result in increased responsibilities, improved skills and a more proactive role for staff. We anticipate improved customer care with staff fully equipped with the tools to deliver modern library services.

- A programme of intensive training will be undertaken so that staff are fully able to give advice on books, deliver excellent customer care, demonstrate expertise in finding information, knowledgeable in ITC and trained in the use of assistive technology.
- Staff will be trained to high standards to deliver quality services to children and young people including under fives sessions, class and school outreach visits and reading groups
- Staff will be able to deliver well planned and engaging learning workshops and reading groups for adults.
- Recruitment will reflect our continuing commitment to ensuring that staff reflect Brent's diversity.
- We will utilise the languages and cultures of staff to ensure that stock reflects the languages spoken in the borough and community need.
- Staff will be involved in stock selection and promotions as well as in recommending reads and marketing the library offer.

#### **4.10 Customer and community engagement**

- All our libraries have Valued Customer Panels that meet regularly so that local people can actively determine the nature of their library services. Anyone can join.
- We will work closely with community groups and forums such as Brent Youth Parliament
- Volunteers will play an important role supporting staff in delivering the service at different levels. There will be volunteering schemes for young people such as Summer Reading Challenge volunteers, who will support children in their reading challenge. We will also recruit volunteers in further and higher education and back to work schemes to gain work experience to access work. Similarly volunteer schemes will be developed to support delivery of home delivery services.
- Libraries will closely consult with the community through regular surveys, attendance at Area Community Forums, Local Partnership Boards and Integrated Partnership Boards
- Improved marketing and publicity commitment with a campaign of exciting promotions using a variety of media..
- Increased presence on social media sites such as facebook, twitter and the library book blog
- We will develop customer involvement in the design and delivery of library services, building on the successful work of the Black Identity Zone (BIZ) steering group at Harlesden.
- Increase subscriptions to the e.bulletin mailing list, as a means to target residents with information about library developments and events

#### **4.11 Partners & partnership working**

We will continue our successful shared services strategy and work with partners to provide a range of services from libraries, including:

- Learning provision through BACES
- Council information through the customer contact centres
- Learning centres through work with Schools, Colleges and adult education
- Support the work of the voluntary sector
- Working with cultural providers including local practitioners

#### **4.12 The cultural offer**

Working towards Brent's cultural vision for 2015 as outlined in the Cultural Strategy and the proposals in the draft Brent Arts and Festivals strategy we will broker and develop partnerships to ensure that cultural opportunities flourish and are showcased in our libraries. This supports our ambition of showcasing excellence in the various art forms whilst all the while using that excellence to stimulate more local work and inspire our budding writers (and audiences) towards that goal.

This includes plans to:

- Offer cultural events to create vibrant spaces; including developing exhibition spaces for artists and writers through partnerships with Brent Artists Resource, Brent Culture, Sport and Learning Forum and the Arts and Festivals teams
- Showcase and exhibiting art through public art schemes
- Marketing cultural opportunities at the Gallery at Willesden Green Library Centre

- Developing writers and readers through writers in residence schemes and support for writers' groups through provision of spaces, events and writing workshops.
- This offer will be extended to improving literacy and engaging children and young people
- Supporting the creative industries through workshops and advice delivered in partnership with business support groups and careers advice organisations
- Build on a calendar of cultural events
- Increase participation in the programmes on offer through proactive and viral marketing

## 5.0 The Libraries Transformation Project: Drivers for Change

5.1 There are several issues and drivers which inform the Libraries Transformation Project; taken together they shape the recommended offer. These are considered in detail at Appendix One, and are summarised as follows:

- *Statutory duties*: the Council has a legal responsibility to provide a comprehensive and efficient library service to facilitate the borrowing of books. It has several other relevant legal responsibilities, including that of setting a balanced budget, and to assess the impact of its service proposals on communities who may be disproportionately disadvantaged.
- *Strategic influences*: the Council's own 2008-2010 Library Strategy recognised the need for change as new investment becomes more difficult while customer expectations grow. The One Council programme closely influences the service. The Project has also considered the broader pattern of provision in London, and the DCMS Future Libraries Programme. Officers have also surveyed the complex changes driven by new technologies and the new possibilities and challenges they create.
- *Needs assessment*: the Project has drawn on national and local research and the strategic thinking embodied in the investigation into Wirral Library proposals, as well as the comprehensive analysis embodied in the Equalities Impact Assessment (para 10 and Appendix Four).
- *Resources*: this report is contextualised by the very difficult financial settlement for the Council both in 2011/12 and future years, and the importance of setting a balanced budget.
- *Performance* The proposals also consider the current performance of the twelve libraries and how this has informed the new Library offer
- *Partnerships and shared services*: the Project has reviewed a range of existing partnerships and consortia as well as ongoing discussions about future joint working.
- *Buildings*: this report reviews the current library premises and in particular usage figures, costs and issues of location and access.

5.2 The drivers for change assess the background policy context, resources and research that have shaped the proposals. In addition, as spelt out through this report, there has been significant debate and analysis of the particular effects of the new shape to Library service and intense public interest in the proposal to close six libraries. In formulating the recommendations, officers have had close regard to:

- The consultation undertaken for three months to March 2011, which is the subject of paragraph 8 and Appendix Three.
- The Equalities Impact Assessment at paragraph 9 and Appendix Four, which explicitly addresses many of the issues raised in this consultation
- The opportunities presented for alternative uses of the six buildings proposed for closure, particularly for the provision of community-run libraries, discussed at paragraph 12 and Appendix Six.

## 6.0 Legal Implications

6.1 There are two specific legal matters which members need to be apprised of when making the decision regarding the future of the libraries service. These are in addition to general public law principles relating to decision making.

6.2 The first of those specific legal requirements is the council's duty in relation to libraries. This is set out in the Public Libraries and Museums Act 1964 section 7 which provides;

*'It shall be the duty of every library authority to provide a comprehensive and efficient library service for all persons desiring to make use thereof'*

*The duty arises in relation to persons who are resident, work in or are in fulltime education in the borough. In fulfilling its duty the Council shall in particular have regard to the desirability of*

- i) *securing that facilities are available for borrowing books, records, films etc sufficient in number, range and quality to meet the needs of all, and the special requirements of adults and children*
- ii) *encourage adults and children to make full use of the service and provide advice*

6.3 A Local Inquiry into the Public Library Service Provided by Wirral MBC undertaken by the Secretary of State dated September 2009 concluded that in deciding how to provide a 'comprehensive and efficient library service' the council must assess and take into account local needs. The Secretary of State set out the matters to be considered when undertaking that assessment, including the needs of various adults and of children and the need for a strategic plan. Although the 'Wirral report' does not have force of law, it indicates the circumstances in which the Secretary of State may intervene under his/her default powers set out in section 10 of the Act.

6.4 Members must have regard to the assessment of need incorporated in Appendix One in deciding whether they are satisfied that the proposals will provide a "comprehensive and efficient" library service for the persons referred to above.

6.5 The second specific duty is in relation to the Equality Act 2010.

*'Meeting the general equality duty requires 'a deliberate approach and a conscious state of mind'. R (Brown) v Secretary of State for Work & Pensions [2008] EWHC 3158 (Admin).*

Members must know and understand the legal duties in relation to the public sector equality duty and consciously apply the law to the facts when considering and reaching decisions where equality issues arise.

- 6.6 The Equality Act 2010 introduces a new public sector equality duty which came into force on 6<sup>th</sup> April 2011. The duty placed upon the council is similar to that provided in earlier discrimination legislation but those persons in relation to whom the duty applies have been extended.
- 6.7 The new public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.
- 6.8 A 'protected characteristic' is defined in the Act as:
- age;
  - disability;
  - gender reassignment;
  - pregnancy and maternity;
  - race;(including ethnic or national origins, colour or nationality)
  - religion or belief;
  - sex;
  - sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

- 6.9 Having due regard to the need to 'advance equality of opportunity' between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and encourage those who have a protected characteristic to participate in public life.

The steps involved in meeting the needs of disabled persons include steps to take account of the persons' disabilities.

Having due regard to 'fostering good relations' involves having due regard to the need to tackle prejudice and promote understanding.

- 6.10 Complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.
- 6.11 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of

Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty. The advice set out to members in this report is consistent with the previous Codes and published guidance.

- 6.12 The equality duty arises where the Council is deciding how to exercise its duty under the Public Libraries and Museums Act 1964 to provide a comprehensive and efficient library service - since the provision of library services is a council function.
- 6.13 The council's duty under Section 149 of the Act is to have 'due regard' to the matters set out in relation to equalities when considering and making decisions on the provision of library services. Accordingly due regard to the need to eliminate discrimination, advance equality, and foster good relations must form an integral part of the decision making process. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision.
- 6.14 There is no prescribed manner in which the equality duty must be exercised. However, the council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and interest groups, and by gathering details and statistics on who uses the library service and how the service is used. The potential equality impact of the proposed changes to the library service has been assessed, and that assessment is found at Appendix Four and a summary of the position is set out in paragraph 9 of this report. A careful consideration of this assessment is one of the key ways in which members can show "due regard" to the relevant matters.
- 6.15 Although the information on equalities issues relating to libraries was gathered before the new duty came into force, officers anticipated the change in the legislation and accordingly the information is sufficient to enable compliance with the new duty.
- 6.16 Where it is apparent from the analysis of the information that the policy would have an adverse effect on equality then adjustments should be made to avoid that effect (mitigation). The steps proposed to be taken are set out in paragraph 9 of the report and in more detail at appendix Four.
- 6.17 Members should be aware that the duty is not to achieve the objectives or take the steps set out in s.149. Rather, the duty on public authorities is to bring these important objectives relating to discrimination into consideration when carrying out its public functions (which includes the functions relating to libraries). "Due regard" means the regard that is appropriate in all the particular circumstances in which the authority is carrying out its functions. There must be a proper regard for the goals set out in s.149. At the same time, Members must also pay regard to any countervailing factors, which it is proper and reasonable for them to consider. Budgetary pressures, economics and practical factors will often be important, which are brought together in Appendix One. The weight of these countervailing factors in the decision making process is a matter for members in the first instance

## **7.0 Financial Implications**



- 7.1 The Director of Finance comments that the transformed library service, as described in section 4, would result in gross savings of approximately £1m per annum. However, after taking into account the additional costs of improving the library service, the net savings would equate to approximately £800k per year. This will be the case from 2012/13, when the full year savings will be realised. In 2011/12, there will be a part year effect as the changes are due to be introduced in September 2011.
- 7.2 The savings of £800k are based on the comparison of the costs of running the twelve existing libraries and the reduced costs resulting from the planned closure of the six libraries in the 2011/12 financial year. The majority of the savings arise from a reduction in the staffing and buildings costs. The other savings are a result of having reduced support service costs such as insurance, photocopying charges and IT network charges.
- 7.3 The revenue savings are net of additional costs of £182k per annum, which are required for improvements to the library service. These costs are as follows, £50k per annum required for improved IT, £66k per annum for improvements in self-service and £65k per annum for Sunday opening in retained libraries that do not currently open on Sundays.
- 7.4 The full analysis of the gross savings and offsetting costs are shown in the table below:

Assuming a closure date of 1/9/2011 these are as follows:

	2011/1 2	2012/1 3	2013/1 4	2014/1 5	2015/1 6
	£'000	£'000	£'000	£'000	£'000
Staff savings	-394.0	-758.4	-758.4	-758.4	-758.4
Property savings	-133.3	-177.7	-177.7	-177.7	-177.7
Other savings	-46.0	-61.3	-61.3	-61.3	-61.3
<b>Gross savings</b>	<b>-573.3</b>	<b>-997.4</b>	<b>-997.4</b>	<b>-997.4</b>	<b>-997.4</b>
Radio Frequency Identification Technology	66.0	66.0	66.0	66.0	66.0
Web improvements	50.0	50.0	50.0	50.0	50.0
Seven-day opening	49.1	65.5	65.5	65.5	65.5
<b>Net savings</b>	<b>-408.1</b>	<b>-815.9</b>	<b>-815.9</b>	<b>-815.9</b>	<b>-815.9</b>

- 7.5 However, the net savings are based on the six libraries closing in Sept 2011 and any delay will lead to a reduction in the level of overall savings that will be delivered in the 2011/12 financial year. The impact of each month's delay will result in approximately £68k worth of savings which will be foregone per month.
- 7.6 It should also be noted that if the changes to the staff working hours are not agreed in time for Sept 2011, then this will result in part year costs of £34k, which will be offset against the savings of £408k in 2011/12, resulting in a reduced saving of £374k. In a full year, the costs equate to £67k and would need to be offset against the full year savings of £816k, resulting in a net saving of £749k.

- 7.7 It should be noted that the proposals are at a formative stage in that no decision on the Library Transformation Project has been taken by the Council. The Council set its budget at the meeting of full council on 28<sup>th</sup> February 2011. It is required by law to set its budget by 11th March 2011. The budget is a forecast of finances for the Council for the year 2011/12, and as such it identifies potential areas of spend and saving, as well as matters already decided. A savings figure was provided in the Environment and Neighbourhood Services budget relating to the libraries transformation proposal.
- 7.8 In the event that the Council decides not to proceed with the libraries proposal, the shortfall in savings will need to be offset by finding compensating savings in the Environment and Neighbourhood Services Department, resulting from any delay in closing the six libraries by Sept 2011 as described in paragraph 7.5. Similarly, the shortfall in savings by an inability to agree the changes in staffing hours as described in paragraph 7.6 will need to be offset by compensating savings by the Environment and Neighbourhood Services Department.
- 7.9 Appendix One reviews alternative methods of delivering the service and making these savings, and concludes that the recommendations and service as set out in paragraph 4 are the preferable alternative.

## **8.0 Consultation**

- 8.1 The Council undertook an extensive consultation on the proposals contained within the November 2010 Libraries Transformation report. A detailed report on the process, challenges and outcomes is at Appendix Three.
- 8.2 The three-month consultation period ran until March 4 2011. It was undertaken through:
- a questionnaire available on line and on paper
  - a series of public meetings attended by members and officers
  - an open day
  - attendance by members and officers at Area Consultative Forums
  - attendance by members and officers at service user forums
  - email correspondence including responding to a wide range of detailed enquiries
  - meetings with groups and individuals as requested, attended by members and officers
- 8.3 In addition a number of petitions have been submitted to the Executive meeting of 11 April 2011 for consideration.
- 8.4 The consultation also benefitted from extensive media coverage, ranging from weekly coverage in the local newspapers to reports in the national and overseas press. It seems unlikely that any resident with the slightest interest in libraries or local affairs will be unaware of the discussion around aspects of the Libraries Transformation Project.

8.5 It is therefore all the more important to recall that consultation does not constitute a referendum. There are serious challenges within the consultation feedback as to how representative it is of library users, of non-users, or the borough's population as a whole. Members should be aware of these shortcomings as they consider the weight they give to the outcomes of the three-month consultation alongside the other drivers for change, including the needs assessment, the available resources and the equalities impact assessment.

8.6 In particular:

- Only 23% of the Borough's population used a Brent library in the last year (borrowed at least one item during the year and/or accessed ICT services) which is in itself an important challenge for the new library offer. By contrast 87% of respondents to the questionnaire use a library regularly (at least once a month). It proved extremely difficult to engage with non-users and analyse their reasons for not using the libraries, which highlighted the importance of improved marketing of the services available
- respondents focused almost exclusively on the proposals to close six libraries. Thus Kensal Rise (34%) and Preston (24%) users account for 58% of all questionnaire responses, and 83% of all responses named one of the six. However, all six libraries taken together represent less than 25% of total library visits in 2009/10 (without adjusting usage to account for the temporary closure of Harlesden library)
- some elements of the questionnaire responses are contradictory. For instance, 61% of respondents disagreed with the broad proposal that libraries become community hubs with revised service delivery and funding principles, but 79% of respondents suggest that libraries could also be used as community meeting places and 44% that other public services could share library buildings.
- The population of respondents is significantly different from that of the population of active borrowers, and from that of the Borough as a whole, particularly in relation to ethnicity. 60% of respondents identified as white (45% white British), compared to 32% of active borrowers.
- where it was possible to have a more detailed conversation, for example at the Open Day, or analysing the Red Quadrant research undertaken in October 2010, there are differing opinions about the ambitions for the service, for example concerning the balance between PC availability, quiet space, stock and children's services

8.7 The main issues raised in the consultation, while mindful of these complexities, can be summarised as;

- *The stock is not good enough:* people argue for more classic fiction, more children's books, a greater proportion of non-fiction and reference, a higher percentage of the budget being spend on the stock, better staff training and better customer engagement
- *Online services and access to PCs:* there is significant demand for PC access, particularly to support study, alongside quiet space. Online services are less used and people are less familiar with the services available, but usage, for example for renewals and reservations, is growing rapidly.
- *we love our local library* encompasses responses around the community-centre role of libraries, access and transport, the way the budget is

structured, the way the book stock is managed and the arguments that the Council is Wembley-centric. The high usage of Willesden Green by non-local residents, however, shows that people do travel to a larger, better-equipped library

- *the consultation itself is flawed*: despite numerous enquiries and some marginal adjustments, officers are satisfied that the financial and user analyses are correct. The consultation, as described, has been extensive, with intense media interest. Some different proposals for structuring the services were made and are discussed in Appendix One as well as the general consultation report at Appendix Three.
- *Perceived impact on specific groups such as children, older people and people with disabilities* for example through cost and availability of public transport (These issues are addressed through the EIA at paragraph 9 and Appendix Four.)
- *Community hubs and diverse services*: as noted there are internally contradictory messages on this point, but the consultation broadly seems to reinforce the perceived value of joint access to services.
- *The need for marketing and raising the profile of library services*: although very little response came from non-users of the libraries, it is clear from the small sample that people do not know what services are available. It will be fundamental to the next steps of Transformation Project to create a clear marketing and communications plan for the library offer.

8.8 The views expressed during the consultation have been carefully considered and taken into account as appropriate in (a) the assessment of need in Appendix One; and (b) the recommendation to deliver a comprehensive and efficient service within the Libraries Transformation Project. The issues raised, together with many more detailed comments, have informed the new Library offer, and will help to shape the specific provision of services in the six library buildings and online.

## **9.0 Diversity and Equalities Implications**

9.1 The Libraries Transformation Project has been closely examined for its impact on communities across the borough. The full EIA and its supporting Annexes are at Appendix Four. Detailed demographic information was used to inform the analyses in this report, and is available on the microsite.

9.2 The EIA draws from a wide range of sources, including:

- the boroughs demographic information (recognising that it is now 10 years since the census), including studies of indices of deprivation
- usage data within libraries
- related surveys and research over the last two years
- the consultation, and in particular the issues raised that might affect specific communities
- other surveys and strategies, for example the Council's work to reduce transport related accidents which has successfully reduced injuries through targeted work with young people from BME communities.

9.3 A wide range of potential adverse impacts were identified for analysis and possible mitigation as a result of the assessment. The management of the information and

presentation of the analysis was made more complex by the clear overlap of impacts between different communities, even if the mitigation might be different. In undertaking the analysis, four impacts were particularly identified as potentially affecting several equalities strands. The first three annexes to the EIA look at the analysis of impact by equality strand, then look at the analysis of issues raised and then addresses proposed mitigation of those potential impacts. The four shared issues are:

- accessibility and affordability
- impact on educational standards
- impact on social cohesion
- impact on lifelong learning and associated employment figures.

- 9.4 Detailed mitigation has been considered for these potential adverse impacts. These are shown in detail in Annexe 4.3, and it is also important to note that these are reflected in the new Library offer, set out at paragraph 4 above. That offer has been expressly designed to address these points.
- 9.5 The EIA shows that the identified adverse impacts are mitigated by proposed actions, in particular through targeted activities, specific outreach services and stock management. The financial constraints on the Council do not permit even further mitigation, although the reinvestment within the Transformation Project has ensured a wide range of measures. Introducing further bus services is outside the Council's powers.
- 9.6 The EIA shows that there is a restricted number of library users, particularly in the Cricklewood area (where the PTAL rankings are the poorest), who will experience the worst impact in relation to access to libraries either because they cannot use public transport, cannot walk to nearby public transport or alternative libraries, or cannot afford transport. Across all equality strands where a potential adverse affect due to issues of access and affordability has been identified, a range of mitigation measures have been established including outreach services, online and digital services, home delivery and home visits, books by mail and monthly outreach deposit collections to specific centres. These mitigations, which are considered sufficient to address the impact, will be particularly tailored to those areas and communities most affected.
- 9.7 Officers have carefully considered the potential adverse impacts which may remain after all the mitigating measures are taken into account, and how these should be evaluated given the other drivers for change within the Library Transformation Project. In this context, the EIA has considered:
- numbers of users
  - known information about transport and access difficulties particular relating to age, ethnicity, gender and disability
  - the access of relevant sections of the community to free or subsidised transport
  - the other mitigations for difficulties of access and affordability
  - the costs of maintaining the current service and the potential impact on delivery of the broader Transformation project
  - the costs and difficulty of introducing public transport improvements
  - the acute financial challenge facing the authority

- 9.8 Officers therefore consider that the potential adverse impact on a small group of residents which is not completely mitigated by other steps is justified by the benefits of the Transformation Project and the tight financial restrictions on the Council.

## **10.0 Staffing Implications**

10.1 There are four areas of impact on staff within the Libraries Service:

- the reduction in numbers consequent on delivering the service from fewer buildings
- changes in contract terms and enhancements
- training and development to deliver the new library offer
- Reduction in HQ costs

### **10.2 *Reduction in numbers***

If the Executive decides to implement the Library Transformation project, reducing the number of buildings by six, approximately 25.5 full time equivalent posts will be lost, representing 45 to 55 staff. (It is impossible to be precise about these numbers as staff work a different number of hours and the precise number of people will depend on the pattern of hours.)

This change was the subject of a 30 day consultation with affected staff, closing on 2 March. Management have reviewed the responses to that consultation and produced a detailed report circulated to staff in mid-March. Staff raised many detailed questions of clarification and personal issues. Two particular issues were:

- the start of the assessment and selection process prior to the decision, and
- the operation of the ring fence for certain roles

In both these cases management reviewed their position, but have not changed their approach. It is important to note that, although assessment of staff has been completed, no notices will be issued until the decision is finalised. The selection process is preparation for implementation, but no implementation (ie redundancy notices) can happen until after the decision.

### **10.3 *Changes in contracts and enhancement***

The Libraries Transformation Project envisages seven day opening across the six libraries. This is dependent on rationalising the current arrangements. At the moment, there is a mixture of terms and conditions across the service, which is unfair and unwieldy. Management has therefore issued a consultation document to address these issues.

### **10.4 *Training and Development for the new library offer***

The Library offer, as set out in para 4 above envisages increased responsibilities, and works towards improved customer care with staff fully equipped with the tools to deliver modern library services. As the project moves from consultation, through decision to implementation, the service will develop a programme of intensive training.

## 10.5 *Reduction in HQ costs*

Libraries headquarters staffing costs have reduced substantially in 2010/11 as part of the Council's Staffing and Structure Review. Three posts were deleted, one manager and two administrative posts. This reduced the budget by £144,000, over and above the staffing savings proposed in the Libraries Transformation Project.

## 11.0 **Implementation and Timetable**

- 11.1 The detailed implementation of these recommendations, particularly the recommendation to close six libraries, is a complex issue. It is, at the time of writing, impossible to determine an exact timetable for closure of library buildings as the decision making process itself contains several weeks' potential uncertainty. (Members may call-in this issue for scrutiny, and that committee may refer the matter back to the Executive, which would then consider the matter at its meeting of 23 May.)
- 11.2 In order to prepare for this large task, some preliminary work has been undertaken, most significantly the assessment of staff. How many staff the service needs will, as identified above, depend on the decision the Executive makes. If the decision is to close one or more libraries, there will be staff who are made redundant, though the significant pool of people who have volunteered for redundancy, reduces the number of compulsory redundancies. However, no actual implementation work has begun, or will begin until the decision is confirmed.
- 11.3 Different officers are also on different notice periods, reflecting their length of service. This factor, taken together with other organisational matters, means that a provisional timetable cannot be established. It is anticipated that it will take up to three months to close all the six library buildings identified in this report, although some will close sooner.
- 11.4 If the Executive decides to proceed with the recommendations, six buildings will no longer be required by the Environment & Neighbourhoods Department to deliver the Libraries service as described in the new Library offer. These have been subject to intense debate during the consultation, and a number of proposals made for their use. These have been considered in detail, which is covered in paragraph 11 and Appendix Six. In summary, none of these propositions represent a viable future use for the buildings within the context of the new offer and the requirement for no ongoing cost to the Council.
- 11.5 The buildings will therefore enter the Council's normal procedures for consideration of surplus property. This is outlined in paragraph 13 below, including a brief examination of the key legal and financial constraints on the specific buildings.

## 12.0 **Alternative proposals**

- 12.1 As set out in this report, the Libraries Transformation Project will deliver a service that is comprehensive and efficient, and fulfils the Council's duties. This judgement is based on a detailed assessment of need and analysis of the impact of the changes proposed, including closing 6 library buildings. Any organisations, groups or individuals who delivered a private or community library, whether or not they used buildings currently or previously used by the Council as libraries, would be doing so in

addition to the Council's provision and not as a contribution to the Council's fulfilment of its statutory duties.

- 12.2 The November 2010 report specifically stated that the Council was not closing its doors to proposals from the community to deliver libraries on alternative models. That report said that during the consultation process, the Council would undertake:

*The development of a clear approach to voluntary organisations who wish to present a robust business case for running library services in vacant buildings (subject to agreement of building owners and at no cost to the Council)*

Members were clear, in public consultation meetings and through correspondence, that they would consider proposals from the community, but that they needed to meet the Council's concerns around enabling a balanced budget, and not represent either ongoing costs or risks to the Council.

- 12.3 Cllr Powney, as Lead Member, and officers met with a number of groups and organisations, and provided a significant amount of detailed information about local libraries, including analyses of central costs (eg for ICT, insurance etc). It was agreed, and widely circulated, that the cut-off date for proposals was the same as the closing date of the consultation, namely 4 March 2011.

- 12.4 Overall nine proposals were received from the groups listed below. (These are available on the microsite.)

- Barham Library Friends
- Cricklewood Homeless Concern
- Kensal Rise Library Friends
- Library Systems & Services UK Ltd (LSSI)
- Mark Twain Literary Centre
- Save Preston Library Campaign
- Mr Yogesh Taylor
- User groups at libraries threatened with closure
- Mr Nishaan Vithlani

- 12.5 Appendix Six sets out the detailed approach to this process, and the appraisal given to each proposal. Before receiving these submissions, officers reviewed the complex financial, legal and risk issues surrounding this emerging process. Officers then prepared a detailed guidance note for appraising proposals, which is at Annexe 1 to the Appendix. In particular, it must be noted that this does not constitute a formal procurement exercise.

- 12.6 It was clear in appraising these proposals, as the reports in Annexe Two to the Appendix spell out, that none of them represent viable business cases. All of them rely on ongoing subsidy from the Council, none of them relieve the Council from all risk relating to buildings and assets, some of them would require formal procurement processes and very few of them come from groups who can show relevant expertise or longevity. Officers therefore do not recommend further engagement with any of these proposals.



- 12.7 Paragraph 13 sets out the position with regard to the six library buildings proposed for closure. It recommends that, within legal and financial constraints, these are subject to the normal commercial operations of the Council. Clearly, as these properties are considered for future use or disposal, any commercial proposition that meets the Council's financial objectives and is presented through the proper mechanisms (eg procurement or auction) will be considered.

### 13.0 Property Implications

- 13.1 The Council's property strategy is currently being reviewed. The strategy has always considered alternative uses to council buildings when the existing service no longer has a use. In the case of some of the libraries below alternative council uses will be considered but this is against the backdrop of budget reductions.

**Barham Park Library, Harrow Road** - An 1860s single storey property which is part of the mainly 2 storey Barham Park Building complex. The library is accessed through a shared entrance with a children's centre which was provided about 2 years ago. The property is owned by the Barham Park Trust of which the Council is trustee.

**Cricklewood Library, Olive Road**, - A 2 storey library constructed around 1900 located in a residential area. The property is constructed on land gifted by All Souls College and is subject to a statutory reverter provision the effect of which is that the Council is deemed to hold the site on a statutory trust for the benefit of All Souls.

**Kensal Rise Library** A 2 storey library constructed around 1900 located in a mixed commercial and residential area. The property is constructed on land gifted by All Souls College and subject to a statutory reverter provision the effect of which is that the Council is deemed to hold the site on a statutory trust for the benefit of All Souls

**Neasden Library, 277 Neasden Lane** - A 3 storey premises leased until 2022; the Council will need to mitigate its financial obligations through sub-letting. Interest has been expressed by a third party in taking a sub lease of the first floor. Property advice is that the building would be reasonably attractive to the market as it is in good condition.

**Preston Library, Carlton Avenue East** - A 1970s single story brick built library under a flat roof located on a site of 962 sqm. The site is considered suitable for a residential development of houses or flats.

The property might also be suitable for conversion to a children's nursery or as a religious building. There would be planning concerns that would need to address potential traffic generation from these type of users or alternatively sold for residential development.

**Tokington Library, Monks Park**, - A 1970s single story brick built library under a flat roof located on a site of 786 sqm although part of this provides an access to the adjacent newly constructed Monks Park Clinic. Part of the site is classified as public open space and on which has been constructed a parks store which is now disused. The site is suitable for a small scale residential infill development of 2-3 houses or a

small flatted development. It is recommended that this property is sold at auction or offered to RSLs.

## **Background Papers**

Brent Library Strategy 2008-12  
Library Service Plan 2010-12  
DCMS *Modernisation Review of Public Libraries* March 201  
MLA *What People want from Libraries* December 2010  
Red Quadrant research in Brent Library Offer October 2010  
DCMS Inquiry into Wirral Libraries 2010  
Council's Online Survey 2007  
Sheila Peace *Accessibility, Local Services and Older People survey*  
PLUS surveys  
Alternative proposals from groups and organisations (as listed in para 11)  
Also see documentation listed in Appendix Seven and available on the Council's dedicated microsite

SUE HARPER  
Director of Environment and Neighbourhood Services

## **Contact Officers**


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## **Appendices**

Appendix 1:	The Project: Drivers for Change Statutory responsibilities Strategic influences Needs Assessment Resources Performance Partnerships Buildings
Annexe 1.1	Partnerships with the Library Service
Appendix 2:	Progress against the Library Strategy 2008-10
Appendix 3:	Consultation
Annexe 3.1	The Consultation proposal
Annexe 3.2	The Consultation Plan
Annexe 3.3	The questionnaire
Appendix 4:	Equalities Impact Assessment (the Council's INRA form)
Annexe 4.1	Equality Strand Analysis
Annexe 4.2	Issues Analysis
Annexe 4.3	Shared Issues and Proposed Mitigation

Annexe 4.4	Over 60 map
Annexe 4.5	Under 19's map
Annexe 4.6	IMD map
Annexe 4.7	Disability Map
Annexe 4.8	Transport Links
Annexe 4.9	PTAL gauge
Annexe 4.10	Neighbouring Borough map
Appendix 5:	Financial and property background information
Appendix 6:	Appraisal of alternative proposals
Appendix 7:	Documentation available on line

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	<p style="text-align: center;"><b>Executive</b> <b>11 April 2011</b></p> <p style="text-align: center;"><b>Report from the</b> <b>Director of Environment &amp;</b> <b>Neighbourhood Services</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p style="text-align: center;"><b>Authority to invite tenders for an Arboricultural Services</b></p>	

## **1.0 Summary**

- 1.1 This Report seeks authority to invite tenders for an Arboricultural Services Framework Agreement to commence on 1<sup>st</sup> April 2012 as required by Contract Standing Orders 88 and 89.

## **2.0 Recommendations**

- 2.1 That the Executive gives approval to the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 4.1 of this Report.
- 2.2 That the Executive gives approval to officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in paragraph 2.1 above.

## **3.0 Detail**

- 3.1 There are currently three separate arrangements for maintaining the Council's tree stock.
- 3.2 The three separate arrangements respectively cover:
- Highways Trees
  - Trees in Brent Parks
  - Trees on land managed by Brent Housing Partnership (BHP)

3.3 Current maintenance services and indicative budgets are set out here:

Highways Trees

The service is currently provided through an external contract with Gristwood & Toms, with an annual contract value in 2011-12 of over £500k. The contract commenced on 1 April 2004 for a period of 5 years with the possibility of it being extended for a further 3 year period. The contract has been extended and is due to expire on 31 March 2012.

Trees in Brent Parks

Some routine maintenance is carried out by directly employed Parks Service staff, with other work allocated to Gristwood & Toms using tendered rates for the Highways Arboricultural Services Contract. The estimated value of arboricultural services carried out by Gristwood and Toms in relation to trees in Brent parks is in the region of £50k per annum in 2011-12.

Trees on land managed by BHP

Tree maintenance is carried out through an external contract that BHP has with City Suburban Tree Surgeons Ltd., with an estimated annual value of £100k approximately.

- 3.4 At this point in time, BHP is considering a two year extension of the current arrangements with City Suburban. However, BHP has indicated that in future it may wish to access services that the Council arranges.
- 3.5 In addition to BHP indicating that it may wish to access services that the Council arranges, there have also been outline discussions with the London Borough of Harrow regarding the possibility of it accessing Brent's arrangements for arboricultural services. Officers consider that the possibility of other organisations accessing Brent's arrangements may have a positive impact on any procurement as contractors may be willing to put in more competitive bids given the prospect of winning larger contracts. In the circumstances Officers consider that establishing a single provider framework agreement from which it and other organisations can call-off contracts is the most appropriate way forward.
- 3.6 It is clear that even with a relatively short contract term, the value of a new framework and call-off contract for arboricultural services is above the threshold for High Value contracts and thus the procurement will need to be tendered in accordance with the Council's relevant Standing Orders and Financial Regulations.

- 3.7 It should also be noted that from time to time, external funding may be available (e.g. from TfL, section 106 planning gain, or the Mayor of London) for additional tree planting, and this would increase the annual value of arboricultural services still further.

#### The Process - Important Additional Information

- 3.8 As part of the preparatory process for new contractual arrangements, officers in Environment & Neighbourhood Services have conducted interviews with a number of major suppliers in the arboricultural market to gauge views on certain issues that will form part of the pre-tender considerations.

- 3.9 A total of 5 major suppliers were interviewed and their detailed responses to a series of pre-determined common questions are shown at Appendix A to this report. These are summarised as follows.

A. Preferred contract length

Responses ranged from 4/5 to 12 years with suitable breaks. Any link with investment in vehicles and plant pointed towards multiples of 5 years.

B. Packaging of work

All interviewees were happy with packaging highways based works with parks based works.

C. Recommended maintenance regime for Brent

Despite some unfamiliarity with Brent for some of the parties, fixed maintenance cycles plus some ad-hoc works were a favoured approach, and considered likely to represent good value for money.

D. Other successful contracts held

The most successful contracts were thought to contain a strong proactive approach (which should result in less demand for costly emergency or ad-hoc works), with some support for a zonal-based approach.

E. Responsiveness to changing budgets

All interviewees recognised that local authority finances were under severe pressure and accepted that during the life of a contract, savings and efficiencies would be sought. Whilst there would be an impact on the company, forward planning and sufficient notice of changes would minimise the adverse impact. The importance of establishing a good relationship with the client was fully recognised.

F. Attitude towards making annual efficiency savings

This was accepted as a common requirement in the current economic climate.

G. Impact on Brent not having depot provision

None of the interviewees felt that Brent not being able to offer or provide depot facilities would hamper their interest, or their opportunity to bid, and would either secure local facilities or service the Brent contract from their other existing operational bases.

H. Other comments

There were various comments offered and these are shown at Appendix A.

- 3.10 Based on market testing together with Officer's own knowledge of the arboricultural services market and the needs of the Council, Officers would recommend the establishment of a framework agreement and call-off contract in accordance with the pre-tender consideration set out in paragraph 4.1 below.

#### 4.0 Pre Tender Considerations

- 4.1 In accordance with Contract Standing Orders 89 and 90, pre-tender considerations have been set out below for the approval of the Executive.

Ref.	Requirement	Response
(i)	The nature of the service.	A single provider framework agreement for the maintenance of tree stock, to include tree removal and new tree planting.
(ii)	The estimated value of services purchased by Brent	Up to £ 650,000 (per annum) over a potential six year call-off contract period (including extensions).  Estimated total value over this period up to £3,900,000.
(iii)	The contract term	A framework agreement of four year duration from 1 <sup>st</sup> April 2012, but allowing call-off contracts for a four year term with an option to extend term of the call-off contract for a further two years.
(iv)	The tender procedure to be	A two stage tender process in accordance



	adopted.	with the Council's Standing Orders.
(v)	The procurement timetable	<p>Adverts placed - April 2011.</p> <p>Expressions of interest returned – 23 May 2011.</p> <p>Shortlist drawn up in accordance with the Council's approved criteria – by 9 June 2011.</p> <p>Invitation to tender – 16 June 2011.</p> <p>Deadline for tender submissions -11 August 2011.</p> <p>Panel evaluation and shortlist for interviews (if necessary) – by 16 September 2011.</p> <p>Interviews and contract decision – by 14 October 2011.</p> <p>Report recommending contract award circulated internally for comment - October 2011.</p> <p>Executive approval - December 2011.</p> <p>Framework agreement and call-off contract start date - 1<sup>st</sup> April 2012.</p>
(vi)	The evaluation criteria and process	<p>The shortlist will be drawn up in accordance with the Council's Contract Management and Procurement Guidelines namely the prequalification questionnaire and thereby meeting the Council's financial standing requirements, health, safety and environmental standards and technical expertise. The panel will evaluate the tenders to establish the Most Economic Advantageous Offer based upon the following criteria:</p> <ul style="list-style-type: none"> <li>❖ the appropriateness and effectiveness of the Tenderer's proposed systems and working methods as set out in its method statements and tender submission generally</li> <li>❖ demonstrated ability to provide the services required for this Contract</li> <li>❖ proposed systems and working methods</li> <li>❖ approach to customer care, client care and equalities</li> <li>❖ approach to environmental issues</li> <li>❖ quality of service proposals</li> </ul>

		❖ price
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed framework agreement and call-off contract, although if the contractor performs poorly this could cause delays and possible costs to the Council. These risks will be reduced by employing a carefully managed and full procurement process, as set out in this Report.
(viii)	The Council's Best Value duties	The Council has a duty under Best Value to secure cost-effective and efficient services that meet the needs of the Borough's customers.
(ix)	Any staffing implications, including TUPE and pensions.	See section 8 of this Report.
(x)	The relevant financial, legal and other considerations.	See sections 5, 6 and 7 of this Report.

## 5.0 Financial Implications

- 5.1 The Council currently spends around £650,000 per annum through the three existing separate maintenance arrangements. Whilst it is anticipated that available funding will be lower over the next five years or so, this tendering exercise seeks to accommodate opportunities for additional external funding, as has been obtained in recent years through TfL and the GLA Mayor's Trees for Cities Initiative.
- 5.2 The Director of Finance comments that the link between reduced maintenance and the increase in insurance claims should be clarified, i.e. what is the minimum work/cost per annum that will be required if the insurance claims are to remain at the current level. Work will be undertaken prior to issuing the invitation to tender to try to establish this.
- 5.3 The notice period that will be required by the contractor to change the level of work required should be specified, without the Authority incurring any penalty.

## 6.0 Legal Implications

- 6.1 The estimated value of the framework agreement over its lifetime is in excess of £500,000 and therefore the procurement and award of the framework agreement is subject to the Council's Contract Standing Orders and Financial Regulations in respect of High Value Contracts.

- 6.2 As the framework is for the provision of arboricultural services, it falls within Part B of Schedule 3 of the Public Contracts Regulations 2006 (“EU Procurement Regulations”) and is not therefore subject to the full application of the EU Procurement Regulations. The EU Procurement Regulations are of residual application only (the need to issue a contract award notice, etc.) and do not determine the procurement process to be followed. However, the overriding principles of EU law (equality of treatment, fairness and transparency in the award process) continue to apply and should be upheld at all times in relation to the procurement and award of the framework agreement. Despite the fact that the EU Procurement Regulations do not determine the procurement process to be followed, officers have decided to follow a full restricted procurement process.
- 6.3 Under the Council’s Standing Orders, as the framework agreement is classed as a “High Value Contract”, approval of the Executive is required for authority to tender. Approval of the Executive is also required by Contracts Standing Orders for the award of such framework agreement and any call-off contract under it once the tendering process is undertaken, Officers will report back to the Executive explaining the process undertaken in tendering the framework agreement and recommending award.

## **7.0 Diversity Implications**

- 7.1 Officers have screened the proposals set out in this Report and consider that there are no significant diversity implications.

## **8.0 Staffing/Accommodation Implications (if appropriate)**

- 8.1 The majority of arboricultural services provided to the Council are provided by Gristwood and Toms. If an alternate provider is chosen this may require staff to transfer pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 from the current contractor to a successor contractor.
- 8.2 Whilst some routine maintenance of trees in Brent parks is carried out by directly employed Parks staff, Officers do not consider the award of a framework agreement and call-off contract would have any direct implications for Brent staff.
- 8.3 A subsequent report to the Executive seeking authority to award the framework agreement and call-off contract will advise further on potential staffing or accommodation implications in the future.

## **Background Papers**

None

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### **Sue Harper**

**Director of Environment and Neighbourhood Services**

Re-tendering of the Arboricultural Services Contract – Summary of discussions with potential suppliers
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QUESTION:	RESPONSE FROM CONTRACTOR A	RESPONSE FROM CONTRACTOR B	RESPONSE FROM CONTRACTOR C	RESPONSE FROM CONTRACTOR D	RESPONSE FROM CONTRACTOR E
<b>What is your preferred contract length, and why?</b>	Minimum 5 years up to 10 years with suitable breaks. This will allow for familiarisation with the Borough's tree stock and a 'get out' if the contract is not working satisfactorily for either party.	Generally, the longer the better to allow familiarisation with the Borough's tree stock and investment in depot space, vehicles and plant, as well as employees.  Possible contract lengths – 7+3; 7+2.	Generally, the longer the better to allow familiarisation with the Borough's tree stock and investment in depot space, vehicles and plant, as well as employees.  Possible contract lengths – minimum 5 years.	Minimum of 5 years, given the investment in vehicles and plant, and the continuous change in the economic climate.	
<b>In your view, is it reasonable to package street tree work with parks based work, and why?</b>	Yes. The functions are broadly similar and many other clients do package these works together.	Yes. It allows a more flexible approach and more flexible use of resources, as well as allowing for access issues and bust times on the local road network.	Yes. It produces economies of scale. Parks work is generally easier due to less-impeded access to trees, and highways work can be delayed for this reason.	Yes. This is perfectly reasonable, but may preclude competition from smaller providers.	

QUESTION:	RESPONSE FROM CONTRACTOR A	RESPONSE FROM CONTRACTOR B	RESPONSE FROM CONTRACTOR C	RESPONSE FROM CONTRACTOR D	RESPONSE FROM CONTRACTOR E
<b>From what (if any) knowledge you have of Brent, what would you see as our ideal maintenance regime – fixed maintenance cycles, wholly reactive, or something else?</b>	Fixed Maintenance Cycles, but with some allowance for ad-hoc works.	Fixed maintenance cycles. The company considers this the best use of public money and should attract more competitive prices from contractors, but recognises that there will always be an element of ad-hoc works.	Fixed Maintenance Cycles, but with some allowance for ad-hoc works	The company would need to know more about the Borough's tree stock to form a definite view, but in all probability there would need to be a balance between Fixed Maintenance Cycles and ad-hoc works.	
<b>From your other business, what maintenance regime do you consider to be particularly successful, and why?</b>	Depends on the tree stock, but working across the Borough is generally better (i.e. zonal based maintenance), assessing what works are necessary as and when visits are scheduled.	Current contracts in Lambeth and Camden are considered successful and based on a 'super prune' approach, with a 'check list' approach to maintaining trees.	They feel they are able to adapt to various different regimes and do not have a particular preference.  The maintenance cycle would not affect the cost.	There are always lots of variables, and the company would need to know more about Brent's tree stock and out strategy on tree management.  The company would not recommend a wholly reactive regime.	

QUESTION:	RESPONSE FROM CONTRACTOR A	RESPONSE FROM CONTRACTOR B	RESPONSE FROM CONTRACTOR C	RESPONSE FROM CONTRACTOR D	RESPONSE FROM CONTRACTOR E
<b>In the context of local authority finances, year-on-year budgets are subject to significant change. What problems might this present to you, and how would you work collaboratively with Brent to accommodate these changes?</b>	Any problems would arise from what level of resources were being deployed, and thus it would be helpful to have some prior notice of proposed changes and thus allow proper planning on the part of the contractor.	The company would look to establish a good relationship with Brent, and establish a common understanding of where savings and efficiencies could be made.	The market they work within is very competitive, and they recognise the need to work closely with clients to retain business and grow.	Again, the company would need a better understanding of what Brent's ambitions were with regards to maintaining the tree stock.  The company's staff are well-remunerated and thus do a good job without cutting corners.	
<b>Would you be comfortable with a requirement to make annual cost savings efficiencies?</b>	The company experience this elsewhere, and are always looking at more efficient or new ways of working. Annual reviews are common and role-swapping with client officers has proven to be useful.	The company is experiencing this challenge more and more with existing clients, and have taken on some work traditionally viewed as the client's role.	As a company, they are always looking at this and accept it is a part of business development and survival.	The company is not uncomfortable with this, but the service needs to be properly priced and thought through.	

QUESTION:	RESPONSE FROM CONTRACTOR A	RESPONSE FROM CONTRACTOR B	RESPONSE FROM CONTRACTOR C	RESPONSE FROM CONTRACTOR D	RESPONSE FROM CONTRACTOR E
<b>Brent will be unable to provide an operational base or depot. Would this affect your ability to bid?</b>	No.  They would look for around 10,000 sq. ft. of concreted yard locally to Brent.	No.  The company could service the Brent contract from their existing bases close to the Borough.	No.  They would look for a depot local to Brent.	No.  They would be able to operate a contract in Brent from nearby existing company bases.	
<b>Other comments</b>	The company take all woodchip to Slough Heat & Power.  Prefer a schedule of rates approach to pricing, based mainly on height of the tree, and not too many different bands at this becomes over-complicated.  Prefer to communicate with client by mobile phone or email.	Prefer a specification based on performance standards.  Promote the use of aerial inspections of the tree stock.	None specifically.	The company were interested in how our evaluation may be carried out – specifically the balance between price and quality, as they recognised that they may not be able to compete solely on price, but could guarantee high quality work.	



	<p style="text-align: center;"><b>Executive</b> 11 April 2011</p> <p style="text-align: center;"><b>Report from the Director of Environment and Neighbourhood Services</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p><b>Statement of Gambling Licensing Principles</b></p>	

## 1.0 Summary

- 1.1 The Gambling Act 2005 requires Licensing Authorities to publish a Statement of Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough, which Brent did in January 2007.
- 1.2 These Statements of Principles are required to be reviewed, revised and published to reflect changes in legislation, the Gambling Commission's Guidance to Licensing Authorities, and on the experience of administration and enforcement by authorities.
- 1.3 Full Council will need to approve the final Statement of Principles after consideration by this Committee. It is anticipated that the Policy will be put to Full Council in July 2011.

## 2.0 Recommendations

- 2.1 It is recommended that the Executive approve for publishing the Council's revised Statement of Gambling Licensing Principles and submit the statement to Full Council for final approval.

## 3.0 Detail

- 3.1 The Gambling Act 2005, which received Royal Assent in April of that year, did not actually come into force until September 2007, at which point Brent as a Licensing Authority took on extended responsibility for the licensing and

regulation of premises where gambling is carried on e.g. betting offices, adult/family amusement centres, bingo halls, tracks, travelling fairs.

3.2 To facilitate this function the Council was required to publish a statement of principles by which it would apply to regulate gambling premises, and this Brent did in January 2007. The published statement must have regard to and be consistent with the three objectives laid down in the Act which in short are:

- Preventing gambling from being a source of crime and disorder;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from harm or exploitation.

In addition when preparing the statement licensing authorities are required to adhere to regulations and have regard to the Gambling Commission's Guidance (note: authorities departing from the guidance should have strong and defensible reasons for failing to take account, clearly expressed and explained, to avoid judicial review).

3.3 It is important to note that whilst the statement establishes the principles and criteria which the Council will apply in exercising its regulatory functions for this activity it cannot, however, consider matters relating to:

- Moral objections to gambling. Gambling is a lawful activity and objections cannot be considered on these grounds **alone**;
- Planning status of premises. A gambling licence application must be considered independently of any requirement for planning consent; and
- Demand. The fact that there may already be sufficient gambling premises within an area to meet existing demand **cannot of itself** be considered when considering a new licence application."

3.4 The statement must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act. It has been pointed out by the DCMS (Dept. for Culture, Media and Sport) that these statements are meant to be high level statements of the principles to be applied by authorities when carrying out their functions, and not for them to enter into process detail.

3.5 Brent's statement of principles (attached as appendix A) was developed, prepared and consulted upon with due regard to the requirements of the regulations, and guidance from both Local Government Regulation (formerly LACORS) and the Gambling Commission, which achieves a degree of consistency across licensing areas and authorities and supports consistent regulation so that the industry know what the requirements of authorities are.

3.6 Consultation on the revised statement was wide and included the statutory consultees, those required by legislation, associations and authorities, the industry and all members.

3.7 The revised statement sent out for consultation and comment prior to final drafting and submission to the Executive Committee was not a new document but the original statement amended to bring it up to date with references, facts etc., and with revised sections in the following four notable areas:

1. Enforcement – the need to expand on the requirement to state what the authority’s policy is in respect of an inspection program that is risk based, proportionate and with appropriate criteria for enforcement.
2. Splitting premises – this relates to the practice that some operators have been pursuing to try and establish two licensed premises (and thus additional gaming machines) within a single building/area by means of artificial or temporary separation.
3. “Ready for gambling” - emphasis is being placed on the preferred option of applicants for premises licences to be directed along the alternative route of applying for “provisional statements” at the early stage when premises are not ready for occupation and gambling activity, and may not even be in the applicant’s ownership; the decision making and setting of conditions at such a stage for a premises licence may be inappropriate when all is not known!
4. Temporary Use Notices (TUN) - this is a relatively new permission and it is important that licensing authority statements’ are clear about the possible misuse of the TUN provision by applicants who may try and achieve regular gambling in places that should only be limited, if at all, to no more than 21 days in any 12 month period.

There have been no responses to the consultation process on the revised statement of principles.

## **4.0 Financial Implications**

- 4.1 The costs of undertaking the statement of principles process are contained within the existing service budget.

## **5.0 Legal Implications**

5.1 The Council is required under section 349 of the Gambling Act 2005 to prepare and publish a statement of the principles that they propose to apply in exercising their functions and to review its statement “from time to time” and to revise it if it thinks that this is necessary in light of the review and publish any revision.

5.2 In accordance with section 349 of the Act and the 2006 Licensing Authority Policy Statement Regulations the Council must publish the revised statement for at least four weeks prior to it coming into effect and advertise the fact that the revised statement is to be published.

## **6.0 Diversity Implications**

6.1 Section 4.3 of the Statement of Licensing Principles deals with diversity matters and reflects the Council’s position and expectations.

6.2 From the implementation of the existing Council Statement of Licensing Principles (January 2007) equalities monitoring has been undertaken, which has not highlighted any adverse impact towards the various community groups or resulted in any complaints based on equalities issues.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 There are none specific to this report.

### **Background Papers**

The Gambling Act 2005

London Borough of Brent – Statement of Gambling Licensing Principles

Gambling Commission – Guidance to Licensing Authorities (3<sup>rd</sup> edition May 2009)

LACORS – Statement of Principles Guidance, Template and notes

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Director of Environment & Neighbourhood Services

	<p style="text-align: center;"><b>Executive</b> <b>11 April 2011</b></p> <p style="text-align: center;"><b>Report from the Director of Regeneration and Major Projects</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p><b>Authority to allocate primary capital programme funding and approve the award of a construction contract for the rebuild of Islamia Primary School</b></p>	

APPENDIX 1 IS NOT FOR PUBLICATION  
APPENDIX 3 IS NOT FOR PUBLICATION

## 1.0 Summary

- 1.1 This report requests Executive approval to support the award of a contract for construction works at Islamia Primary School, which is currently costed to the value of £6,581,839. The contract is to be between Islamia Primary School/Trustees and the proposed contractor, Morgan Sindall, a contractor from the IESE (Improvement and Efficiency South East) Buildings Work-stream Construction Framework.
- 1.2 The total project cost, including consultancy costs, is estimated by the school's Cost Consultant at £8,855,672 (gross) of which £2,932,000 net (VAT reclaimable by LA) is proposed to be supported from a contribution of Brent Council's Primary Capital Programme (PCP) grant funding, subject to formal approval by the Executive. Other funding streams include Targeted Capital Fund (TCF), Local Authority Co-ordinated Voluntary Aided Programme (LCVAP) and a Governors' contribution as detailed in the table at paragraph 3.8.
- 1.3 The support of the Islamia Primary School build project by Brent Council is accompanied by a number of risks, which are outlined in paragraphs 3.19 to 3.25, with a suggested means of mitigating these eventualities in paragraph 3.25. A Risks Schedule provided by the School's Project Manager for the project is attached at Appendix 3.

## 2.0 Recommendations

The Executive is recommended:

- 2.1 To agree to the award of a contract by the Islamia School governing body to Morgan Sindall, with a maximum contract value of £6,581,839 for the construction works at Islamia Primary School, in order to provide a new-build 2FE primary school on the existing site. This approval is conditional upon:

- (a) the contract not being awarded until full planning permission having been granted for the scheme under Part 3 of the Town and Country Planning Act 1990; and
  - (b) formal agreement from Partnership for Schools to an extension of time for the Council to spend its proposed contribution to the scheme as set out in paragraph 2.3 below after August 2011.
- 2.2 To note the previous award of a contract between the school and Morgan Sindall for the pre-construction services in the sum of £17,000.
- 2.3 Approve the allocation of £2,932,000 to the scheme from the Council's Primary Capital Programme grant funding allocation, conditional upon the Islamia School governing body complying with the requirement referred to in paragraph 2.1 not to award the works contract until the two pre-conditions (a) and (b) in paragraph 2.1 have been satisfied, and entering into the funding agreement described in paragraph 2.5 below.
- 2.4 To note the risks attached to the allocation of funding to this scheme.
- 2.5 To agree that all Brent Council funding is subject to a funding agreement between the Council and the Governing Body of Islamia Primary School setting out:
- (i) The respective contributions of the two parties;
  - (ii) In the event of any project overspend or shortfall in funding (including due to the clawback of grants by the Department for Education), the governing body will assume full liability for obtaining further funding to complete the works without further recourse to Brent Council;
  - (iii) The works contract shall not be awarded by the governing body until the two pre-conditions described in paragraph 2.1 above have been satisfied;
  - (iv) Appropriate provisions to apply in the event that an application for judicial review is made;
  - (v) The Council funding contributions may only be spent on legitimate education facilities, as defined in government guidance, and not on ancillary facilities that form part of the project;
  - (vi) The spend of PCP monies is profiled against RIBA stages of Work, or against an alternate agreed timeline dependent upon what formal confirmation that Partnership for Schools (PfS) are able to give about when PCP monies need to be spent by;
  - (vii) The Council is not responsible for any shortfall in funding of the project, whether due to inability of the Council to hand over all of the PCP money according to the timeline because of PfS requirements as to when PCP money needs to be spent by, or otherwise. (For the avoidance of doubt, delays to the project such that the Council is not in a position to hand over all of the PCP money according to the timeline will mean that the governing body is liable to meet any resulting shortfall);

- (viii) Full and proper governance arrangements, approved by Brent Council, are established for the project to ensure it is delivered to time and budget and providing for a senior Brent Council officer representation on the project board;
- (ix) The Council reserves the right to review its financial support for the project if the resolution of any Judicial Review regarding the grant of planning permission for this scheme is not completed by an agreed date, or if in the Council's opinion, delays in commencing the project render Targeted Capital Funding at a high risk of clawback .

2.6 To delegate authority to the Director of Regeneration and Major Projects to agree a different award of contract to that outlined in paragraph 2.1 in the event that the finalisation of contract sum by the contractor described in paragraph 2.1 above is not satisfactory.

### 3.0 Detail

The proposed scheme and its contribution for meeting school places in the borough is as follows:

#### Proposed Scheme

In September 2006 Islamia was a 1FE Primary School with capacity for 210 pupils. The nearby Avenue School closed in January 2007 with all children on the school roll at that date transferring to the Islamia School. Pupil numbers at Islamia School between 2006 and 2011 are given below:

School Census date	Islamia Pupil No's	Notes
January 2006	196	
January 2007	348	138 pupils transferred from The Avenue School
January 2008	345	
January 2009	338	
January 2010	345	
January 2011	390	'bulge' Reception Class accepted

3.1 In October 2006, Brent Council Executive approved the statutory proposal for the expansion of Islamia Primary School from 1.0 form of entry (FE) to 2FE from Year R to Year 6. This was not accompanied by any physical expansion of the school at the main school site. Effectively, this means that the school is operating as a 2FE in all but Year 3 class, which is currently 1FE; the school has accommodated the additional year classes by a combination of making use of specialist rooms at the main school site and by renting additional space at Winkworth Hall from Brent

Council. The school currently has 390 children across two buildings: the main school site with a capacity for only 210 children and 2 floors at the top of Winkworth Hall which was in 2006 a temporary arrangement. Upon completion of the project the new build Islamia School will have capacity for 420 pupils. From September 2010, to help provide more urgently-needed school places and, at Brent's request, Islamia accepted an additional Reception 'bulge' class, taking its intake to 390. This 'bulge' class was achieved by an additional Reception class being temporarily accommodated in the school's IT suite. At the Council's request and in order to alleviate the pressure on school places Islamia Primary School have recently amended their admission arrangements. For applications for September 2011 intake Islamia have agreed to give priority to Muslim children who live within their catchment area. The catchment area are streets within Brent which are south of the North Circular Road.

The proposed new-build will accommodate the newly created 'bulge' class, enabling it to progress through the school and provide the extra classrooms required for a 2FE school. It will also improve the quality of accommodation through additional SEN specialist provision and innovative landscaped play provision and outdoor learning spaces, a children's gym and the school will be DDA compliant. The Design Team suggests a completion date of May 2012.

- 3.2 As noted in paragraph 3.1, currently, the school operates on 2 sites; the main site and an annexe site at Winkworth Hall. The current accommodation does not provide a suitable learning environment for 390 children. There is a lack of classroom and play space. Some classrooms are of insufficient size for groups of 30 children. There is no play area on the annexe site and the playground on the main site is not large enough for all 390 children. Playtimes need to be staggered and much time is lost due to movement back and forth between the sites. There are also health and safety concerns from crossing busy roads on a daily basis. Staff need to be deployed in escorting children which reduces teaching and learning time. Toilet facilities on the main site are inadequate and the location is unsuitable as they are in the centre of the main building and are the only toilet facilities for children. Due to lack of space, lunch needs to be eaten in classrooms and children spend approximately 90% of the school day in their classroom. There is no ICT room as this has been converted into a reception classroom when the bulge class was established. The annexe is not disability compliant which impacts on the provision for special educational needs. On this basis, it is suggested by the Director of Children and Families that there is a strong educational case to progress the scheme. The scheme will address these serious concerns.

The scheme will involve demolition of outbuildings and will also incorporate new-build works to provide additional capacity at Islamia Primary School to enable the school to accommodate a permanent expansion by 0.5 FE [currently 390 children over two sites from Year R to Year 6] to a 2FE [420 children] Primary School. Brent has sought assurances and evidence of proposed areas of spend from the Design Team that PCP monies and Governors' 10% contribution will fund the delivery of education spaces, as defined by Building Bulletin 99 and not the prayer hall, which is, nevertheless, an essential part of the new-build proposal.

- 3.3 It is anticipated that the building works will enable an enhanced level of the delivery of the curriculum, through the provision of the above mentioned additional



classrooms and facilities which are essentials in helping to raise educational standards for its pupils and staff. Raising standards and the provision of new accommodation and remodelling of existing accommodation at Islamia Primary School will be supported in a number of ways, some of which are listed below:

- Provision of a safe and secure environment
- Expansion of innovative outdoor play area and landscaped areas, which, within the tight site area is not an easy achievement
- Expansion of the school will assist in providing more school places for Brent pupils.
- Create a healthy environment - naturally ventilated, good sized classrooms with easy access to outside space, with shelter, for pupils
- scope for much improved interaction between the reception, Year 1 and Year 2 classes to create an integrated Key Stage One unit
- Provision of natural lighting where possible, good orientation of classrooms
- Environmentally friendly and efficient - the aim is to achieve BREEAM excellence rating
- Provision of minimal loss of 'down-time' i.e travel to core facilities, toilets and containing the school on one site (not currently the case)
- Allow a variety of learning experiences - individual, group, class, year group, quiet spaces internal and external
- Classrooms to support easy access to ICT provision
- Provision of easy access to sports facilities

- 3.4 Subject to necessary approvals being in place, the expansion of Islamia Primary School to a purpose-built 2FE is to be achieved by May 2012 by building a new school on the existing site, to be sited on the area that housed the school's outdated kitchen and dining facilities, car-parking spaces and tarmac playground.

#### **Contribution of the scheme in delivering school places**

- 3.5 A report to Executive in August 2010 stated that the Council delivered 120 additional temporary Reception places and 15 permanent Reception places by September 2010 to alleviate the significant shortfall in Reception classes. As noted in paragraph 3.1 Islamia Primary School contributed to that temporary class intake by accommodating 30 Reception places.
- 3.6 The proposed expansion scheme will result in the school accommodating, on a permanent basis, 2FE from Reception to Year 6 pupils.
- 3.7 Islamia Primary School is very popular Muslim school and, by physically expanding to 2FE will offer parents in Brent diversity in school choices and will assist the Council in meeting its statutory duty in providing school places for its children. Islamia Primary School is a voluntary aided maintained school; it owns its own land and is governed by its Governing Body.

#### **Proposed Funding**

- 3.8 The project cost is estimated by the school's Cost Consultant at £8,856,408 (gross) of which £2,932,000 net (VAT reclaimable by LA) is proposed to be supported from Brent Council's Primary Capital Programme (PCP) grant. The remaining funding streams include Targeted Capital Fund (TCF), Local Authority Co-ordinated

Voluntary Aided Programme (LCVAP) and a Governors' contribution as detailed in the table below:

<b>Proposed Funding Source</b>	<b>Available Amount £ (gross)</b>
Targeted Capital Fund (TCF)	£3,960,000
Primary Capital Programme (PCP)	£2,932,000
LCVAP	£340,000
LA VAT (reclaimable)	£326,000
Governors' 10% contribution (mandatory)	£755,800
Governors' additional contribution (voluntary)	£524, 608
	<b><u>£8,856,408</u></b>

This reflects additional project costs of £599,258 over and above the original scheme value as submitted to PfS. A majority of these costs are to be met from an additional Governors' contribution of £524,608. The school is yet to confirm in writing that this contribution has been secured and will be made available to the project.

3.9 The table below summarises the scheme costs.

<b>Scheme Costs</b>	<b>Amount £ (gross)</b>
Construction Cost Estimate (Building contract not to exceed)	6,582,319
Demolitions/Service Diversions	86,080
Fees: Surveys, Statutory fees, Professional Fees	1,262,872 (tbc)
Furniture and Equipment (Loose F&E, ICT)	565,500
VAT	360,137
<b>Estimated Total Project Cost</b>	<b><u>8,856,408</u></b>

Appendix 1 sets out the current projected cashflow for the scheme. This takes into account a number of restrictions on the available funding streams, further details of which are provided below. The works contract for the development of the school will not exceed £6,582,319 subject to assessment of tendered sub-contractors packages that are to be considered, incorporated and recommended in a tender report prepared by its Design Team Project Leader, Turner & Townsend at the end of March 2011.

#### Target Capital Funding

- 3.10 In May 2009 the (then) DCSF approved a transfer of Target Capital Funding (TCF) of £3.960m to Islamia Primary School which was previously allocated to the former The Avenue School to support the governing body's proposal to build a new-build school on the existing site.
- 3.11 Originally the DFE required that all TCF resources must be spent by March 2011. More recently however DFE have decided in December 2010 that the timeline for expenditure of TCF resources can be extended to March 2012.

- 3.12 Whilst the spend timeline of TCF is now extended to March 2012, PfS has asked the school to confirm that the school will spend at least £1.2m of its TCF monies in by the end of March 2011.
- 3.13 The cash flow at Appendix 1 indicates a TCF spend of the full allocation of £3,960,000 by March 2012 of which £1.124m will be spent by the end of 2010/11. This means that the requirement to spend £1.2m of TCF funding by March 2011 as referred to in paragraph 3.12 will not quite be met. (There will be a shortfall of £0.076m). Turner & Townsend is yet to advise whether any monetary penalties will be placed on the school by PfS as a result of this.

#### PCP Funding

- 3.14 The scheme includes £2,932,000 of PCP monies. Under the provisions of the PCP grant allocation for 2009-10 to the Council, all PCP monies have to be expended by the end of August 2011. Any unspent allocation at this point would have had to be repaid to the funding body. The cash flow forecast at Appendix 1 indicates that expenditure of the total PCP monies will only be achieved by the end of March 2012. Therefore, until and unless PfS formally agree to an extension of PCP spend, the project has to be considered as unviable.
- 3.15 Turner & Townsend, Programme Managers for the scheme had previously suggested that, in order to avoid the repayment to PfS of PCP monies, additional TCF claims geared for submission in January through to March 2011 be replaced by PCP claims. As can be seen in Appendix 1, this would utilise expenditure of PCP instead of TCF funding from March to August 2011. However, PfS would need to approve the amendment to the timeline of spend on TCF and would need assurances from the school that no TCF monies would be lost as a result.
- 3.16 On this basis, the Executive is requested to approve an allocation of the PCP funding only if a formal extension of the deadline for expenditure can be secured from PfS, such that clawback arrangements would not be implemented. It should be noted that the Council's current capital programme does not include an allocation to Islamia school. If members agree to the recommendations contained within this report, the capital programme will be adjusted accordingly. The impact of this will be to switch funding allocated to other school expansion schemes to other budget heads.
- 3.17 It is likely that full expenditure of PCP monies could be achieved by May 2012.
- 3.18 If for whatever reason, the Islamia project was not to proceed, the Council would seek permission from PfS to allocate the £2.932m PCP grant to supplement its primary expansion programme, which is seeking to deliver 120 primary school pupil places by September 2011, principally funded by Basic Needs Safety Valve resources.

#### **Risks in proceeding with the Project**

- 3.19 On the assumption that the Executive agree to the use of Council PCP funding in a way that will secure delivery of this project, there are still a number of risks, as summarised in Appendix 2.

3.20 Firstly, the project does not yet have full planning permission. A resolution to grant planning permission was made by the Planning Committee on 15 December 2010, subject to the completion of a Section 106 Agreement. The benefits under the agreement will include:

- A Community Access Plan, enabling wider community use of school facilities
- Financial contribution towards Highways works to mitigate impact of development and street tree planting
- A requirement that BREEAM 'Excellent Construction Assessment and Certificate is obtained
- The approval and implementation of a School Travel Plan
- A requirement that 20% of the site's carbon emissions are offset through on-site renewable energy generation

The section 106 agreement remains unsigned, but all substantive issues are resolved.

3.21 Secondly and, more critically, there is a significant judicial review risk in respect of procedural issues associated with the planning application process itself. A Pre-action Notice has been received on behalf of a group of local residents, dated 11 March 2011. In the light of this and, on the basis of counsel advice, the resolution to grant planning permission made at the Planning Committee on 15<sup>th</sup> December 2010 will not be enacted. Rather the application will be re-considered by planning committee in April or May 2011.

3.22 This process will inevitably delay the start on site date for the project, such that expenditure of PCP monies within the expenditure deadline of August 2011 will manifestly not be achieved. To mitigate this risk formal agreement will be sought with PfS to an extension to the funding expenditure deadline, ideally to May 2012.

3.23 As with all capital projects of this scale there is a general risk of project overspend. In the case of this particular project, the Council is not the project owner or the project manager, but rather a funding partner. The Council therefore needs to re-assure itself that full and proper project management arrangements are in place to minimise the risk of project delays and/or overspends and needs to protect itself from any financial liability as a consequence of such delays.

3.24 In order to mitigate these risks it is therefore proposed that the Council enter into a funding agreement with the governing body of Islamia School, to include the following conditions before release of any grant funding:

- (i) The respective contributions of the two parties;
- (ii) In the event of any project overspend or shortfall in funding (including due to the clawback of grants by the Department for Education), the governing body will assume full liability for obtaining further funding to complete the works without further recourse to Brent Council;
- (iii) The works contract shall not be awarded by the governing body until the two pre-conditions described in paragraph 2.1 above have been satisfied;

- (iv) Appropriate provisions to apply in the event that an application for judicial review is made;
- (v) The Council funding contributions may only be spent on legitimate education facilities, as defined in government guidance and not on ancillary facilities that form part of the project;
- (vi) The spend of PCP monies is profiled against RIBA stages of Work, or against an alternate agreed timeline dependent upon what formal confirmation that Partnership for Schools (PfS) are able to give about when PCP monies need to be spent by;
- (vii) The Council is not responsible for any shortfall in funding of the project, whether due to inability of the Council to hand over all of the PCP money according to the timeline because of PfS requirements as to when PCP money needs to be spent by, or otherwise. (For the avoidance of doubt, delays to the project such that the Council is not in a position to hand over all of the PCP money according to the timeline will mean that the governing body is liable to meet any resulting shortfall);
- (viii) Full and proper governance arrangements, approved by Brent Council, are established for the project to ensure it is delivered to time and budget and providing for a senior Brent Council officer representation on the project board.
- (ix) The Council reserves the right to review its financial support for the project if the resolution of any Judicial Review regarding the grant of planning permission for this scheme is not completed by an agreed date, or if in the Council's opinion, delays in commencing the project render Targeted Capital Funding at a high risk of clawback .

3.25 In addition to these headline risks, the school's project management team maintain a detailed project risk register, incorporating Finance and Design issues. This is attached at Appendix 3.

### **Award of main works contract**

3.26 Islamia Primary School's advisory team recommended that a contractor be appointed from an existing Framework Agreement that has already been tendered in accordance with the European Union procurement rules. The IESE Buildings Work-stream Framework for Major Projects (led by Hampshire County Council) is one such Agreement. Officers from the Regeneration and Major Projects department are satisfied that the school have carried out a robust, lawful and thorough procurement process with the assistance of IESE officers.

### **The IESE Procurement and its Benefits**

3.27 In essence, the IESE Framework Agreement was established following an EU-compliant process and any call-off is on the basis of most the economically advantageous tender. The IESE Framework is one to which a number of

contractors have been appointed after testing on minimum standards of economic standing and technical capacity. The framework is structured to provide for traditional procurement using a two-stage design and build contract (ie pre-construction services and then the main build contract). The added value of this IESE procurement route is that it allows for open book accounting with the main and sub-contractors, enabling the Council and appointed consultants to audit the cost management process during the pre-construction and construction phases. Under the IESE Framework rules, it is necessary to run a mini-competition process among the participating contractors to appoint a contractor for the pre-construction phase, and there is no contractual obligation to proceed to contract award until the contract proposals are offered at the end of the construction phase, although that is usually what happens.

3.28 Islamia Trustees therefore decided to proceed with using the IESE Framework.

The process required to be followed by the IESE Framework

3.29 Under the rules of the IESE Framework, the IESE team at Hampshire County Council run an Expression of Interest process to identify relevant contractors on behalf of the participating Authorities, in this case Brent Local Authority, in relation to the required construction works at Islamia Primary School.

3.30 Following an evaluation of the Expressions of Interest, the appointment of a preferred contractor using the IESE Procurement Framework is based on structuring the Mini-Competition Tender Documents around the specific stakeholder and project requirements. It enables the contractor to fully understand these requirements and prepare an initial Draft Execution Plan (DEP) identifying risk and issues within the project. The evaluation criteria scores the DEP in addition to their cost and ability submissions. The transparency of this approach allows the stakeholders and Design Team to fully assess the contractors' competence and suitability to deliver this complex project.

The Expression of Interest process

3.31 All ten IESE Framework Agreement contractors were invited to express their interest against outline project information including their preferred type of work, their relevant experience, capacity and their geographical presence. Seven contractors on the framework chose to express interest and were evaluated.

3.32 The evaluation carried out by Islamia Primary School's advisory team with guidance from IESE is based on the contractors' overall performance (KPIs on finance, quality, programme and satisfaction – information is managed and supplied by IESE managers, that information is provided direct by IESE and sourced from previous Framework projects), capacity and relevance to undertake the project.

3.33 The top four contractors following the Expressions of Interest stage were:

- Kier
- Morgan Sindall
- Willmott Dixon
- Volker Fitzpatrick

### Tender process

- 3.34 Following the evaluation of Expressions of Interest, invitations to tender were issued on 14 October 2010 to the four contractors who scored highest and able to enter the mini-competition. The mini-competition was held to enable the selection of a contractor to deliver the pre construction contract.
- 3.35 A full breakdown of the criteria and requirements was issued to the four contractors.
- 3.36 The written tender submissions were evaluated by Islamia Primary School's advisory team; the contractors were awarded marks based on the agreed evaluation matrix, detailed in a tender report, which is to be shared with Brent Council, but précised below.
- 3.37 Interviews were carried out on 18 November 2010 with the top two contractors in accordance jointly evaluated by the Design Team, Project Manager and Islamia Primary School. The primary purpose of the interview was to seek clarification on the understanding of the scheme and the school's requirements based on an agreed schedule of questions applicable to both contractors. The interview confirmed Morgan Sindall's ability to deliver the project within the budget and programme constraints.
- Morgan Sindall 76.2%
  - Willmott Dixon 72.8%
  - Kier 71.5%
  - Volker Fitzpatrick 66.0%
- 3.38 Following completion of the IESE evaluation process, the evaluators recommended that the contract for Pre-Construction Services be awarded to Morgan Sindall who were also appointed as preferred bidder for the main contract. During the Pre-construction Services contract detailed cost information was worked up by Morgan Sindall and issued on 4 February 2011; however, the Design Team have advised that clarification of related documentation will be required before the contract sum is actually agreed, a period which will take until the end of March 2011. Turner & Townsend will duly issue a copy to Brent of the Tender Report incorporating the Q.S's- Appleyards DWB's evaluation of the commercial offer from Morgan Sindall.
- 3.39 Subject to Executive approval to support the appointment of Morgan Sindall as the main contractor it is anticipated that start on site commences on 3 May 2011 (to be confirmed by T&T), subject to closure of a Judicial Review, with delivery of the completed project by May 2012. Morgan Sindall will work with the Design and Client Team from Works Stage RIBA Stage F. In the event that Morgan Sindall are not appointed then the Executive are asked to delegate approval to award to another contractor who tendered as part of the IESE process, likely to be Willmott Dixon as second placed. However this will create further delay as they will then need to work up detailed cost information before award of the full works contract.
- 3.40 By the appointment of Morgan Sindall through the IESE Framework the project benefits from their early input into achieving BREEAM credits at the design stage,

reducing financial pressures during the construction phase to reach the BREEAM requirement.

- 3.41 The form of build contract will be JCT D&B 2005. The indicative works contract sum is expected to be no higher than £6,581,839.

#### **4.0 Financial Implications**

- 4.1 It is proposed that a financial contribution from PCP monies be allocated to the Islamia Primary School new-build and expansion scheme up to a total of £2,932,000 plus VAT (reclaimable by LA) of total project costs of £8,856,408 (gross). The Council must ensure that all funding streams are in place, as outlined in the table in paragraph 3.8 and the Council must be satisfied that mitigating measures for associated risks are also in place as noted in paragraph 3.24.
- 4.2 Currently the requirement from PfS is for all PCP expenditure to be achieved by August 2011. It is currently expected that the PCP element is fully spent by March 2012, as per the current cash flow forecast. However, it is noted that the delay in the delivery of the project to date added to whatever time lost may accrue as a result of the Judicial Review, is detrimental to the spend profile. Therefore formal agreement will be sought with PfS for an extension of the expenditure deadline until May 2012. Financial risks are summarised in Appendix 2 and also at Appendix 3.
- 4.3 TCF grant allocated directly to the school is expected to be fully spent by March 2012, in line with the extension of time granted by DFE.
- 4.4 There is a risk that by allocating PCP monies to this scheme the required call on Council Main Programme funding to meet the costs of other ongoing expansion schemes will weaken the Council's ability to finance the delivery of further prioritised expansion schemes to provide a further additional 4FE by 2014.
- 4.5 The report notes that utilising the IESE Framework Agreement facilitates bringing on board a contractor at an early stage of the procurement process.
- 4.6 The Council's Contract Standing Orders state that works contracts exceeding £1,000,000 (High Value Contracts) shall be referred to the Executive for approval. Accordingly, as the indicative contract sum exceeds £1,000,000 and is to not exceed £6,581,839 and is an additional cost to the pre-construction stage management works cost of £17,000 the totals of which is to be funded by TCF monies, PCP monies and Governors' contribution and funding streams noted in para. 3.9, the Executive is hereby being requested to support the award of a construction contract to Morgan Sindall, thus enabling works to start, subject to full Planning Approval, in May 2011.

#### **5.0 Legal Implications**

- 5.1 Brent Council has a statutory duty to provide school places where needed; the proposal of the project to enable expansion of the Islamia Primary School's capacity will facilitate the Council in its duty. However, it is acknowledged that supporting the



school's project in terms of PCP monies and, by being a 'participatory' signatory in the award of contract does come with very real risks, as noted in paragraphs 3.19-3.25.

- 5.2 As a result of the Council part-funding the project, the award of the works contract by the school is treated as resulting from a procurement on behalf of the Council. Under Schools' Financial Regulations for procurements on behalf of the Council, the Executive needs to approve the award of contract in addition to the school governing body. However by approving the award by the governing body the Council does not become a party to the works contract and the governing body remain responsible for its delivery and for meeting the Contract Sum set out in the contract.
- 5.3 Should the decision be to support the Islamia School project, the position is that normally a works contract that is above the EU works threshold of £3,927,260 requires the use of an EU-compliant tender process. However there is no need to comply with this where a call-off is made from an EU-complaint framework. The use of framework agreements is permitted within Council Standing Order 86(d) and, provided that there is compliance with EU law and internal rules of the particular framework, individual call offs do not require the following of an individual tender process. However, because the procurement is on behalf of the Council, it is necessary for the Chief Officer, Borough Solicitor and Director of Finance and Corporate Resources to confirm that participation is legally permissible as per Standing Order 86 (d) (ii), each time a call off from another contracting authority's framework is proposed.
- 5.4 The IESE Framework is unusual in how financial evaluation occurs. Rather than a quantitative model, the cheapest tenderer is awarded the highest mark out of 5, with the most expensive tenderer awarded the lowest marks out of 5. While unusual, adopting a particular framework also means using the rules of that framework, so the Islamia Trustees/school had no other way open to it for evaluating price.
- 5.5 This report now seeks to support the award the final stage construction contract, as required under the Council's Contract Standing Orders, where estimated construction works exceed £1,000,000 (High Value Contracts). The indicative main works contract sum is estimated and as not exceeding £6,581,839.
- 5.6 As explained in the body of the report, the main risks in supporting this project are
- the potential for a judicial review of the planning consent, (JR) once this is issued on completion of the s.106 agreement,
  - project overspend, meaning that additional resources have to be found
  - general delay meaning that the various funding streams are not spent by the required draw-down dates.

By use of a funding agreement as described in recommendation 2.5 above, the Council will minimise its exposure to these risks, by both requiring that the works contract is not awarded until the JR issue is resolved and by making the governing body responsible for any shortfall, however caused.

## **6.0 Diversity Implications**

- 6.1 Islamia Primary School is situated in a relatively socially advantaged area, but caters for pupils from a wide socio-economic mix.
- 6.2 Islamia Primary School is a very popular Muslim school and, by expansion to 2FE, will offer parents in Brent diversity in school accommodation available and thereby assist the Council in meeting its statutory duty in providing school places for its children.
- 6.3 An Impact Needs/Requirement Assessment Completion Form is attached at Appendix 4
- 6.4 A Consultation Statement is attached at Appendix 5.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

- 7.1 There are no staffing implications for the immediate purpose of this report.

## **Background Papers**

- Executive reports: 27 May 2008, 23 June 2010, 15 November 2010
- Planning Committee report: 15 December 2010
- Islamia Primary School file

## **Contact Officers**

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ANDREW DONALD  
Director of Regeneration and Major Projects

## **APPENDICES**

- Appendix 1 projected cashflow (not for publication)
- Appendix 2 Risks identified with Islamia Primary School expansion project by Brent Council
- Appendix 3 risk schedule (not for publication)
- Appendix 4 Impact Needs/Requirement Assessment Completion Form
- Appendix 5 Consultation Statement

## APPENDIX 2

Risks identified with Islamia Primary School expansion project by Brent Council

Area of Risk	Risk to project	Time-Line	Comment in report
Planning issue	Not yet awarded, as s106 not signed	Subject to school agreeing terms and conditions	Paragraph 3.20
Judicial review	Possible delay of several months	A minimum of 3 months delay	Paragraphs 3.21 and 3.22
Spend of PCP monies	Possible clawback by PfS if not fully spent by a formally agreed timeline	Subject to formal agreement from PfS that PCP monies may be spent post August 2011	Paragraphs 3.14 to 3.18
Spend of TCF monies	PfS may clawback underspend of TCF monies	School to obtain confirmation by end of March 2011 that no monetary penalties are attached to underspend	Paragraphs 3.13 and 3.15
Construction start and completion	Judicial Review is a risk to start on site of main project, therefore endangering spend of all financial streams	Project Manager has profiled a completion date by May 2012, but is dependent on full Planning permission, Judicial review being resolved and availability of funding streams.	Paragraphs 3.20 to 3.23
Project overspend	Project will need to be re-scoped or additional monies secured to enable project to complete	Dependant on draw-down of funds available and timelines attached, in context of identified risks	Paragraphs 3.23 and 3.25

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<b>Department:</b> Regeneration & Major Projects	<b>Person Responsible:</b>
<b>Service Area:</b> Property & Asset Management	<b>Timescale for Equality Impact Assessment :</b>
<b>Date:</b> 28 <sup>th</sup> March 2011	<b>Completion date:</b> 30 <sup>th</sup> March 2011
<b>Name of service/policy/procedure/project etc:</b> New-build 2Forms of Entry Islamia Primary School on the existing school site.	<b>Is the service/policy/procedure/project etc:</b>  New ✓ <input type="checkbox"/> <del>Old</del> <input type="checkbox"/>
Predictive ✓ <input type="checkbox"/>  Retrospective <input type="checkbox"/>	Adverse impact <input type="checkbox"/>  Not found ✓ <input type="checkbox"/> <del>Found</del> <input type="checkbox"/>  Service/policy/procedure/project etc, amended to stop or reduce adverse impact  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>
<b>Is there likely to be a differential impact on any group?</b>  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>	<b>Please state below:</b>
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>	6. Grounds of age: Older people, children and young People  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>
<b>Consultation conducted</b>  Yes ✓ <input type="checkbox"/> See attached Consultation Statement <del>No</del> <input type="checkbox"/>	
<b>Person responsible for arranging the review:</b> Richard Barrett, Head of Property & Asset Management	<b>Person responsible for publishing results of Equality Impact Assessment:</b> Richard Barrett, Head of Property & Asset Management
<b>Person responsible for monitoring:</b> As above	<b>Date results due to be published and where:</b>
<b>Signed:</b>	<b>Date:</b> 30 March 2011

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

### 1. What is the service/policy/procedure/project etc to be assessed?

The project to be assessed consists of a proposed new build 2FE Islamia Primary School on the existing school site, by May 2012.

### 2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/ policies etc in this area

Brent Council has a statutory duty to provide school places for its pupils, where needed. This proposed new build project will facilitate the Council in its duty.

The proposed new-build school will accommodate the expanded pupil numbers that are currently based at both the main school site and at its annexe building at Winkworth Hall and will serve, principally, Brent pupils of a Muslim faith.

Islamia Primary School is a popular Muslim school and, by permanent expansion to 2FE, which equates in total to 420 pupils, will offer parents in Brent diversity and choice in school accommodation.

#### Demand for Primary Places:

In 2009-10, Brent Council analysed the increased demand for places and prudently added a further 68 Reception 'bulge' places, at Anson Primary School (7) Park Lane (30) Brentfield (30) Avigdor Hirsch Torah Temimah (1), providing a total of 3428 Reception places. Despite adding new places, there remains a shortfall of Reception places in the borough. As at 29 July 2010, there were 164 primary aged children without a school place for the 2009/10 academic year.

For 2010-11, temporary and permanent provision of 135 additional Reception places has been added for September 2010 in the following schools; Brentfield (30) Wykeham (30) Braintcroft (30) Islamia (30) St Robert Southwell (15).

The demand for Reception places is significantly greater than the number of available places. As at 26 October 2010, 634 primary aged pupils remained without a school place, of which, 150 pupils are Reception aged children.

Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. LA must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them.

The Executive report scheduled for April 11 2011 identifies the proposed expansion rebuild at Islamia Primary School and that the school will operate a catchment area within Brent, giving a priority to Muslim children who live within the school's catchment area.

Islamia Primary School is located at Salusbury Road, London NW6 6RG. It is a Voluntary aided maintained school and is governed by its Governing Body.

### 3. Are the aims consistent with the council's Comprehensive Equality Policy?

Yes; Islamia Primary School is situated in a relatively socially advantaged area, but caters for pupils from a wide socio-economic mix. See also paragraph 6 below.

The permanent expansion will improve choice and diversity. The impact on Equalities will be kept under review and reported to the members on an annual basis.

### 4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

Islamia Primary School is an existing school where the proposed new build will be accommodated within the existing school site. The school already operates, largely, as a 2 Form of Entry school; the proposed new build will enable the school to take a full capacity of 420 pupils, which equates to 2FE. It is recognised that there may be an impact on the volume of traffic. However, there is a planning requirement to help ease traffic related issues that incorporates Highways works, street tree planting, other traffic calming measures and the approval and implementation of a School Travel Plan.

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc).

The proposed new build at Islamia Primary School will assist in meeting the demand in school places.

There is a shortage of sufficient school places in Brent. The number of unplaced children and vacancies are constantly fluctuating, but overall demand is exceeding supply in the lower year groups (reception to Year 2), in particular, which is correlated to the pattern of rising demand in the borough as across London, over the last three years.

According to the GLA's current projection of school rolls (based on the January 2010 pupil census data), the number of four year olds on roll is expected to rise by over 300 pupils between 2010 and 2013, after which the demand is projected to decrease slightly. However, the impact of rising birth rates may further impact on the demand for reception places.

In 2008, the Council consulted widely on schools strategy in Brent, receiving over 800 responses. Brent residents were in favour of the Council's strategy for school places and believed that the LA should play a major role in managing and running schools. Over two thirds of participants did not feel they were disadvantaged in obtaining a school place for their children due to any of the main diversity strands. Over, 90% did not feel they were disadvantaged due to their gender. This was also true for 85% of participants in relation to disability; 77% in relation to ethnicity; and 66% in relation to their faith.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

The proposed new build 2FE school will incorporate SEN specialist provision and will be DDA compliant. As such, the proposed new build will have a positive impact in terms of compliance with the standards, quality and range of educational provision for children with special educational needs.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

The proposed rebuild of Islamia Primary School on the existing school site has been the subject of numerous consultation meetings.

A Consultation Statement and schedule is attached at APPENDIX 5, attached. In addition to the Public, Key Stakeholders and Statutory Consultation meetings, Brent Senior Officers have, since November 2010, held a series of monthly project specific meetings with Islamia Primary School. The Head of Property and Asset Management has also met with Councillor Green (ward councillor) and a representative of the Queens Park residents' association in February 2011 to discuss development issues for Islamia Primary School. Brent also runs a website that informs the wider community of the new-build proposal.

8. Have you published the results of the consultation, if so where?

A précis of consultation meetings may be found on the attached Consultation Statement.

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

There is a risk of a judicial review in respect of procedural issues associated with the planning application process.

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

Not applicable.

11. If the impact cannot be justified, how do you intend to deal with it?

Not applicable

12. What can be done to improve access to/take up of services?

Not applicable

13. What is the justification for taking these measures?

Not applicable

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

Schools are subject to performance monitoring in order to comply with DFE requirements. This includes data on disability, ethnicity and gender of children.

The impact on Equalities will be kept under review and reported to the members on an annual basis.

15. What are your recommendations based on the conclusions and comments of this assessment?

To seek approval to the recommendations in the correlated report to Brent Executive on 11 April 2011 for the rebuild of Islamia Primary School.

Should you:

1. Take any immediate action? Not applicable
2. Develop equality objectives and targets based on the conclusions? Not applicable
3. Carry out further research? Not applicable

16. If equality objectives and targets need to be developed, please list them here.

Not applicable

17. What will your resource allocation for action comprise of?

There is mixed funding streams as scheduled below:

Proposed Funding Source	Available Amount £ (gross)
Targeted Capital Fund (TCF)	£3,960,000
Primary Capital Programme (PCP)	<b>£2,932,000</b>
LCVAP	£340,000
LA VAT (reclaimable)	£326,000
Governors' 10% contribution (mandatory)	£755,800
Governors' additional contribution (voluntary)	£524, 608
	<b><u>£8,856,408</u></b>

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:

Full name (in capitals please): Richard Barrett

Date: 30 March 2011

Service Area and position in the council:

Head of Property & Asset Management; Regeneration and Major Projects

Details of others involved in the assessment - auditing team/peer review:



Once you have completed this form, please take a copy and send it to: **The Corporate Diversity Team, Room 5  
Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD**

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### Consultation Statement

Islamia Primary School in partnership with Brent Council has worked together to form a consultation plan. The joint aim is:  
To consult and engage with the local community and key stakeholders over the redevelopment proposals for the Islamia Primary School.  
To inform and seek the views of the local community and key stakeholders and to enhance the relationship between the school and the local community.

### Summary:

#### Public Consultation:

- June
    - 8<sup>th</sup> - Queens Park Forum
    - 20<sup>th</sup> - Family Fun Day Queens Park

IPS, Annalisa  
IPS, MBA JB HT
- July
    - 26<sup>th</sup> - meeting at school QPARA, Councillors, Church, Garden History Society
    - 30<sup>th</sup> - Leaflet Drop (1500) + Open Day

IPS, Brent Ed, MBA, T&T, Landscape  
IPS
- August
    - 12<sup>th</sup> - Open Day
    - 16<sup>th</sup> - Brent Website goes live
    - 18<sup>th</sup> - Library Displays - Kilburn & Willesden Gm
    - 19<sup>th</sup> - Open Day + Leaflet Drop (1500)
    - BME & QP Councillors
    - Kilburn & Kensal Area Con. Forum
    - 26<sup>th</sup> - Open Day + Councillors
    - 30<sup>th</sup> - Brent Magazine

IPS  
Brent, IPS, MBA  
IPS, MBA  
IPS, MBA  
IPS  
Brent
- September
    - 8<sup>th</sup> - MBA offered to present at QPARA meeting but was not taken up
    - 12<sup>th</sup> - Queens Park Day
    - 30<sup>th</sup> - Newsletter (3000 drop)

MBA  
IPS, MBA  
IPS
- October
    - 1<sup>st</sup> - School Banner
    - 5<sup>th</sup> - Kilburn & Kensal Area Con. Forum

IPS  
IPS, MBA, Brent Ed.
- December
    - 9<sup>th</sup> - meeting at St Anne's Church with QPARA, Councillors, St Anne's Church and local community

IPS, IGS, IST, Brent Ed, MBA, Robert West, St Anne's Church

#### Private Consultation:

- St Anne's Church
    - 28<sup>th</sup> June, 29<sup>th</sup> June, 26<sup>th</sup> July, 17<sup>th</sup> Aug, 22<sup>nd</sup> Sept, 18<sup>th</sup> Nov.

### Statutory Consultation

Date	Consultation	Invitees/ Attendees	Location	Action
November 2006	The school along with Brent published a statutory public notice in November 2006 announcing the increase in pupils	Statutory Public Notice	n/a	

	at the school. Pupils places increased from 210 pupils to 350 pupils in 2007 and to a new maximum of 420 pupils places in the future. The pupils places will increase from 350 to 380 from September 2010 onwards.			
30 <sup>th</sup> March 2010	Pre- planning	MBA, Islamia Primary School, Brent Planning - Andy Bates and Mark Smith	Planning Department, Brent House, Wembley	MBA to develop scheme to allow it to be presented by Andy Bates at the Departmental Major Cases Forum.
27 <sup>th</sup> April 2010	Secure by Design – Metropolitan Police	MBA and Kilburn Metropolitan Police - Sergeant Peter Kane	Kilburn Metropolitan Police Station	MBA issued meeting minutes and have incorporated comments within the design proposals
2 <sup>nd</sup> June 2010	Brent Building Control pre-meeting	MBA and Brent Building Control – John Flynn, Colin French	Brent House, Wembley	Comments included in design development.
17 <sup>th</sup> June 2010	Brent Planning internal Departmental Major Cases Forum	Internal Brent Planning and internal Departments	Planning Department, Brent House, Wembley	Andy Bates issued notes and comments of the meeting to MBA 23 <sup>rd</sup> June 2010.
16 <sup>th</sup> July 2010	Pre-planning	MBA, Islamia Primary School, Pincke Landscape Architects, Capital Project Manager, Asset Management Service Children & Families Department – Christine Moore, Brent Planning - Andy Bates, Area Team Manager (South), Ben Martin, Planning Officer (South), Mark Smith, Team Manager Design + Regeneration, Brent Council Senior Landscape Designer - Debbie Laporte	Planning Department, Brent House, Wembley	Comments and project to be developed. A further meeting is to be held once scheme has developed further.
26 <sup>th</sup> July 2010	Heritage Consultation with Registered Parks and Gardens	The Garden History Society – Linden Grove. Conservation Officer. MBA -Gemma Collins, Julia Barfield, Hui Hui Teoh	Islamia Primary School, 7.30pm	
11 <sup>th</sup> August 2010	Pre-planning Highways Department	Brent Council, Development Projects, Transportation - John Fletcher, Highway Department Team Leader, Robert West - Rachel Gennery, Principal Transport Planner, MBA - Gemma Collins	Highways Planning Department, Brent House, Wembley	School has sent a letter to request relocation of bus stop outside school on 16 <sup>th</sup> August 2010. Rachel Gennery, Transport Consultant from Robert West emailed John Fletcher on 8 <sup>th</sup> September 2010 to follow up too. A reply was received from London Bus Services via Brent Senior Public Transport Officer that the bus stop cannot be relocated back to its previous location. Should a new location be found for the shelter and stand, London Bus Services will require a payment of £4,500 + VAT.
2 <sup>nd</sup> September 2010	Site Visit from Brent Tree Officer regarding street planting along Salusbury Road	Brent StreetCare - Gary Rimmer, Assistant Arboricultural Officer	Islamia Primary School	Tree Officer prefer Option 2 – 6 new trees. This was feedback to Brent Planning who prefer Option 1 – retaining 3 existing trees and plant 3 new trees in between.
2 <sup>nd</sup> September 2010	Heritage Consultation with Registered Parks and Gardens	The Garden History Society – Linden Grove. Conservation Officer	n/a	MBA emailed latest project development updates to follow up consultation with The Garden History

		and MBA		Society.
8 <sup>th</sup> September 2010	Heritage Consultation with Registered Parks and Gardens	The Garden History Society – Linden Grove, Conservation Officer and MBA	n/a	The Garden History Society replied to MBA's email consultation on 2 <sup>nd</sup> September that they envisage to have no objection to the proposal and the proposed use of subdued materials already in use in the area, the need for the school to avoid ad hoc roof top development (brightly coloured litter bins, etc), and the need to avoid a use of high-profile windows that would give the cemetery an overly over-looked feel.
9 <sup>th</sup> September 2010	Pre-planning consultation	Pincke Landscape Architects, Capital Project Manager, Asset Management Service Children & Families Department - Christine Moore, Brent Planning - Andy Bates, Area Team Manager (South), Ben Martin, Planning Officer (South), MBA - Julia Barfield and Hui Hui Teoh	Planning Department, Brent House, Wembley	Planner confirmed for Planning Submission, Option 1 to be shown in drawings but should raise in report that there are two tree options for further discussions at committee meeting.
26 <sup>th</sup> November 2010	Planning consultation	Brent Planning - Andy Bates, Area Team Manager (South), Ben Martin, Planning Officer (South), Mark Smith, Team Manager Design + Regeneration, IPS – Head Teacher, Zahida Shaheen, Project Co-ordinator from Turner and Townsend – Matt Summerill, MBA - Julia Barfield and Hui Hui Teoh	Planning Department, Brent House, Wembley	Discuss and update Planners with recent project development, public consultation progress, confirm requirement for revised information submission and subsequent planning timeline.

**Key Stakeholders Consultation and Workshops held to date and future dates**

Date	Consultation	Invitees/ Attendees	Location	Action
24 <sup>th</sup> February 2010	Pupil Workshop	Class 3B and MBA	Islamia Primary School	Further presentations to be given as scheme develops.
24 <sup>th</sup> March 2010	Staff and Parents	All staff and all parents of Primary and Secondary School	Islamia Primary School	Further presentations to be given as scheme develops.
26 <sup>th</sup> March 2010	Governors and Trustees	All Governors and Trustees invited	Islamia Primary School	Further presentations to be given as scheme develops.
30 <sup>th</sup> April 2010	Governors and Trustees	All Governors and Trustees invited	Islamia Primary School	Further presentations to be given as scheme develops.
5 <sup>th</sup> May 2010	Staff and Parents	All staff and all parents of Primary and Secondary School	Islamia Primary School	Further presentations to be given as scheme develops.
1 <sup>st</sup> July 2010	Landscape Pupil /Staff Workshop	Pupils and Staff Consultation with Pincke Landscape Architects	Islamia Primary School	Further presentations to be given as scheme develops.
23 <sup>rd</sup> July 2010	Governors and Trustees	All Governors and Trustees invited	Islamia Primary School	Further presentations to be given as scheme develops.
26 <sup>th</sup> August 2010	Governors and Trustees	All Governors and Trustees invited	Islamia Primary School	Further presentations to be given as scheme develops.

## Public Consultation undertaken to date and moving forward

Date	Consultation	Invitees/ Attendees	Location	Action
8 <sup>th</sup> June 2010	Islamia Primary School governor attended and spoke at Queen's Park Forum regarding proposed scheme	Parent Governor attended on behalf of the school - Ms Annalisa Saba,	Queens Park Forum	Minutes note potential development.
11 <sup>th</sup> June 2010	Head Teacher writes to Friends of Paddington Cemetery informing them of the new build	Friends of Paddington Cemetery	n/a	The school receives confirmation that the Friends of Paddington Cemetery has been dissolved. David Wetter, Paddington Cemetery Development Manager is invited to the consultation 26 <sup>th</sup> July consultation day. They cannot attend but David and colleague attends the first open day 30 <sup>th</sup> July 2010.
11 <sup>th</sup> June 2010	Head Teacher writes to Parks and Gardens Heritage Society informing them of the new build	Parks and Gardens Heritage Society	n/a	Linden Groves responded by email 14 <sup>th</sup> June 2010 offering pre- planning consultation. Linden Groves invited by MBA to public consultation 26 <sup>th</sup> July 2010.
20 <sup>th</sup> June 2010	Islamia Primary School Family Fun Day in conjunction with City of London Corporation	Leaflets dropped to local residents. Leaflet mentions proposed new development	Queen's Park 1-6pm	Julia Barfield + Hui Hui Teoh from MBA attended stall with Islamia School at the Family Fun day with presentation boards describing the potential development
26 <sup>th</sup> June 2010	Consultation with Islamia School, T+T and Father Fergus	Father Fergus, Interfaith Centre- St Anne's Church and St Andrew's Church, Grant Islamia Primary School	Islamia Primary School	Agreed to hold presentation next day to wider church council within the Interfaith Centre
29 <sup>th</sup> June 2010	Consultation with Islamia School, T+T and Father Francis and Church Council	Father Fergus and Church Council	Interfaith Centre - St Anne's Church and St Andrew's Church	Question raised regarding rights of lights to Vicarage and sunlight to garden. Rights of Lights and Party Wall Consultant appointed and asked to consider the affect of the scheme on the Vicarage and its garden.  Church invited to further consultation meeting 26 <sup>th</sup> July 2010.
8 <sup>th</sup> July 2010	Head Teacher writes to Elaine Henderson, Chair of Queen's Park Area Residents Association	Queen's Park Area Residents Association	n/a	Jamie Hope, Vice Chair of QPARA emails MBA 14 <sup>th</sup> July 2010. T+T, Brent Planning voicing concern. Julia Barfield, MBA speaks to Jamie Hope by telephone.  QPARA to be invited to public consultation 26 <sup>th</sup> July 2010
21 <sup>st</sup> July 2010	Consultation	Ahmed Shahzad (former Mayor of Brent), MBA - Gemma Collins	Islamia Primary School	Islamia School to invite directly.
25 <sup>th</sup> July 2010	Ward Councillors	Councillor Simon Green Councillor James Denselow MBA - Gemma Collins, Julia	Islamia Primary School	Islamia School to invite directly. Councillor Michael Adeyeye cannot attend but is happy to meet on return from 25 <sup>th</sup> July 2010.



		Barfield, Hui Hui Teoh		
26 <sup>th</sup> July 2010	Public Consultation	Queen's Park Area Residential Association, Brondesbury Residential Association, St Anne's Church and St Andrew's Churches. MBA - Gemma Collins, Julia Barfield, Hui Hui Teoh.	Islamia Primary School, 5.30pm	Islamia School to invite directly. Julia Barfield to invite QPARA as well in response to Jamie Hopes email
30 <sup>th</sup> July 2010	Open Day	All local residents. 1500 leaflets dropped to local residence/ businesses undertaken.	Islamia Primary School, 3.00pm until 7.00pm	Leaflet drop to all local residents by school 19 <sup>th</sup> and 20 <sup>th</sup> June 2010.
2 <sup>nd</sup> August 2010	Email correspondence with QPARA	Marks Barfield Architects emailed Jamie Hope, QPARA on project update and send Bat and Ecology Survey Report	n/a	
2 <sup>nd</sup> August 2010	Design Review with design enabler	With another architect, Deborah Saunt. MBA - Gemma Collins, Ian Rudolph, Client - Zafar Ashraf	At MBA, 4.30pm	
12 <sup>th</sup> August 2010	Open Day	All local residents.	Islamia Primary School, 3.00pm until 7.00pm	
12 <sup>th</sup> August 2010	Email correspondence with QPARA	Marks Barfield Architects emailed Jamie Hope, QPARA on project update- including school numbers and potential planning dates	MBA suggest they present at the QPARA general meeting on the 9 <sup>th</sup> August 2010, as previously invited.	
17 <sup>th</sup> August 2010	Meeting with Father Fergus Capie, St Annes + St Andrews Church - neighbour and London of Diocese representative from Advance Project Solutions	Father F. Capie, Steve Gilbert, Advance Project Solutions, Gemma Collins, MBA, Zafar Ashraf + Sheik Ahmed	St Annes and St Andrews Churches- adjacent to Islamia Primary School.	
18 <sup>th</sup> August 2010	Library Display : Kilburn Library	Public display and information regarding the proposed rebuild on display at Kilburn Library	Kilburn Library- ongoing 42 Salusbury Road Kilburn London NW6 6NN	
18 <sup>th</sup> August 2010	Library Display: Willesden Green Library	Public display boards and information regarding the proposed rebuild on display at Willesden Green Library	Willesden Green Library- ongoing 95 High Road Willesden London NW10 2SF	
19 <sup>th</sup> August 2010	Open Day	All local residents. 1500 further leaflets dropped to local residence/ businesses undertaken.	Islamia Primary School, 3.00pm until 7.00pm	
19 <sup>th</sup> August 2010	Kilburn and Kensal Area Consultative	All Councillors invited by school. MBA - Gemma Collins	Islamia Primary School, 2.00pm	

	Forum			
19 <sup>th</sup> August 2010	BME Councillors (Black, Asian and Ethnic Minority Councillors)	All Councillors invited by school. MBA - Gemma Collins	Islamia Primary School, 4.00pm	
25 <sup>th</sup> August 2010	Queens Park councillors	Councillor Adeyeye, Cllrs Green and Denselow to respond. MBA - Gemma Collins	Islamia Primary School, 6.30pm	Councillor cancelled last time and another meeting was rescheduled to 8 <sup>th</sup> September.
26 <sup>th</sup> August 2010	Open Day	All local residents.	Islamia Primary School, 3.00pm until 7.00pm	
End of August _ September 2010 Issue	Brent Magazine	The Brent Magazine is a full colour, glossy magazine produced by Brent Council every month.  Islamia Primary School are to be included within the September addition with the proposed re- build project.	It is a free publication for all residents and businesses in Brent. Has a print run of over 105,000 copies - highest circulation of any local publication It is delivered to 99,000 households, all libraries, One Stop Services, Sports Centres and an extensive mailing list. It is accessible - available in large, audio and features on the homepage of the council website	
2 <sup>nd</sup> September 2010	Glenda Jackson MP	Project presentation	To be confirmed	Fatima emailed her the new build information on Brent Website. MP confirmed her office will get into contact to confirm suitable date and venue to meet.
3 <sup>rd</sup> September 2010	A follow up Design Review with design enabler	With another architect, Deborah Saunt. MBA – Julia Barfield, Yevgeniy Belkin, Amy Gaspar, Ian Rudolph, Hui Hui Teoh	At MBA, 12pm	
7 <sup>th</sup> September 2010	Consultation with Reverend Maggie Hindley and building advisor from St Anne's Church	Reverend Maggie Hindley, Church's building advisor, IPS Head Teacher, MBA – Chris Smiles, Plinke Landscape Architects	St Annes Church, 10am	This was cancelled due to tube strike. Fatima to reschedule this meeting again to enable site visit and view study from first floor Church towards proposal.
8 <sup>th</sup> September 2010	Queens Park councillors	Update on transport proposals and mitigation measures with Councillor Green and Denselow. Robert West – Rachel Gennery, MBA – Chris Smiles	Islamia Primary School, 6pm	
9 <sup>th</sup> September 2010	QPARA General Meeting	Presentation at the General Meeting to QPARA	7.30pm- location to be confirmed	QPARA confirmed they do not want MBA to present the proposal as this is not a suitable forum but encourage the school to have a stall at the Queen's Park Day. MBA confirm the school already has a stall booked.
10 <sup>th</sup> September 2010	Email correspondence with QPARA	Marks Barfield Architects emailed Jamie Hope, Robin Sharp, Elaine Henderson,	n/a	MBA will send updated Ecology Survey Report and Transport Proposal.




		Brian Loudon, Richard, QPARA, copy to Father F Capie, Councillors Green and Denselow, MP Glenda Jackson and Andy Bates, Brent Planner on project update and send again Bat Survey Report		
12 <sup>th</sup> September 2010	Queen's Park Day. Islamia Primary School to have a stall.	Queen's Park Day is run by the Queen's Park Area Residents' Association every September. This is a popular local event which attracts thousands of visitors. There's something for everyone: stalls, exciting arena events, children's fancy dress, music and so much more. IPS – Head Teacher, Zahida Shaheem, Fatima Khan and Annalisa Saba, MBA – Julia Barfield + Hui Hui Teoh	Sunday 12th September 12-5.30pm in Queen's Park, London NW6	Many comments and supports received from local residents, St Annes Church, Councillor Adeyeye and MP Glenda Jackson. Transport proposals had been shared with local residents and Robin Sharp, QPARA Traffic and Transport Sub-Group and further ideas received. MBA also corrected incorrect understanding of some local residents that the school is already a 1.5 form entry Primary School with this September becoming 380 pupil places. There will only be a further increase of 40 pupil places in the new 420 two form entry Primary School. In addition, the school will begin to accept pupils from a local catchment area, rather than the whole of London.
22 <sup>nd</sup> September 2010	Meeting with David Skipp, representative The United Reformed Church – neighbour, from Thames NorthSynod	PA to governors of Islamia Primary School - Fatima Khan, MBA – Hui Hui Teoh	St Annes and St Andrews Churches- adjacent to Islamia Primary School.	MBA took site photos from the first floor of the Church to enable view study of proposal.
30 <sup>th</sup> September 2010	Email correspondence with QPARA	Marks Barfield Architects emailed Robin Sharp, QPARA, on feedback of positive response received from consultation in 12 <sup>th</sup> September 2010 Queen's Park Day, following up on discussions on proposed transport mitigation measures and providing information of pupil numbers.		
30 <sup>th</sup> September 2010	Islamia Primary School Newsletter (First edition)	First Issue of Islamia Primary School Newsletter is expected to be circulated week commencing Monday 27 <sup>th</sup> September 2010. Circulation approximately 3000	Newsletter to inform parents and local community of projects progress and key dates. Newsletter will be ongoing and continue while project is on site.	
30 <sup>th</sup> September 2010	MP Glenda Jackson visit the School	Site Visit the School and present the rebuild project, MBA – Julia Barfield	Islamia Primary School, 11-1pm	
1 <sup>st</sup> October 2010	Email correspondence	Marks Barfield Architects emailed Jamie Hope, Robin		

	with QPARA	Sharp, Brian Loudon, QPARA, and Andy Bates, Brent Planner the submitted Traffic Information – Transport Statement and Travel Plan reports as requested for QPARA to understand the traffic analysis study made and proposed transport mitigation measures.		
Beginning of October 2010	School banner on display about the rebuild project at school fence		Islamia Primary School	
5 <sup>th</sup> October 2010	Kilburn & Kensal Area Consultative Forum	Robert West – Rachel Gennery, Turner and Townsend – John Allen, MBA – Julia Barfield and Hui Hui Teoh	Granville Centre, 80 Granville Road, Kilburn NW6 5RA	
7 <sup>th</sup> October 2010	Meeting with Councillor Butt	Turner and Townsend – Matt Summerill, MBA – Chris Smile	Islamia Primary School	
16 <sup>th</sup> October 2010	School's Open Day		Islamia Primary School	
28 <sup>th</sup> October 2010	Meeting with Islamic Artist, Ahmed Moustafa	Islamia Primary School – the Iman, Sheikh Ahmed, Cevahir Holding – Yusuf Cevahir, MBA – Julia Barfield, Hui Hui Teoh	Artist's Studio	Discussion on design input with International Islamic Artist to reflect Ethos of the school. Proposed design elements discussed include screen design and Prayer Hall.
29 <sup>th</sup> October 2010	Email correspondence with QPARA	Marks Barfield Architects emailed Robin Sharp, QPARA, to clarify queries on proposed playground areas and extent of sunlight into the courtyard		Lighter colour brick was proposed as an option for the entire building to enhance lighting condition in the courtyard.
12 <sup>th</sup> November 2010	Meeting with Sarah Teather	Islamia Primary School, Turner and Townsend – Matt Summerill		
18 <sup>th</sup> November 2010	Follow up meeting with Father Fergus Capie, St Annes + St Andrews Church – neighbour and Steve Gilbert, London of Diocese representative from Advance Project Solutions	Vicar of St Anne's / Multi Faith Centre - Father Fergus Capie, Building Advisor representing London Diocese - Steve Gilbert, The United Reformed Church - Reverend Maggie, Architect advisor to St Anne's Church - Tamala Anderson, Islamia Schools Trust - Zafar Ashraf, Project Co-ordinator from Turner and Townsend – Matt Summerill, Party Wall Surveyor from GVA, Schatunowski Brooks - Bradley Burden, MBA – Julia Barfield	St Anne Church- adjacent to Islamia Primary School.	It was a positive meeting with quite a number of suggestions made and agreements established. 1) Suggestion to have trellis on perimeter wall to make it more green and attractive to the South boundary flank wall. 2) MBA provide % of reduction to GIA/footprint since meeting on 26 <sup>th</sup> July 2010. 3) The agreed preferred option is to have a perimeter wall as replacement for boundary wall. 4) URC agreed to assist with lines of communication with the community
9 <sup>th</sup> December 2010	Meeting with QPARA, St Anne's Church	All local communities, IPS staff, parents +pupils are invited. IPS – Head Teacher,	St Anne Church, 8pm	Physical model and power point presentation were presented to provide the project information and update the community on recent design development further to

		Zahida Shaheem, the Imam, Sheikh Ahmed and Annalisa Saba, IST – Zafar Ashraf, Brent Interim Principal Schools Organisation Officer – Rajesh Sinha, Brent Head of Admissions – Raj Parmar, IGS Head Teacher, Robert West – Rachel Gemmery, Jonathan Howard, MBA – Julia Barfield + Hui Hui Tech, Yevgeniy Belkin, Chris Smiles		previous meets.

End.

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	<p style="text-align: center;"><b>Executive</b> <b>11 April 2011</b></p> <p style="text-align: center;"><b>Report from the Director of Regeneration and Major Projects</b></p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p><b>Authority to Delegate the Award of a Construction Contract in relation to Expansion Works at Park Lane Primary School</b></p>	

## APPENDICES 2 AND 3 ARE NOT FOR PUBLICATION

### 1.0 Summary

- 1.1 The Executive has noted in 11 August and 15 November 2010 reports that demand for primary school places is forecast to exceed supply in the borough and that by 2015-16, 1680 new primary places will be required.
- 1.2 In its strategy to address the shortage, the Executive had agreed, on 11 August 2010, that the Council's allocation of Basic Need Safety Valve monies, supported by the School's Main Capital programme allocations to primary schools for expansion, be utilised.
- 1.3 In the November 2010 Executive report, Park Lane Primary School is identified as a recipient of a share of the Basic Need Safety Valve (BNSV) monies to address expansion and remodelling proposals. The subject report notes that project costs have increased from an estimated £2.2m to an estimated £2.6m, due to necessary re-design and demolition costs. Project costs are to be met within both BNSV monies and the Schools main Capital Programme. In order to meet tight timelines of BNSV spend, this report requests to delegate authority to the Director of Regeneration and Major Projects to appoint and award a contract to a contractor from the IESE (Improvement and Efficiency South East) Framework Agreement to undertake required new build and remodelling works at Park Lane Primary School.
- 1.4 The award of contract to 'Contractor A' via delegated authority to the Director of Regeneration and Major Projects is estimated at £2.35m which is the budget sum set aside; such sum to be subject to an adjustment from the Main Capital Programme, as he considers necessary and as further detailed in

paragraph 3.7 and with the agreement of the Director of Finance and Corporate Services.

## **2.0 Recommendations**

The Executive is recommended:

- 2.1 To note the increase in scheme costs by £400,000 from £2.2m to 2.6m. This will be funded from the Schools Main Capital Programme at £1m and £1.6m is to be resourced from BNSV monies.
- 2.2 To delegate authority to the Director of Regeneration and Major Projects to appoint and award a contract to the preferred 'Contractor A', who is named in Appendix 3 and is a contractor from the IESE Framework Agreement in relation to the construction works at Park Lane Primary School, to not exceed £2.35m, subject to an adjustment as considered necessary to the Main Capital Programme, in accordance with the needs of other schools expansion projects on this resource and with the agreement of the Director of Finance and Corporate Services.

## **3.0 Detail**

### Proposed scheme

- 3.1 The Executive noted in the 11 August 2010 Executive report the shortage of primary school places in the borough. Brent Council has proposed the expansion of Park Lane Primary School to increase the number of Year R to Y6 places from 1 Form of Entry (FE) to 2FE and to also improve the quality of accommodation through additional specialist rooms, including the provision of a food & science classroom, a library resource, staff Planning, Preparation and Assessment room and a new hall. In addition works will also include improving the school's accessibility; the installation of a lift and the provision of improved KS1 inter-related internal and external play areas.
- 3.2 Park Lane Primary School is a co-educational, non-denominational Community school for age 3 -11 pupils. It is a popular one form of entry school i.e. 30 places per year group and is currently operating Reception to Year 3 as 2FE on a (now) permanent basis, following Planning Permission to physically expand. The expansion of Park Lane Primary School by 1FE to 2FE is an essential step that enables the Council to meet its statutory duty to provide school places and to enable the additional year classes to progress through the school.

### Contribution of the scheme in delivering school places

- 3.3 The report to Executive on 11 August 2010 stated that the Council delivered 135 Reception places by September 2010 to alleviate the significant shortfall in Reception classes. As noted in paragraph 3.2, Park Lane Primary School contributed to that permanent class intake by accommodating 30 Reception places.
- 3.4 On the 26 July 2010, Executive approved the statutory proposal for the alteration of Park Lane Primary School so that it expands from 210 places to 420 places with effect from January 2011, conditional upon the grant of

planning permission under Part 3 of the Town and Country Planning Act 1990, by January 2011.

- 3.5 A planning application was submitted to the Planning Department in July 2010, following Pre application advice, with a view to obtaining approval by September 2010. However, the feedback from Planners was that the design proposal could not be supported, following which further consultation with Planning Officers took place, resulting in a re-design of the new-build external elevations, slight shifting of the building and, after in-house deliberations, a decision to endorse the option that incorporates the demolition of the existing school nursery. A re-submission based on this option was then made in December 2010. Planning Approval was obtained on 10 December 2010, for the expansion, remodelling and demolition works at the school, with one of the conditions relating to the school's requirement to update and maintain a robust School Travel Plan. Full consultation on design detail continues with the school and relevant stakeholders.

#### Proposed Funding

- 3.6 Funding resources of £2.2m, primarily from BNSV allocation for the Park Lane expansion scheme was approved by The Executive meeting on 26 July 2010. Subsequently, the 11 August Executive agreed that £1.6m, along with an allocation of £600k from the Schools Main Capital Programme, would finance the Park Lane School scheme. However, building cost estimates have since increased, due in part to the decision to demolish the existing nursery and in part as a result of the marginally larger footprint of the new build which is to accommodate classrooms, nursery, hall, library, plant-room and lift.
- 3.7 Cost Consultants, Frankham Consultancy Group has estimated total scheme costs' increase from £2.2m to £2.6m, of which £2.35m is the estimated construction cost. However, as noted in paragraph 3.27, the Guaranteed Maximum Price (GMP) is higher than the original construction cost estimate. As such it is proposed that the Director of Regeneration and Major Projects may adjust the Main Capital Programme as necessary and in accordance with other school projects' calls on this resource and in agreement with the Director of Finance and Corporate Services. The capital budget approved by Full Council on 28<sup>th</sup> February 2011 includes allocations from both BNSV monies of £1.6m and from the Schools Main Capital programme of £1.0m.
- 3.8 As reported previously, BNSV funding allocation is dependent on pupil numbers in the January 2012 census meeting those forecast for September 2011 and the Department for Education has reserved the right to claw back funding where these targets have not been met. As such, the BNSV allocation of £1.6m must be fully spent by August 2011 in order to achieve these targets and ensure that appropriate permanent school places can be offered for the September intake.
- 3.9 In order for the school to effectively offer required additional school places from September 2011 and to enable spend of allocated BNSV monies by end of August 2011, a contractor must be appointed and take possession of the site as soon as possible.

#### Appointment of Consultants

- 3.10 Appointment of the Lead Consultant was reported to the 26 July 2010 Executive. In short, Frankhams are appointed from the Council's Property Services Framework to design, project-manage and provide the role of CDM Co-ordinator. Therefore Frankham's primary multi-disciplinary role consists of Architect, Structural Engineer, Building Surveying ( mechanical / electrical engineer), Contract Administrator, Technical Adviser and BREEAM Advisor. Appointing one consultant to perform these multi function roles has meant that the Council has secured discounts from the rates set out in the framework and should ensure a seamless service. However, in order to better scrutinise and manage project costs, it is considered prudent to appoint an 'external' QS, to which purpose terms have been agreed with Keegans Group, who are also on Brent's Property Services Framework, to take over the QS role from this stage of the procurement process; Keegans are now working closely with Frankhams Project Manager, although each other's roles are clearly defined. The Design Team responsible for reporting to Brent Council and the school consists, therefore, of Frankhams, Keegans and the preferred Contractor, once formally appointed.

#### Procurement of the Works Contract

- 3.11 Approval has been obtained from both the Director of Finance and Corporate Services and from the Director of Legal and Procurement to participate in the IESE Buildings Workstream Framework to procure a contractor to undertake the expansion new-build and remodelling works at Park Lane Primary School. The contractor will be appointed on a design and build contract to build the scheme outlined in design by Frankhams. The intention is that utilising the IESE Framework and bringing a contractor on board at an early stage will allow the Council to build the required part new-build, part remodelling works within the required BNSV timeframe and enable the principles of Best Value to be adhered to. The framework is structured to provide for traditional procurement using a two-stage contract (ie pre-construction services and then the main build contract). The added value of this IESE procurement route is that it allows for open book accounting with the main and sub-contractors, enabling the Council and appointed consultants to audit the cost management process during the pre-construction and construction phases. However, it is acknowledged that the timeline is extremely tight; discussions have been held with the Design Team and with the IESE Framework Manager ahead of the Contractor's appointment, to engage on the critical timeline and to forge methods that assist in enabling a programme that both meets the targets of completion, spend of a minimum £1.6m, as noted in paragraph 3.8 and to deliver on cost certainty during pre-construction and post construction phases.
- 3.12 The IESE Outline Report issued to all legible contractors noted the key factors for the Park Lane project, highlighting the timeline and required completion, current forecast and form of contract.
- 3.13 Under the rules of IESE Framework, the IESE team at Hampshire County Council ran an Expression of Interest process to identify relevant contractors on behalf of Brent Council in relation to the required construction works at Park Lane Primary School. This process resulted in two, out of a possible ten, IESE contractors lodging an interest in the Park Lane project. Eight firms of contractors had opted instead to put their resources in 2<sup>nd</sup> Generation Renewal submission. Contractor A and Contractor B expressed their interest



against outline project information, relevant experience, capacity, proposed management team and their geographical presence.

- 3.14 Following an evaluation of Expressions of Interest, the appointment of a preferred contractor using the IESE Procurement Framework is based on structuring Mini-Competition Tender Documents around specific stakeholder and project requirements. It enables the contractor to fully understand these requirements and prepare an initial Draft Execution Plan (DEP) identifying risk and issues with the project. The evaluation criteria scores the DEP in addition to their cost and ability submissions. The transparency of this approach allows the stakeholders and Design Team to fully assess the contractors' competence and suitability to deliver the project.
- 3.15 The evaluation carried out by Frankham, on behalf of Brent Council with guidance from IESE is based on the contractors' overall performance (KPI's on finance, quality, programme and satisfaction - information is managed and supplied by IESE managers). That information is provided direct by IESE and sourced from previous Framework projects, capacity and relevance to undertake the project.
- 3.16 Following the evaluation of Expression of Interest, carried out by IESE on 7<sup>th</sup> January 2011, the two contractors, both scored the same; as shown in Appendix 1.
- Contractor A - (scored 67%)
  - Contractor B - (scored 67%)

#### Tender Process

- 3.17 Following the evaluation of Expression of Interest, Invitations To Tender were issued on 4<sup>th</sup> February 2011 to the two contractors to enable the processing of the mini-competition. The mini-competition was conducted between both contractors, based on a pre-construction fee, a design fee and programme. This period is to enable the selection of a contractor to be appointed under a call-off contract for pre-construction work to include design work - based on Frankham's outline design for the design and build scheme, to inform on technical solutions best suited to the scheme requirement and the development of a cost plan. Both Contractors are obliged, under the IESE Framework Agreement to charge a pre-construction fee for their input on the pre-construction stage work. Contractor A's fee is £138,712; Contractor B's fee is £255,328. It is anticipated that this element of work will be incorporated and therefore mitigated during the tender process and not, therefore, an addition to the main building contract sum.
- 3.18 The tender submissions were adjudicated using the IESE scoring matrix on 18<sup>th</sup> February 2011, following a subsequent tender clarification interview with both contractors on the 9<sup>th</sup> February 2011. The scores, geared towards quality and pricing submissions were marked against:
- logistics,
  - pre construction management and construction phase programmes
  - supporting information to cost submission
  - cost plan

- 3.19 The scoring assessment is shown in Appendix 2 (not for publication).
- 3.20 Contractor A scored 81.1% as their tender was more innovative and a more pro-active response to the tender competition; its financial submission is also more favourable. This Contractor suggests a traditional method of construction, whereas Contractor B, who scored 72.9%, has been less pro-active and suggests a laminated timber solution as its preferred method of construction. Brent Council has previously preferred not to use this form of construction on another new-build project.
- 3.21 The requirement to deliver the classrooms by end of August 2011, which both Contractors have been advised of, results in an extremely tight programme, but nevertheless both have stated that it is achievable. However, other elemental areas of build works, including the hall and ancillary offices will not be completed by that timeline. Contractor A has provided a programme that shows delivery of classrooms by end of August 2011 and building work programmed through to February 2012. Contractor B's construction programme likewise indicates a completion in February 2012, with delivery of classrooms by August 2011.
- 3.22 To address and to ease both ongoing temporary decanting during the building works and programme fluidity, the use of temporary accommodation cannot be ruled out. Further discussions will take place with the appointed Contractor before a firm decision is made for its use, but it would be prudent to make provision. Related temporary accommodation costs is estimated at £30,000 and would be a cost outside of the main building contract.
- 3.23 In order to ensure that Brent has a firm commitment from one or either Contractor, with regard to delivery of classrooms, programme and spend, both Contractors had been asked to consider the agreement of a Guaranteed Maximum Price (GMP) by 21st March 2011, to satisfy Brent Council's requirement to seek an earlier guarantee of being able to comply with the budget, programme and cash flow requirements. Once the GMP is known and, on the expectation that Brent will be able to progress with one of the Contractors, the preferred Contractor will be requested to both define the contract sum and develop the design by 2<sup>nd</sup> May 2011.
- 3.24 The appointment of a single contractor to produce a fixed price and develop the design by 2<sup>nd</sup> May 2011 has a relatively high risk in that there is no guarantee that Brent Council will secure a fixed price within the budget, or be able to deliver all required classrooms by the end of August 2011. However, there is little in the way of option to procure the delivery of the classrooms by any other means. The agreed preference is to obtain a guaranteed price now (as at 21 March 2011) so that it will be known whether the scheme is affordable, rather than wait until May, which by then will place additional pressure on the programme and spend of PCP monies. The requirement to spend £1.6m by the end of August 2011 is also not guaranteed, although Contractor A and Contractor B have indicated that both targets are achievable.
- 3.25 Contractor B had not submitted a GMP on 21 March 2011 and following enquiries, it was made known that they were intending to do so. As such Contractor A is the only GMP bid that has been received and which may,

therefore be considered. There is nothing against which to evaluate Contractor A's GMP as it is the only bid, as advised by Frankhams .

- 3.26 The outcome of Contractor A's GMP tender is shown in Appendix 3 (not for publication).
- 3.27 Contractor A's GMP as shown in Appendix 3 is over the original estimate and budget provision of £2.35m. However, Brent Officers and the Design Team are undertaking Value Engineering on the GMP allowing financial costs to be contained within budget, which, via delegated authority of the Director of Regeneration and Major Projects, may recourse to some adjustment to the Main Capital Programme.
- 3.28 On this basis, Brent Officers are willing, subject to Executive approval, to award the pre-construction contract, with a view to awarding the Main works contract to preferred Contractor A, following the Design Team working with Contractor A to secure a price that fits within budget, notwithstanding recourse to the Main Capital Programme, as noted in paragraph 3.27.
- 3.29 The timeline for the Contractors' submission of the GMP, followed by the Contractor's commitment to a contract sum falls between Executive meetings (11 April and 23 May 2011). As such and, so as to enable the preferred Contractor A to start on site with effect from 3 May 2011, this report proposes that there be delegation to the Director of Regeneration and Major Projects to award a Main Works contract to deliver the Park Lane Primary School scheme.
- 3.30 The form of build contract will be JCT Design & Build With Contractor's Design 2005. There will be no novation of Frankhams to the Design & Build Contractor. The indicative works contract sum, including an appropriate contingency is not to exceed £2.35m. The level of contingency is to be established in consideration of design risk passing to the contractor, subject to ground conditions risks. Remaining allocated funds will meet development costs and professional fees, within the total allocation of £2.6m, subject to value engineering and adjustment to the Main Capital Programme, as considered necessary by the Director of Regeneration and Major Projects.

#### **4.0 Financial Implications**

- 4.1 Expenditure for both design fees and building costs will be met from a combination of Basic Needs Safety Valve (BNSV) funding totalling £1.6m and £1.0m from the Main Capital Programme resources. The BNSV funding allocation is dependent on pupil numbers in the January 2012 census meeting those forecast for September 2011 and the Department for Education has reserved the right to claw back funding where these targets have not been met. As such, the allocation of £1.6m must be expended in full by end of August 2011 in order to achieve these targets. If the contract is let and grant monies are not expended within the timeline the Council will bear the risk on any balance of required funding for which there is no budgetary provision.
- 4.2 The cost estimates included within the report are subject to further work on design and evaluation of the scheme. At the time of writing the report, only one Contractor has submitted a Guaranteed Maximum Price by the due date

of 21 March 2011 and, following an evaluation of the Bidder, it is proposed that the preferred contractor to be awarded the Main Works contract, preceded by the pre-construction contract is Contractor A. By 2<sup>nd</sup> May 2011, the contract sum will also be known; it is acknowledged that the GMP is outside the original estimate and budget provision of £2.35m. However, it is anticipated that applying Value Engineering with, if necessary, an adjustment to the Main Capital Programme, an affordable contract sum will be reached and agreed via delegated authority of the Director of Regeneration and Major Projects and with the agreement of the Director of Finance and Corporate Services.

- 4.3 The Council's Contract Standing Orders state that works contracts exceeding £1,000,000 (High Value Contracts) shall be referred to the Executive for approval. Accordingly, as the indicative contract sum exceeds £1,000,000 and is no higher than £2.35m, the Executive is hereby requested to approve the works contract to Contractor A, via delegated authority to the Director of Regeneration and Major Projects, for reasons explained in paragraph 3.29.
- 4.4 The report notes that utilising the IESE Framework Agreement that facilitates bringing on board a contractor at an early stage of the procurement process enables the principles of Best Value to be adhered to, as outlined in paragraph 3.11 and how tasks enabling cost certainty during pre-construction and post-construction phases may be achieved.

## **5.0 Legal Implications**

- 5.1 Brent Council has a statutory duty to provide school places where needed; the proposal of the part new-build and part remodelling works to enable expansion of Park Lane Primary School will facilitate the Council in its duty.
- 5.2 Normally a works contract that is above the EU works threshold of £3,927,260 requires the use of an EU-compliant tender process. However there is no need to comply with this where a call-off is made from an EU-complaint framework. The use of framework agreements is permitted within Council Standing Order 86(d) and, provided that there is compliance with EU law and internal rules of the particular framework, individual call offs do not require the following of an individual tender process. However, it is necessary for the Chief Officer, Director of Legal and Procurement and Director of Finance and Corporate Resources to confirm that participation is legally permissible as per Standing Order 86 (d) (ii), each time a call off from another contracting authority's framework is proposed.
- 5.3 Confirmation was obtained from the Director of Legal and Procurement on 8<sup>th</sup> September 2010 that participation in the IESE Framework is permissible. Authority and approval was obtained from the Director of Finance and Corporate Resources on the 28<sup>th</sup> September 2010 to use the IESE Framework.
- 5.4 In order to minimise delay in the delivery of this project, this report seeks to delegate to the Director of Regeneration & Major Projects the award of the final stage construction contract, due to the timing of the Executive meetings and as explained in paragraph 3.29, which is otherwise as required under the Council's Contract Standing Orders, where estimated construction works exceed £1,000,000 (High Value Contracts). It is not

unusual for award decisions to be delegated, however it is considered justified in these circumstances. The indicative main works contract sum is not expected to exceed £2.35m, but it is acknowledged that the Director of Regeneration and Major Projects may use his discretion to make a necessary adjustment to the Main Capital Programme to ensure that the contract sum fits within a revised and agreed provision.

## **6.0 Diversity Implications**

- 6.1 Park Lane Primary School is situated in a relatively wide socio-mixed area and, likewise, caters for pupils from a diverse socio-economic mix. The expansion will improve choice and diversity for parents of Brent.
- 6.2 Expanding the school will enable the Council to fulfill its statutory duty to provide school places and additional new places and also to allow the existing Year classes to move up and progress through the school.
- 6.3 The design strategy and the building form will support the education delivery, facilities and amenities for all, including the children and families who need these services most in the expansion programme as outlined in this report and so to enhance their inclusion.
- 6.4 An Impact Needs/Requirement Assessment Completion Form is attached at Appendix 4.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

- 7.1 There are no implications for the immediate purpose of this report.

### **Background Papers**

- Park Lane Primary School files
- Frankham - Tender Report - 18 February 2011
- 11 August 2010 Executive Report - Primary School Expansion

### **Contact Officers**

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Richard Barrett  
Assistant Director of Property & Assets, Regeneration & Major Projects

ANDY DONALD  
Director of Regeneration and Major Projects

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IESE REGIONAL FRAMEWORK

Project Name	Park Lane School	
Client	LB of Brent	
Estimated Project Value	£2,600,000	
Scope of Work	Refurb	

Date of assessment	07-Jan
By	Don Joyce

APPENDIX 1

Note: a score of 1 in Questions 1, 3 or 4 will automatically remove a contractor from further consideration

			Mace Plus		Warings		BAM		Mansell / BBCL		Kier		Morgan Sindall		Willmott Dixon		VolkerFitzpatrick		Costain		Wates	
	Contractor's:-	Client's <u>Project-specific weighting</u>	Score 1 to 5	Weighted Score	Score 1 to 5	Weighted Score	Score 1 to 5	Weighted Score	Score 1 to 5	Weighted Score	Score 1 to 5	Weighted Score	Score 1 to 5	Weighted Score	Score 1 to 5	Weighted Score	Score 1 to 5	Weighted Score	Score 1 to 5	Weighted Score	Score 1 to 5	Weighted Score
1	Preferred type of work	0.17		0.0	1	0.2		0.0	5	0.8	5	0.8	1	0.2	1	0.2		0.0			1	0.2
2	Relevant Experience	0.17		0.0	1	0.2		0.0	5	0.8	5	0.8	1	0.2	1	0.2		0.0			1	0.2
3	Capacity	0.17		0.0	1	0.2		0.0	5	0.8	5	0.8	1	0.2	1	0.2		0.0			1	0.2
4	Geographical location	0.17		0.0	1	0.2		0.0	5	0.8	5	0.8	1	0.2	1	0.2		0.0			1	0.2
5	Client's Preference	0.17		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0		0.0
6	KPI Score	0.17		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0		0.0
7	Management Structure / Costs	0.00		0		0		0		0		0		0		0		0		0		0
Weighting to total 1.00		1.00	TOTAL	0.00	TOTAL	0.67	TOTAL	0.00	TOTAL	3.33	TOTAL	3.33	TOTAL	0.67	TOTAL	0.67	TOTAL	0.00	TOTAL	0.00	TOTAL	0.67
% SCORE			0%		13%		0%		67%		67%		13%		13%		0%		0%		13%	

# Weighting Calculation

Preferred type of work	100	0.17
Relevant Experience	100	0.17
Capacity	100	0.17
Geographical location	100	0.17
Client Preference	100	0.17
KPI Score	100	0.17
Management Structure / Costs	0	0.00
TOTALS	600	1.00

Select the criteria of the greatest importance, and give it a score of 100. Take each criteria in turn and assess its' importance relative to 100. Is it half the importance? To ensure the best possible spread of weighting, it is often best to select the least important criteria second, and to try to give it a score first. The lower this score, the easier it is to weight the scores between as there are high and low comparisons.



## SCORING PROMPTS

<b>Preferred type of work</b> (or desired type of new work)	<ol style="list-style-type: none"> <li>Very strong preference for project.</li> <li>Good fit with contractor's preferences</li> <li>Contractor willing but not usual fit</li> <li>Poor fit with contractor's preferences</li> <li>No fit with contractor's preferences</li> </ol>
<b>Relevant Experience</b> of sector or of site or "specialist" e.g. cladding	<ol style="list-style-type: none"> <li>Considerable (10+ similar projects)</li> <li>Some (5 - 9 similar projects)</li> <li>Little (1 - 4 similar projects)</li> <li>No recent experience (within 5 years)</li> <li>No experience</li> </ol>
<b>Capacity</b> Management Team available Design Team available Specialist supplier available	<ol style="list-style-type: none"> <li>Experienced Project Team immediately available</li> <li>Project Team immediately available</li> <li>Project Team available within 1 month</li> <li>Heavily committed to other work</li> <li>Contractor unavailable</li> </ol>
<b>Geographical location</b> Contractor has local presence Local supply chains Previous history of the area	<ol style="list-style-type: none"> <li>In centre of area, (or in proximity to existing work)</li> <li>Well within area of coverage</li> <li>Within area of coverage</li> <li>Slightly outside area of coverage</li> <li>Significantly outside contractor's area</li> </ol>
<b>Client Preference</b> Could be based on: Ongoing programme of work End user relationship Previous excellent delivery	<ol style="list-style-type: none"> <li>Strong preference</li> <li>Good working experience with contractor</li> <li>No preference</li> <li>Poor experience with contractor</li> <li>Unacceptable to client</li> </ol>
<b>Carried forward from performance reviews of previous projects</b>	
<b>KPI Score</b> Use Global KPI, or choose one of:- <i>Global</i> KPI <i>Sector</i> KPI (eg school, offices) <i>Specific</i> KPI (eg time, cost, quality)	<ol style="list-style-type: none"> <li>80+</li> <li>70 to 79</li> <li>60 to 69</li> <li>50 to 59</li> <li>Less than 50</li> </ol>
<b>Management Structure / Costs</b> Proposed management team Relationship to ITT Allocation of personnel	<ol style="list-style-type: none"> <li>Appropriate resources for the tasks</li> <li>Good team proposals</li> <li>Fair approach to proposed team</li> <li>Poor team proposals, time based</li> <li>Purely time based team proposals, no task considerations</li> </ol>

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<b>Department:</b> Regeneration & Major Projects	<b>Person Responsible:</b>
<b>Service Area:</b> Property & Asset Management	<b>Timescale for Equality Impact Assessment :</b>
<b>Date:</b> 28 <sup>th</sup> March 2011	<b>Completion date:</b> 30 <sup>th</sup> March 2011
<b>Name of service/policy/procedure/project etc:</b> Expansion of Park Lane Primary School by 1FE on the existing school site.	<b>Is the service/policy/procedure/project etc:</b>  New ✓ <input type="checkbox"/> <del>Old</del> <input type="checkbox"/>
 Predictive ✓ <input type="checkbox"/>  Retrospective <input type="checkbox"/>	 <del>Adverse impact</del> <input type="checkbox"/>  Not found ✓ <input type="checkbox"/> <del>Found</del> <input type="checkbox"/>  Service/policy/procedure/project etc, amended to stop or reduce adverse impact  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>
<b>Is there likely to be a differential impact on any group?</b>  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>	<b>Please state below:</b>
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>	6. Grounds of age: Older people, children and young People  <del>Yes</del> <input type="checkbox"/> No ✓ <input type="checkbox"/>
<b>Consultation conducted</b>  Yes ✓ <input type="checkbox"/> See attached Consultation Statement <del>No</del> <input type="checkbox"/>	
<b>Person responsible for arranging the review:</b> Richard Barrett, Head of Property & Asset Management	<b>Person responsible for publishing results of Equality Impact Assessment:</b> Richard Barrett, Head of Property & Asset Management
<b>Person responsible for monitoring:</b> As above	<b>Date results due to be published and where:</b>
<b>Signed:</b>	<b>Date:</b> 30 March 2011

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

### 1. What is the service/policy/procedure/project etc to be assessed?

Park Lane Primary School is proposing to expand by one form of entry from January 2011; this means that the school will become a two form of entry provision and its admission capacity will increase from 210 places to 420 Reception to Year 6 places.

### 2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/ policies etc in this area

Brent Council has a statutory duty to provide school places for its pupils, where needed. This proposed part expansion and part remodelling project will facilitate the Council in its duty. The proposed physical expansion school will accommodate the increase in pupil numbers that are currently based at the school; works are scheduled to complete in February 2012.

#### Demand for Primary Places:

In 2009-10, Brent Council analysed the increased demand for places and prudently added a further 68 Reception 'bulge' places, at Anson Primary School (7) Park Lane (30) Brentfield (30) Avigdor Hirsch Torah Temimah (1), providing a total of 3428 Reception places. Despite adding new places, there remains a shortfall of Reception places in the borough. As at 29 July 2010, there were 164 primary aged children without a school place for the 2009/10 academic year.

For 2010-11, temporary and permanent provision of 135 additional Reception places has been added for September 2010 in the following schools; Brentfield (30) Wykeham (30) Braintcroft (30) Islamia (30) St Robert Southwell (15).

The demand for Reception places is significantly greater than the number of available places. As at 26 October 2010, 634 primary aged pupils remained without a school place, of which, 150 pupils are Reception aged children.

Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. LA must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them.

The Executive report scheduled for April 11 2011 identifies the proposed expansion/remodelling project at Park Lane Primary School.

Park Lane Primary School is located at Park Lane, Wembley, Middx HA9 7RY. It is a Community school, using the admission arrangements set by the Local Authority. It offers non-denominational mixed gender places for pupils aged 3-11 years.

### 3. Are the aims consistent with the council's Comprehensive Equality Policy?

Yes; Park Lane is situated in a relatively wide socio-mixed area and, likewise caters for pupils from a diverse socio-economic mix. The expansion of the school will improve choice and diversity for parents in Brent. See also paragraph 6 below.

The impact on Equalities will be kept under review and reported to the members on an annual basis.

### 4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

None. The expansion of Park Lane Primary School is not likely to negatively affect the community. However, as is common with such construction proposals, there is concern from members of the local community that increased pupil numbers will affect traffic volume. As part of the Planning Approval, granted in December 2010, the school is required to update and maintain a robust School Travel Plan.

### 5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc).

The proposed expansion at Park Lane Primary School will assist in meeting the demand in school places. There is a shortage of sufficient school places in Brent. The number of unplaced children and vacancies are constantly fluctuating, but overall demand is exceeding supply in the lower year groups (reception to Year 2), in particular, which is correlated to the pattern of rising demand in the borough as across London, over the last three years.

According to the GLA's current projection of school rolls (based on the January 2010 pupil census data), the number of four year olds on roll is expected to rise by over 300 pupils between 2010 and 2013, after which the demand is projected to decrease slightly. However, the impact of rising birth rates may further impact on the demand for reception places.

In 2008, the Council consulted widely on schools strategy in Brent, receiving over 800 responses. Brent residents were in favour of the Council's strategy for school places and believed that the LA should play a major role in managing and running schools. Over two thirds of participants did not feel they were disadvantaged in obtaining a school place for their children due to any of the main diversity strands. Over, 90% did not feel they were disadvantaged due to their gender. This was also true for 85% of participants in relation to disability; 77% in relation to ethnicity; and 66% in relation to their faith.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

The proposed part new build/part remodelled 2FE school will incorporate specialist provision and will be DDA compliant. As such, the school's completed project will have a positive impact in terms of compliance with the standards, quality and range of educational provision for children.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

Consultation for expansion at Brent schools is noted at paragraph 5 above and paragraph 8 below. Ongoing statutory and key-stakeholder consultation is likely to continue during the construction works when the works are scheduled to complete in February 2012.

8. Have you published the results of the consultation, if so where?

Consultation on the expansion of the school was subject to a report for decision making. It was attached to the relevant Statutory Proposal.

The Statutory Notice was subsequently published on or by 13 May 2010 and a copy of the complete proposal document was made available to anyone who requested to see a copy. The Executive made a final decision following the Statutory notice period by July 2010.

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

None is identified.

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

Not applicable.

11. If the impact cannot be justified, how do you intend to deal with it?

Not applicable

12. What can be done to improve access to/take up of services?

Not applicable

13. What is the justification for taking these measures?

Not applicable

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

Schools are subject to performance monitoring in order to comply with DFE requirements. This includes data on disability, ethnicity and gender of children.

The impact on Equalities will be kept under review and reported to the members on an annual basis.

15. What are your recommendations based on the conclusions and comments of this assessment?

To seek approval to the recommendations in the correlated report to Brent Executive on 11 April 2011 for the part re-build and part remodelling rebuild of an expanded Park Lane Primary School via an award of contract to Contractor 'A'.

Should you:

1. Take any immediate action? Not applicable
2. Develop equality objectives and targets based on the conclusions? Not applicable
3. Carry out further research? Not applicable

16. If equality objectives and targets need to be developed, please list them here.

Not applicable

17. What will your resource allocation for action comprise of?

There is mixed funding streams as scheduled below:

Brent Executive in November 2010 approved funding for the Park Lane project from the Basic Needs Safety Valve grant and an additional source from the Schools Main Capital Programme.

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:

Full name (in capitals please): Richard Barrett


Date: 30 March 2011

Service Area and position in the council:

Head of Property & Asset Management; Regeneration and Major Projects

Details of others involved in the assessment - auditing team/peer review:

Once you have completed this form, please take a copy and send it to: **The Corporate Diversity Team, Room 5 Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD**

	<p style="text-align: center;"><b>Executive</b> 11 April 2011</p> <p style="text-align: center;"><b>Report from the Director of Children and Families and the Director of Regeneration and Major Projects</b></p>
Wards affected: All	
<p><b>Temporary Expansion of Brent Schools: 2011-12</b></p>	

## 1 Summary

- 1.1 Primary Schools: Demand for primary school places is forecast to exceed the supply of places again in 2011. As is the case across most London Authorities, Brent Council is experiencing a shortfall of primary school places, with severe shortage in the reception cohort.
- 1.2 The projection of rising demand for reception school places in the borough are matched by actual demand for places as of the January 15, 2011 deadline for submissions. Three and a half additional Reception classes are forecast to be required by September 2011 to ensure that the Council meets its statutory obligation to provide school places. A further three to five Reception classes may be required during the academic year.
- 1.3 Similarly, 2 classes are the forecast requirement for Year 1; 2.7 classes for Year 2 and 0.7 classes for Year 3 in September 2011. A further 7.6 classes may be required during the academic year for the Y1, Y2 and Y3 groups.
- 1.4 Eight temporary school expansion proposals are being recommended in this report, which are deemed suitable to cope with the shortfall for September 2011.
- 1.5 The Village School: On 12 April 2010 Brent Executive approved the rebuilding of the Hay Lane and Grove Park School buildings as one school (now referred to as The Village School) incorporating the existing recently completed 16+ Centre, a new Short Break Centre on site and the provision of the necessary temporary accommodation during the construction period on the site of adjacent Kingsbury High School.
- 1.6 A full report on this project is to go to Executive on 23<sup>rd</sup> May 2011 which will provide an update to the members on the progress made in developing the rebuild scheme and the funding arrangements required to cover the costs. It will seek the necessary authorities to award the contract for building the Village School, the Main Scheme.

- 1.7 In order to maintain the programme the contract for constructing the temporary accommodation and legacy works for the Village School within the grounds of Kingsbury High School needs to be awarded prior to the Executive Meeting on 23<sup>rd</sup> May 2011.

## **2 Recommendations**

The Executive is recommended:

- 2.1 To approve the allocation of £1.5m from the Council's Main Capital Programme for providing additional primary school places across Brent schools from September 2011, as set out in the table under paragraph 3.2.13.
- 2.2 To delegate authority to the Director of Regeneration and Major Projects to appoint one or more works contractors using existing construction frameworks, for the recommended temporary school expansion schemes, in the event that any single works contract exceeds £1m in value.
- 2.3 To delegate authority to the Director of Regeneration and Major Projects to award the works contract for constructing temporary accommodation for the Village School, Decant and Legacy Scheme.

## **3 Detail**

### **3.1 Background**

#### **3.1.1 Update on Demand for School Places**

- 3.1.2 In a report to the Executive on Brent Primary Schools Expansion in November 2010, Members were informed that in the last two academic years, the Great London Authority's (GLA) accuracy rate for the projection of primary school rolls has been falling and has not addressed the real rise in demand for primary school places. This is generally true across London authorities, which are being caught out by an extremely high number of applications for Reception and Year 1 places.
- 3.1.3 It was further noted that according to the GLA's projection of school rolls (based on the January 2010 pupil census data), the number of four year olds on roll was expected to rise by over 300 pupils (10 classes) between 2010 and 2013, after which the demand is projected to decrease slightly. Whilst this translated into a shortfall in the capacity by 270 Reception places (9 classes) by September 2012 it did not fully take into account the GLA's analysis presented in September 2010 that the birth rate across London is increasing more than previously expected. It was noted that the impact of rising birth rate may further impact on the demand for Reception places.
- 3.1.4 The report also summarised that the GLA school roll projection analysis estimates that Brent Council will need to provide an additional 1680 (Reception to Year 6) primary places by 2015-16 (including a 5% planning margin), which equates to approximately four new 2FE primary schools.
- 3.1.5 The Council has been reviewing the GLA analysis and is addressing the anomalies based on the evidence that a large number of primary aged children currently remain without a school place and the number of applications for admissions being received for



the next academic year. This report aims to address the shortfall for the upcoming academic year 2011-12.

- 3.1.6 Inward migration and rise in birth rate have been the main contributing factors to the annual increase in demand for primary school places in addition to the change in Admission Code.

#### Compulsory school age

- 3.1.7 A child becomes of compulsory school age when he or she reaches the age of five and must start school in the term following his or her fifth birthday (unless a child is educated otherwise). Not all the Reception pupils without a school place will be aged five; however, they will all turn five throughout this school year.
- 3.1.8 Brent's policy, in line with most other London authorities has been to admit children into the Reception from age four onwards. Sir Jim Rose completed a review of the primary curriculum in April 2009 and recommended that children should ideally start school in the September following their fourth birthday. The Secretary of State accepted that recommendation and announced that all parents should be able to choose this option if that is what is best for their child. Parents are now able to choose for their child to start school on a part-time or full-time basis, or choose a place at a nursery or other early learning setting if they would prefer this. A revised School Admissions Code came into force on 10 February 2010, and requires all admission authorities to provide parents with this choice of a school place for entry from September 2011.

#### Increase in the Birth Rate

- 3.1.9 GLA's projections are based on ONS birth data, which was forecasting a short-term reduction in births. At the beginning of 2010 it was thought that the number of births in London had already peaked by the end of 2009 and had begun to fall. Conversely, births in London in the latter part of 2009, and nationally also in the first half of 2010, had again risen.
- 3.1.10 Since 2001 births in London have increased by 24.1%. The greatest percentage increases have been in Barking & Dagenham (51%), Greenwich (40%), Hounslow (37%), Redbridge (37%) and Sutton (33%). The percentage increase for Brent during the same period is 31% (3917 in 2001 to 5132 in 2009, an increase of 1215). Between mid 2006 - 2007 there were 4799 births in Brent – all requiring a reception place by September 2011.

#### September 2010-11: Reception

- 3.1.11 Applications for the current year are being received on a weekly basis. Whilst, some of the children will take up places created by the 'churn' (pupils transferring from one school to another), the majority of applications are for new comers into the borough. Existing vacancies in Year 5 and 6 are being driven out of the system through annual progression and as such are deemed to be unsuitable for Reception, Y1 and Y2 children.
- 3.1.12 Based on the GLA forecast for 2010-11, 3483 Reception pupils on roll were expected in Brent. This forecast achieved an accuracy rate of 93.98% (under projected), which is outside the standard tolerance level and left 150 children (as at 26 Oct 2010) without a Reception place for the current school year due to shortage of capacity.

3.1.13 In 2009-10, the Council provided 3428 (including 'bulge' classes) Reception year places, which meant that the shortfall of places for the on-going 2010-11 academic year should have been only 2 new classes (55 places) in addition to maintaining the capacity created by the two 'bulge' classes in 2009-10, thereby totalling to 4 additional classes.

3.1.14 However, after taking into account the GLA forecast, factoring in the anomaly of the previous year's (2009-10) forecast and based on the analysis of the applicants seeking admission, the Council provided 135 additional Reception places (4.5 classes) in September 2010 and a further 60 places (2 classes) were provided in February 2011 at Ashley Garden Early Learning Centre, totalling 6.5 additional classes.

3.1.15 Due to a surge in the 2010-11 demand for primary school places, a further 50 Reception places were mobilised as a temporary in-year solution by creating Reception classrooms in the Nursery provision. This means that the number of Reception places, including temporary provision, for the current academic year are 3592 places plus 50 Reception places in Brent nurseries, equalling a total of 3642 places. The table in Appendix 1 provides information on the temporary and permanent Reception provision created by the Council over a period of five years.

3.1.16 Despite the measures taken by the Council to increase the number of Reception year places in 2010-11, as of 11 March 2011, 73 Reception aged children remain without a school place. Between June 2010 and March 2011, 260 in-year applications were received from parents seeking a place for their child in the Reception class for the on-going academic year.

#### September 2010-11: Year 1 to Year 6

3.1.17 A similar situation exists in the Year 1 to Year 3 demand for school places. There are 3451 places available in Year 1; however, currently 125 children remain without a school place with only 18 vacancies across the borough in the corresponding year group.

3.1.18 The table below provides a summary of the number of children without a school place in the current academic year:

**Table 1. Unplaced Children and Vacancies**

<b>Year Groups</b>	<b>Unplaced Children 2009-10 19 Mar 2010</b>	<b>Unplaced Children 2010-11 26 Oct 2010</b>	<b>Vacancies 2010-11 26 Oct 2010</b>	<b>Unplaced Children 2010-11 11 Mar 2011</b>	<b>Vacancies 2010-11 11 Mar 2011</b>
<b>Reception</b>	60	150	12	73	9
<b>Year 1</b>	30	154	15	125	18
<b>Year 2</b>	15	91	42	72	23
<b>Year 3</b>	15	73	78	60	63
<b>Year 4</b>	4	63	127	39	113
<b>Year 5</b>	9	36	179	27	177
<b>Year 6</b>	0	67	125	51	92
<b>TOTAL</b>	<b>133</b>	<b>634</b>	<b>578</b>	<b>447</b>	<b>495</b>

3.1.19 Both the number of unplaced children and vacancies are constantly fluctuating but overall demand is consistently exceeding supply in the lower year groups (Reception to

Year 2), which is correlated to the pattern of rising demand in the borough, and indeed across outer London, over the last three years.

- 3.1.20 The above table illustrates the magnitude of the challenge facing Brent. At the time of writing this report, only 9 (0.24%) vacancies exist in the Reception year group out of 3642 places in the borough. Similarly, only 18 (0.52%) vacancies exist in the Year 1 and 23 (0.67%) in Year 2.
- 3.1.21 In Year 3 the situation appears to be in balance with 60 children without a school place and 63 vacancies; however, it is worth noting that even though the Council is able to meet its statutory obligation of offering school places, parents may not accept a place. This could be the case when the availability exists in a faith school other than that of the family's preference or where parents are unable to take small children to two different schools without being late for school and/or their work. Children without a school place are anticipated to remain in the system next year, at which point they will be in the Year 4 age group.
- 3.1.22 Preston Park Primary School is willing to accept a 'bulge' class of 20 pupils in the current year 4 class with a requirement that a temporary modular accommodation should be installed in September 2011. This will address some of the parental preference issues and the Council should be able to reduce the current number of children out of a school place in Year 4.
- 3.1.23 Years 5 and 6 have sufficient school places for the Council to meet its statutory obligation and do not require any temporary accommodation. Parents may not be willing to accept a school place mainly due to unavailability of a place in their preferred school.

#### September 2011-12: Reception

- 3.1.24 The GLA forecast for 2011-12 suggests a demand of 3642 Reception pupils in Brent. This does not seem to be in line with the applications being received by the Council. 4140 on-time applications for the Reception year group were received by 15 January 2011. A further 156 applications have been received since the closing date, which means so far a total of 4296 applications have been received. Based on an approximate 85% conversion rate, 3652 children are being expected to be pupils on roll.
- 3.1.25 Based on the current academic year's 260 in-year Reception applications over a 10 month period, it is expected that a similar number of in-year applications will be received by the Council for the 2011-12 academic year. Using a conservative estimate of at least 35% (91 pupils, 3 classes) up to 55% (143 pupils, over 4.7 classes) of such applications are expected to result in a requirement for the Council to provide Reception school places. Hence, over the course of the 2011-12 academic year, the Council expects a total demand ranging from 3743 (3652+91) to 3795 (3652+143) Reception pupils.
- 3.1.26 There are however only 3547 Reception places available for the academic year beginning September 2011. Whilst, these include the current school expansion projects – Preston Manor High School (2 classes), Newfield (1 class), Brentfield (1 class), which will be available from September 2011, the overall Reception provision is less than the current year by 95 (3642-3547) places. This is because the 'bulge' classes provided in the current academic year are not necessarily available for September 2011.
- 3.1.27 The table below provides the numbers on roll forecast and deficit of places for the Reception year:

**Table 2. Shortage of Reception School Places**

Year Group	GLA Forecast for 2011-12	Brent's Forecast for 2011-12	No. of available Places 2011-12	Shortfall of Places	Shortfall of Classes
R	3642	3743	3547	-196	-6.5

(-) deficit in school places based on Brent Forecast.

- 3.1.28 The demand arising from in-year applications is expected to be spread across the academic year 2011-12. Hence, in September 2011, the forecast demand is equal to 3.5 classes while the balance of 3 classes is the forecast need for the remainder of the 2011-12 academic year i.e. from September 2011 to August 2012.

#### September 2011-12: Year 1 to Year 6

- 3.1.29 As is the case in the Reception year group, the demand pressure in the Year 1, Year 2 and Year 3 is equally high. The GLA has projected that there will be 3641 Y1 pupils, 3439 Y2 pupils and 3228 Y3 pupils in September 2011. The forecast includes current Reception pupils in Nursery accommodation and will need to be relocated to a suitable Year 1 provision in September 2011. However, the Council's analysis based on the anomaly of GLA's forecast, the current intake in Brent schools, children without a school place and the expected in-year applications, provides the following updated numbers on roll forecast and deficit of places for the Y1 to Y3 groups:

**Table 3. Shortage of Y1 to Y3 School Places**

Year Group	GLA Forecast for 2011-12	Brent's Forecast for 2011-12	No. of available Places 2011-12	Shortfall of Places	Shortfall of Classes
Y1	3641	3783	3622	-161	-5.4
Y2	3439	3622	3448	-174	-5.8
Y3	3228	3556	3503	-53	-1.8

(-) deficit in school places based on Brent Forecast.

- 3.1.30 Comparison of Year 1 to Year 3 forecast number on roll with the corresponding number of school places available in 2011-12 indicates that there will be a net shortfall of school places in Year groups 1 to 3.
- 3.1.31 The shortage of school places for Year 1 – Year 3 in the above table includes projected demand arising from in-year applications. This means that although there is a deficit of 5.4 (Y1), 5.8 (Y2) and 1.8 (Y3) classes, 2 classes in Y1, 2.7 classes in Y2, and 0.7 classes in Y3 will be required for September 2011 while the balance is the forecast need for the remainder of the 2011-12 academic year i.e. from September 2011 to August 2012.
- 3.1.32 Preston Park is being recommended to provide a 'bulge' Year 4 class, which will reduce the number of children without a school place in the year group.
- 3.1.33 Years 5 and 6 are forecast to have sufficient school places for the Council to meet its statutory obligation and do not require any temporary accommodation.

#### Areas of Demand for School Places:

- 3.1.34 The Map in Appendix 2 illustrates the demand pressure across the borough with a large number of primary aged children currently without a school place. The representation of various year groups on the map indicates the pressure areas; the dots ('smiley faces') do not represent a one to one relationship with the total number of children without a school place i.e. one 'smiley face' does not equal a child without a school place.
- 3.1.35 The current unplaced children across each year group (R-Y3) are located throughout the Planning Areas 1-5; hence, there is a need to temporarily increase primary capacity for several planning areas. Unless the Council provides additional primary places, most of these children are likely to remain without a school place at the commencement of the new school year in September 2011, which means that they will progress to the next year group without a school place and may need to be provided a school place in 2011-12.
- 3.1.36 Appendix 3 shows the approximate increase or decrease in the primary school roll projections in comparison to the neighbouring authorities by 2014-15. This is particularly useful to understand the demand for primary school places in the outer London area.

#### Provision of Additional School Places: 2011-12

- 3.1.37 Due to the current shortage of places, the planning margin of 5% has not been factored in the requirement. The planning margin is usually included in providing school places to act as a buffer against sudden peaks in demand and to provide for parental preference.
- 3.1.38 In summary, it is recommended that Brent Council provides a total of 9.1 'bulge' classes, subject to availability, for year groups R to Y4 including by September 2011 as per the breakdown below:

#### Reception Year:

- 3.1.39 The lack of capacity in Brent schools means that for the upcoming 2011-12 academic year, the Council needs to provide an additional provision, increasing Reception class capacity by at least 196 places (6.5 classes) and up to 248 places (8.2 classes) over the course of the next academic year based on the number of in-year applications.
- 3.1.40 It is recommended that the Council increases its provision by 3.5 Reception classes prior to September 2011. An increase in provision should ensure that a sufficient number of places are available at the commencement of the new academic year. On commencement of the new academic year in September 2011, it may be necessary to provide further three to five Reception classes by February 2012 to ensure sufficient school places are available for the entire year.

#### Year 1 to Year 3:

- 3.1.41 Schools are generally hesitant to accept 'bulge' classes for Year 1 and upwards since they may not be able to adequately address the educational needs of the children, especially if some of these children maybe recent arrivals in UK with little prior education. Hence, there is a preference of accepting 'bulge' Reception classes over other year groups.
- 3.1.42 Subject to availability, it is recommended that Brent Council provides 2 Year 1 'bulge' classes, 2.5 Year 2 'bulge' classes and 0.5 Year 3 'bulge' class prior to September 2011. This is likely to ensure sufficiency of provision at the commencement of the next academic year in year groups 1 to 3. Between September 2011 to February 2012, it may

be necessary to provide further seven and a half 'bulge' Y1-Y3 classes for the entire school year in 2011-12.

Year 4 to Year 6:

- 3.1.43 There are sufficient school places in Y4, Y5 and Y6 for the Council to meet its statutory obligation by offering a school place, although some parents may not accept a place if it does not meet their criteria. Hence, Preston Park is being suggested for a Year 4 'bulge' class consisting of 20 pupils to improve take-up in the current academic year, which will require a modular classroom in time for September 2011 to ensure progression.

## **3.2 Strategy and options for delivering additional primary school places**

### **3.2.1 Medium term strategy to increase primary school capacity**

- 3.2.2 Demand for primary school places is forecast to grow year on year over the next four years. The Council is in the process of developing a strategy to meet the continuing demand for primary places over the next three to four years. A report will be presented to the Executive within the next two months, which will focus on the strategy to provide primary school places in balance with the availability of resources. There are different options currently being considered to increase capacity and viability of Brent Schools without compromising the educational outcomes. Some of these options under consideration include all-through schools, 5FE schools, and larger classes with qualifying measures being taken where necessary in accordance with the Legislation.

- 3.2.3 The report on the medium term strategy will not be developed in time to address the immediate issue of lack of school places for the September 2011 academic year. As an interim measure, this report seeks Member approval on providing temporary expansion in capacity to meet the short-term demand for Reception to Year 4 school places to ensure that the Council is able to meet its statutory obligation for the upcoming year 2011-12.

### **3.2.4 Temporary 'Bulge' Classes for September 2011:**

- 3.2.5 'Bulge' classes could be delivered using various options, such as:

- Minor remodelling to existing school buildings e.g. converting an ICT suite into a classroom
- Providing and/or relocating temporary accommodation (modular) to existing and new school sites
- Utilising brownfield (non-school site) accommodation as an interim measure
- Running 'special projects' to improve compliance under statutory duty.

- 3.2.6 'Bulge' classes planned under this report will offer temporary provision and have a one-time additional intake for September 2011. The admission number of the individual schools will then revert back to the previously published number in the subsequent academic years.

### **3.2.7 Criteria for selecting Schools for Temporary Expansion:**

- 3.2.8 At the time of selecting the on-going permanent school expansion projects, the Council had reviewed opportunities to increase capacity at all primary schools and attempted to match opportunities to areas where the highest demand for school places existed.

3.2.9 This work has been taken into account to draw up a priority list for the temporary expansion of schools based on the following criteria:

- shortage of school places in a local area;
- physical expansion of a school on a temporary basis deemed to be feasible;
- temporary expansion feasible without commitment to undertake permanent expansion
- expression of interest and/or agreement by the school to expand its capacity on a temporary basis;
- risk associated with the expansion of the specific schools, likelihood of planning consent;
- availability of funding to expand the school.

3.2.10 In this report, the proposals for temporary expansion of school capacity have been identified without further commitment from the Council at this stage to a future permanent expansion. The schools being considered for temporary expansion of their capacity will be re-evaluated along with other schools in the borough under the medium-term strategy for providing primary school places. This will ensure that a balance is achieved with schools, which may not have expressed an interest to temporarily expand from September 2011 but may be willing to take on a temporary/permanent expansion at a later date.

3.2.11 The Council has used an evaluation process to provide a degree of objectivity in selecting the schemes for temporary provision. Schools have been assigned corresponding percentage score if they meet the relevant criteria. Total scores for all schemes have been compared. Risk has also been categorised per school and allocated a High, Medium or Low weighting. A final ranking of schools based on the overall scheme has been computed. If two or more schemes in the same area of demand achieve the lowest score and fall within the same risk level, then the less expensive of the two would be preferred, other factors remaining the same.

3.2.12 The following schools, which meet the above listed criteria, were identified to provide new temporary primary classes from September 2011:

Table 4. Schools identified for temporary expansion

Sr. No.	School Name	'Bulge' Classes (30 places)	Area	Accommodation Type	Risk H, M, L	Risk Description
1.	Capital City Academy	2	5	Temporary Modular	H	<ul style="list-style-type: none"> <li>The school has expressed an interest to expand permanently, although planning restrictions and space constraints may impede the process.</li> <li>The school may not be interested in accepting a 'bulge' class if a permanent expansion is not agreed.</li> <li>Donnington Primary School is opposite CCA and the impact on it needs to be considered.</li> <li>Operating a 'bulge' class at a secondary site has considerable startup cost – capital &amp; revenue.</li> <li>Brent's strategy on all-through schools needs to be considered.</li> </ul>
2.	St. Andrew & St. Francis	1	5	Temporary Modular	M	<ul style="list-style-type: none"> <li>Head teacher requires 1 classroom temporary accommodation to be replaced by a 2 classroom temporary class room, which could then be sufficient to operate a 'bulge' class.</li> <li>The site area is not large enough to support a permanent expansion.</li> </ul>
3.	<b>Mitchell Brook Primary</b>	<b>1</b>	<b>4</b>	<b>Internal Adaptations</b>	<b>L</b>	<ul style="list-style-type: none"> <li>The governing body has agreed to accept a 'bulge' class in September 2011.</li> </ul>
4.	<b>Wykeham Primary</b>	<b>1</b>	<b>1</b>	<b>Internal Adaptations</b>	<b>L</b>	<ul style="list-style-type: none"> <li>The governing body has agreed to accept 'bulge' Reception class.</li> </ul>
5.	Ashley Gardens ELC	2	2	Use existing provision	H	<ul style="list-style-type: none"> <li>Two year planning permission, which is currently due to end in December 2012 may need to be extended.</li> <li>The accommodation is built on land belonging to Preston Manor High School.</li> <li>Solution has not been identified to ensure progression of Reception classes to Y1 to Y6.</li> </ul>
6.	Wembley High	2	2	Internal Adaptations	H	<ul style="list-style-type: none"> <li>May not be appropriate to use the sixth form provision for teaching primary pupils.</li> <li>Operating a 'bulge' class at a secondary site has considerable startup cost – capital &amp; revenue.</li> <li>Brent's strategy on all-through schools needs to be considered.</li> <li>Alternatively, modular classrooms could be provided on site.</li> </ul>
7.	<b>Furness Primary</b>	<b>1</b>	<b>5</b>	<b>Internal Adaptations</b>	<b>L</b>	<ul style="list-style-type: none"> <li>It is a Community school; the acting head teacher has expressed an interest to operate a 'bulge' class.</li> </ul>
8.	<b>St. Joseph RC Primary</b>	<b>20 places</b>	<b>4</b>	<b>Internal Adaptations</b>	<b>M</b>	<ul style="list-style-type: none"> <li>It is a Voluntary Aided school; head teacher has expressed an interest to operate a 'bulge' class.</li> </ul>
9.	<b>Byron Court Primary</b>	<b>10 places</b>	<b>2</b>	<b>Internal Adaptations</b>	<b>L</b>	<ul style="list-style-type: none"> <li>The school has expressed an interest to permanently increase intake by 10 places per year group from Sep 2011 and is willing to further consider a permanent expansion by 1FE.</li> </ul>



10.	<b>Chalkhill Primary</b>	<b>1</b>	<b>3</b>	<b>Internal Adaptations</b>	<b>M</b>	<ul style="list-style-type: none"> <li>An expression of interest to operate a 'bulge' class has been made and the school is willing to further consider a permanent expansion by 1FE.</li> <li>Some repair works may need to be completed to enable use of premises.</li> </ul>
11.	<b>Braintcroft Primary</b>	<b>1</b>	<b>5</b>	<b>Temporary Modular</b>	<b>M</b>	<ul style="list-style-type: none"> <li>Feasibility study to be undertaken to develop options for a permanent expansion on a phased basis.</li> <li>School will consider accepting a 'bulge' class, subject to governing body approval.</li> </ul>
12.	St. Robert Southwell Primary	0.5	1	Temporary Modular	M	<ul style="list-style-type: none"> <li>Currently a 1.5FE school, it accepted a 'bulge' class in 2010-11 for 15 places.</li> <li>The school has refurbished the hall and administration office and has obtained phased planning permission for building new classes. The governing body has not agreed to take in a 'bulge' class.</li> <li>The school has expressed an interest in increasing the SEN intake by redesigning two class spaces if they become a permanent 2FE school.</li> </ul>
13.	<b>Preston Park Primary</b>	<b>20 places</b>	<b>2</b>	<b>Temporary Modular</b>	<b>L</b>	<ul style="list-style-type: none"> <li>The school has agreed to operate a 'bulge' class of 20 Year 4 pupils in the 2010-11 academic year.</li> <li>The school will be requiring temporary accommodation from September 2011 if an expansion is formally agreed.</li> </ul>
14.	Newman Catholic College	2	5	Internal Adaptations	H	<ul style="list-style-type: none"> <li>May not be appropriate to use the surplus capacity for teaching primary pupils.</li> <li>Operating a 'bulge' class at a secondary site has considerable startup cost – capital &amp; revenue.</li> <li>Brent's strategy on all-through schools needs to be considered.</li> <li>The school has not expressed an interest.</li> </ul>
<b>Total</b>	<b>14 Schools</b>	<b>16.1 Classes</b>	<b>1-5</b>			Eight schemes have been selected from this list.

**Note** – Schools in **BOLD** are the preferred schemes since they best fit the criteria and are not deemed to be high risk.

3.2.13 From the above list, the following schools are being proposed for temporary expansion to provide additional primary places in the borough:

Table 5. **Schools selected for temporary expansion**

Sr. No.	School Name	'Bulge' Classes (30 places)	Area	Accommodation Type	Risk H, M, L	Risk Description
1.	Mitchell Brook Primary	1	4	Internal Adaptations	L	<ul style="list-style-type: none"> <li>The governing body has agreed to accept a 'bulge' class in September 2011.</li> </ul>
2.	Wykeham Primary	1	1	Internal Adaptations	L	<ul style="list-style-type: none"> <li>The governing body has agreed to accept 'bulge' Reception class.</li> </ul>
3.	Furness Primary	1	5	Internal Adaptations	L	<ul style="list-style-type: none"> <li>It is a Community school; the acting head teacher has expressed an interest to operate a 'bulge' class.</li> </ul>
4.	St. Joseph RC Primary	20 places	4	Internal Adaptations	M	<ul style="list-style-type: none"> <li>It is a Voluntary Aided school; head teacher has expressed an interest to operate a 'bulge' class.</li> </ul>
5.	Byron Court Primary	10 places	2	Internal Adaptations	L	<ul style="list-style-type: none"> <li>The school has expressed an interest to permanently increase intake by 10 places per year group from Sep 2011 and is willing to further consider a permanent expansion by 1FE.</li> </ul>
6.	Chalkhill Primary	1	3	Internal Adaptations	M	<ul style="list-style-type: none"> <li>An expression of interest to operate a 'bulge' class has been made and the school is willing to further consider a permanent expansion by 1FE.</li> <li>Some repair works may need to be completed to enable use of premises.</li> </ul>
7.	Braintcroft Primary	1	5	Temporary Modular	M	<ul style="list-style-type: none"> <li>Feasibility study to be undertaken to develop options for a permanent expansion on a phased basis.</li> <li>School will consider accepting a 'bulge' class, subject to governing body approval.</li> </ul>
8.	Preston Park Primary	20 places	2	Temporary Modular	L	<ul style="list-style-type: none"> <li>The school has agreed to operate a 'bulge' class of 20 Year 4 pupils in the 2010-11 academic year.</li> <li>The school will be requiring temporary accommodation from September 2011 if an expansion is formally agreed.</li> </ul>
<b>Total</b>	<b>8 Schools</b>	<b>6.6 Classes</b>	<b>1-5</b>			Eight schemes are being proposed for temporary expansion.

3.2.14 Total funding of £1.5m is requested to be allocated to meet the cost of the temporary expansions from the Council's School Capital Programme. Cost estimates are subject to further work on design and evaluation of the proposals. Schemes selected in the table above may need to be replaced or removed if a formal agreement to expand the schools is not reached with the individual governing bodies.

3.2.15 The Council will continue to monitor the forecast demand for the academic year 2011-12 and modify the temporary expansion programme to best meet the need. The requirement at commencement of the new academic year in September 2011 is for 9.1 classes in the various year groups, R-Year 6. Whilst only 6.6 classes have so far been identified. Most of the temporary expansion schemes are proposed for the Reception class; however, it may be possible to provide some of these classes for Year 1 to Year 3 groups after discussing the options in detail with the schools. Preston Park Primary School is being considered for a Year 4 class.

3.2.16 Other options are being considered by the Council to provide the balance of school places (2.5 classes). This includes identifying schools which may have surplus capacity in upper year groups Year 4, Year 5 & Year 6 with a view to utilise the physical capacity to operate a 'bulge' class for one to two years.

### 3.3 Update on the allocation under the Council's Main Capital Programme

3.3.1 The Executive report in November 2010 'Brent Primary Schools Expansion: Delivery Strategy 2010-14' identified a budget of £17.010m under the School's Capital Programme between 2010/11 and 2013/14, which could be used for primary school expansion projects. These monies consisted as follows:

Table 6. **Capital Programme (November 2010)**

<b>Capital Programme Allocation</b>	<b>2010/11 Budget £'000</b>	<b>2011/12 Budget £'000</b>	<b>2012/13 Budget £'000</b>	<b>2013/14 Budget £'000</b>	<b>Total Budget £'000</b>
Provision for School Expansion	2,922	2,340	2,590	2,590	10,442
Hut Replacement Programme	568	2,000	2,000	2,000	6,568
<b>Total Available Allocation</b>	<b>3,490</b>	<b>4,340</b>	<b>4,590</b>	<b>4,590</b>	<b>17,010</b>

3.3.2 After providing for spending on the ongoing school expansion projects and re-profiling expenditure, the budgets have been updated as follows:

Table 7. **Capital Programme (March 2011)**

<b>Capital Programme Allocation</b>	<b>2010/11 Budget £'000</b>	<b>2011/12 Budget £'000</b>	<b>2012/13 Budget £'000</b>	<b>2013/14 Budget £'000</b>	<b>Total Budget £'000</b>
Provision for School Expansion	1,300	2,876	4,590	4,590	13,356
Hut Replacement Programme	0	0	0	0	0
<b>Total Available Allocation</b>	<b>1,300</b>	<b>2,876</b>	<b>4,590</b>	<b>4,590</b>	<b>13,356</b>

3.3.3 If the recommended school expansion proposals are approved, the cost of £1.5m required for the proposed temporary expansion of Brent primary schools will be charged to the main Capital Programme, which will reduce the total available budget from 13.356m to 11.856m.

- 3.3.4 If the above schemes are to be delivered within the timescales required, it is important that the Council moves quickly to the design, planning and procurement stages. In order to ensure effective progress, full project governance and management arrangements have been implemented.
- 3.3.5 Normally Executive approval is required for all works contracts exceeding £1m in value. If it is decided that all the expansion schemes be placed within one contract then a contract exceeding £1m will need to be awarded. Accordingly the Executive is being asked to approve the delegation of authority to the Director of Regeneration and Major Projects in order to award a works contract for these expansion schemes in the event that his normal authority of being able to award contracts worth up to £1m is exceeded.

### **3.4 Temporary Accommodation for the Village School**

- 3.4.1 Hay Lane and Grove Park are two all age special schools located on adjacent sites off Stag Lane in Kingsbury. The schools cater for a wide range of special educational needs including profound and multiple learning difficulties, severe learning difficulties, autism with associated learning and behavioural difficulties and physical disabilities.
- 3.4.2 The Executive, at their meeting of 15th March 2010, agreed to proposals to bring the two, hitherto separate, schools together as one school with effect from 1<sup>st</sup> September 2010, to be known as The Village School. The new school will have an increase in places from 210 to 235 pupils; increasing capacity will lead to significant savings in out-Borough placement and transport budgets.
- 3.4.3 The existing school buildings are facing major suitability and condition problems. Given the current state of the buildings it is becoming increasingly difficult for the Council to meet its statutory obligations towards these children.
- 3.4.4 In 2010 officers progressed procurement for two works contracts:
- 3.4.4.1 Constructing the new Village School on the site of Hay Lane and Grove Park including enabling works to the existing 16+ block so it can remain occupied during the works and a new Short Break Centre on the site.
- 3.4.4.2 Constructing temporary accommodation for the Village School on the site of Kingsbury High School including a legacy for Kingsbury High School consisting of a new games area and a new classroom block (the Decant and Legacy Scheme).
- 3.4.5 Due to the need to get temporary accommodation ready for the start of the school year in September into which pupils will be decanted to enable the main works to start, there is an urgent need to award the contract for temporary accommodation quickly. The Executive is therefore being requested to delegate the authority to award the works contract to build the temporary accommodation so that award can take place as soon as the tender evaluation is complete. Tenders are due to be received at the end of March and an update on the progress of evaluating the tenders can therefore be given at the Executive meeting.

## **4 Financial Implications**

- 4.1 Primary Schools: The cost estimates included within the report are subject to further work on design and evaluation of the schemes. Funding for the schemes will be provided via the Provision for Schools Expansion capital budget allocation approved by Full Council on 28 February 2011.
- 4.3 The Village School: The budget envelope for the project as approved by the Executive on 12 April 2010 is £29,395,000. Funding sources for this project include Targeted Capital Fund, Devolved Capital Grant, Maintenance Capital, Aiming High Grant and the capital receipt from the sale of Clement Close. The funding gap will be addressed through the provision of additional unsupported borrowing and the debt costs associated with this unsupported borrowing will be met with savings in both the General Fund and Dedicated Schools Budget.
- 4.4 Officers are currently awaiting the return of tenders for the two schemes. There is an indication that the scheme cost might be higher than the current approved budget but the current market conditions mean that it is likely that tenders will be competitive. The funding will be revisited when the actual costs are clear and this will be reported to Executive in May.
- 4.5 If approval is given to delegate the authority to award the works contract to build the temporary accommodation so that award can take place as soon as the tender evaluation is complete, this will be at risk should the decision at the May 2011 Executive be not to proceed with the main scheme.

## **5 Legal Implications**

- 5.1 Under sections 13 and 14 of the Education Act 1996, as amended by the Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. Local Authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the Local Authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.
- 5.2 The Executive is also being requested to delegate authority to the Director of Regeneration and Major Projects in order to award contracts that are otherwise required by the Council's Constitution to be awarded by the Executive. While these delegations are unusual they are being recommended to Members in order to deal with urgent priorities either to deliver primary school places or to ensure that special needs pupils have suitable temporary accommodation at the start of the school year in September.
- 5.3 The temporary accommodation contract at The Village School has been tendered in accordance with the Council's Contract Standing Orders and the EU public procurement regime as it applies to works contracts. For the primary school expansion schemes, it is being proposed to use existing construction frameworks. Examples include the IESE framework (also used for the Park Lane scheme described elsewhere on the agenda) or an Office for Government Commerce (OGC) scheme. The total value of all the primary

school expansion schemes proposed in this report do not exceed the EU threshold for works, so such contracts do not need to be tendered in accordance with the EU public procurement regime. However sometimes if modular buildings are being used then the resulting contract will be a supplies contract where the EU threshold is much lower, and use of a framework means that the full EU timetable does not need to be followed because the framework has already been pre-let under the EU rules. In addition use of a framework means that the requirements in the Council's Contract Standing Orders to run a full advertised process does not need to be followed, provided that the Borough Solicitor and Director of Finance and Corporate Services have approved the use of the framework.

## **6 Diversity Implications**

- 6.1 In 2008, the Council consulted widely on schools strategy in Brent, receiving over 800 responses. Brent residents were in favour of the Council's strategy for school places and believed that the LA should play a major role in managing and running schools (89% agree). Parent groups were the next most frequently identified (73% agree). Only four in ten participants felt that charities (38%), faith groups (37%) or private sponsors (36%) should have such involvement in Brent schools.
- 6.2 'Ensuring equal access to school places in Brent': Over two thirds of participants did not feel they were disadvantaged in obtaining a school place for their children due to any of the main diversity strands. Over, 90% did not feel they were disadvantaged due to their gender. This was also true for 85% of participants in relation to disability; 77% in relation to ethnicity; and 66% in relation to their faith.
- 6.3 The schools proposed for expansion have a diverse ethnic representation of children. Expanding the schools listed in this report would enable the Council to provide additional new places required for Brent's growing pupil population. The expansion of the recommended schools will improve choice and diversity.

## **7 Staffing/Accommodation Implications**

- 7.1 There are no implications for the immediate purpose of this report.

## **Background Papers**

- GLA Forecast for Brent
- 11 August 2010 Executive Report and supporting documents
- November 2010 Executive Report and supporting documents
- The Village School office Files and April 2010 Executive Report

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## Temporary / Permanent expansion of primary schools over a period of 5 years

Sr. No.	Year	Sep 2006	Sep 2007	Sep 2008	Sep 2009	Sep 2010	Sep 2011
1.	Ark Academy			Permanent OFE to 2FE Primary		Permanent OFE to 6FE Secondary	
2.	Anson Primary				7R Permanent places		
3.	AV H Torah Temimah				1R bulge place		
4.	Braintcroft Primary					30 R bulge class	
5.	Brentfield Primary					30 R bulge class	Permanent to 3FE
6.	Islamia Primary					30 R bulge class	Permanent to 2FE (tbc)
7.	Gladstone Park Primary		7 bulge places in R	7 new places in Y1-Y6			
8.	Newfield Primary				30 R bulge class		Permanent 1FE to 2FE
9.	Curzon Crescent Nursery					30 R bulge class.	Move to Newfield Y1
10.	Park Lane Primary		30R bulge class	30R bulge class	30R bulge class	Permanent 1FE to 2FE	
11.	Preston Park		30R bulge class	30R bulge class			
12.	Stonebridge Primary		30R bulge class	Permanent 1FE to 2FE			
13.	Sudbury Primary		30R bulge class	Permanent 3FE to 4FE			
14.	Wembley Primary			Permanent 3FE to 4FE			
15.	Wykeham Primary					30 R bulge class 2010 only	
16.	St Robert Southwell					15R bulge class 2010 only	
17.	Ashley Gardens					60 R bulge classes	Move to Preston Manor High
18.	Preston Manor High School						Permanent 2FE
19.	College Green Nursery					8 R bulge class 2010 only	
20.	Granville Plus Children's Centre					12 R bulge class 2010 only	
21.	Kingsbury Green Primary School	Permanent 2FE to 3FE					
22.	North West London Jewish School						20 R bulge places




## Demand for Primary Places in Brent



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Approx. 2  
Mile Radius

 Proposed schools for temporary expansion in 2011-12

- 😊 Areas where Reception children were out of school in Oct '10; 73 children still remain without a place and will turn to Y1 out of place in Sep '11.
- 😐 Areas where Y1 children are out of school in Mar '11 will turn to Y2 out of place in Sep '11
- 😊 Areas where Y2 children are out of school in Mar '11 will turn to Y3 out of place in Sep '11
- 😐 Areas where Y3 children are out of school in Mar '11 will turn to Y4 out of place in Sep '11

Currently, there are sufficient school places in Y5 and Y6 for the Council to meet its statutory obligation by offering a school place, although some parents may not accept a place if it does not meet their criteria.

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## School Roll Projections

2014-15

Data Source: DfE

Data has not been validated

This Appendix shows the approximate increase or decrease in the primary school roll projections v/s. neighbouring authorities by 2014-15.

## Appendix 3

**Barking & D:**  
Primary +5558

**Barnet:**  
Primary +2842

**Harrow:**  
Primary +1596

**BRENT:**  
Primary +2483

**Ealing:**  
Primary +4474

**Camden:**  
Primary -650


**Hammersmith & F:**  
Primary +1665

**Kensington & C:**  
Primary +162

**Hillingdon:**  
Primary +5230

## School Roll Projections 2014-15

- Demand in outer boroughs is continuing to increase
- Primary Demand in Brent is significantly less than its immediate neighbours Ealing & Barnet.
- Pupil numbers in the East & West of London is expected to rise significantly by 2014-15

	<p style="text-align: center;"><b>Executive</b> 11 April 2011</p> <p style="text-align: center;"><b>Report from the Director of Regeneration and Major Projects</b></p>
<p>For Action <span style="float: right;">Wards affected: All</span></p>	
<p><b>Site Specific Allocations DPD</b></p>	

## 1.0 Summary

- 1.1 This report explains that the Council has received an Inspector's report into the Examination of the Site Specific Allocations Development Plan Document (DPD) of the LDF and that the Inspector finds the document sound subject to recommended changes being made. It asks Executive to recommend to Full Council that the DPD be adopted with the changes incorporated.

## 2.0 Recommendations

- 2.1 That Executive recommends that Full Council adopt, with the recommended changes, the Site Specific Allocations Development Plan Document.

## 3.0 Detail

### Examination of the Site Specific Allocations DPD

- 3.1 The Site Specific Allocations DPD forms part of the Council's Local Development Framework (LDF). It follows on from the adoption of the Core Strategy and provides more detailed planning guidance for more than 70 development sites in the Borough. Both these DPDs will be supplemented by a Wembley Area Action Plan, and then a Development Management Policies DPD. When both of these documents are adopted the UDP will have been replaced as the local Development Plan for the borough.
- 3.2 The Allocations were subject to examination by an independent Inspector, who held hearing sessions to consider oral evidence in November/December 2010. A number of changes to the document were proposed both before and during the hearing sessions and these were made available on public consultation for an eight week period

commencing on November 25<sup>th</sup> 2010. All comments were passed on to the Inspector who then considered these alongside the representations made prior to submission. The Council has now received the Inspector's report.

### **Inspector's Report**

- 3.3 As indicated above, the Inspector has found the Site Specific Allocations DPD sound subject to a number of recommended changes. This means that the Council can adopt the document with the changes incorporated. The changes were proposed by the Council. Executive is asked to recommend to Full Council that the Site Specific Allocations DPD be adopted with the changes included. The recommended changes included in the Inspector's report are attached as Appendix 1.

- 3.4 The Non-technical summary of the Inspector's report is repeated below:

"This report concludes that the London Borough of Brent Site Specific Allocations Development Plan Document (DPD) provides an appropriate basis for the planning of the Borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

Changes to clarify the relationship between the DPD, the Core Strategy and the 'saved' parts of the Council's Unitary Development Plan and to explain the format and content of the DPD;  
Changes to bring the DPD into line with up-to-date negotiations with developers and site owners;

Changes to bring the DPD into line with up-to-date national and strategic policies; and,

Changes to ensure that there is a proper framework in place to ensure delivery of the allocated sites.

All of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy."

The full Inspector's report is available online at:

<http://www.brent.gov.uk/tps.nsf/Planning%20policy/LBB-321>

- 3.5 When the DPD is adopted, it will supersede those parts of the UDP referred to in the DPD, including the whole of the 'Site Specific Proposals' chapter.

### **4.0 Financial Implications**

- 4.1 The adoption of the Site Specific Allocations DPD provides a more up-to-date statutory Plan which carries greater weight in making planning decisions, which leads to fewer appeals and reduced costs associated with this. It also provides greater certainty for developers who are more likely to bring forward sites for development in the knowledge that schemes which comply with the requirements of the allocation have a

good chance of receiving planning consent. This helps to deliver more housing in the borough, including affordable housing, and

- 4.2 The costs of examining the Site Specific Allocations DPD are estimated at about £60,000. The Council has yet to be invoiced by the Inspectorate for the costs of examination. If the Core Strategy were not adopted and resubmitted a similar cost would be required.

## **5.0 Legal Implications**

- 5.1 The preparation of the LDF, including the Site Specific Allocations DPD, is governed by a statutory process set out in the Planning and Compulsory Purchase Act 2004 and associated Government planning guidance and regulations. Once adopted the DPD will have substantial weight in determining planning applications and will supersede part of the UDP.

## **6.0 Diversity Implications**

- 6.1 Full statutory public consultation has been carried out in preparing the DPD and an Impact Needs / Requirement Assessment (INRA), which assessed the process of preparing the Core Strategy and SSA DPD, was prepared and made available in November 2008.

## **7.0 Staffing/Accommodation Implications**

- 7.1 There are no staffing or accommodation implications arising directly from this report.

## **8.0 Environmental Implications**

- 8.1 The DPD deals with the appropriate development of 71 sites around the borough and thus will have a significant effect on controlling impacts on the environment including requiring measures to mitigate climate change. Sustainability appraisal has been undertaken at all stages of preparing the DPD.

## **9.0 Background Papers**

Brent Site Specific Allocations DPD, Submission Version, June 2010

Brent Core Strategy, July 2010

Inspector's Report on the Examination into the London Borough of Brent Site Specific Allocations Development Plan Document

### **Contact Officers**

Any person wishing to inspect the above papers should contact Ken Hullock, Planning & Development 020 8937 5309

**Andy Donald**

**Director of Regeneration & Major Projects**



## Appendix 1 – Inspector’s Recommended Changes

### Changes proposed by the Council which go to the Soundness of the SSA DPD

These changes are required in order to make the SSA DPD sound.

Change No.	Policy/Paragraph /Page	Change
PC1	Page 7. Paragraph 1.11.	<p>Delete paragraph 1.11 and replace by the following text as paragraph 1.11:-</p> <p>‘The SSA DPD needs to be considered together with the Core Strategy and ‘saved’ policies and proposals within the council’s Unitary Development Plan 2004, which also contains development proposals that are not repeated in this DPD. Thus, the SSA DPD allocates new housing sites (approximately 11,000 homes) but much of the remaining Core Strategy Housing Target figure (minimum of 22,000 homes) is set out within sites included in the saved UDP. The “allocation” text itself details uses and particular issues that need to be addressed by development, such as setting or height. For residential sites, an indicative capacity and phasing is provided using the method outlined below.’</p>
PC2	Page 8. Paragraph 1.13	<p>Delete ‘.’ at the end of paragraph 1.13 and add the following text:-</p> <p>‘,which could result in a higher or lower number of homes than indicated in the allocation.’</p>
PC3	Page 9. Paragraph 1.20	<p>Add the following text at the end of paragraph 1.20:-</p> <p>‘When a planning application is made, the applicant will be required to demonstrate that the infrastructure requirements of the proposal can be met, including social and utilities infrastructure.’</p>
PC4	Page 9. Paragraph 1.21	<p>Delete ‘<b>Monitoring</b>’ title and text in paragraph 1.21 and replace by:-</p> <p><b>‘Monitoring and Implementation</b></p> <p>The council is required to monitor development and to produce an Annual Monitoring Report (AMR). Site Specific Allocations will be monitored to assess whether</p>



		development is being delivered and is in accordance with the guidance for each site as set out in this DPD, as well as against the general monitoring indicators shown in the Core Strategy. Appendix 5 includes a schedule of all sites showing the estimated phasing of development, when planning applications are anticipated and whether additional planning guidance exists or will be provided.'
PC5	Page 12	<p>After the Policy CP7 box insert the following text:-</p> <p>'It is the council's intention to replace the saved UDP policies and proposals for Wembley in an Area Action Plan DPD. Although proposals in the UDP are somewhat old, the broad principles of proposals are such that the council considers that they do not need to be updated by new SSA's in most instances.</p> <p>One exception, however, is the policy within WEM27 (the UDP Wembley Inset Plan) which fixes the size of foodstore that could be provided within the WEM27 site to 2,500m2. While the general land use principles set out in WEM27 still apply, its objectives for retail use in Wembley have altered over time, and are reflected by the above policy CP7.</p> <p>Particularly, there is evidence that there are significant retail needs in the Borough for both comparison and convenience goods over the period of the LDF, as set out in the Core Strategy. The council would therefore accept the need to be more flexible in considering any application involving a foodstore in excess of the 2500m2 limit set in WEM27. The council would consider any such application having proper regard to the considerations set out in PPS4, notably the availability of sequentially preferable sites for a foodstore within Wembley Town Centre, as well as the potential impact or regeneration benefits of such a proposal.'</p>
PC6	Page 18. Site W6 Amex House	<p>Delete text under '<b>Flood Risk Comments</b>' and replace by:-</p> <p>'Any development should not be in excess of the existing buildings footprint, should not impede flood water flows and should not increase surface water run-off or reduce flood water storage.</p> <p>The FRA should include: demonstration that the site layout has been designed sequentially to place development in areas of lowest flood risk; design criteria for proposed development to ensure it is not at risk of flooding; demonstration of safe access/egress from the site during a</p>



		flood event. Flood zones are subject to change and modelling and re-modelling is carried out on a quarterly basis by the Environment Agency, therefore it must be ensured that the most up to date data is used as part of the FRA.'
PC7-12	Pages 27-32. Site A2 Minavil House & Unit 7, Rosemount Road; Site A3 Former B&Q and Marvelfairs House; Site A4 Atlip House; Site A5 Sunleigh House; Site A6 Woodside Avenue; and Site A7 Mount Pleasant / Beresford Avenue	From the ' <b>Allocation</b> ' entries for each site, delete the following text:-  'To assist this, an undeveloped buffer strip of 5 metres from the canal will be encouraged.'
PC13	Page 30. Site A5 Sunleigh Road	In the <b>Indicative Development Capacity</b> table, replace:-  '57 units' and '58 units'  by  '90 units' in each case.
PC14	Page 31. Site A6 Woodside Avenue	Delete text under ' <b>Allocation</b> ' heading and replace by:-  'Mixed use including residential, amenity space and workspace for appropriate B1, D1 and A Class Uses. The Council will expect a comprehensive development following an agreed Masterplan that sets out land uses and proposed development in more detail. The development will bring forward a proportion of managed affordable workspace. Improvements will be sought to public transport as part of any proposal to develop the site. The development will exploit the canal-side location. Proposals should conserve and enhance the adjacent canals Site of Metropolitan Nature Conservation Importance designation.'

		<p>In the <b>Indicative Development Capacity</b> table, delete:-</p> <p>'85 units            85 units</p> <p>2013-14            2015-16'</p> <p>and replace by:-</p> <p>'110 units            110 units</p> <p>2012-13            2015-16'</p>
PC15	Page 32. Site A7 Mount Pleasant/Beresford Avenue	<p>In first line of text under '<b>Allocation</b>' heading delete:-</p> <p>'zero emission or low carbon'.</p>
PC16	Page 43 Site CE4 Homebase	<p>Delete text under '<b>Allocation</b>' heading and replace by:-</p> <p>'Mixed use redevelopment including residential (of which a significant proportion should be family sized) and light industrial units. Retail development would be acceptable only if there are no alternative sites available in terms of the sequential approach to development and if there were to be no harmful impact on nearby centres, including upon proposals to regenerate them.'</p>
PC17	Page 48. Site B/C1 Oriental City and Asda	<p>Under the '<b>Planning History</b>' heading insert the following sub-heading:-</p> <p>'For the former 'Oriental City' part of the site:'</p> <p>Under the '<b>Allocation</b>' heading delete '(for bulky goods)' from the first sentence of the text. Insert the following text after the first sentence:-</p> <p>'The scale and type of retail development permitted will depend upon there being, in accordance with the sequential approach set out in policy CP16 of the Core Strategy, no alternative sites available, and upon the results of a retail impact assessment.'</p>
PC18	Page 50. B/C3 Capitol Way	<p>Under the '<b>Allocation</b>' heading delete:-</p> <p>'B1c light industry and /or work/live development'</p> <p>from the second sentence and replace with:-</p>

		'..employment / community uses suitable for a mixed use development'.
PC19	Page 52. Site PR1 Former Guinness Brewery	<p>Delete text under '<b>Allocation</b>' heading and replace by:-</p> <p>'Industrial and warehousing development having regard for business park development occurring to the west. Development should have regard for the possible Fast Bus route through Park Royal and provide for east/west cycle route and pathway at the north of the site. Proposals should seek to conserve and enhance the adjacent Nature Conservation designation.'</p> <p>Delete text under '<b>Justification</b>' heading and replace by:-</p> <p>'This site is designated as a Strategic Industrial Location by the London Plan and Brent's Core Strategy.'</p>
PC20	Page 53. Site PR2 First Central	<p>Delete text under '<b>Allocation</b>' heading and replace by:-</p> <p>'B1 office development and hotel site required to support employment growth objectives in Park Royal, in addition, enabling residential development is considered to bring forward appropriate transport improvements. The Council will encourage a more intensive use of land at this site employing innovative design and configuration. Acceptable proposals must build on the existing consent by providing the majority of B1 floorspace and hotel use from the existing consent. The proposal will also need to secure the provision of appropriate transport improvements, including public transport. Part of these works must include public realm works to enhance pedestrian access to Park Royal Station. Acceptable uses on the site will include a residential element, and a reasonable balance of B1 floorspace to be provided on the remainder. Ancillary health and leisure and small scale complementary retail uses are supported. Any residential development should meet educational, health and other needs arising from it. Comprehensive proposals for all of the undeveloped land will be required and must demonstrate how they will be integrated with recent adjoining development. Proposals should seek to conserve and enhance the adjacent Nature Conservation designation. Any application</p>

		<p>shall be accompanied by an urban design framework, showing how different phases will be developed and the relationship between them.'</p> <p>Delete text under '<b>Justification</b>' heading and replace by:-</p> <p>'This proposal will ensure the delivery of appropriate transport improvements, including public realm works to enhance the pedestrian access to Park Royal Station. The transport improvements will help to sustain a long term office market in the location. The proposal will enable the completion of further offices to help diversify the employment offer within Park Royal and continue to regenerate the Western Gateway of the estate.'</p>
PC21	Page 58. Site 3 Dollis Hill Estate	<p>Under '<b>Allocation</b>' heading, delete first and second sentences and replace by:-</p> <p>'Mixed use development including school, residential and employment development.'</p>
PC22	Page 68. Site 13 Sainsbury's Superstore	<p>Under '<b>Allocation</b>' heading, delete third sentence:-</p> <p>'Vehicular access to the site will be limited to existing locations.'</p> <p>and replace by:-</p> <p>'Any associated change to the position of the existing site access should ensure that traffic conditions in the residential part of Draycott Avenue are not made materially worse, and that measures are incorporated to alleviate any additional congestion that would otherwise arise.'</p>
PC23	Page 70. Site 15 Northwick Park Hospital	<p>Delete text under '<b>Description</b>' heading and replace by:-</p> <p>'Existing hospital campus with associated car parking and ancillary buildings and adjacent Ducker Pond site. Key worker housing is located in the south east of the site.'</p> <p>Delete first 2 sentences under '<b>Allocation</b>' heading and replace by:-</p> <p>'Redeveloped hospital with ancillary retail and leisure uses. Community use (Use Class D1) and enabling residential development may be appropriate alternative uses for parts</p>

		<p>of the site that are surplus to the requirements of the new hospital. Development should be in accordance with an agreed masterplan.'</p> <p>Delete first sentence under '<b>Flood Risk Comments</b>' heading and replace by:-</p> <p>'Any planning application for the site with a site area in excess of 1 ha should be accompanied by a Flood Risk assessment.'</p> <p>Under '<b>Justification</b>' heading, delete 'buildings and facilities' in first sentence and replace by:-</p> <p>'a new hospital'.</p>
PC24	Page 74. Site 19 Stonebridge School	<p>Delete text under '<b>Allocation</b>' heading and replace by:-</p> <p>'Residential development limited to rear of site only where it has limited impact on the setting of the Listed building. Such development is acceptable where it supports improvement to new or improved school buildings. As indicated within PPS5, all development must consider the quality of the heritage asset and the setting of the listed school and must be respectful of the historic architectural precedents.'</p> <p>In the <b>Indicative Development Capacity</b> table delete:-</p> <p>'122 units      123 units'</p> <p>Replace by:-</p> <p>'25 units      25 units'</p> <p>Delete text under '<b>Justification</b>' heading and replace by:-</p> <p>'Limited development opportunity which must respect the setting and design of a listed building.'</p>
PC25	Pages 75-76. Site 20 Former Unisys and Bridge Park	<p>Delete all text and replace by:-</p> <p><b>'Address:</b> North Circular Road, NW10</p> <p><b>Ward:</b> Stonebridge.</p> <p><b>Area:</b> 2.85 hectares.</p>

	Centre	<p><b>Description:</b> Site lies next to the North Circular Road and comprises 2 vacant office buildings (former Unisys), a borough owned and run sports and recreation centre, a war memorial, office units, and marginal industrial units</p> <p><b>Core Strategy policy context:</b> Core Policies 13,17, 18, 19, 21 and 23</p> <p><b>Planning guidance:</b> The Council intend to prepare a Supplementary Planning Document for this site in 2011.</p> <p><b>Planning history:</b> July 2003 - Planning permission granted [LPA ref: 02/0945] for the Change of use of buildings from offices to hotel. Sept 1997 – Planning permission granted [LPA ref: 97/1067] for the conversion to 330-bedroom hotel and erection of single-storey glazed extension linking the 2 existing blocks, new penthouse storey on front block.</p> <p><b>Allocation:</b> Redevelopment of the combined site, which may come in complementary phases, with a mixed use development to include community uses with sports and recreation, residential, B1, local needs retail and hotel uses. The re-provision of a sports centre will be sought if a development would result in the loss of the existing provision. Any residential development permitted within 30 metres of the central section of the North Circular Road will require mitigation from noise pollution, which may include placing habitable rooms on quieter facades wherever practicable. Any new development must secure satisfactory environmental noise and air quality conditions. Proposals will be required to improve pedestrian movement into, out of and around this site, including contributions towards improving sustainable access to the site, such as a footbridge across the North Circular Road. Taller buildings and higher densities are encouraged with density and heights scaled down towards the southern section, family housing is encouraged, provided that safe access/ egress in times of flood can be achieved. A Transport Assessment will be required to assess the cumulative impact of proposed developments in and around the site.</p> <p><b>Indicative development capacity</b> 120 units    125 units</p> <p><b>Indicative development phasing</b> 2013 - 14    2015 - 16</p> <p><b>Flood risk comments:</b></p>
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		<p>Much of the site falls within flood zones 3a, a Level 2 Strategic Flood Risk Assessment (SFRA) has been produced which should inform any development on this site. This is contained in the Sequential Test Report. Any development should not be in excess of the existing buildings footprint, should not impede flood water flows and should not increase surface water run-off. Development should be concentrated in the areas of lowest flood risk on the site. Development proposals for this site will require Flood Risk Assessment (FRA) and close liaison with the Environment Agency. The FRA should include: detailed modelling; assessment of existing buildings permeability to flood waters and flood flows; introduction of SUDS; and, assess and map flood extents, depths and speeds of flood waters. Flood zones are subject to change and modelling and re-modelling is carried out on a quarterly basis by the Environment Agency, therefore any assessment must ensure that the most up to date data is used as part of the Flood Risk Assessment.</p> <p><b>Justification:</b> A combined site mixed use redevelopment on previously developed land in a prominent location to help deliver improved sports and leisure facilities.'</p>
PC26	Page 79. Site 24 Wembley Point	<p>Delete site title and replace by:-</p> <p><b>'24. Wembley Point and Argenta House'</b></p> <p>Delete text under '<b>Description</b>' heading and replace by:-</p> <p>'A large 21 storey office tower surrounded by car parking and Argenta House separated from the car park by Wembley Brook. The site is located immediately adjacent to Stonebridge Park Underground and Overground Station to the south and the North Circular Road to the east and Harrow Road to the North.'</p> <p>Delete text under '<b>Allocation</b>' heading and replace by:-</p> <p>'Redevelopment of site should retain the office use of the building and develop part of the site, for residential and other uses which are complementary to the mixed office/residential development and to the functioning and role of the adjacent Monks Park Neighbourhood centre. Proposals should deliver an improved pedestrian</p>

		<p>experience and linkages to Stonebridge Park rail station and improved pedestrian access across the North Circular Road (NCR). Residential development will not be permitted within 30 metres of the central section of the NCR and will require mitigation for noise pollution, including use of orientation/internal layout to place habitable rooms on quieter facades wherever practicable. Development should have regard for the potential Fast Bus route through Park Royal. Redevelopment should include an undeveloped buffer strip of 8m from the River Brent and Wembley Brook, or other mitigating measures which reduce flood risk, enhance biodiversity, improve maintenance access, amenity and water quality.'</p> <p>Delete text under '<b>Flood Risk Comments</b>' heading and replace by:-</p> <p>'In Brent's Level 2 SFRA (2010) the majority of the site was found to lie within flood risk zone 2 with part of the site affected by flood risk zone 3a. Flood zones are subject to change and modelling and re-modelling is carried out on a quarterly basis by the Environment Agency, therefore any site specific Flood Risk Assessment prepared must ensure that the most up to date data is used. Development proposals on the site should also adhere to the requirements of national guidance on flooding, currently set out in PPS25.'</p> <p>Under the '<b>Justification</b>' heading, add the following text to the end of the sentence:-</p> <p>', and provide better connections to Stonebridge Station'.</p>
PC27	Page 100 Monitoring and Implementation	Create new Appendix 5 to contain a Monitoring and Implementation Framework comprising the text and table set out in <b>Appendix C</b> .

### Changes proposed by the Council which do not go to the Soundness of the SSA DPD

These changes include factual updates, corrections of minor errors or other minor amendments. They are not required in order to make the SSA DPD sound but are endorsed in the interests of clarity.

Change	Policy/Paragraph	Change
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No.	/Page	
MC1	Page 14. Site W1 Wembley West End	Under the ' <b>Core Strategy Policy Context</b> ' heading add:-  '14, 16 and 21'  to the list of Core Policies
MC2	Page 15. Site W3 Brent Town Hall	Under the ' <b>Core Strategy Policy Context</b> ' heading add:-  '17, 21 and 23'  to the list of Core Policies
MC3	Page 17. Site W5 Wembley Eastern Lands	Under the ' <b>Core Strategy Policy Context</b> ' heading add:-  '14, 15, 19, 20, 21 and 23'  to the list of Core Policies  In the ' <b>Indicative Development Capacity</b> ' table replace '2011 2012, by '2013-2014'.
MC4	Page 20. Site W8 Brent House and Elizabeth House	Under the ' <b>Core Strategy Policy Context</b> ' heading add:-  '16, 20 and 21'  to the list of Core Policies
MC5	Page 21 Site W9 Wembley High Road	Under the ' <b>Allocation</b> ' heading delete the third sentence beginning:-  "Development on the northern side of the tracks ... '.
MC6	Site W10 Wembley Chiltern Embankments	Under the ' <b>Core Strategy Policy Context</b> ' heading add:-  '16, 20, 21 and 23'  to the list of Core Policies
MC7	Page 38. Site SK5 Moberley Sports Centre	Delete the text under the ' <b>Description</b> ' heading and replace by:-  'Underutilised site comprising sports facilities, nursery space, an ancillary cottage and open hard-standing located off Kilburn Lane and Banister Road to the south of Kensal

		<p>Rise station.'</p> <p>After the final sentence under the '<b>Allocation</b>' heading add:-</p> <p>'Development proposals should have regard to the Conservation Area designation adjacent to the site in Kilburn Lane.'</p> <p>Provide a clearer map, including street names in the published document</p>
MC8	Pages 41-44. Site CE1 Church End Local Centre; Site CE3 Former White Hart PH and Chuch; Site CE4 Homebase; and Site CE5 Chancel House	<p>After the last sentence of each section of text under the '<b>Allocation</b>' heading add:-</p> <p>'Regard should be had to any potential impact of development upon sensitive neighbouring uses, especially the Magistrates Court.'</p>
MC9	Page 52. Former Guinness Brewery	<p>Under the '<b>Core Strategy Policy Context</b>' heading delete:-</p> <p>'and 19'</p> <p>and replace by</p> <p>', 19 and 20'</p> <p>in the list of Core Policies</p>
MC10	Page 64. Site W9 Harlesden Plaza	<p>After the last sentence under the '<b>Allocation</b>' heading add:-</p> <p>'Development proposals should have regard to the Conservation Area designation on the High Street frontage as well as to the Archaeological Priority Area designation across the site.'</p>
MC11	Page 66. Site 11 Manor Park Road	<p>After the last sentence under the '<b>Allocation</b>' heading add:-</p> <p>'Development proposals should have regard to the Archaeological Priority Area designation across the site.'</p>

MC12	Page 71. Site 16 Morrisons Supermarket	<p>In the second sentence of text under the '<b>Allocation</b>' heading delete:-</p> <p>'above'</p> <p>and replace by:-</p> <p>'and'.</p> <p>Delete third sentence under the '<b>Allocation</b>' heading.</p> <p>In the first sentence under the '<b>Justification</b>' heading delete:-</p> <p>'residential'</p> <p>and replace by:-</p> <p>'mixed use'.</p>
MC13	Page 72. Site 17 Alpine House	<p>In the first sentence of the text under the '<b>Allocation</b>' heading delete:-</p> <p>'In line with the 2008 planning permission, mixed ....'</p> <p>And replace by:-</p> <p>'Mixed ....'</p>
MC14	Page 74. Site 19 Stonebridge Schools	<p>Add the following text under the '<b>Planning History</b>' heading:-</p> <p>'Sept 2009 Stonebridge School Listed Grade II'</p>
MC15	Page 83. Site 28 Queens Parade/Electric House	<p>After the final sentence under the heading '<b>Allocation</b>' add:-</p> <p>'Development proposals should have regard to the Conservation Area designation of the site.'</p>

## Proposed Change PC27 – Content of Appendix 5 Monitoring and Implementation Strategy

### Appendix 5 Monitoring and Implementation Framework

As indicated in paragraph 1.21, the implementation of Site Specific Allocations will be assessed in the Annual Monitoring Report. Not only will sites be monitored against the estimated phasing of the delivery of development but will be assessed also as to whether or not development is in accordance with the guidance for each site.

The vast majority of the allocated sites are privately owned and will be brought forward for development by private developers, so there will be little opportunity for the council to intervene directly to ensure implementation. Where it is apparent that sites are not coming forward for development as anticipated, where no planning application has been submitted by the target date or where development has not commenced at a point which would ensure completion in-line with the completion target dates, then the council will seek to establish with landowners or agents what the obstacles to delivery are.

Where the council's approaches to the developer/owner indicate that an allocated site is unlikely to come forward for development during the plan period, the council will consider, in the light of - amongst other things - housing delivery rates against overall targets, whether there is a need to allocate additional sites in order to ensure an adequate supply of housing land.

Site Specific Allocation	First phase housing complete	Final phase housing complete	Other land uses proposed	Owner /Developer	Target date for planning application	Further Planning Guidance to assist with implementation
<b>WEMBLEY GROWTH AREA</b>						
<i>W1 Wembley West End</i>	2018	2020	Retail/leisure/public car parking	Private	Planning application 2015	Planning Brief for site approved in 2006
<i>W3 Brent Town Hall</i>	2016	2018	Office/hotel/community by 2016	Council/Private	Planning application 2014	Planning Statement 2005
<i>W4 Shubette Hse./Karma Hse./Apex Hse.</i>	2012	2014	Hotel/retail /offices/managed affordable workspace	Private	Planning permission for Shubette Hse. granted in 2009 Planning permission for Karma Hse granted in 2005	Wembley Masterplan 2009
<i>W5 Wembley Eastern Lands</i>	2012	2024	Leisure/hotel/office/open space	Private	Planning application 2011	Wembley Masterplan 2009
<i>W6 Amex Hse.</i>	2012	N/A	Workspace for creative	Private	Planning application	Wembley Masterplan

			industries/ managed affordable workspace		2011	2009
<i>W7 Chesterfield Hse.</i>	N/A	N/A	Hotel/retail/food & drink by 2014	Private	Planning permission 2011	Wembley Link SPD to be adopted 2011
<i>W8 Brent Hse. /Elizabeth Hse.</i>	2012	2020	Retail/Office	Council/Private	Planning permission for Elizabeth Hse. granted in 2010 Planning application for Brent Hse. 2017	Wembley Link SPD to be adopted 2011
<i>W9 Wembley High Road</i>	2016	2022	Retail / offices	Private	Planning application 2014	Wembley Link SPD to be adopted 2011
<i>W10 Wembley Chiltern Embankments</i>	2018	2022	Town centre uses	Network Rail	Planning application 2016	Wembley Link SPD to be adopted 2011
<i>W11Former Wembley Mini-market</i>	2014	N/A	Commercial or car parking	Private	Planning permission granted in 2010	
<b>ALPERTON GROWTH AREA</b>						
<i>A1 Alperton House</i>	2016	N/A	Workshops / Food & Drink	Private	Planning application 2014	Alperton Masterplan SPD to be adopted 2011
<i>A2 Minavil House &amp; Unit 7 Rosemont Road</i>	2012	N/A	Offices	Private	Planning permission granted in 2010	Alperton Masterplan SPD to be adopted 2011
<i>A3 Former B&amp;Q and Marvelfairs House</i>	2012	2016	B1 workspace and A3	Private	Planning permission granted for B&Q site in 2010	Alperton Masterplan SPD to be adopted 2011
<i>A4 Atlip Road</i>	2012	2018	Employment and A3 uses	Private	Planning permissions granted for parts of the site in 2006, 2007 & 2009	Alperton Masterplan SPD to be adopted 2011
<i>A5 Sunleigh Road</i>	2016	2018	Commercial including workspace and A3	Private	Planning application 2014	Alperton Masterplan SPD to be adopted 2011
<i>A6 Woodside Avenue</i>	2014	2016	B class uses including affordable workspace	Private	Planning application 2012	Alperton Masterplan SPD to be adopted

						2011
<i>A7 Mount Pleasant / Beresford Ave</i>	2018	N/A	Work live development and managed affordable workspace	Private	Planning application 2016	Alperton Masterplan SPD to be adopted 2011
<b>STH. KILBURN GROWTH AREA</b>						
<i>SK1. Queen's Park Station Area</i>	2014	2016	Community Facilities, retail and bus interchange	Private	Planning application 2012	Queens Park Station Area SPD, 2006. Sth Kilburn SPD to be reviewed and adopted 2012
<i>SK2. British Legion, Marshall Hse &amp; Albert Rd Day Centre</i>	2013	2016	N/A	Council/Private	Planning application 2011	Queens Park Station Area SPD, 2006. Sth Kilburn SPD to be reviewed and adopted 2012
<i>SK4. Canterbury Works</i>	2012	2014	Offices and community facilities	Private	Planning application 2011	Sth Kilburn SPD to be reviewed and adopted 2012
<i>SK5. Moberley Sports Centre</i>	2016	N/A	Sports provision and nursery school	Westminster City Council	Planning application 2014	Sth Kilburn SPD to be reviewed and adopted 2012
<b>Church End Growth Area</b>						
<i>CE1. Church End Local Centre</i>	2012	2014	Retail, public square, local offices and health centre	Council/housing association/private	Planning application 2011	Informal Guidance 2006
<i>CE3. Former White Hart PH and Church</i>	2014	N/A	Retail	Private	Planning permission granted in 2009	Informal Guidance 2006
<i>CE4. Homebase</i>	2014	N/A	Retail	Private	Planning application 2012	Informal Guidance 2006
<i>CE5 Chancel House</i>	2020	N/A	Employment use	Private	Planning application 2018	Informal Guidance 2006
<i>CE6. Asiatic Carpets</i>	2014	2016	Light Industrial/Managed affordable work space	Private	Planning application 2012	Informal Guidance 2006
<b>Burnt Oak/</b>						


<b>Colindale Growth Area</b>						
<i>B/C1 Oriental City and Asda</i>	2014	2020	Retail, community use (incl. school) commercial	Private	Planning Permission renewed 2010	Burnt Oak / Colindale Development Framework SPD to be adopted 2012
<i>B/C2 Sarena Hse./Grove Park/Edgware Rd</i>	2014	2020	Workspace (incl. managed affordable)	Private	Planning application 2012	Burnt Oak / Colindale Development Framework SPD to be adopted 2012
<i>B/C3 Capitol Way</i>	2012	2022	Retail / car showroom / community use	Private	Planning permission 2009	Burnt Oak / Colindale Development Framework SPD to be adopted 2012
<i>B/C4 3-5 Burnt Oak Broadway</i>	2012	2014	Retail	Private	Part completed and planning permission renewed for remainder 2010	Burnt Oak / Colindale Development Framework SPD to be adopted 2012
<b>Park Royal</b>						
<i>PR1 Former Guinness Brewery</i>	N/A	N/A	Industry and warehousing	Private	Planning permission 2008	Guinness Brewery SPD, 2005 and Park Royal Opportunity Area Framework to be adopted 2011
<i>PR2 First Central</i>	2014	2016	B1 offices / hotel	Private	Planning permission for offices/hotel 1999 part implemented. Planning application for residential 2010	Park Royal Opportunity Area Framework to be adopted 2011
<i>PR3 Former Central Middlesex Hospital</i>	N/A	N/A	Hospital expansion and industrial / employment development	Private	Planning application 2012	Park Royal Opportunity Area Framework to be adopted 2011
<b>Rest of the Borough</b>						
<i>1. Metro Hse.</i>	2012	N/A	Safer Neighbourhood Team base	Private	Planning permission 2010	

2. Garages at Barnhill Rd	2010	N/A	N/A	Private	Planning permission 2007	
3. Dollis Hill Estate	2012	N/A	New school and employment development	Private	Planning permission 2010	
4. Dollis Hill House	N/A	N/A	Food & drink use / community use / conferencing	Council		
5. Priestly Way, North Circular Road	N/A	N/A	Employment development	Private		
6. Neasden Lane / Birse Crescent	2012	N/A	Retail	Private	Planning application 2011	
7. Neasden Lane / North Circular Road	2012	N/A	Hotel/retail	Private	Planning application 2011	
8. Former Kingsbury Library & Community Centre	2012	N/A	Community /education use	Council/Private	Planning application 2011	
9. Harlesden Plaza	2016	2020	Retail / community use	Private	Planning application 2014	
10. Former Willesden Court House	2012	N/A	Community use	Private	Planning permission 2009	
11. Manor Park Road	2014	N/A	N/A	Private	Planning application 2012	
12. Former Willesden Social Club & St. Joseph's Court	2012	N/A	Community use	Private	Planning permission subject to S106, 2010	
13. Sainsbury's Superstore	2014	N/A	Retail	Private	Planning application 2012	
14. Clock Cottage	2012	N/A	Community use / residential institution	Private	Planning application 2011	
15. Northwick Park Hospital	2020	N/A	Hospital redevelopment	Hospital Trust	Planning application 2018	
16. Morrison's Supermarket	2018	N/A	Retail	Private	Planning application 2016	
17. Alpine House	2012	2014	Affordable workspace	Private	Planning permission	



					2008	
18. Bridge Road	2012	N/A	N/A	Private	Planning application 2011	
19. Stonebridge Schools	2014	2016	N/A	Council	Planning application 2012	
20. Former Unisys & Bridge Park Centre	2014	2016	Community use, sports facilities, B1, local needs retail and hotel	Council/Private	Planning application 2012	Site-wide SPD to be adopted 2011
21. Land Adjoining St. Johns Church	2014	N/A	Community facility	Private	Planning permission 2010	
22. Roundtree Road	2011	N/A	Community / retail	Housing Association	Planning permission 2010	
23. Vale Farm Sports Centre	N/A	N/A	Sport and recreation	Council		
24. Wembley Point	2016	N/A	Office / local retail / leisure / community use	Private	Planning application 2014	
25. Vivian Avenue	2014	N/A	Community use	Private		
26. Old St. Andrew's Church	N/A	N/A	Community use	Private		
27. Hawthorn Road	2014	N/A	N/A	Private	Planning application 2012	
28. Queen's Parade / Electric House	2014	N/A	Retail / food & drink	Housing Association	Planning application 2012	
29. Former Dudden Hill Lane Playground	2012	N/A	Community / leisure or retail	Private	Planning application 2011	
30. Gaumont State Cinema	N/A	N/A	Community / arts & culture / retail / entertainment / employment workspace	Private	Planning permission 2009	
31. Kilburn Square	2010	N/A	Community use and retail	Private	Planning permission 2009. Revised planning application 2010	
32. Former Rucklidge Service Station	2014	N/A	N/A	Private	Planning application 2012	



	<p style="text-align: center;"><b>Executive</b> <b>11 April 2011</b></p> <p style="text-align: center;"><b>Joint Report from the Directors of Regeneration and Major Projects and Environment and Neighbourhood Services</b></p>
Ward Affected: Alperton	
<b>Former Alperton Cemetery Offices Clifford Road Alperton HA0 1AF - disposal in the Open Market</b>	

## 1.0 SUMMARY

- 1.1 This report invites the Executive to consider the impact of withdrawing office-based staff from the Alperton cemetery at Clifford Road and seeks approval to the open market disposal of the adjoining surplus vacant former cemetery offices, after all due regard to planning and architectural considerations in connection with the resolution of access and separation issues so as to ensure the best price is achieved

## 2.0 RECOMMENDATIONS

- 2.1 Members approve the open market disposal of the vacant former cemetery offices building and suitable curtilage land which forms part of the cemetery offices, excluding the mess rooms building, yard and the toilet, The office building is now surplus to the Council's operational requirements
- 2.2 Members agree that the Assistant Director Regeneration & Major Projects (Property & Asset Management) to instruct auctioneers after all due regard to planning and architectural considerations in connection with resolution of access and separation issues so as to ensure that the best price is received on sale and to instruct Legal Services in the matter of the disposal

## 3.0 DETAIL

- 3.1 In April 2010 a decision was made to make savings by reducing 250 posts across the Council. As part of this process within the then environment and Culture Department, the decision was made to disband the Cemetery and Mortuary Service and with effect from 13<sup>th</sup> September 2010 the grave digging and grounds maintenance element of the work transferred to the Parks Service. Linked to this, the office based cemetery staff moved from the Alperton Cemetery office to Brent House in September 2010. This is consistent with the

Council's policy of reducing the number of buildings and offices the Council operates around the borough.

- 3.2 The cemetery offices comprise a mixed site providing offices and adjacent cemetery staff mess rooms with toilets for staff and public use, garage/workshop and yard (marked A on plan). There is also a separate toilet for cemetery visitors including those with disabilities located in front of the offices building (marked B on plan).
- 3.3 The offices are located within a two storey former dwelling house. The cemetery staff mess rooms comprise a single storey building adjacent which also houses toilet facilities. The garage/workshop is attached with a small yard at the top end of the site with vehicular access from the cemetery. The proposed area for disposal is outlined in black on the attached plan.
- 3.4 The mess rooms building, yard and the toilet need to be retained to enable the Council to continue to provide its cemeteries function and operation of Alperton cemetery. In addition, it was agreed that the staffing at the cemetery would be reviewed after six months of operations by the Parks Service. It is now proposed that the grounds maintenance 'grass verges' team be based at the Alperton Cemetery yard and this proposal is currently out to staff for consultation. If this does proceed, it will provide a staff presence in the cemetery at various times in the day and will help alleviate cemetery users concerns regarding the previous withdrawal of staff from this site.
- 3.5 Planning advice is that the most likely possible uses of the offices building are residential, either a dwelling house or flats or possibly a small scale children's nursery to serve the local catchment area.
- 3.6 The building has some architectural merit but is not listed. The planning view is that should the building be redeveloped it is unlikely that a larger replacement would be supported given the scale and character of buildings within the area
- 3.7 There will need to be some separation between any proposed residential use and the continuing works yard. There are also access considerations which will have to be addressed. Bridgewater Road is a London Distributor Road and the highways authority would not support a new separate access onto this road. The existing access to the offices building from Clifford road is restricted
- 3.8 The possible alternative childrens nursery use is problematic in that the site is not easily accessible by public transport and therefore only a small scale facility serving a local catchment area could be considered. There would be a need to demonstrate a parking/drop off area, external play space, cycle/buggy parking areas and a buffer between this use and retained cemetery yard
- 3.9 Officers consider that disposal for residential use will achieve the best consideration and the intention is to take architectural advice in tandem with planning considerations to ensure that there is a viable scheme for redevelopment or conversion of the offices building for residential use

## **4.0 FINANCIAL IMPLICATIONS**

- 4.1 An indicative disposal price for the offices building for residential purposes assuming proper access and separation and with suitable curtilage land for gardens is considered to be in the region of £350,000 -£400,000.

Any related costs arising related to the sale (such as the resolution of access and separation issues) to achieve best price will be met from the derived receipt.

The net capital receipt will accrue to the Council's overall funding of the capital programme.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 Under Section 123 of the Local Government Act 1972 the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease. The essential condition is that the Council obtain (unless it is a lease for 7 years or less) the best consideration that is reasonably obtainable.
- 5.2 Disposals on the open market, including by way of auction, after proper marketing will satisfy the best consideration requirement.
- 5.3 The value of this property is in excess of the value of properties which can be sold under the delegated authority of the Head of Property and Asset Management. As such the Executive needs to agree to this disposal before this can be undertaken.
- 5.4 The land and Cemetery Offices are held by the Council under the Burial Acts 1852 to 1900 and officers are contacting the Metropolitan Archives as to whether the same is consecrated land.
- 5.5 If the land is consecrated land it will need to be deconsecrated prior to disposal. In that event the Council will apply to the Diocese of Lambeth for a Church faculty or consent to deconsecrate the land.

## **6.0 DIVERSITY IMPLICATIONS**

- 6.1 None specific

## **7.0 STAFFING/ACCOMMODATION IMPLICATIONS**

- 7.1 Office based staff who used to work for the Cemeteries and Mortuary Service are now based within Brent House following a restructure in 2010. The yard, mess room and toilet need to be retained so that the groundstaff can operate from the site to provide the cemeteries function, as explained in para 3.4

## **8.0 BACKGROUND PAPERS**

## 8.1 Papers held in Regeneration & Major Projects and Environment and Neighbourhood Services

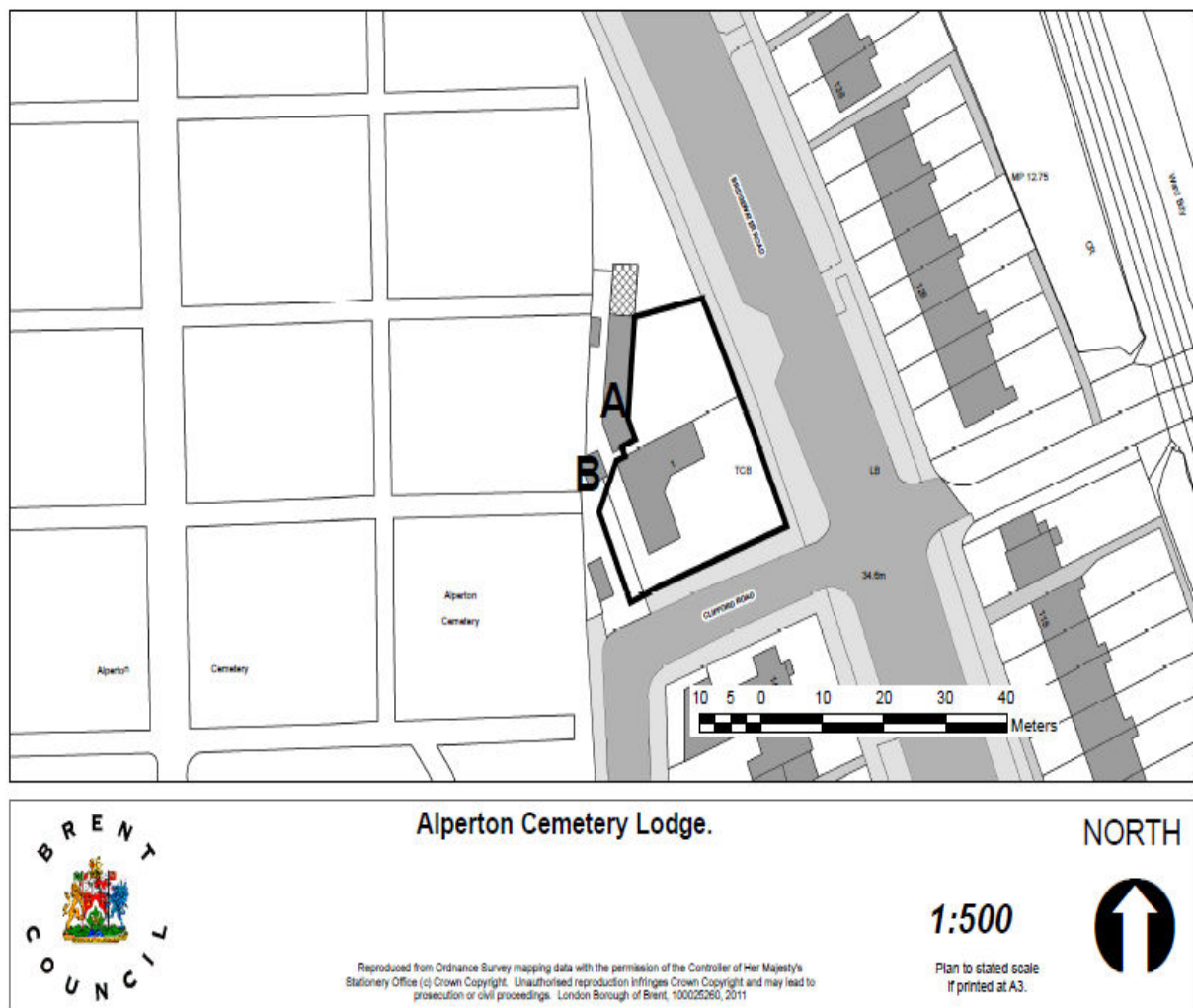
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**Executive  
11 April 2011**

## **Report from the Director of Children and Families**

### **BACES – Accommodation Strategy**

#### **1.0 Summary**

- 1.1 This report proposes a rationalisation of BACES provision across 3 main sites instead of 5. This is in response to the expected reduction in grant from the Skills Funding Agency from September 2011.
- 1.2 The recommendations in this report should be seen in the context of a 3 part strategy for improving the cost effectiveness of adult and community education in Brent, as follows.
- a. Reducing BACES programme from 2011/12, delivering from three main sites
  - b. Achieving disposal or alternative use for the other two sites, in conjunction with the Property and Asset Management Team
  - c. Considering alternative options for the delivery of adult and community education through the College of North West London or another provider.
- 1.3 If no action were taken to reduce the BACES accommodation from August 2011, it is unlikely that BACES would be able to achieve a balanced budget for 2011/12. A decision about sites is needed in order to prepare the 2011/12 programme with a reduced level of staffing. The residual costs of the 2 decommissioned buildings would continue to be met by Children and Families until the buildings are sublet or disposed.
- 1.4 The decision to rationalise provision on to a reduced number of sites does not compromise the longer term consideration of an alternative delivery model. Discussions with the College of North West London are ongoing. Any agreement with an alternative provider is likely to be from the academic year 2012/13 onwards and will need to be subject to a subsequent report.
- 1.5 In deciding which sites from which to deliver, the following information for each site has been considered.
- Running costs including staffing complement and costs
  - Usage including number of enrolments
  - Future demand patterns
  - Capital investment requirements, property issues and disposal potential

#### **2.0 Recommendations**

2.1 Based on the information provided, members consider that Ashley Gardens and the Carlton Centre are no longer required for the purposes of delivering the BACES adult learning programmes, and approve the closure of these sites with effect from 31<sup>st</sup> August 2011

2.2 That BACES continues to deliver adult learning programmes from 3 main sites: Harlesden Library Plus, Madison House and the Stonebridge Centre; as well as a range of community based venues in partnership with other council services providers and local community and voluntary sector organisations.

### **3.0 Detail**

3.1 BACES is entirely grant funded with the majority of the funding being drawn down from the Skills Funding Agency (SFA) on an annually negotiated contractual basis. A small amount of funding is received from the Young People's Learning Agency (YPLA) for provision for 16-18 year olds. Income from tuition and examination fees also contributes towards the total budget. The funding year runs from 1st August to 31st July.

3.2 Indicative allocations have been provided from the Skills Funding Agency for the Adult Single Skills, Adult Safeguarded Learning and 16-18 contracts for the period 1st August 2011 to 31st July 2012. The allocation shows potential funding reductions in the range of a £245k reduction in the contract value from 2011/12, plus £60k which is dependent on achieving job outcomes.

3.3. Other risk factors that may threaten future levels of funding either from SFA/YPLA sources or from fees and charges are:

- changes to learner eligibility to the full concessionary rate from August 2011 – this could potentially affect recruitment as significantly more learners would need to contribute to tuition fees;
- changes to the funding formula - this would mean that the number of learners accessing provision would need to increase in order to meet the funding target of the Adult Single Skills funded provision
- The impact of these changes creates a risk of being unable to meet the funding target described above which would lead to further reductions in the contract value in future years. Taking this into account it would be prudent to assume full year savings in the region of £400k from April 2012.

3.4 Further reductions to the Adult Single Skills grant are expected throughout the comprehensive spending review period. The Adult Safeguarded Learning grant is protected at its current levels until 2014/15, however there will be a review of the type of provision this grant will support to ensure that it is prioritised for the people who need the most help and have had fewest opportunities.

3.5 From 1st September 2010 the service was restructured in line with the structure and staffing review recommendations on spans of control. This will save £500k per annum in staffing costs. Nevertheless, further significant savings are required in order to meet future funding reductions.

3.6 Provision is currently delivered throughout Brent from 5 main sites, 3 of which are Brent Council buildings, one is a leased building and one is shared accommodation with the Libraries, Arts and Heritage service (Harlesden Library Plus). The sites cover the borough from Wembley to South Kilburn, with the majority of the provision



being targeted in Brent's priority neighbourhoods such as Stonebridge, Harlesden and South Kilburn.

- 3.7 In addition to the main sites, BACES, through the use of the Neighbourhood Learning in Deprived Communities Capital Fund has, in recent years, worked with local voluntary and community groups to assist with refurbishing and equipping learning resource rooms in the priority neighbourhoods. Two examples of this are Cricklewood Homeless Concern and St. Raphael's Tenants Association. BACES also delivers from the Neasden Library Plus site which is the subject of a separate consultation managed by the Libraries, Arts and Heritage Service.
- 3.8 In April 2010 the Property and Asset Management Service (PAMS) took over the management and maintenance of all the sites that BACES occupies. PAMS makes an annual lump sum recharge to BACES based on the running and maintenance costs of each of the sites. BACES continues to pay for utilities separately.
- 3.9 A wide range of courses are delivered covering the arts, business, childcare, health and social care, languages, beauty, hair care and complementary therapies, ICT, hospitality, sport and fitness, performing arts and Skills for Life; the majority of which offer vocational and employability qualifications. A significant proportion of provision is dedicated to English to Speakers of Other Languages (ESOL), Literacy and Numeracy. Classes are delivered on a flexible basis, available in the day, evening and at weekends with a smaller programme running out of term time.

#### 3.10 Site information

	<b>Ashley Gardens</b>	<b>Carlton Centre</b>	<b>Harlesden Library Plus</b>	<b>Madison House</b>	<b>Stonebridge Centre</b>
Address	off Preston Road, Wembley, Middlesex, HA9 8NP	Carlton Vale, London, NW5 5RA	38 Craven Park Road, Harlesden, NW10 4AB	24-28 London Road, Wembley, Middlesex, HA9 7HD	1, Morland Gardens, Stonebridge, London NW10 8DY
Tenure	Owned	Owned	Owned	Leased – expiry date September 2012	Owned
Max. occupancy per session	77	234 (259)*	70	151(196)*	146 (236)*
Average overall use per week (incl. Saturdays)	57%	46%	56%	62%	59%
Number of enrolments 09/10 (to July 31 <sup>st</sup> 2010)	485	1596	754	1653	1600
Number of enrolments 10/11(to date)	371	954	638	1109	1038

Annual Running costs (excluding staffing)	48,963	165,396	32,888**	134,784	184,918
Staffing costs	72,384	122,281	32,256	100,896	102,768
Total estimated savings	<b>121,347</b>	<b>287,677</b>	<b>65,144</b>	<b>235,680</b>	<b>287,686</b>

\* these figures include the halls being occupied at maximum capacity

\*\*Historical expenditure on the BACES Harlesden site prior to relocating to the Harlesden Library Plus site

Appendix A shows more detailed information for each site including types of courses, the profile of learners by age range, ethnicity, and disability, and a post code analysis of learners attending courses at each site.

### **3.11 Rationale for the discontinuation of Ashley Gardens and the Carlton Centre as a site for BACES provision**

3.12 Ashley Gardens is one of the smaller sites that BACES uses. With just 371 learners to date it provides for significantly fewer learners than the Harlesden Library Plus site which has a similar overall capacity and is considerably more cost effective to run.

3.13 In addition Ashley Gardens is not located in a priority neighbourhood, and whilst it is moderately used the relatively small number of learner numbers could be accommodated at Madison House with careful planning. The relocation of learners to Madison House would also provide learners with the benefit of access and progression to a much broader adult learning curriculum.

3.14 Whilst the Carlton Centre is located within an area of high deprivation it is significantly underutilised compared with all other sites. It is marginally the second most expensive site to operate in terms of staffing and running costs. These factors combined make the site inefficient.

3.15 There are some options for consideration for relocating provision from the Carlton Centre to other venues within the South Kilburn area subject to the cost effectiveness of any room hire charges e.g. family learning at the Childrens centre, literacy, numeracy and ESOL courses at Kilburn library, use of the Granville centre for IT, multi-media, childcare, business, specialist art and craft courses.

### **3.16 Carlton Centre, Granville Road, South Kilburn**

3.17 This is a late 19<sup>th</sup> Century former school building on ground, first, and second floors. It totals 1768 sq m and is on a site of 1329 sq m (0.32). The property has been used as an adult education centre for around 20 years and was refurbished in 2003/04 with a new extension and lift. It physically adjoins the Granville Youth and Community Centre – which incorporates a children's centre.

3.18 The property is located within the South Kilburn Regeneration area

3.19 The building is generally in good order following refurbishment and new energy efficient boilers have recently been installed. The whole building is separately metered and heated.

- 3.20 The adjacent children's centre is a new build addition provided at the same time as the main refurbishment of the Carlton Centre.
- 3.21 Options for the future use of the Carlton Centre**
- 3.22 The building has the potential to be sold for educational use, residential conversion with possible small new build extension. It could also be potentially leased to an education institution which would have the benefit of providing an income stream to the Council.
- 3.23 The Council owns the freehold to this building and there could be a potential capital receipt of £1.2 - £1.8 million. The rental value per annum is estimated at £125K-£180k.
- 3.24 Ashley Gardens Pavilion, Ashley Gardens, Wembley**
- 3.25 A 1920's former pavilion on ground floor with a first floor former flat located on a site of 2714sq m (0.67 acres).
- 3.26 The flat was sold under the Right to Buy 1980 Legislation and has subsequently been converted to a children's nursery.
- 3.27 There is also a single storey portacabin located alongside the pavilion which is used by Brent's Alternative Education Service and as a base for an Out of School project for new arrivals.
- 3.28 The area utilised by BACES is 450 sq m. The building has suffered from some structural movement and ongoing monitoring and investigation are currently taking place.
- 3.29 The future use/ redevelopment of this property is seriously complicated by the sold flat at first floor. Consideration was given in the past (about 6 years ago) to seek to buy out the flat owner but at this time a business case could not be justified. The Regeneration and Major Projects Department will consider how the property could best be re-deployed (including reuse by the council) in order to seek to meet the Council's financial and regeneration objectives. However it should be noted that the existence of the sold long leasehold flat seriously reduces any value. In the event that the property were offered on the market it is likely that the property might prove popular with church groups or nursery operators.
- 3.30 Both these buildings represent a significant security risk if left vacant for any length of time. This can also have a negative impact on the surrounding areas. The Council has recently appointed Colliers International to advise on potential marketing and uses for the building if it becomes vacant.

### **3.31 Options for the future use of Ashley Gardens**

- 3.32 The single portacabin is jointly used to provide tuition for excluded pupils through the Alternative Education Service and for an out of school project for secondary aged pupils. This out of school project is specifically for new arrivals with English as an Additional Language (EAL). The small size of the portacabin means that only a limited number of pupils can be accommodated there. To move the out of school provision to the building currently used by BACES would allow a greater number of pupils to be accommodated and allow for the provision of other courses for pupils, for example, GCSE courses.
- 3.33 An alternative option could be to use the space to provide school places for primary aged children. Ashley Gardens Early Learning Centre (AGELC) opened in January 2011 and provided 60 places for reception aged children. If planning permission is not granted for Preston Manor Primary School in March 2011 to open in September 2011, there will need to be somewhere for the children at AGELC to progress to.
- 3.34 Preston Manor High School's playing fields border the Ashley Gardens site, and the council may consider exploring with the school if they would wish to utilise the building and surrounding grounds.
- 3.35 The Alternative Education Service is currently exploring other options for relocating the provision delivered from the portacabin.
- 3.40 The rental value of this site is estimated at £30 - £50k per annum.

### **4.0 Financial Implications**

- 4.1 There will be a need for BACES to make efficiency savings from August 2011 and throughout the spending review period in order to meet the expected reduction in the grant allocation. Without the closure of both sites it is unlikely that BACES would be able to achieve a balanced budget. The proposed closure of two of the main sites could generate savings in the region of £400-450k including staffing and premises costs.
- 4.2 The savings will be achieved mainly through staffing costs estimated at £194,665 and running costs of the two sites estimated at £214,359. Further savings not included in the Property and Asset Management recharge that are associated with general downsizing could be realised, e.g. reduction in payroll costs, reduction in telephone and PC charges, photocopier leases, postage etc.
- 4.3 There could be potential capital receipt from the sale of the Carlton Centre. This could be in the order of £1.2-£1.8m depending upon the flexibility of planning. Ashley Gardens is however more difficult to dispose of given that the first floor flat was sold under the Right To Buy and could probably not be sold in isolation.
- 4.4 There will be ongoing security costs of both these buildings which need to be accounted for plus empty rates. Property and Asset management holds the budget for these costs and makes a service re-charge to the BACES budget.
- 4.5 Disposal of the site and/or making arrangements for alternative use of the sites may take some time to achieve. However, a smaller amount of savings will still be achieved through the reduced staffing and running costs.
- 4.6 Potential repayment of £1m capital grant from the former Learning and Skills Council arising from the sale of the Carlton Centre. See 5.3 for more details.

## 5.0 Legal Implications

5.1 **Ashley Gardens:** A private day nursery owns the first floor flat.

5.2 A base for the Alternative Education Service is located in a portacabin within the grounds of Ashley Gardens. However, there are proposals to relocate the service to other sites so this is unlikely to be a problem.

5.3 **Carlton Centre:** This was refurbished in 2003 with £1m of former Learning and Skills Council (LSC) capital funding. The conditions of the use of funds state that “The LSC’s financial support may have to be repaid should the premises cease to be used for Adult and Community Learning purposes’.

However, discussions with staff from the regional Skills Funding Agency team have outlined that in the event of any sale of buildings that had previously received capital funding there could be two possible scenarios:

- The Skills Funding Agency would write off any repayment as the capital expenditure was granted in 2003;
- That the capital receipt of any sale at its depreciated value should be reinvested in Adult and Community Learning.

5.4 **Madison House:** This is leased accommodation over two floors with two separate leases for each floor. Both leases expire in September 2012.

5.5 **Stonebridge Centre:** This site was refurbished in the 1990’s with City Challenge capital funding.

5.6 Part of the site is occupied by the voluntary organisation Victim Support, but records of any formal agreement regarding tenure cannot be found. The Council does not make a rental charge to Victim Support.

## 6.0 Diversity Implications

6.1 The Equality Act 2010 Section 149 introduces a new public sector equality duty which came into force on 6<sup>th</sup> April 2011. It requires the Council, when exercising its functions, to have ‘due regard’ to the need to eliminate discrimination, harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a ‘protected characteristic’ and those who do not share that protected characteristic.

6.2 A ‘protected characteristic’ is defined in the Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

6.3 Having due regard to the need to ‘advance equality of opportunity’ between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and encourage those who have a protected characteristic to participate in public life.

Having due regard to 'fostering good relations' involves having due regard to the need to tackle prejudice and promote understanding.

- 6.4 The steps involved in meeting the needs of disabled persons include steps to take account of the persons' disabilities.
- 6.5 Complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.
- 6.6 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. The new Code of Practice under the new Act has yet to be published. The EHRC has however published guidance. The advice set out for members in this report is consistent with the published advice.
- 6.7 Having due regard to the equality duty must form an integral part of the decision making process. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision
- 6.8 Where it is apparent from the analysis of the information that the policy would have an adverse effect on equality then adjustments should be made to avoid that effect. The steps proposed to be taken are relocating learners to existing provision on other BACES sites; signposting learners to other educational providers within a reasonable travelling distance; relocating where possible some of the provision at the Carlton Centre to other venues in the South Kilburn area
- 6.9 At the same time as complying with the above duty, Members must also pay regard to any countervailing factors which it is proper and reasonable for them to consider. For BACES these include meeting the budget pressures caused by funding reductions from the Skills Funding Agency outlined in paragraphs 1.3 and 4.1
- 6.10 A full Equalities Impact assessment has been carried out and is attached in the essential background papers. In summary, the proposals may have the following implications:
- 6.11 These proposals will have an impact on ESOL learners studying if the Ashley Gardens site were to close. However, there is already an extensive ESOL programme at Madison House which is less than 2 miles from Ashley Gardens.
- 6.12 Closure of Ashley Gardens would result in loss of crèche facilities. However, the transfer of some of the crèche staff to the Stonebridge Centre site would enable extended opening hours of the crèche at the Stonebridge Centre.
- 6.13 The proposals will also have an impact on learners living in the priority neighbourhood of South Kilburn. However, close collaboration with neighbouring authorities such as Camden and Westminster would ensure that a broad and diverse adult learning programme remains locally accessible.
- 6.14 There would be a loss of some specialist craft facilities, such as pottery, if the Carlton Centre were to close. However, in the current programme there are just 3 sessions of pottery per week. There could be opportunities to deliver a smaller core adult learning programme including the specialist art and craft programmes in other venues in the area e.g. at the adjoining Granville Plus site,.

Collaborative planning with neighbouring authorities and other community venues within the South Kilburn area may assist with continuing this offer locally.

- 6.15 Whilst it is anticipated that most of the provision will be accommodated on other sites, some learners may need to travel further to learn, thereby adding to travel costs.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

- 7.1 A reduction in the number of sites will achieve savings in staffing costs. It is expected that there will be staffing reductions in the customer service administration and crèche teams. The estimated saving in staffing is £194,665.

Consultation will be carried out in accordance with the Managing Change policy. Staff and trade unions will be consulted.

- 7.2 A number of staff from the customer service and crèche staff teams applied for voluntary redundancy when the Council's scheme was re-opened. Their applications are currently on hold and would be considered in the first instance.

Background Papers (essential)

- i) Equality Impact Assessment

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<b>10/11 Enrolments</b>	<b>371</b>
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<b>09/10 Enrolments</b>	<b>485</b>
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<b>Types of Courses</b>	Skills For Life
	Art, Design & Practical Skills
	Beauty, Hair Care & Complementary Therapies
	Health, Public Services and Care
	ICT

<b>Age Band</b>	<15	13	2.7%
	16-18	24	4.9%
	19-29	151	31.1%
	30-39	154	31.8%
	40-49	92	19.0%
	50-59	32	6.6%
	60-69	19	3.9%

<b>Ethnicity</b>	Any Other	60	12.4%
	Asian Other	104	21.4%
	Bangladeshi	7	1.4%
	Black African	64	13.2%
	Black Caribbean	23	4.7%
	Black Other	9	1.9%
	Chinese	4	0.8%
	Indian	94	19.4%
	Mixed Other	7	1.4%
	Mixed White/Asian	6	1.2%
	Mixed White/BA	6	1.2%
	Mixed White/BC	5	1.0%
	Not Known	4	0.8%
	Pakistani	25	5.2%
	White British	10	2.1%
	White Irish	11	2.3%
	White Other	46	9.5%

<b>Disability</b>	Disability Affecting Mobility	3	0.6%
	Hearing Impairment	6	1.2%
	Mental Health Difficulty	12	2.5%
	No Disability	1	0.2%
	Not Known/No Information	460	94.8%
	Other	3	0.6%

<b>Post Code</b>	EN2	1	0.2%
	HA0	88	18.1%
	HA1	7	1.4%
	HA2	3	0.6%
	HA3	32	6.6%
	HA5	1	0.2%

HA7	4	0.8%
HA8	14	2.9%
HA9	150	30.9%
N10	1	0.2%
N7	1	0.2%
NK6	1	0.2%
NW1	1	0.2%
NW10	58	12.0%
NW11	2	0.4%
NW2	27	5.6%
NW6	4	0.8%
NW7	3	0.6%
NW9	60	12.4%
OX4	1	0.2%
SE15	2	0.4%
SE19	1	0.2%
SE25	1	0.2%
SW8	3	0.6%
UB3	3	0.6%
UB5	2	0.4%
UB6	7	1.4%
West	7	1.4%

<b>Gender</b>	Male	51	10.5%
	Female	434	89.5%

<b>Sexual Orientation</b>	Prefer Not to Say	284	58.6%
	Hetrosexual/Straight	196	40.4%
	Homosexual/Gay	0	0.0%
	Bisexual	1	0.2%
	Other	4	0.8%

<b>Faith</b>	Prefer Not to Say	108	22.3%
	No Religion	6	1.2%
	Buddhist	1	0.2%
	Christian	99	20.4%
	Hindu	107	22.1%
	Jewish		0.0%
	Muslim	149	30.7%
	Sikh	6	1.2%
	Any Other Religion	9	1.9%

<b>10/11 Enrolments</b>	1109
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<b>09/10 Enrolments</b>	1653
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<b>Types of Courses</b>	Skills For Life
	Art, Design & Practical Skills
	Beauty, Hair Care & Complementary Therapies
	Business, Accounts and Management
	Courses for Adults with Learning Difficulties
	Fitness, Hospitality & Travel
	Health, Public Services and Care
	ICT
	Languages and communication

<b>Age Band</b>	<15	43	2.6%
	16-18	77	4.7%
	19-29	477	28.9%
	30-39	458	27.7%
	40-49	367	22.2%
	50-59	165	10.0%
	60-69	60	3.6%
	70+	6	0.4%

<b>Ethnicity</b>	Any Other	188	11.4%
	Asian Other	252	15.2%
	Bangladeshi	6	0.4%
	Black African	181	10.9%
	Black Caribbean	214	12.9%
	Black Other	22	1.3%
	Chinese	20	1.2%
	Indian	269	16.3%
	Mixed Other	22	1.3%
	Mixed White/Asian	20	1.2%
	Mixed White/BA	16	1.0%
	Mixed White/BC	20	1.2%
	Not Known	15	0.9%
	Pakistani	64	3.9%
	White British	134	8.1%
	White Irish	39	2.4%
	White Other	171	10.3%

<b>Disability</b>	Disability Affecting Mobility	10	0.6%
	Hearing Impairment	25	1.5%
	Mental Health Difficulty	38	2.3%
	No Disability	34	2.1%
	Not Known/No Information	1469	88.9%
	Other	75	4.5%

<b>Post Code</b>	HA0	394	23.8%
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HA1	31	1.9%
HA2	32	1.9%
HA3	84	5.1%
HA5	9	0.5%
HA7	21	1.3%
HA8	31	1.9%
HA9	287	17.4%
NW10	257	15.5%
NW11	3	0.2%
NW2	117	7.1%
NW6	72	4.4%
NW7	12	0.7%
NW9	128	7.7%
UB5	16	1.0%
UB6	49	3.0%

<b>Gender</b>	Male	368	22.3%
	Female	1285	77.7%

<b>Sexual Orientation</b>	Prefer Not to Say	768	46.5%
	Hetrosexual/Straight	851	51.5%
	Homosexual/Gay	6	0.4%
	Bisexual	13	0.8%
	Other	15	0.9%

<b>Faith</b>	Prefer Not to Say	323	19.5%
	No Religion	72	4.4%
	Buddhist	36	2.2%
	Christian	576	34.8%
	Hindu	293	17.7%
	Jewish	9	0.5%
	Muslim	275	16.6%
	Sikh	11	0.7%
	Any Other Religion	58	3.5%

<b>10/11 Enrolments</b>	1038
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<b>09/10 Enrolments</b>	1600
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<b>Types of Courses</b>	Skills For Life
	Art, Design & Practical Skills
	Beauty, Hair Care & Complementary Therapies
	Business, Accounts and Management
	Courses for Adults with Learning Difficulties
	Fitness, Hospitality & Travel
	Health, Public Services and Care
	ICT
	Languages and communication

<b>Age Band</b>	<15	105	6.6%
	16-18	74	4.6%
	19-29	401	25.1%
	30-39	425	26.6%
	40-49	339	21.2%
	50-59	127	7.9%
	60-69	52	3.3%
	70+	6	0.4%
	Not Recorded	71	4.4%

<b>Ethnicity</b>	Any Other	185	11.6%
	Asian Other	86	5.4%
	Bangladeshi	17	1.1%
	Black African	356	22.3%
	Black Caribbean	337	21.1%
	Black Other	41	2.6%
	Chinese	14	0.9%
	Indian	115	7.2%
	Mixed Other	18	1.1%
	Mixed White/Asian	17	1.1%
	Mixed White/BA	28	1.8%
	Mixed White/BC	29	1.8%
	Not Known	15	0.9%
	Pakistani	68	4.3%
	White British	148	9.3%
	White Irish	26	1.6%
	White Other	100	6.3%

<b>Disability</b>	Disability Affecting Mobility	15	0.9%
	Hearing Impairment	15	0.9%
	Mental Health Difficulty	49	3.1%
	No Disability	32	2.0%
	Not Known/No Information	1418	88.6%
	Other	62	3.9%
	Other Medical Condition	4	0.3%

<b>Other Physical Disability</b>	5	0.3%
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<b>Post Code</b>	EN2	4	0.3%
	HA0	142	8.9%
	HA1	5	0.3%
	HA2	14	0.9%
	HA3	33	2.1%
	HA5	6	0.4%
	HA7	4	0.3%
	HA8	29	1.8%
	HA9	157	9.8%
	N10	15	0.9%
	NW10	830	51.9%
	NW11	3	0.2%
	NW2	120	7.5%
	NW6	49	3.1%
	NW7	2	0.1%
	NW9	64	4.0%
	UB	30	1.9%

<b>Gender</b>	Male	315	19.7%
	Female	1285	80.3%

<b>Sexual Orientation</b>	Prefer Not to Say	788	49.3%
	Hetrosexual/Straight	787	49.2%
	Homosexual/Gay	3	0.2%
	Bisexual	4	0.3%
	Other	18	1.1%

<b>Faith</b>	Prefer Not to Say	411	25.7%
	No Religion	50	3.1%
	Buddhist	14	0.9%
	Christian	587	36.7%
	Hindu	108	6.8%
	Jewish	7	0.4%
	Muslim	373	23.3%
	Sikh	0	0.0%
	Any Other Religion	50	3.1%

<b>10/11 Enrolments</b>	638
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<b>09/10 Enrolments</b>	754
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<b>Types of Courses</b>	Skills For Life
	Health, Public Services and Care
	Courses for Adults with Learning Difficulties
	ICT

<b>Age Band</b>	<15	40	5.3%
	16-18	25	3.3%
	19-29	211	28.0%
	30-39	201	26.7%
	40-49	115	15.3%
	50-59	54	7.2%
	60-69	70	9.3%
	70+	13	1.7%

<b>Ethnicity</b>	Any Other	38	5.0%
	Asian Other	22	2.9%
	Bangladeshi	4	0.5%
	Black African	232	30.8%
	Black Caribbean	270	35.8%
	Black Other	15	2.0%
	Indian	39	5.2%
	Mixed Other	10	1.3%
	Mixed White/Asian	3	0.4%
	Mixed White/BA	6	0.8%
	Mixed White/BC	12	1.6%
	Not Known	12	1.6%
	Pakistani	22	2.9%
	White British	26	3.4%
	White Irish	10	1.3%
	White Other	33	4.4%

<b>Disability</b>	Hearing Impairment	9	1.2%
	Mental Health Difficulty	17	2.3%
	No Disability	85	11.3%
	Not Known/No Information	610	80.9%
	Other	32	4.2%
	Visual Impairment	1	0.1%

<b>Post Code</b>	HA0	53	7.0%
	HA3	12	1.6%
	HA5	3	0.4%
	HA8	5	0.7%
	HA9	63	8.4%

	NW10	462	61.3%
	NW2	53	7.0%
	NW6	41	5.4%
	NW9	19	2.5%
	SW	8	1.1%
	UN	12	1.6%

<b>Gender</b>	Male	527	69.9%
	Female	227	30.1%

<b>Sexual Orientation</b>	Prefer Not to Say	360	47.7%
	Hetrosexual/Straight	383	50.8%
	Homosexual/Gay	0	0.0%
	Bisexual	1	0.1%
	Other	10	1.3%

<b>Faith</b>	Prefer Not to Say	233	30.9%
	No Religion	11	1.5%
	Buddhist	3	0.4%
	Christian	351	46.6%
	Hindu	14	1.9%
	Jewish	0	0.0%
	Muslim	133	17.6%
	Sikh	0	0.0%
	Any Other Religion	9	1.2%



<b>10/11 Enrolments</b>	954
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<b>09/10 Enrolments</b>	1596
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<b>Types of Courses</b>	Skills For Life
	Art, Design & Practical Skills
	Beauty, Hair Care & Complementary Therapies
	Business, Accounts and Management
	Courses for Adults with Learning Difficulties
	Fitness, Hospitality & Travel
	Health, Public Services and Care
	ICT
	Languages and communication

<b>Age Band</b>	<15	45	2.8%
	16-18	83	5.2%
	19-29	496	31.1%
	30-39	436	27.3%
	40-49	269	16.9%
	50-59	198	12.4%
	60-69	53	3.3%
	70+	12	0.8%

<b>Ethnicity</b>	Any Other	279	17.5%
	Asian Other	74	4.6%
	Bangladeshi	15	0.9%
	Black African	206	12.9%
	Black Caribbean	205	12.8%
	Black Other	26	1.6%
	Chinese	16	1.0%
	Indian	77	4.8%
	Mixed Other	16	1.0%
	Mixed White/Asian	25	1.6%
	Mixed White/BA	43	2.7%
	Mixed White/BC	24	1.5%
	Not Known	25	1.6%
	Pakistani	25	1.6%
	White British	308	19.3%
	White Irish	47	2.9%
	White Other	185	11.6%

<b>Disability</b>	Disability Affecting Mobility	21	1.3%
	Hearing Impairment	33	2.1%
	Mental Health Difficulty	26	1.6%
	No Disability	34	2.1%
	Not Known/No Information	1444	90.5%
	Other	27	1.7%
	Other Medical Condition	11	0.7%

<b>Post Code</b>	E11	2	0.1%
	E8	2	0.1%
	E9	3	0.2%
	HA0	32	2.0%
	HA1	9	0.6%
	HA2	4	0.3%
	HA3	10	0.6%
	HA5	3	0.2%
	HA7	7	0.4%
	HA8	15	0.9%
	HA9	82	5.1%
	N10	7	0.4%
	N7	19	1.2%
	NW1	8	0.5%
	NW10	356	22.3%
	NW11	3	0.2%
	NW2	249	15.6%
	NW3	15	0.9%
	NW4	5	0.3%
	NW5	5	0.3%
	NW6	418	26.2%
	NW7	13	0.8%
	NW9	56	3.5%
	W10	46	2.9%
	W11	6	0.4%
	W9	76	4.8%

<b>Gender</b>	Male	288	18.0%
	Female	1308	82.0%

<b>Sexual Orientation</b>	Prefer Not to Say	690	43.2%
	Hetrosexual/Straight	857	53.7%
	Homosexual/Gay	18	1.1%
	Bisexual	6	0.4%
	Other	25	1.6%

<b>Faith</b>	Prefer Not to Say	475	29.8%
	No Religion	111	7.0%
	Buddhist	17	1.1%
	Christian	511	32.0%
	Hindu	43	2.7%
	Jewish	35	2.2%
	Muslim	274	17.2%
	Sikh	6	0.4%
	Any Other Religion	124	7.8%

## BACES accommodation strategy

<b>Department: Children and Families</b>	<b>Person Responsible: Sue Hasty</b>
Service Area: Achievement and Inclusion	Timescale for Equality Impact Assessment : April 2011
Date:	Completion date: 18-3-11
Name of service/policy/procedure/project etc: BACES accommodation strategy	Is the service/policy/procedure/project etc:  New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/>  Retrospective <input type="checkbox"/>	Adverse impact <input type="checkbox"/>  Not found <input type="checkbox"/> Found <input checked="" type="checkbox"/>  Service/policy/procedure/project etc, amended to stop or reduce adverse impact  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is there likely to be a differential impact on any group?  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Please state below:
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<p>5. Grounds of sexual orientation: Lesbian, Gay and bisexual</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>6. Grounds of age: Older people, children and young People</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Consultation conducted</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Person responsible for arranging the review: Ilgun Yusuf</p>	<p>Person responsible for publishing results of Equality Impact Assessment: Sue Hasty</p>
<p>Person responsible for monitoring: Ilgun Yusuf</p>	<p>Date results due to be published and where: 11<sup>th</sup> April Executive meeting</p>
<p>Signed: Sue Hasty</p>	<p>Date: 25-3-11</p>

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

### 1. What is the service/policy/procedure/project etc to be assessed?

The policy to be addressed is the BACES accommodation strategy for 2011/12.

The proposals are that BACES rationalises provision on a reduced number of sites from 5 to 3. The recommendation is to cease to use Ashley Gardens and the Carlton Centre as main sites, and consolidate provision on the Stonebridge, Harlesden Library Plus and Madison House sites.

### 2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/ policies etc in this area

The aim of the accommodation strategy is to enable the service become more cost effective and efficient and to realise savings of around £200k- £240k in the financial year 2011-12 and £400k full year savings in 2012-13. This is in response to the reduction in the grant from the Skills Funding Agency

### 3. Are the aims consistent with the council's Comprehensive Equality Policy?

The aims are consistent with Council's Comprehensive Equality Policy in that it is still the intention to provide a broad range of courses across Brent, with particular emphasis on targeting hard to reach groups and vulnerable adults.

Although there may be fewer main sites, the geographical spread of provision can be maintained somewhat by working in partnership with local community and voluntary groups in priority neighbourhoods to provide community and personal development courses, as well as employability and vocational courses.

The service can make particularly good use of provision funded by the adult safeguarded learning fund such as family literacy, numeracy and ESOL courses, wider family learning, neighbourhood learning in deprived communities (NLDC) and formal first steps, in order to ensure that the needs of the hardest to reach groups are met.

The main sites proposed for closure both have adult learning provision located within a reasonable travelling distance. For example, the Madison House site is within 2 miles of Ashley Gardens.

There are also adult learning and college facilities close by to the Carlton Centre in provided by Westminster and Camden local authorities.

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

The groups of people that would be affected by the closure of Ashley Gardens and the Carlton Centre are adult learners studying a range of courses. An analysis of the equalities data is provided below for each site. The data source is attached.

### **1) Ethnicity**

Carlton Centre:

The largest proportion of learners/enrolments at the Carlton Centre is White British at 19.3%. 17.5% are 'any other', 12.9% Black African, 12.8% Black Caribbean and 11.6% White Other.

Ashley Gardens:

21.4% of learners/enrolments at Ashley Gardens Asian other, 19.4% are Indian, and 13.2% are Black African. 12.4% are Any Other.

The course offer at Ashley Gardens is largely English for Speakers of Other Languages which accounts for the high proportion of learners/enrolments from Indian, Asian and Black African backgrounds. The closure of this site could have an adverse affect on this group, however there is an extensive programme of ESOL at the Madison House site which can accommodate learners from Ashley Gardens. There is an additional benefit of a wider programme offer at Madison House which could help with progression onto employability and vocational courses.

The only potential impact here is that learners would need to travel further to learn. At Ashley Gardens 30.0% of learners live within the HA9 post code area – Madison House is also within the HA9 post code area. 12% come from the NW10 post code area and 12.4% from the NW9 post code area. Under the proposals there will still be a full programme offer at the within the NW10 post code area.

### **2) Gender**

90% of learners studying at Ashley Gardens are women, and 82% of learners studying at the Carlton Centre are women.

These figures however need to be assessed in the context of the overall profile of learners

across the service which shows that 80% of learners are female.

The closure of the crèche at Ashley Gardens, would have an adverse impact on learners with pre-school aged children. However, it is possible that learners could apply to the childcare fund to support with crèche fees if other childcare opportunities are not available. In addition, there will still be a crèche at the Stonebridge centre and where possible, learners will be offered a place to study at that site.

### 3) Disability

It is difficult to assess the impact on people with disabilities as the information collected relies on self- disclosure. 94.8% of learners at Ashley Gardens have not provided any information, and 90.5% of learners at the Carlton Centre have not provided any information.

However, it is known that at Ashley Gardens there are 12 learners with mental health difficulties, 6 with a hearing impairment and 3 with a disability that affects mobility. At the Carlton Centre 33 learners have a hearing impairment, 26 have a mental health difficulty and 21 have a disability affecting mobility.

There is good provision on the remaining sites proposed for delivering adult learning courses to meet the needs of learners with disabilities and learning difficulties. All sites are wheelchair accessible and have hearing loops.

For learners with mobility problems it may be difficult for them to travel far to other centres. However, their usual transport arrangements may make provisions for this.

### 4) Grounds of faith or belief

At Ashley Gardens 30.7 % of learners are Muslim, 22.3% prefer not to say and 22.1% are Hindu. This profile would largely be expected as the main programme offer is ESOL. The closure of the site would have an adverse impact on faith groups. However, as with the adverse impact on ethnicity there is extensive provision at the Madison House site with additional vocational, employability and personal development courses on offer.

At the Carlton Centre, 32% of learners are Christian, 29.8% prefer not to say and 17.2% are muslim.

### 5) Grounds of sexual orientation

At Ashley Gardens, 58.4% of learners preferred not to disclose any information around sexual orientation, 50.4% said they were heterosexual and 0.8% other and 0.2% bisexual.

At the Carlton Centre, 53.7% said they were heterosexual, 43.2% preferred not to say, 1.6% other, 1.1% as homosexual/gay, and 0.4% bisexual.

There is no reason to believe that the proposals would have a greater or lesser impact on the grounds of sexual orientation.

### 6) Grounds of age

Carlton Centre:

At 87.7%, the greatest majority of learners/enrolments are within the 19 – 59 age group. 4.1% of learners are aged over 60.

There is no reason to suggest that older learners would be adversely affected. There is specific provision tailored to the needs of learners aged over 60 within the NW6 post code area provided by Camden.

Ashley Gardens:

Similarly, at Ashley Gardens the greatest proportion of learners is aged 19-59 (88.5%). There is no reason to suggest that older learners would be adversely affected.

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc).

The evidence that has been used is quantitative and has been taken from the learner information database. The evidence is attached.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

There is a reasonable prospect of any potential unmet needs or requirements being met through alternative provision at other sites within the local areas should the proposals go ahead.

For example, there is still the intention that a core programme of courses will be delivered by BACES within the Kilburn area at other community venues such as the Granville centre, Kilburn Library and in conjunction with local voluntary and community groups.

Within a few miles radius of the NW6 area there is also an extensive programme of adult learning course at the Amberley Road centre in Westminster, and courses provided by Camden at local community centres.

The nearest BACES sites are the Harlesden and Stonebridge centres which are about 3 miles away and are served by the Bakerloo line.

From Ashley Gardens the nearest site providing ESOL courses is Madison House which is less than 2 miles away. Should the proposals go ahead all learners will be interviewed and assessed individually to ensure that their learning needs are met on courses at any of the other centres of their choice.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

External consultation has not taken place.

In September 2010 at a full staff meeting staff were asked their views on one of the service plan objectives which is "Review the accommodation and delivery locations". The outcomes of the group discussions were circulated internally amongst the staff.

The information gathered on the capacity, usage and cost of running the sites has been shared with senior managers and the decision to put this forward as a proposal for making the necessary efficiency savings was agreed.

8. Have you published the results of the consultation, if so where?

See above

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

There is a general concern that services are being withdrawn from the Kilburn area particularly as it is an area of high deprivation. However, the focus of the concern is not necessarily that this is discriminatory.

There was concern in the media about the closure of the College of North West London's Kilburn site.

There is the intention that a scaled down programme of courses will be offered in the area as outlined in section 6.

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

The impact of the closure of the two sites can be justified in that there is a need to make financial savings of around £400k in order to achieve a balanced budget.

Compared to other local authority adult learning services, Brent is delivering from considerably more sites across more areas of the borough, but this has the effect of dispersing provision too thinly. There is not sufficient demand across all the sites to make them cost effective.

Looking at how well all the main sites are used the statistics show that they are operating at between 46% capacity at the Carlton Centre to 59% at the Stonebridge Centre. There is a need to make the sites more cost effective by consolidating provision over fewer sites whilst maintaining a community presence through working with schools, voluntary and community groups to deliver priority courses.

11. If the impact cannot be justified, how do you intend to deal with it?

12. What can be done to improve access to/take up of services?



Existing learners will be given information about all the courses offered through BACES and neighbouring services such as Camden and Westminster.

ESOL learners at Ashley Gardens will have an individual interview to make sure that they are placed on the right level of course at other sites.

### 13. What is the justification for taking these measures?

The justification for taking these measures are that if no action was taken to reduce the BACES accommodation it is unlikely that BACES would be able to achieve a balanced budget in 2011/12.

Ashley Gardens is one of the smaller sites and is not located in a priority neighbourhood. It would be relatively easy to accommodate learners at a nearby BACES location.

The Carlton Centre is located within an area of high deprivation but it is significantly underutilised compared to all other sites, despite a £1m refurbishment and extensive publicity. Options for relocating some of the provision from the Carlton Centre include delivering from other community venues such as the Granville youth centre, the Childrens' centre and the Kilburn library.

### 14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

Participation rates in BACES' provision will be monitored by post code area. This will be monitored 3 times a year.

### 15. What are your recommendations based on the conclusions and comments of this assessment?

To agree that the Carlton Centre and Ashley Gardens should no longer be used for the delivery of adult learning provision.

Should you:

1. Take any immediate action?
2. Develop equality objectives and targets based on the conclusions?
3. Carry out further research?

### 16. If equality objectives and targets need to be developed, please list them here.

Equality objectives and targets to be developed and analysed by ethnicity, age, gender, disability for success rates (i.e. achievement of learning aims/qualifications), and participation.

17. What will your resource allocation for action comprise of?

Internal management team resource as part of normal embedded management practices.

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:


Full name (in capitals please): Sue Hasty  
11

Date: 25-3-

Service Area and position in the council: Children and Families

Details of others involved in the assessment - auditing team/peer review:

Once you have completed this form, please take a copy and send it to: **The Corporate Diversity Team, Room 5 Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD**

	<p style="text-align: center;"><b>Executive</b> <b>11 April 2011</b></p> <p style="text-align: center;"><b>Report from the Director of Children and Families</b></p>
<p><b>BACES fees and charges 2011-12</b></p>	

- 1.0 Summary
  - 1.1 This report sets out the proposals for the schedule of fees and charges for Brent Adult and Community Education Service effective from 1<sup>st</sup> September 2011 – 31<sup>st</sup> August 2012.
- 2.0 Recommendations
  - 2.1 That the Executive approves the schedule of fees and charges, including room hire and other charges, shown at Appendix 1.
- 3.0 Detail
  - 3.1 BACES is entirely grant funded with the majority of the funding being drawn down from the Skills Funding Agency (SFA) on an annually negotiated contractual basis. A small amount of funding is received from the Young People's Learning Agency (YPLA) for provision for 16-18 year olds. Income from tuition and examination fees also contributes towards the total budget. The funding year runs from 1st August to 31st July.
  - 3.2 Indicative allocations have been provided from the Skills Funding Agency for the Adult Single Skills, Adult Safeguarded Learning and 16-18 grants for the period 1st August 2011 to 31st July 2012. The allocation shows a minimum of a £245k reduction in the contract value from 2010/11, plus £60k which is dependent on achieving job outcomes. See Appendix 2 for a comparison between contract values for 2010/11 and 2011/12.
  - 3.3 Officers have taken into account the following principles in proposing the fees and charges for the academic year 2011/12:

- i) Fees and fee concessions should remain affordable for learners from under-represented, vulnerable and hard to reach groups
- ii) That there is a significant increase in fees on Personal and Community Development Learning courses for those that are able to pay (43%)
- iii) That fee setting takes into account the Skills Funding Agency policy which reduces the level of subsidy to those learners not in the national fee remission categories to 50%
- iv) That fees and fee concessions are comparable with neighbouring boroughs, and particularly those that are part of the West London region

3.4 The proposed schedule of fees and charges is shown at Appendix A.

#### 4.0 Financial Implications

4.1 Income from fees and charges form an integral element of service budget projections for the year. The projected income from fees and charges for the academic year 2011/12 will be £250,000.

4.2 From 1<sup>st</sup> September 2011 the facility to pay by cheque will be removed.

#### 5.0 Legal Implications

5.1 The Authority has a general statutory duty under Section 41 of the Apprenticeship Skills Children and Learning Act 2009, which amends Section 15 of the Education Act 1996, to secure that suitable education and training is provided to meet the reasonable needs of persons in its area who are over compulsory school age but under 19 and persons in its area who are aged 19 or over but under 25 and who have learning difficulties. The Authority may secure the provision of training outside as well as within its area. The Authority has the discretion to charge for non statutory services.

5.2 The provision of services outlined in this report are in furtherance of a power and the Council is entitled to make charges by way of cost recovery pursuant to Section 93 Local Government Act 2000.

5.3 The matters which members must take into account when making a decision include the public sector equality duty and the legal position is set out in detail in the paragraph relating to diversity implications.

#### 6.0 Diversity Implications

- 6.1 The Equality Act 2010 Section 149 introduces a new public sector equality duty which came into force on 6<sup>th</sup> April 2011. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.
- 6.2 A 'protected characteristic' is defined in the Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.
- 6.3 Having due regard to the need to 'advance equality of opportunity' between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and encourage those who have a protected characteristic to participate in public life. Having due regard to 'fostering good relations' involves having due regard to the need to tackle prejudice and promote understanding.
- 6.4 The steps involved in meeting the needs of disabled persons include steps to take account of the persons' disabilities.
- 6.5 Complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.
- 6.6 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. The new Code of Practice under the new Act has yet to be published. The EHRC has however published guidance. The advice set out for members in this report is consistent with the published advice.
- 6.7 Having due regard to the equality duty must form an integral part of the decision making process. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision
- 6.8 The potential equality impact of the proposed changes to the BACES service has been assessed, and that assessment is found in the background papers. In summary it has been found that there will be an adverse impact on women, learners from ethnic minority communities and learners with learning difficulties and disabilities.
- 6.9 Where it is apparent from the analysis of the information that the policy would have an adverse effect on equality then adjustments should be made to avoid that effect. The steps proposed to be taken are outlined in 6.11 to 6.14

- 6.10 At the same time as complying with the above duty, Members must also pay regard to any countervailing factors which it is proper and reasonable for them to consider. Budgetary pressures, economics and practical factors will often be important. For BACES these include a need to increase fees and charges, particularly for those that are able to pay, in order to compensate for the funding reduction from the Skills Funding Agency and achieve a balanced budget.
- 6.11 The fees and charges schedule includes a sliding scale of concessionary rates which is designed to support those that would find it more difficult to pay. This is outlined in Appendix 1.
- 6.12 There is a hardship fund (£27,063) which supports learners on means tested benefits and those from low income households with examination and course fees
- 6.13 The childcare learner support funds pays for crèche facilities for learners on active benefits and means tested benefits whilst studying on a course at BACES.
- 6.14 For courses that are over 15 weeks, learners can pay in two instalments
- 7.0 Staffing/Accommodation Implications (if appropriate)
- 7.1 No staffing implications arise from this report.

#### Background Papers (essential)

- i) Equality Impact Assessment

#### Contact Officers:

Sue Hasty, Head of BACES, 1 Morland Gardens NW10 8DY, Tel. 020 8937 3960

[Sue.hasty@brent.gov.uk](mailto:Sue.hasty@brent.gov.uk)

Krutika Pau  
Director of Children and Families

BACES schedule of fees and charges – 1<sup>st</sup> September 2011 – 31<sup>st</sup> August 2012

## Accredited courses (Adult Single Skills funded courses)

Fee category	Charge
Full fee (co-funded by Skills Funding Agency)	£3.00 per hour
Concessions* (Fully funded by Skills Funding Agency)	£0

\* any learner in receipt of 'active' benefits i.e. job seekers allowance, Employment Support allowance (Work Related Activity Group); learners on literacy and numeracy courses – entry level to level 2, learners aged 16-18

## Non-accredited courses

Course type	Fee category	Charge
Family literacy, language and numeracy.	All learners	£0
Wider family Learning	Full fee	£1.50 per hour
Wider family learning	Concessions*	£0
Neighbourhood Learning in Deprived Communities	Full fee	£1.50 per hour
Neighbourhood Learning in Deprived Communities	Concessions*	£0
First Steps	Full fee	£3.00 per hour
First Steps	Concessions**	£1.50 per hour
First Steps	Concessions*	£0
Personal and community development learning	Full fee	£5.00 per hour
Personal and	Concessions**	£1.50 per hour

Meeting  
Date

Version no.  
Date

community development learning		
Personal and community development learning	Concessions*	£0

\* learners in receipt of 'active' benefits i.e. job seekers allowance, Employment Support Allowance (Work Related Activity Group)

\*\* learners in receipt of means tested benefits other than JSA/ESA e.g. housing benefit, council tax benefit, income support, pension credit, learners aged 16-18

Cost recovery courses	£6 - £10 per hour
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Room hire

Community Hire Charges

Accommodation	Hourly Rate per Room 1-5 hours	Daily Rate per Room over 5 hours	Weekly rate for Bookings of 5 days
1 Room	£10.65	£69.00	£310.50
1 Hall	£16.50	£108.00	£483.00
Sewing Room	£15.00	£100.00	£450.00
Art Room	£15.00	£100.00	£450.00
Pottery/Stained Glass	£20.00	£120.00	£500.00
IT room	£30.00	£160.00	£700.00

Hire Charges for Self Organised Groups - start up prices for tutors for 1 term only.

Accommodation	Hourly Rate per Room
1 Room	£7.50
Hall	£10.00

Meeting  
Date

Version no.  
Date



Sewing Room	£15.00
Art Room	£12.00
Pottery	£15.00

#### Other charges

Creche registration	£10 per term per child		
Exam registration	Varies according to awarding body and qualification		
Exam registration concessions*	Up to £10 of the full cost of the exam registration fee (subject to the limitations of the hardship fund)		
Exam registration concessions**	Up to £40 of the full cost of the exam registration fee		
Administration fee (where the learner chooses to transfer courses)	£15 per course		

\*learners in receipt of 'active' benefits i.e. job seekers allowance, Employment Support Allowance (Work Related Activity Group); learners on literacy and numeracy courses – entry level to level 2, learners aged 16-18

\*\* learners in receipt of means tested benefits other than JSA/ESA e.g. housing benefit, council tax benefit, income support, pension credit,

## Appendix 2

### BACES contract values 10/11 and 11/12

Contract	Contract value 2010/11	Contract	Contract value 2011/12	Difference
16-18 (including Additional learning support)	£35,453	16-18 (including Additional learning support)	£32,005	-£3,448
Adult Learner Responsive	£2,438,794	Adult Single Skills (of which Job outcomes)	£2,406,022 (£60,151)	-£84,083
Train to Gain	£51,311			
Adult Safeguarded Learning	£1,124,160	Adult Safeguarded Learning	£1,124,619	+£459
First Steps	£437,116	First Steps	£429,215	-£7901
Family Learning Impact Fund	£132,675	Family Learning Impact Fund	£0	-£132,675
Adult Learner Responsive additional learning support	£204,623	Adult Learner Responsive additional learning support	£200,531	-£4092
Discretionary learner support:		Discretionary learner support:		
Hardship	£26,659	Hardship	£27,063	+£404
Childcare	£72,634	Childcare	£77,044	+£4,410
ESOL	£18,129	ESOL	£0	-£18,129
Total	4,541,554		4,296,499(excl. job outcome payment)	-£245,055 (-£305,206 if job outcome target is not met)

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<b>Department:</b> <b>Children and Families</b>	<b>Person Responsible: Sue Hasty</b>
Service Area: Achievement and Inclusion	Timescale for Equality Impact Assessment : 11 <sup>th</sup> April 2011
Date: 10-3-11	Completion date:
Name of service/policy/procedure/project etc:  BACES Fees and Charges	Is the service/policy/procedure/project etc:  New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/>  Retrospective <input type="checkbox"/>	Adverse impact <input type="checkbox"/>  Not found <input type="checkbox"/>  Found <input checked="" type="checkbox"/>  Service/policy/procedure/project etc, amended to stop or reduce adverse impact  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is there likely to be a differential impact on any group?  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Please state below:
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual	6. Grounds of age: Older people, children and young People

Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation conducted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Person responsible for arranging the review: Ilgun Yusuf	Person responsible for publishing results of Equality Impact Assessment: Sue Hasty
Person responsible for monitoring: Ilgun Yusuf	Date results due to be published and where:  11 <sup>th</sup> April – Executive committee
Signed: S. Hasty	Date: 17-3-11

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

**1. What is the service/policy/procedure/project etc to be assessed?**

BACES fees and charges 2011-12

**2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/ policies etc in this area**

The aim of the policy is to set the fees and charges for BACES' adult learning courses, crèche provision and room hire.

The main changes from the previous set of charges are:

Removal of entitlement to full fee concessions for learners on learner responsive courses in receipt of 'non-active' means tested benefits

Introduction of fees on wider family learning and formal first steps courses

Increase in fees on courses for Personal and Community Development Learning

Fee setting for courses supported by the Skills Funding Agency's (SFA's) Adult Single Skills contract takes into account the co-funded element of the funding formula. i.e. that learners should contribute up to 50% to the cost of the course at the full cost recovery rate.

**3. Are the aims consistent with the council's Comprehensive Equality Policy?**

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The aims are consistent with the council's Comprehensive Equality Policy in that the concessionary fees are designed to encourage participation from those least able to pay, for example, people on means tested benefits, people with low levels of literacy, language and numeracy.

The fees and charges proposals including eligibility to concessionary rates is attached

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

#### **Adult Single Skills courses**

1323 learners out of 3465 (38%) of learners in receipt of non-active means tested benefits will lose entitlement to full fee concessions on learner responsive courses. Of the 1323 learners, 1283 (97%) are from ethnic backgrounds other than White British and are largely enrolled on ESOL courses and 1170 (88%) are female.

#### **Adult Safeguarded learning courses:**

Of the 3240 learners enrolled on adult safeguarded learning courses, 298 (9%) were enrolled on wider family learning courses and almost all learners were from Asian other, or Black Caribbean backgrounds. 100% were female. Under the fees and charges proposals these learners will now have to pay a fee.

174 learners (5%) were learners with learning difficulties and disabilities, of which 168 were from Asian Other, Indian or Black African backgrounds. Under the fees and charges proposals learners in receipt of a means tested benefits will pay the concessionary rate, whilst those in receipt of employment support allowance will continue to receive the full fee concession.

2051 (63%) learners were enrolled on Personal and Community Development Learning Courses. Of those that were not entitled to fee concessions, 923 (24%), would have to pay an additional £2.20 per hour. Almost all learners were from ethnic backgrounds other than white British.

To summarise, there will be an adverse impact on women, learners from ethnic minority communities and learners with learning difficulties and disabilities.

Whilst this data shows that the cohorts of learners will be affected by the proposed changes in the fees and charges, particularly on courses funded through the Adult Single Skills contract, the fee policy still makes full fee concessions available to those in most need i.e. those on Job Seekers Allowance and Employment Support Allowance, and a sliding scale of concessions for those in receipt of other means tested benefits.

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc).

Quantitative data has been analysed for the 2009/10 academic year cohort of learners. This grouping typifies the profile of learners that enrol on BACES courses. The analysis of the data has focused on the elements of the proposed changes to the

fees and charges policy.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

Whereas under the current fees and charges policy course fees for learners with learning and difficulties and disabilities are automatically waived, under the proposed fees and charges policy learners with learning difficulties will now be subject to the eligibility criteria for fee concessions.

However, this does not have any implications for learner with learning difficulties or disabilities being able to access the full programme offer.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

Compared fees and charges to other local authority adult learning services e.g. Waltham Forest, Hammersmith and Fulham, Hounslow.

8. Have you published the results of the consultation, if so where?

No

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

There is concern in the national media e.g. TES, amongst trade unions (UCU) and through individuals' lobbying MPs.

Concerns are also being channelled through various national advisory bodies for adult and community learning such as the National Institute for Adult and Continuing Education, and professional networks such as HOLEX and LEAFA.

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or

hinder community relations.

The adverse impact can be justified because:

The increase in fees and removal of eligibility to full fee concessions for some courses funded by the Skills Funding Agency (Adult Single Skills) is consistent with national policy and is one which all SFA approved providers of learning and skills are affected.

There is a need to increase fees and charges, particularly for those that are able to pay, in order to compensate for the funding reductions for the Skills Funding Agency and achieve a balanced budget.

There is a sliding scale of concessionary rates for those that would find it most difficult to pay including full fee concessions for learners in receipt of job seekers allowance and employment support allowance

The fees and charges are consistent with other neighbouring boroughs and the national Skills Funding Agency policy.

The fees compare favourably amongst the London West adult and community learning providers.

11. If the impact cannot be justified, how do you intend to deal with it?

12. What can be done to improve access to/take up of services?

Promote the hardship fund. This is available for learners who find it difficult to pay but who may not be eligible for the full fee concessions. It is a cash-limited fund and each application has to be judged individually.

Promote the concessionary rates that are available and the good value of the full rate compared to other adult and community learning services

Promote easy ways to pay – credit card, over the phone, payment by two instalments for courses over 15 weeks long

13. What is the justification for taking these measures?

Because BACES is experiencing a series of budget reductions the increase in fees is justified. The fee policy has been designed to limit any adverse impact on those least able to pay.

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

Participation targets by age, ethnicity, disability and gender are set annually. The targets reflect Brent demographics other than gender.

Participation levels against targets are monitored through monthly management meetings. Additional action is agreed where targets are not being met.

Ilgun Yusuf will lead on monitoring the targets although most managers will be involved in monitoring in their specific aspect of the programme.

15. What are your recommendations based on the conclusions and comments of this assessment?

Approve the fees and charges policy for the academic year 2011/12.

Develop further equality objectives

Should you:

1. Take any immediate action?
2. Develop equality objectives and targets based on the conclusions?
3. Carry out further research?

16. If equality objectives and targets need to be developed, please list them here.

Increase participation by males and White British.

Further equality objectives and targets to be developed and analysed by ethnicity, age, gender, disability for success rates (i.e. achievement of learning aims/qualifications).

17. What will your resource allocation for action comprise of?

Internal human resources – the management teams of the service

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:

Full name (in capitals please): Sue Hasty  
11

Date: 17-3-

Meeting  
Date

Version no.  
Date




Service Area and position in the council: Children and Families

Details of others involved in the assessment - auditing team/peer review:

Once you have completed this form, please take a copy and send it to: **The Corporate Diversity Team, Room 5 Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD**

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	<p style="text-align: center;"><b>Executive</b> 11 April 2011</p> <p style="text-align: center;"><b>Report from the Director of Children and Families</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p><b>Brent Music Service fees and charges 2011-12</b></p>	

## 1.0 Summary

- 1.1 This report sets out the proposals for the schedule of fees and charges for Brent Music Service effective from 1<sup>st</sup> September 2011 – 31<sup>st</sup> August 2012.

## 2.0 Recommendations

- 2.1 That the Executive approves the schedule of fees and charges shown at Appendix A.

## 3.0 Detail

- 3.1 For the financial year 2011-12 BMS will be funded from the government's new Music Grant to the sum of £350,227. Additional funding is received from Brent Council to support the work of the service. This was £90,000 in recent years, reducing to £41,332 in 2011-12 and nil from 2012-13.

The large remainder of the BMS income will be generated from the sale of services to schools for class "**Music'sCool**" lessons, group tuition and instrumental teaching which contributes towards the total budget.

In 2010-11, "**Music'sCool**" tuition in partnership with a class teacher costs £1,188 per class per year; whilst as PPA cover for the class teacher, "**Music'sCool**" costs £1,749 per class per year. Instrumental lessons are priced at £35.00 per hour, and large group tuition costs £40.00 per hour.

- 3.2 Officers have taken into account the following principles in proposing the fees and charges for the academic year 2011-12:
- i) That fees for Instrumental lessons should remain affordable for all children wishing to learn to play a musical instrument.

- ii) That there is a significant difference in **“Music’sCool”** fees where schools wish to work in partnership, as a form of professional development, rather than to use BMS staff to cover PPA time.
- iii) That fees are comparable with neighbouring boroughs, and particularly those in the North West London region

3.3 For 2011-12 for **“Music’sCool”** tuition, there will be a 4.8% increase in the cost of teaching in partnership with a class teacher, and a 5% increase in the cost of PPA cover for a class teacher.

Costs for instrumental lessons and large group tuition will remain unchanged in 2011-12, as BMS wishes to ensure that these lessons are accessible to all pupils.

3.4 The proposed schedule of fees and charges is shown at Appendix A.

#### **4.0 Financial Implications**

4.1 Income from fees and charges form an integral element of service budget projections for the year. The projected income from fees and charges for the academic year 2011/12 will be £650,000.

#### **5.0 Legal Implications**

5.1 There are no legal implications regarding the proposed fees and charges schedule.

#### **6.0 Diversity Implications**

6.1 There are no diversity implications regarding the proposed fees and charges schedule.

#### **7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 No staffing implications arise from this report.

#### **Background Papers (essential)**

- i) Brent Council Services to schools 2011-2012 (publication), page 21 and supplementary order form.

#### **Contact Officers:**


Paul Fensom, Head of Brent Music Service,  
c/o Claremont High School, Claremont Avenue, Kenton, HA3 0UH.  
Tel 020-8204-8096. [info@brentmusicservice.com](mailto:info@brentmusicservice.com)

Faira Ellks, Head of School Improvement Service  
Centre for Staff Development, Brentfield Road, London NW10 8SB  
Tel: 020 8 937 3366. [Faira.ellks@brent.gov.uk](mailto:Faira.ellks@brent.gov.uk)

Krutika Pau  
Director of Children and Families

**BMS schedule of fees and charges – 1<sup>st</sup> September 2011 – 31<sup>st</sup> August 2012**

Fee category	Charge
<b><i>“Music’sCool”</i></b> Where the class teacher works in partnership with the BMS teacher	£1,245 per class, per academic year
<b><i>“Music’sCool”</i></b> Where the BMS teacher is providing PPA cover	£1,836 per class, per academic year
School based instrumental lessons with up to four children per half hour ie. Woodwind, Brass, Strings, Guitar, Drums, Keyboard	£35 per hour
School based group lessons with over four children per half hour ie. Choir, Steel Pan, other Ensembles	£40 per hour

	<p style="text-align: center;"><b>Executive</b> 11 April 2011</p> <p style="text-align: center;"><b>Report from the Director of Housing and Community Care</b></p>
<p style="text-align: right;">Wards Affected: [ALL]</p>	
<p><b>Amendment to committee report 15<sup>th</sup> November 2010: Authority to Invite Tenders for the Procurement and Management of Temporary Accommodation</b></p>	

**“APPENDIX A IS “NOT FOR PUBLICATION”**

## **1.0 Summary**

- 1.1 This report acts as an amendment to the Executive Committee report dated 15<sup>th</sup> November 2010. It provides an update to the approval given by the Executive pursuant to Contract Standing Orders 88 and 89 to invite tenders to conclude a framework agreement for the Procurement and Management of Temporary Accommodation pursuant to the Council's Private Managed Accommodation Scheme (PMA).
- 1.2 This report seeks approval for an amendment to the evaluation sub-criteria and to the procurement process for the award of contract for the above named tender.

## **2.0 Recommendations**

- 2.1 The Executive to give approval to amend the original evaluation criteria as set out in the table at paragraph 3.5.3 to be used to evaluate tenders for appointment to the framework.
- 2.2 The Executive to give approval to the change in tender procedure in the call for competition.
- 2.3 The Executive to give approval to officers to invite expressions of interest, agree shortlists, invite Tenders for a framework agreement for the Procurement and Management of Temporary Accommodation and evaluate them in accordance with the approved evaluation criteria referred to in 2.1 above.

## **3.0 Detail**

- 3.1 The Executive previously gave authority to tender for a PMA contract at the meeting of 15<sup>th</sup> November 2010. Following approval, a procurement process commenced however, this process has been recently aborted due to procedural irregularities identified during the tender evaluation stage. In addition to which, during the tender process a decision was made to amend the sub-criteria and weightings contained in the Invitation to Tender documentation, such actions being contrary to the Public Contract Regulations 2006. Therefore, to ensure the council conducted this tender in a fair, transparent and non-discriminatory manner officers decided to abort the voluntary advertised EU process and restart a new tender procedure.
- 3.2 The new tender process is not being advertised voluntarily in the Official Journal of the European Union (OJEU). The service has been classified as Part B under the Public Contract Regulations 2006 (PCR 2006); there is no strict requirement to advertise the proposed contract in the OJEU. It is intended to advertise the revised tender on the council's website, in a local paper and a trade housing journal to ensure maximum opportunity for organisations to participate in the tender.
- 3.3. The procurement is a collaborative procurement comprising of 7 West London Authorities. Council officers have ensured all participating Authorities included in the process are aware of the delays in the process and all have agreed with the council's decision with respect to restarting the tender process and are continuing to participate in the new tender.
- 3.4 The revised tender will result in a delay of up to 4 months. Therefore officers are currently implementing a short term interim contract arrangement – (to be procured in accordance with the council's Constitution, namely Contract Standing orders 86(b)) to ensure the council maintains service provision and achieves financial savings.
- 3.5 In accordance with Contract Standing Orders 89 and 90, pre-tender considerations have been set out below for the approval of the Executive. The table includes an amendment to the original evaluation criteria and process. The new contract specification removes any financial losses for the council for properties that are void, so there is no need to ask questions relating to void performance. The rent collection function will now be carried out by the council, so similarly there is no requirement to ask a question covering rent arrears performance. The question on equal opportunities has been removed as this will be tested at the Pre- Qualification Question Stage. The Question on Timetable to implement services has been removed as this will be incorporated in question 'A. Procurement of properties'. The Question on Electronic Invoicing has been removed as this will now be a contract instruction.
- 3.5.1 The split between price and quality has been changed from 50/ 50 to 70/30 respectively. This additional increased weighting on price is to



ensure that bidders reflect the importance of offering a competitive management fee.

3.5.2 The recommended changes to the sub-criteria were discussed and agreed at a West London Housing partnership meeting on the 11<sup>th</sup> March 2011.

3.5.3

Ref.	Requirement	Response	
(i)	The nature of the service.	To procure and manage temporary accommodation properties, let to homeless persons as nominated by the council through a framework agreement operated by multiple providers.	
(ii)	The estimated value.	£2.6m based on the procurement of 500 unit's accommodation for a four year contract.	
(iii)	The contract term.	It is anticipated to be the 4 <sup>th</sup> July 2011 for 2 years with the option to extend by up to a further 2 years.	
(iv)	The tender procedure to be adopted including whether any part of the procedure will be conducted by electronic means and whether there will be an e-auction.	<p>Formal tendering by way of a "Two-Stage Tender" process in accordance with the Council's Standing Order 96(a) and (c). Stage 1 – Call for expressions of interest and short-listing; Stage 2 –Invitations to tender.</p> <p>The main elements of the PMA service are classified under the PCR 2006 as Part B. As a Part B service contract only some of the EU procurement rules apply – namely, obligations relating to technical specifications and post-award information. There is no requirement for a Contract Notice to be published in the OJEU, but there is a requirement to send a Contract Award Notice to the Office of Publication of the OJEU.</p>	
v)	<p>Executive</p> <p><b>Exec meeting Approval to proceed</b></p> <p>Dispatch of expressions of interest/issue of PQQ</p> <p>PQQ Return Close Date</p>	<p><b>Date of action</b></p> <p>10<sup>th</sup> March 2010</p> <p>1st April 2011</p> <p>4<sup>th</sup> April 2011</p>	<p><b>Date of completion</b></p> <p>1st April 2011</p> <p>1st April 2011</p> <p>14<sup>th</sup> April 2011</p>

	PQQ Evaluation  Issue invitation to tender  Tendering period  Tender close date  Tender Evaluation/ Tender Appraisal Panel & Draft Recommendation Report to Democratic Services for Leaders briefing  <b>Leaders Briefing</b>  <b>Final Report to  Democratic Services  for despatch to  Executive Meeting</b>  <b>Brent Cabinet/  Executive meeting  decision</b>  <b>Conclusion of  framework agreement  and notices to  successful and  unsuccessful  tenderers</b>  <b>Standstill period  (period of time that  the Council will not  be able to enter into  any formal  contractual  arrangement with the  successful  tenderer[s])</b>  <b>Contract start date</b>	15 <sup>th</sup> April 2011  15 <sup>th</sup> April 2011  6 <sup>th</sup> May 2011  6 <sup>th</sup> May 2011  31 <sup>st</sup> May 2011  1 <sup>st</sup> June 2011  13 <sup>th</sup> June 2011  14 <sup>th</sup> June 2011  15 <sup>th</sup> June 2011  4 <sup>th</sup> July 2011	15 <sup>th</sup> April 2011  6 <sup>th</sup> May 2011  6 <sup>th</sup> May 2011  27 <sup>th</sup> May 2011  31 <sup>st</sup> May 2011  1 <sup>st</sup> June 2011  13 <sup>th</sup> June 2011  14 <sup>th</sup> June 2011  28 <sup>th</sup> June 2011  4 <sup>th</sup> July 2011
(vi)	The evaluation criteria and process.	Shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines namely the pre qualification questionnaire and thereby meeting the Council's minimum	

		<p>requirements in relation to financial standing requirements, technical capacity, technical expertise and compliance with statutory requirements such as health and safety. Candidates who meet the Council's minimum requirements will be selected to tender and issued with invitations to tender.</p> <p>The Framework Agreement will be concluded on the basis of the most economically advantageous offer, with the tenders received to be evaluated against the evaluation criteria:</p> <ul style="list-style-type: none"> <li>○ Tendered Prices – 70% weighting</li> <li>○ Quality Assessment – 30% weighting based on the following criteria:</li> </ul> <p>Procuring, repairing and maintaining properties and managing tenants in properties</p> <ul style="list-style-type: none"> <li>a. Procurement of properties – 15%</li> <li>b. Repairs / maintenance – 10%</li> <li>c. Complaints handling – 3%</li> <li>d. Anti-social management – 2%</li> </ul> <p>Financial and legal considerations on tenders returned are to be given by the Housing Finance Team and representatives from the Council's Legal and Financial services respectively. Where required, these representatives will participate in the evaluation panel.</p> <p>A further report will be presented to the Executive seeking approval of the award recommendation.</p>
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed contract. Financial Services have been consulted concerning this contract.
(viii)	The Council's Best Value duties.	The conclusion of the framework agreement based on the most economically advantageous tender by way of a Two-Stage Tender process as detailed above. These will assist the Council in achieving best value for the proposed service.
(ix)	Any staffing	None

	implications, including TUPE and pensions.	
(x)	The relevant financial, legal and other considerations.	See paragraphs 4.0 to 6.0 below

3.7 The Executive is asked to give its approval to these proposals as set out in the recommendations and in accordance with the Council's Contract Standing Order 88.

#### **4.0 Financial Implications**

- 4.1 Part 4, section 2.5 of the Council's Constitution states that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite expressions of interest, agree shortlists and invite tenders.
- 4.2 The estimated value of this 4 year contract is £2.6 million and will be funded entirely from Housing Benefit Subsidy.
- 4.3 The DWP have reduced temporary accommodation subsidy for all forms of temporary housing for homeless households from 1<sup>st</sup> April 2011.
- 4.4 Officers had previously forecast an overspend of £1.3 million against the agreed Temporary Accommodation budget in 2011/12. This forecast took into account both the expected increase in homeless approaches as a result of changes to the Local Housing Allowance, and the impact of changes to the Housing Benefit subsidy regime for temporary accommodation.
- 4.5 The introduction of the PMA scheme will help to reduce the expected overspend, by reducing the use of hotel accommodation for homeless households. This, and other work being done to manage temporary accommodation costs, has been taken into account when reviewing previous financial projections.
- 4.6 Current forecasts suggest that the PMA scheme will reduce overall costs on hotel accommodation by approximately £400,000. This reduction has been taken into account within the latest forecast - based on current projections, officers expect there to be a shortfall against the agreed budget of approximately £1 million. However work is on-going to reduce the financial impact of the various changes further.

#### **5.0 Staffing Implications**

- 5.1 None specific.

#### **6.0 Legal Implications**

- 6.1 The requirement to provide accommodation to persons who are homeless and satisfy the qualifying criteria for assistance arises under

Part VII of the Housing Act 1996 (“the 1996 Act”) as amended by Homelessness Act 2002. The Council has a statutory duty pursuant to section 193 of the 1996 Act to provide temporary accommodation to homeless applicants who satisfy the following criteria: they are homeless or threatened with homelessness; they are eligible for assistance; they are in priority need of accommodation, they have a local connection with the Borough of Brent and they are not intentionally homeless. The circumstances in which the Council will cease to be subject to any such duty are set out in section 193(6)-(7B) of the 1996 Act, which include the applicant accepting an offer of accommodation under Part VI of the 1996 Act under the Council’s allocation scheme and accepting an offer of an assured tenancy from a private landlord. Unless the homeless applicant has a “restricted” person in their household where the restriction relates to that person’s immigration status, the Council can also discharge its duty under section 193 of the 1996 Act by providing the homeless applicant a qualifying offer of an assured shorthold tenancy and the applicant is advised in writing in advance that he is under no obligation to accept such an offer of accommodation.

- 6.2 The Council also has a statutory duty under section 188(1) of the 1996 Act to secure that temporary accommodation is available to homeless applicants pending a decision regarding their homelessness application. This is where the Council is satisfied that such applicants are homeless, eligible for assistance and have a priority need for accommodation. That duty ceases once a decision is made and if the decision is that the applicant does not qualify for assistance under Part VII of the 1996 Act, the homeless applicant has the right to request a review of such a decision and in those circumstances the Council has the discretion (as opposed to duty) under section 188(3) of the 1996 Act to house the homeless applicant in temporary accommodation pending the review by the Council of its decision. If the decision is that the homeless applicant qualifies for assistance under Part VII of the 1996 Act, the Council is under a duty to provide temporary accommodation pursuant to section 193 of the 1996 Act as detailed in the previous paragraph.
- 6.3 The Procurement and Management of Temporary Accommodation is considered to be a part B service under the Public Contracts Regulations 2006 (PCR) and as such the application of the PCR to this procurement is limited. The procurement of Part B services however is still subject to the underlying EC principles of equal treatment (of economic operators), fairness and transparency which must govern all public procurement. In addition, there are obligations relating to ensuring that technical specifications are prepared relating to the subject matter in a non-discriminate manner and there are obligations to submit post-award information. There is no requirement for a Contract Notice to be published in the OJEU, but there is a requirement to send a Contract Award Notice to the Office of Publication of the OJEU. Recent case law and government guidance requires that Part B services are sufficiently advertised so as to maximize competition.

This requirement is satisfied as Chief Officers intend to advertise the service widely as referred to in paragraph 3.2 above.

- 6.4 The estimated value of the procurement over the potential life of the framework agreement puts it under the category of a High Value Contract as defined by the Council's Contract Standing Orders. In addition the Council's Contract Standing Order 96 states that a formal tendering process must be conducted for Part B services. Contract Standing Order 96 (c) (i) provides that 21 days should normally be allowed for organisations' to express an interest, however for this tender officers have allowed interested candidates 18 days' to submit a PQQ, which is deemed sufficient time to submit an application.
- 6.5 When embarking on a tender the practice is for the Executive to give approval for pre-tender considerations, however in light of previous approval given for the original tender – an advert has already been placed on the council's website and trade journal seeking organisations to express an interest in accordance with the timetable laid out above. However, approval is required from the Executive for the revisions made to the tender evaluation criteria to invite tenders as set out in paragraph 3.5.3.
- 6.6 Once the tendering process is undertaken Chief Officers will report back to the Executive in accordance with the Council's Contract Standing Orders, explaining the process undertaken in procuring the service and recommending the conclusion of the framework agreement.

## **7.0 Diversity Implications**

- 7.1 No amendment to original report.


## **8.0 Background Papers**

- Executive committee report 15<sup>th</sup> November 2010.
- Report to the Policy Co- Ordination Group, 30<sup>th</sup> Sept 2010. Report Title: Likely impact of proposed changes to the Housing Benefit Group.

Any person wishing to inspect the above papers should contact:  
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**Martin Cheeseman**  
**Director of Housing and Community Care**

## **Appendix A**

	<p style="text-align: center;"><b>Executive</b> <b>11 April 2011</b></p> <p style="text-align: center;"><b>Report from the Director of Housing and Community Care</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p><b>Supply and demand and temporary accommodation</b></p>	

## 1.0 Summary

- 1.1 This report seeks Members' approval of the lettings projections for 2011/12. It also provides an analysis of housing supply and demand issues, including performance in 2010/11 and challenges for 2011/12 onwards.

## 2.0 Recommendations

- 2.1 That Members approve the lettings projections for 2011/12, as detailed in paragraph 3.3 and in Appendix D.
- 2.2 That Members note the analysis of housing supply and demand issues, including performance in 2010/11 and challenges for 2011/12 onwards.

## 3.0 Detail

- 3.1 The body of this report is divided into three sections, which cover –
- Supply and demand analysis, trends and performance in 2010/11,
  - Proposed lettings projections for 2011/12,
  - An outline of some of the issues and challenges facing the Council from 2011/12 onwards, which are expected to have an impact on housing supply and demand.

## 3.2 Supply and Demand Analysis, Trends and Performance in 2010/11

### 3.2.1 Demand for Housing

The significant gap between the demand for housing assistance and the available supply of social rented accommodation, particularly in London, has been well documented. In Brent, demand from households at risk of

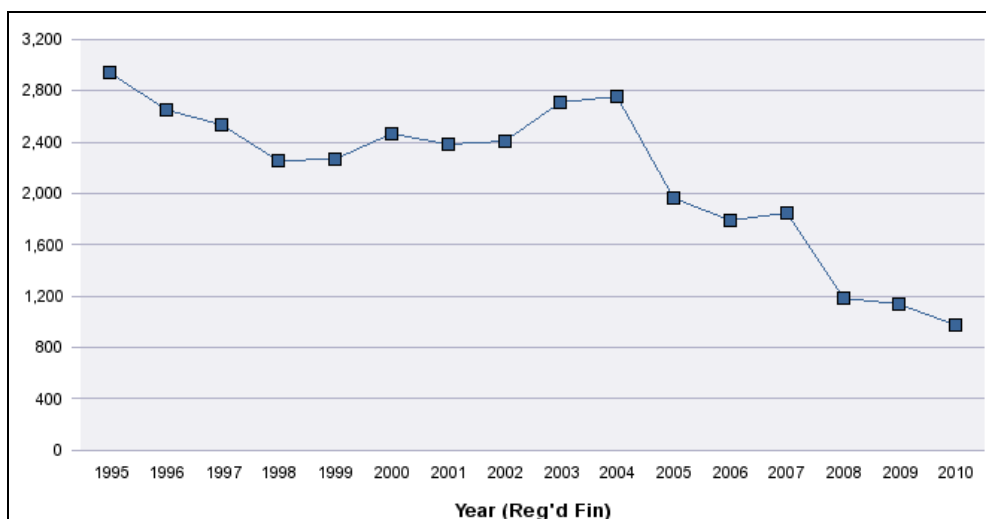
homelessness, households in temporary accommodation, Council tenants seeking a transfer, and applicants on the Housing Register, is mapped against expected future trends and supply levels, both in terms of social rented accommodation, but also within the private rented sector.

- 3.2.2 Current projections show that the level of unmet demand in the Borough is over 16,000 households. However it should be noted that this figure includes demand from households on the Housing Register who are in Band D<sup>1</sup> (and therefore under the Council's Allocations Scheme, have no identified housing need). Excluding these households gives a level of unmet demand within the Borough of 12,000. The model used to project these figures is provided in Appendix A.
- 3.2.3 Housing Register and Transfers Demand  
Total current demand on the Housing Register, including homeless households in temporary accommodation, and the Transfer list is just over 15,000 households. Of these, 62% are in Bands A to C. In contrast we expect to make around 825 lettings into permanent social housing tenancies (Council and housing association) by the end of 2010/11 – this meets less than 9% of the current total demand from Bands A to C.
- 3.2.4 A breakdown of current applications on the lists, by demand group and the number of bedrooms needed is provided in Appendix B.
- 3.2.5 Homelessness Applications and Decisions  
The graph overleaf shows how the number of homeless applications has varied since 1995/96. As the graph depicts, homeless applications began to decrease in 2005/06, when the Council first implemented an in-house housing advice service. The success of this team in either preventing homelessness or providing alternative accommodation (generally in the private rented sector) is demonstrated through the marked drop in statutory homeless applications received over the last five years.

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<sup>1</sup> Councils and housing associations are required to let their homes ("social rented accommodation") to the people who are in the most housing need. The Council's Allocations Scheme follows the legal definition of "housing need" closely, and categorizes those in urgent need as band A, those in very high need as band B, and those with a particular need as band C. Households whose need to move is not covered by the scheme, for example, an applicant who would like to move to a home with cheaper rent but has no welfare, medical, overcrowding, or other acknowledged need to move, are placed into band D.





3.2.6 Not all households who make a formal homeless application are assisted with accommodation, although all are provided with appropriate advice. The Council makes a formal assessment against a number of criteria as prescribed in legislation, before determining whether it has a long-term duty to rehouse a homeless household.

3.2.7 As the number of homeless applications has dropped in recent years, there has been a corresponding decrease in the number of cases where the Council accepts a duty to rehouse the household. In 2009/10, the lowest ever number of statutory acceptances was recorded – a total of 331 households. The number of acceptances in 2010/11 is expected to be slightly higher at around 360 in total. However, to put this figure into context, around 1,300 acceptances were recorded in 2001/02.

### 3.2.8 Young People in Housing Need

The housing needs service continues to take a pro-active approach to increasing homeless prevention rates and pro-actively resolving housing problems. In 2010/11, and in the wake of the Southwark judgement<sup>2</sup>, a joint Young Persons team was launched, specifically to provide a service to 16 / 17 years olds at risk of homelessness. This small team is made up of staff from Children and Families and Housing and Community Care departments, who carry out joint assessments and work together to enable the young person to remain in the family home where possible.

3.2.9 The success of this team has been impressive – prior to the launch of the service, housing were placing on average one young person in hotel accommodation per week. Since the launch of the team, only eight young people have been placed in hotel accommodation (out of a total of 109 referrals from April to December 2010), and these stays have been for a very short period whilst more suitable accommodation is found, or in order to resolve other issues.

<sup>2</sup> R (on the Application of G) v Southwark LBC [2009] All ER (D) 178 May – this judgement clarified the need for social care authorities to carry out assessments under section 20 of the Children Act before housing authorities carry out a homelessness assessment under Part 7 of the Housing Act.

- 3.2.10 In the first nine months of its existence, the team has prevented homelessness for nearly 80% of the young people referred to it. This joint approach is far more cost effective to the Council, and the service experienced by the young person is more positive, with officers working to support them in a wider sense, not only with housing problems, but also in terms of remaining in education, resolving family issues and so on.
- 3.2.11 Rough Sleepers  
There has historically been a low level of rough sleeping in the borough, and Cricklewood Homeless Concern (CHC) has played a key role in working with the Council to tackle this issue, operating an outreach service which identifies people who are rough sleeping and works with them to seek solutions.
- 3.2.12 Brent's last formal rough sleeper count was carried out in November 2010 in line with the Department of Communities and Local Government (DCLG ) guidelines, and found three verified rough sleepers. This is in line with the outcome of previous counts.
- 3.2.13 However in recent years, Brent and a number of other boroughs have seen an increase in rough sleeping by migrants who have no recourse to public funds. As part of a sub-regional initiative, Brent is working with Thames Reach<sup>3</sup>, who try to reconnect these rough sleepers to their home country or resettle them in the UK. This has been a largely successful approach - as at December 2010, 66 rough sleepers in Brent had been reconnected to their home country, and a further three resettled here.
- 3.2.14 The DCLG has allocated funding of £750k to the Mayor of London to deliver the "No Second Night Out" project. This will provide a homelessness outreach scheme to ensure no-one sleeps on London's streets for more than one night. The project will be administered by the London Delivery Board, a body set up in February of last year by the Mayor's Office. Brent is represented on this board.
- 3.2.15 The process of implementing the No Second Night Out project is currently in progress. However the project is expected to go live in Brent in April 2011, and will be run on a pilot basis for six months.
- 3.2.16 Households in Temporary Accommodation  
The previous government set a target for local authorities to reduce their use of temporary accommodation by 50%, measured against a baseline figure as at the end of December 2004. This target was met nationally in 2010, and the DCLG no longer formally monitors local authorities' progress against the target, or requires them to have an action plan in place.
- 3.2.17 The picture in terms of reduction in London is more varied. Most boroughs achieved a significant reduction, although not all reached the 50% target. In Brent, a 33% reduction was achieved – whilst this may not have reached the full target, it should be noted that this is a decrease of over 1,450 households.

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<sup>3</sup> Thames Reach is a London based charity that provides housing advice, support and assistance for homeless people.

- 3.2.18 Although the TA target is no longer being monitored nationally, it is still important that numbers in temporary accommodation are closely tracked, in order to effectively manage the Council's finances, and ensure good service delivery.
- 3.2.19 During 2010/11 the number of households in temporary accommodation has remained stable at around 3,000 at any one time. Whilst officers hope to reduce this figure further, the future challenges facing the Council as outlined in section 3.4 may result in an inevitable increase in homelessness and the use of temporary accommodation.
- 3.2.20 The majority of temporary accommodation that the Council uses is self-contained property (flats / houses), owned by a landlord and leased to a housing association, or managing agent. Households can expect to be in a property of this type for three to five years, although the actual length of stay can be much longer or shorter, depending on individual circumstances.
- 3.2.21 Homeless Households in Hotels / Hostels  
During 2010/11 around 150 households have been accommodated in hotel accommodation at any one time. The Council seeks to minimise the use of hotels and to ensure households remain in this type of accommodation for as short a period as possible.
- 3.2.22 By April 2010, the planned decant of Gordon House was completed. This property had been used as hostel accommodation, but was decanted as the site is part of the regeneration plans in South Kilburn. Additionally, the Council also decanted the Metro House hotel in Kingsbury in order to facilitate the development of 143 homes, of which 88 homes are being delivered as part of the Council's Housing and Social Care Private Finance Initiative (PFI) scheme.
- 3.2.23 Housing and Social Care Private Finance Initiative  
The first lettings to properties under the PFI scheme were made during 2010/11. The housing element of the scheme delivers units of accommodation which are initially being used as temporary accommodation and let at market rent levels, during the construction programme. However in the longer term, there will be a phased conversion of some of the properties to permanent homes. So far, 65 homeless households have been housed in these properties. The table shows the number of units to be constructed over 2010/11 to 2012/13.

**Housing and Social Care PFI Scheme Delivery Timetable**

Values	2010/11	2011/12	2012/13	Total
Residential Care Units	20	0	0	20
1 Bed	26	27	23	76
2 Bed	35	25	52	112
3 Bed	47	40	44	131
4 Bed	4	12	11	27
5 Bed	2	10	2	14
6 Bed	0	4	0	4
Total	134	118	132	384

### 3.2.24 Making Best Use of the Private Rented Sector

As outlined earlier in this report, there is a substantial gap between the supply of social housing available and households seeking assistance. An important part of the Council's approach to managing demand is therefore to make best use of supply in the private rented sector.

3.2.25 Many households at risk of homelessness are assisted to find accommodation in the private rented sector by the Housing Solutions team. In 2010/11 (to the end of February) they have made 482 lettings into private rented sector properties. Whilst procurement of lettings is lower than last year, the numbers are still impressive and make a significant contribution to overall performance on preventing homelessness.

3.2.26 The private rented sector is also used to make qualifying offers to households to whom the Council has accepted a statutory homeless duty. If the household accepts the offer, then the Council ends its duty to the household. In 2010/11 (to the end of January) a total of 98 households had accepted a qualifying offer.

3.2.27 Maximising access to the private rented sector is therefore crucial, in terms of resolving housing problems for those at risk of homeless and also as a solution for homeless households in TA. However as section 3.4 later in this report outlines, the Council faces a significant challenge in terms of securing supply in the private rented sector from 2011/12 onwards.

### 3.2.28 Permanent Lettings 2010/11

At the beginning of each financial year, Members are asked to approve a set of detailed lettings projections. The table below summarises actual lettings performance to date against the projections that were originally agreed. At the time of writing, lettings figures for performance until the end of January 2011 are available.

3.2.29 As the Council operates a choice based lettings system (Locata), it is likely that there will be some variation from original projections. However officers continue to monitor performance against these expectations, in order to ensure that lettings support a range of strategic priorities. Paragraph 3.3 gives more detail on this.

Lettings Variance from Targets - Apr-Jan To Month = 10

		Targets 2010/11	Pro Rata Target	Actuals 2010/11	% Var
Target Group	Homeless	385	321	299	-7%
	Register	220	183	253	38%
	Transfer	220	183	204	11%
	Total	825	688	756	10%

3.2.30 As the table shows, at the end of January 10% more lettings had been achieved than had originally been expected. Whilst lets to homeless households were

slightly below the anticipated level, transfers for under-occupiers in Council properties were above the original level predicted, therefore freeing up much needed family sized accommodation for overcrowded households. Lettings to customers on the Housing Register also exceeded original projections – this includes households with severe medical needs and supporting the Children and Families department to rehouse children leaving care.

- 3.2.31 A detailed breakdown of lettings made against original projections, with a breakdown of beds needed and category, is provided in Appendix C.

### 3.3 Proposed Lettings Projections 2011/12

- 3.3.1 By analysing trends in Council and Housing Association lettings and taking into account the availability of new build supply for social renting, officers currently expect to make 871 lettings during 2011/12.

- 3.3.2 The majority of these lettings will become available through re-lets within existing social housing stock. However the Council expects a total of 212 properties to be delivered through the new build programme – 26 of these for estate based regeneration schemes (South Kilburn) and 186 through other general needs schemes. A further breakdown is given in the table below:

New Build Schemes – Funded Programme

New Build Scheme Type	2010-11	2011-12	2012-13	Grand Total
General Needs	170	116	243	529
Estate Regeneration Schemes	0	26	281	307
Supported Housing Schemes	84	0	20	104
Middlesex House Conversions	14	70	0	84
Grand Total	268	212	544	1024

- 3.3.3 The table below summarises the distribution of these lettings across the different bedroom categories.

#### BRENT AND HOUSING ASSOCIATION - Projected Lettings 2011/12

	BSR	1 BED	2 BED	3BED	4 BED+	Total
Brent	34	191	176	67	12	480
RSL	28	155	143	55	10	391
<b>Total</b>	<b>62</b>	<b>346</b>	<b>319</b>	<b>122</b>	<b>22</b>	<b>871</b>

- 3.3.4 As outlined earlier in this report, projected lettings will only be able to meet a small proportion of the total housing need in the Borough. Members will recall that previously they were asked to agree a detailed set of lettings targets for each demand group, in line with the Council's Allocations Scheme and strategic priorities. However, the implementation of Locata (the choice based allocations

scheme) gave officers less direct control over lettings and provided choice to applicants on the Housing Register about where to live.

- 3.3.5 As projected lettings can only meet a small proportion of the housing need in the borough, it is therefore important that the prioritisation of lettings is carefully considered. The different demand groups reflect priorities as set out in the Allocations Scheme, and officers therefore consider it appropriate to provide a detailed set of projections based on these demand groups. In addition, specific quotas have been set for a small number of high priority groups, for example, Children in Need, Adults Social Care, and Former Service Tenants.
- 3.3.6 Members are therefore asked to approve the lettings projections set out in Appendix D. This lettings scheme is similar to 2010/11 and supports a number of policy areas, strategic objectives and new initiatives, including the following groups.
- 3.3.7 Decants  
70 lettings are projected to deal with transfers required due to decant needs and to take account of the South Kilburn and Barham Park Estate Regeneration Scheme decant programmes.
- 3.3.8 Underoccupiers and Overcrowded Tenants  
65 lettings are projected for the Underoccupation Scheme. Brent has had an effective and well developed under-occupation scheme in place for a number of years. This allows tenants who are under-occupying properties to move to a property more suitable to their current needs much quicker. This in turn frees up a larger property earlier than might be otherwise expected for an overcrowded household. The scheme makes a significant contribution to the available pool of larger properties available for letting.
- 3.3.9 As part of the work to reduce overcrowding, the target to move overcrowded Council tenants who require a three bedroomed property has been increased. However this will largely be dependent on the success of the Council's approach to underoccupiers.
- 3.3.10 Members are asked to note that the Director of Housing and Community Care has agreed that the incentive paid to underoccupying Council tenants who move is to be reduced from £4000 per move to £1000 from 1<sup>st</sup> May 2011. This change will contribute to the Council's overall savings targets, and will also bring Brent into line with the incentives paid by other West London boroughs. Officers are aware of the risks attached – in that the decrease could deter underoccupiers from moving. However research shows that the main driver behind underoccupiers choosing to move is generally location and type of property, rather than a financial incentive.
- 3.3.11 Children Leaving Care  
Twenty eight lettings from the Housing Register are targeted for Children Leaving Care, to assist the Children and Families department in rehousing young adults.

### 3.3.12 Adults Social Care

Twenty lettings from the Housing Register are targeted for Adults Social care nominations, particularly for adults leaving residential care placements, and other high need vulnerable customers.

### 3.3.13 Homeless Households

Around 42% of lettings are targeted for homeless households - this percentage is slightly lower than in previous years. This is partly in reflection of the work done to reduce overall TA numbers and manage homeless demand effectively, but also to ensure that applicants on the Housing Register are given a fair opportunity to be assisted.

3.3.14 In February 2011, the Executive approved a further loan facility to enable to Brent Housing Partnership to deliver tranche 2 of the Settled Homes Initiative (SHI) scheme. The SHI scheme is expected to deliver up to 244 properties during 2011/12. These properties are to be let to homeless households, initially as temporary accommodation. A further 118 new build properties will be constructed under the Council's Housing and Social Care PFI scheme in 2011/12. The properties will also be let to homeless households as temporary accommodation in the first instance.

## 3.4 **Challenges for Housing 2011/12 and Onwards**

3.4.1 The previous sections have highlighted the sizable gap between housing supply and demand for assistance, and have outlined some of the strategic priorities underpinning the 2011/12 lettings projections. However Members will already be aware that housing faces specific challenges around changes in legislation, which are expected to have a significant impact on service delivery and the Council's ability to manage housing needs within existing budgets. This section outlines some of these challenges and explains how officers believe there will be an impact on the service provided.

### 3.4.2 Local Housing Allowance Changes

In 2011 the government announced a package of changes to be implemented in relation to Local Housing Allowance. In summary, these changes are as follows:

- Capping the maximum LHA payable per property size, with an overall limit set at the four-bed rate. The changes come into effect from 01/04/11 for all new tenancies agreed from that date onwards. Existing tenancies will be subject to transitional protection for up to twelve months (until the anniversary of their claim).

The caps will be as follows

- |                            |               |
|----------------------------|---------------|
| • One bedroomed property   | £250 per week |
| • Two bedroomed property   | £290 pw       |
| • Three bedroomed property | £340 pw       |
| • Four bedroomed property  | £400 pw       |
- Changing how local market rents are calculated by using the 30<sup>th</sup> percentile, rather than the 50<sup>th</sup> percentile, from April 2011.

- Removing the freeze on the non-dependant deduction rate from April 2011.
- Extending the current rules around levels of HB payable to single under-25s (which limits payment to the rate for a room in a shared house) to all single tenants under the age of 35 in April 2012.
- Uprating benefit rates by CPI from 2013/14 (instead of RPI as currently).
- Implementing proposals to restrict LHA for working age claimants in social rented accommodation who are occupying a larger property than their household size needs, from April 2013.

- 3.4.3 The package of changes to LHA is wide ranging, and it is not altogether clear as to how the current private rented sector market will react. Whilst some landlords will accept a decrease in rental income as a result of the implementation of the caps, others will not be able to do so and are likely to either leave the market or let to other types of households – for example those in employment or shared accommodation.
- 3.4.4 There is expected to be an impact on the work of the housing needs service in two distinct ways. Paragraph 3.2.25 above outlined the Council's approach to successful homeless prevention, and how this is very much based on having an available supply of good quality private rented sector accommodation. However the introduction of LHA caps and the four bed cap limit is expected to impact on the Council's ability to procure properties for direct lettings, particularly for larger sized properties.
- 3.4.5 Secondly, the changes may also result in an increase in homeless approaches, as landlords seek to evict tenants who cannot afford to meet the shortfall between the rent and the LHA cap, and other households find themselves unable to rent privately. Whilst the government has increased the amount of funding it pays to Councils to provide Discretionary Housing Payments; payment of DHP is a short-term, time limited solution, and does not address the real issues of ensuring an adequate supply and sustaining households in the private rented sector.
- 3.4.6 Because of the arrangements for transitional protection for existing households on LHA, there will only be a partial impact in 2011/12. However, estimates from research undertaken by London Councils suggest that homeless approaches and acceptances could increase by up to 50% in London, compared to current levels.
- 3.4.7 The extension of the current rate restriction on single under-25s to those aged under 35 in April 2012 is likely to have an impact on levels of rough sleeping in the borough. The change means that LHA applicants aged under 35 with no dependents will only receive LHA equivalent to that paid for a room in a shared house.
- 3.4.8 Changes to Housing Benefit Subsidy for Temporary Accommodation  
From 1st April 2011, the amount of HB subsidy that the Council receives from central government for self-contained temporary accommodation provided under the HALS scheme (Housing Association Leasing) has been capped, and the



Council will have to meet any shortfall between benefit paid and HB subsidy received.

- 3.4.9 This is an extension of the subsidy regime that already covers other types of temporary accommodation. The changes will disproportionately affect larger sized families, where rents are generally above the subsidy caps. Initial forecasts suggested that the cost to Brent of this change would be just under £1m in 2011/12.
- 3.4.10 However during 2010/11 officers have worked to reduce the financial impact of the changes from 2011/12. The Housing Associations who operate these schemes have actively been negotiating rents with landlords and in many cases have managed to reduce rents down to the subsidy cap level. Where landlords have not agreed a reduction, work is being undertaken to find a solution – for example moving the family to different accommodation, securing a qualifying offer or further negotiation with the landlord.
- 3.4.11 As at the time of writing, approximately 156 households are in TA above the subsidy cap. Whilst this is still a significant number, it is a reduction from original forecasts. Work is continuing to reduce this number further.
- 3.4.12 However it should be noted that the households where there will be a subsidy loss are generally larger sized households – three / four bedroom need and above. Members will be aware that four bedroomed permanent properties are in extremely short supply. In 2011/12 we expect to make just 22 lettings to four bedroomed households – this is across all demand groups, and not just demand from homeless households. Yet there are over 1,000 households who require a four bedroomed property or larger currently on the Housing Register.
- 3.4.13 The reality is therefore that the Council will need to carefully manage its supply of larger sized temporary accommodation, in order to both meet its statutory duties, and to minimise the financial loss to the TA budget. Generally, temporary accommodation has been provided within the borough, with less than 4% of placements being made outside the boundaries. When households are placed outside the borough there are usually reasons for this – often due to the household being at risk of violence if remaining in the borough, or the need to be closer to employment or education. Where feasible, the Council moves households back into the borough as quickly as possible.
- 3.4.14 However the number of out of borough Temporary Accommodation placements is expected to rise during 2011/12, as the Council seeks to procure properties in cheaper areas, therefore minimising subsidy loss incurred.
- 3.4.15 A separate report on plans to tender for the procurement and management temporary accommodation under the Private Managed Accommodation scheme is being presented to this meeting of the Executive.

3.4.16 Localism Bill

The consultation paper, "Local Decisions: a fairer future for social housing", was published in November 2010, and the Localism Bill was published in December. Proposals in the Bill are wide ranging, and the intention is that local authorities will have considerable freedom over the policy changes they implement. This section of the report outlines the proposed changes that will impact on housing supply and demand in the borough.

3.4.17 Homelessness

The only change proposed in relation to homelessness is to allow local authorities to discharge their homeless duty to an accepted household by securing an offer in the private rented sector, without the agreement of the applicant. Authorities are already able to end their duty this way through the use of a qualifying offer (see paragraph 3.2.26) but this is with the express agreement of the customer.

3.4.18 Any private sector tenancy secured in this way would need to be for a minimum of twelve months, and the same considerations regarding the suitability of the offer and decision review rights would apply as when an offer of permanent accommodation is made.

3.4.19 In cases where duty is discharged into the private rented sector in this way, the homeless duty would be re-instated if the applicant became homeless unintentionally within two years of the original end of the duty.

3.4.20 This proposal could assist the Council in managing its temporary accommodation costs, since making use of the private rented sector in this way could reduce the overall number of households in TA, and the length of stay. However as outlined in paragraph 3.4.4 above, the Council's ability to procure property in the private rented sector is likely to be affected by the LHA caps and associated changes, and this would impact on this client group as well. The Council's ability to make best use of this proposed change may therefore be limited to some extent.

3.4.21 Allocations

The Bill proposes to allow local authorities more flexibility to determine which households should be placed on the Housing Register, based on local needs and policy. However the existing statutory reasonable preference categories would remain (these include homeless households to whom a statutory duty is owed; overcrowded households; and those who need to move on medical or welfare grounds). It should be added that the Bill will give the Secretary of State the power to make regulations specifying other classes of persons who must (or must not) qualify for an allocation of accommodation and setting criteria for local authorities when deciding whether or not a person qualifies for an allocation of accommodation.

3.4.22 Members will be aware that there would be a need for comprehensive consultation on proposals to amend the Allocations scheme, and that the outcome of equality impact assessments on any proposed alterations would need to be taken into consideration before finalising any changes.

3.4.23 Security of Tenure

The Bill sets out proposals to create “flexible tenancies”, which would allow local authorities and housing associations to offer fixed term tenancies, at either a social or affordable rent.

3.4.24 Existing tenants would not be affected, but local authorities / housing associations could choose to offer flexible, fixed term tenancies, for a minimum period of two years. The tenancy would then be subject to some form of review, to determine whether a further tenancy period would be granted. However housing providers could also continue to offer secure (permanent) tenancies.

3.4.25 The Council will be expected to produce a Tenancy Policy, setting out how it will use the proposed flexible tenancies, and how it expects partner housing providers to implement the policy. This policy would need to be consulted on with stakeholders, including tenants and housing associations.

3.4.26 If Brent does implement flexible tenancies, detailed consideration will need to be given as to how these will be administered. For example, there will need to be clear guidance given to providers and tenants as to what process would be followed when a fixed term tenancy is reviewed – what criteria would be considered in terms of making a decision whether to extend a tenancy, and what the process would be for tenants wishing to appeal against a decision.

3.4.27 Affordable Rent model

The Homes and Communities Agency (HCA) published its new framework for the delivery of affordable homes in February 2011. The framework introduces a new delivery model for affordable housing development for the future known as Affordable Rent and covers the funding period 2011-15. Typically, the current model for delivering affordable housing schemes assumes 50% grant funding and 50% private finance (which is supported through the rents collected). The new affordable housing delivery model seeks to reduce the amount of grant funding required to deliver new homes to around 10%. The new investment framework introduces an Affordable Rent product, which allows housing providers to set rent levels inclusive of service charges at up to 80% of the gross market rents for a local area.

3.4.28 The framework sets out how the development of new affordable housing will be funded and how the new Affordable Rent product will work in practice. There is £2.2 billion of uncommitted funding available nationally for the development of new affordable housing, of which £1.8bn is earmarked for the new Affordable Rent tenure. Previously, the HCA funded new housing schemes on an individual basis which considered the amount of grant required. However, the HCA will no longer fund new developments on a scheme by scheme basis and housing delivery partners are now required to submit their funding proposals for a package of schemes to be delivered over the four year development programme.

3.4.29 Housing delivery partners are expected to bid for funding on the basis of the *minimum* amount of subsidy that is required to make development viable and to set out their proposals to supplement the HCA funding with other revenue streams, including the use of the Affordable Rent product across re-lets, cross

subsidy from market sale homes, recycled grant or proceeds generated from the sale of affordable homes, S106 contributions, and transfer of public land at nil or reduced values. Additionally, in consultation with local authorities, housing providers will be allowed to convert some of their existing stock and development pipeline to apply Affordable Rents in order to increase delivery capacity on other schemes.

- 3.4.30 Funding bids will be approved on the basis of a value for money assessment against the delivery of how providers meet local and identified housing needs. Whilst the HCA anticipates that most new developments should be intended for Affordable Rent, or a mixture of Affordable Rent and Shared Ownership, the investment framework recognises there are circumstances where rents need to be set at lower levels. This may include areas where market rents are exceptionally high and cannot be covered by housing benefit, in the provision of supported housing or in regeneration schemes where there is a clear pre-existing commitment to the re-provision of homes at target rent levels. The latter point may be particularly important for Brent in areas such as the South Kilburn and Barham Park estate regeneration programmes.
- 3.4.31 Tenants occupying Affordable Rent properties will be eligible for housing benefit, rather than Local Housing Allowance. However in setting rents, housing delivery partners will need to be mindful of the impact of the government's proposals to introduce a universal credit on their tenant's ability to meet their rent liability. The key issue that officers are seeking to clarify with housing delivery partners is the extent to which they are proposing to apply the Affordable Rent product within new schemes and across re-lets.
- 3.4.32 Officers have met with a number of housing associations to assess how they will deliver their pipeline of development schemes in Brent using the new affordable rent product. Many of these associations have carried out indicative modelling to see how their pipeline of schemes can be delivered under an Affordable Rent model, and the Council is assessing how an increase in rents affects affordability levels, based on average income levels in the borough. Officers are currently working with housing association partners to clarify their proposals for development and funding under the new framework and on the application of their tenancy strategy. An assessment of the programme and the implications for Brent is expected to be available by the end of March/early April and a further report will be presented to Members.
- 3.4.33 The HCA requires funding proposals to be submitted by 3<sup>rd</sup> May 2011 and their intention is to evaluate bids by the end of June 2011. Successful bids will be approved by the HCA London Board by 4<sup>th</sup> July 2011 and formal contracts will be issued by September 2011.
- 3.4.34 Service Improvement Work  
The paragraphs above have outlined some of the issues and challenges facing the housing service in 2011/12. To support the housing needs service in managing what is undoubtedly going to be a challenging and fast-changing environment, various service improvement initiatives are being worked on.

- 3.4.35 One major area of current work is the On-Line Housing Register applications project, which is being delivered sub-regionally. Currently the Council receives around 50 new Housing Register applications per week. The vast majority of these are paper forms, which are then checked, processed and input into the database.
- 3.4.36 However work is progressing well in terms of developing an on-line application process. This will cut down on officer time spent on processing forms, but will also provided a better service for the customer, in terms of receiving instant feedback on their likely banding, and also directing them to other sources of advice and assistance. Whilst there will still be the option to use a paper application form, customers will be encourage to use the on-line self service process where ever possible. This is in line with the Council's overall approach to managing customer contact.
- 3.4.37 In addition a service review of the Housing Needs area is currently underway – this is a cross cutting review of both the Housing Resource Centre and the Housing Solutions Service, looking at performance, efficiency of processes, staff resources, benchmarking, and best practice in other local authorities. This review is currently at the first stage, and there is likely to be further service improvement work undertaken as an outcome of the initial findings of this work.

#### **4.0 Financial Implications**

- 4.1 The total agreed revised budget for expenditure on Temporary Accommodation for 2010/11 is £3,659,000. This figure includes a Housing Benefit subsidy loss budget of £500k. Officers are currently forecasting a break-even position for 2010/11.
- 4.2 The total agreed budget for expenditure on Temporary Accommodation for 2011/12 is £3,414,700.
- 4.3 Officers had previously forecast an overspend of £1.3 million against the agreed budget. As outlined earlier in this report, officers have and continue to take action to mitigate the financial impact of the various changes outlined. The previous forecast has therefore been reviewed and revised, and based on current projections officers expect there to be a shortfall against the agreed budget of approximately £1 million. Work is continuing to try to further reduce the expected financial impact of the changes.
- 4.4 A central provision of £2 million is being held within the Council's budget for 2011/12, to cover demand led pressures where the actual impact is uncertain. These pressures and accompanying provision include changes to the housing benefit system.

## **5.0 Legal Implications**

- 5.1 The primary legislation that governs the allocation of new secure tenancies is set out in Part VI of the Housing Act 1996 "the 1996 Act", as amended by the 2002 Act. As enacted, the 1996 Act introduced a single route into council housing, namely the Housing Register, with the intention that the homeless have no greater priority than other applicants for housing. Since the enactment of the 2002 Act, councils are required to adopt an allocations policy which ensures that "reasonable preference" is given to certain categories of applicants (which are set out in section 167 of the 1996 Act as amended by the 2002 Act and includes homeless households and persons living in overcrowded conditions), and to allocate strictly in accordance with that policy. An allocation of accommodation under Part VI of the 1996 Act which is not in accordance with the Council's own allocation policy will be "ultra vires" and deemed to be unlawful. Allocation of temporary accommodation is not governed by Part VII of the 1996 Act.
- 5.2 Brent adopted Locata, a choice-based Allocations Scheme, working in partnership with other local authorities and Housing Associations in the West London Alliance in 2003. Locata applies to all categories of applicant, including those seeking a transfer within Council housing. Although an analysis of demand and lettings is made with reference to (i) homelessness, (ii) Housing Register and (iii) transfer demand; there is no legal difference in the duties owed to people in each of these categories for the provision of accommodation under Part VI of the Housing Act 1996.
- 5.3 The primary legislation governing decisions on homeless applications is Part VII of the Housing Act 1996, which was amended by the Homeless Act 2002. The Council is required to make decisions on homeless applications within the scope of the legislation bearing in mind local demand.
- 5.4 Local authorities have a duty under Part VII of the Housing Act 1996 to house homeless persons in temporary accommodation who satisfy the qualifying criteria (i.e. eligibility, homeless, priority need, not intentionally homeless and local connection). The Council can only discharge its duty to those qualifying homeless persons in temporary accommodation under the circumstances set out in section 193 of the Housing Act 1996 and the circumstances in which this duty can be discharged are as follows: (i) if the homeless person accepts an offer of permanent accommodation from the Council in the form of a secure tenancy under Part VI of the Housing Act 1996; (ii) if the homeless person accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord; or (iii) if the homeless person accepts a qualifying offer of an assured shorthold tenancy with the Council's approval and is advised in writing in advance that he is under no obligation to accept the offer of accommodation. It should be noted that the Localism Bill proposes to make a number of amendments to section 193 of the Housing Act 1996, which include allowing local authorities to discharge their duties to homeless applicants by using private rented accommodation without requiring the agreement of the homeless applicant.

- 5.5 The duty under section 193 of the Housing Act 1996 will cease to exist if (I) the applicant ceases to be eligible for assistance; (II) the applicant ceases to occupy the accommodation as his/her only or principal home, or (III) the applicant becomes homeless intentionally from the temporary accommodation provided.
- 5.6 There are a number of changes being proposed by the Localism Bill regarding allocations, homelessness and the power for local authorities to grant flexible tenancies which are discussed above in this report in paragraphs 3.4.16 to 3.4.26. The Localism Bill also plans to pave the way for a national home swap scheme. The Tenant Services Authority or its successor will be given the power to set standards in relation to the methods by which registered providers assist tenants with mutual exchanges of tenancies.
- 5.7 Details of the changes made to the Local Housing Allowance and the caps which will come into effect from 1 April 2011 are set out in paragraphs 3.4.2 to 3.4.7 of this report. Details of the changes to the amount of housing benefit subsidy which local authorities will receive for homeless applicants in self-contained temporary accommodation are set out in paragraphs 3.4.8 to 3.4.12 of this report.
- 6.0 Diversity Implications**
- 6.1 The most recent census data shows that Brent has the second highest ethnic minority population in London. The lettings targets, which are set annually, could potentially have a disproportionate impact on a particular ethnic group or groups. It is important therefore that this area continues to be closely monitored. Previous impact assessments have not demonstrated any adverse impact as a result of the letting process.

**7.0 Staffing/Accommodation Implications (if appropriate)**

None specific.

**Background Papers**

Executive

Supply and Demand and Temporary Accommodation (03/10)

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**Martin Cheeseman**

**Director of Housing & Community Care**

## Appendix A – Supply & Demand Model

### SUPPLY AND DEMAND PROJECTION

	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014
<b>DEMAND</b>						
Transfers	1861	1907	2100	1745	1506	1289
Register (Non-homeless)	17287	12408	13600	12240	11628	11047
Homeless Applications	1140	1107	1100	1540	1617	1698
Acceptance Rate	45%	30%	33%	35%	40%	45%
Homeless Acceptances	513	333	360	539	647	764
Fall Out Rate	-177	-159	-136	-143	-168	-180
Total New Demand	336	174	224	396	479	584
Families in T.A. Brought Forward	3907	3651	3037	3024	3553	3747
Net Homeless Demand	4243	3825	3261	3420	4032	4331
<b>DEMAND FROM ALL GROUPS</b>	<b>23391</b>	<b>18133</b>	<b>15300</b>	<b>17405</b>	<b>17166</b>	<b>16667</b>
<b>PERMANENT SUPPLY</b>						
Brent lets	430	353	375	480	450	420
Housing Association	557	654	505	391	360	310
<b>PERMANENT SUPPLY (RSL's &amp; Brent)</b>	<b>987</b>	<b>1007</b>	<b>880</b>	<b>871</b>	<b>810</b>	<b>730</b>
<b>ALL LETTINGS (INCLUDING PERMANENT)</b>	<b>987</b>	<b>1007</b>	<b>880</b>	<b>871</b>	<b>810</b>	<b>730</b>
Direct Lettings in the Private Sector	80	160	85	100	100	100
Out of Borough Lettings	8	20	10	10	5	3
Conversion of TA to Settled Accom	2	20	25	0	0	0
PFI Permanent Accommodation	0	0	80	133	157	0
Settled Homes Initiative (BHP)	0	0	7	200	82	0
Conversion of specific TA Schemes to settled accommodation	80	200	0	84	0	0
Other (LCHO; intermediate renting)	0	0	0	5	10	12
<b>ALL LETTINGS (Incl Private Sector)</b>	<b>1077</b>	<b>1407</b>	<b>1087</b>	<b>1403</b>	<b>1164</b>	<b>845</b>
<b>RESIDUAL DEMAND</b>						
Transfers	1680	1722	1939	1585	1357	1156
Register (Non-homeless)	16913	12108	9527	11981	11387	10829
Homeless (In T.A.)	3758	3175	2748	2921	3565	3901
<b>UNMET DEMAND (After Lettings)</b>	<b>22351</b>	<b>17005</b>	<b>14213</b>	<b>16487</b>	<b>16309</b>	<b>15886</b>
<b>T.A. BREAKDOWN</b>						
AST / HALS / PSL	2736	2314	2280	2350	2500	2450
B&B, incl. annexes	119	117	153	180	200	170
PLA	168	60	36	250	230	210
ALS	165	114	100	150	200	230
BDL	417	349	300	425	400	370
PFI	0	0	80	133	157	0
Hostel	64	53	45	35	30	30
Emergency RSL Hostel	30	30	30	30	30	30
Mother & Baby	0	0	0	0	0	0
<b>ALL TEMPORARY ACCOMMODATION</b>	<b>3651</b>	<b>3037</b>	<b>3024</b>	<b>3553</b>	<b>3747</b>	<b>3490</b>



## Appendix B - Current Live Applications

### Current Live Applications - By list and bedrooms needed.

		0	1	2	3	4	5	6	7	8	Sum:
HOUREG	Adult Social Care	5	2	2	1	1					11
	CHILDREN LEAVING CARE	43		9							52
	CONTRIBUTION TO MOBILITY			1							1
	EMERGING HOUSEHOLDS			13	5						18
	FORMER SERVICE TENANT	1			2	1					4
	HOUSING REGISTER (APPROVED)	29	7	63	201	115	18	4	1		438
	HOUSING REGISTER (NON APPROVED)	4,527	534	3,787	2,273	656	156	21	3	1	11,958
	MEDICAL A (HOU REG)	31	16	43	35	32	7				164
	OUT OF BOROUGH APPLICANTS	428	41	235	122	34	4	1	1		866
	PROBATION SERVICE QUOTA	4									4
	SOCIAL SERVICES (HOU REG)	1		2	2	4	1				10
	STONEBRIDGE HAT			2							2
	SUCCESSION (UNDEROCCUPATION)	26		4	1						31
	VOLUNTARY ORGANISATION QUOTA	32									32
HOUREG	Sum:	5,127	600	4,161	2,642	843	186	26	5	1	13,591
TRNLIST	#1000 UNDER OCCUPATION	96	14	14							124
	DECANT	15	1	17	19	1	1				54
	INTRA-ESTATE TRANSFER	5		7	4	2					18
	MANAGEMENT TRANSFER	24	1	26	22	12	5	2			92
	MEDICAL A (TRANSFER)	18	5	10	13	4	1				51
	TENANCY SEPARATION	2									2
	TRANSFER LIST (APPROVED)	450	53	446	482	132	21	2			1,586
TRNLIST	Sum:	610	74	520	540	151	28	4			1,927
	Sum:	5,737	674	4,681	3,182	994	214	30	5	1	15,518

## Appendix C - Lettings Performance 2010/11 (April to January)

### BRENT AND HOUSING ASSOCIATION

Note: The monthly targets are calculated on a pro rata basis. Rounding errors may result on the 'TAR' and 'VAR' columns.


	TARGET	PRO RATA	TOTALS				BSR				1 BED				2 BED				3BED				4 BED+	
	P.A.	TAR	ACT	VAR	TAR P.A.	PR TAR	ACT	VAR	TAR P.A.	PR TAR	ACT	VAR	TAR P.A.	PR TAR	ACT	VAR	TAR P.A.	PR TAR	ACT	VAR	TAR P.A.	PR TAR	ACT	VAR
<b>HOUSING REGISTER</b>																								
HOUSING REGISTER (HMLSS)	335	279	245	-34	10	8	5	-3	75	63	57	-6	170	142	137	-5	60	50	41	-9	20	17	5	-12
EMERGING HOUSEHOLDS SCHEME	10	8	10	2	0	0	0	0	0	0	1	1	8	7	7	0	2	2	2	0	0	0	0	0
CHILDREN LEAVING CARE (HMLSS)	25	21	35	14	5	4	5	1	18	15	24	9	2	2	6	4	0	0	0	0	0	0	0	0
MEDICAL 25 (HMLSS)	15	13	9	-4	2	2	0	-2	5	4	2	-2	3	3	3	0	3	3	4	1	2	2	0	-2
<b>SUB-TOTAL</b>	<b>385</b>	<b>321</b>	<b>299</b>	<b>-22</b>	<b>17</b>	<b>14</b>	<b>10</b>	<b>-4</b>	<b>98</b>	<b>82</b>	<b>84</b>	<b>2</b>	<b>183</b>	<b>154</b>	<b>153</b>	<b>-1</b>	<b>65</b>	<b>55</b>	<b>47</b>	<b>-8</b>	<b>22</b>	<b>19</b>	<b>5</b>	<b>-14</b>
HOUSING REGISTER (OTHER)	82	68	143	75	25	21	26	5	35	29	83	54	20	17	31	14	1	1	3	2	1	1	0	-1
MEDICAL 25 (REGISTER)	14	12	19	7	1	1	1	0	3	3	11	9	5	4	9	5	4	3	6	3	1	1	1	0
VOLUNTARY ORGANISATIONS	60	50	33	-17	15	13	2	-11	45	38	31	-7	0	0	0	0	0	0	0	0	0	0	0	0
CONTRIBUTION TO MOBILITY	30	25	40	15	1	1	6	5	12	10	20	10	12	10	10	0	3	3	3	0	2	2	1	-1
SOCIAL SERVICES/CHILDREN IN NEED	6	5	8	3	0	0	0	0	0	0	2	2	2	2	2	0	3	3	4	1	1	1	0	-1
ADULT SOCIAL CARE	20	17	5	-12	2	2	1	-1	17	14	2	-12	1	1	1	0	0	0	1	1	0	0	0	
PROBATION SERVICE	6	5	3	-2	2	2	1	-1	4	3	2	-1	0	0	0	0	0	0	0	0	0	0	0	0
FORMER SERVICE TENANTS	2	2	2	0	0	0	0	0	0	0	0	0	1	1	2	1	1	1	0	-1	0	0	0	0
<b>SUB-TOTAL</b>	<b>220</b>	<b>184</b>	<b>253</b>	<b>69</b>	<b>46</b>	<b>40</b>	<b>37</b>	<b>-3</b>	<b>116</b>	<b>97</b>	<b>151</b>	<b>54</b>	<b>41</b>	<b>35</b>	<b>55</b>	<b>20</b>	<b>12</b>	<b>11</b>	<b>17</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>2</b>	<b>-3</b>
<b>TRANSFERS</b>																								
DECANTS	63	53	39	-14	3	3	1	-2	25	21	16	-5	20	17	8	-9	10	8	13	5	5	4	1	-3
TRANSFER SCHEME	55	46	65	19	0	0	1	1	15	13	15	3	20	17	29	12	15	13	16	3	5	4	4	0
MEDICAL 25 (TRANSFERS)	6	5	8	3	0	0	0	0	2	2	4	2	2	2	2	0	2	2	1	-1	0	0	1	1
MANAGEMENT TRANSFER	22	18	22	4	0	0	1	1	2	2	7	5	10	8	6	-2	7	6	7	1	3	3	1	-2
INTRA-ESTATE TRANSFER	8	7	2	-5	0	0	0	0	2	2	0	-2	3	3	1	-2	2	2	1	-1	1	1	0	-1
£1000 UNDER OCCUPATION	66	55	68	13	1	1	2	1	50	42	55	13	10	8	10	2	4	3	0	-3	1	1	1	0
<b>SUB-TOTAL</b>	<b>220</b>	<b>183</b>	<b>204</b>	<b>21</b>	<b>4</b>	<b>4</b>	<b>5</b>	<b>1</b>	<b>96</b>	<b>80</b>	<b>97</b>	<b>17</b>	<b>65</b>	<b>55</b>	<b>56</b>	<b>1</b>	<b>40</b>	<b>34</b>	<b>38</b>	<b>4</b>	<b>15</b>	<b>13</b>	<b>8</b>	<b>-5</b>
<b>TOTAL</b>	<b>825</b>	<b>688</b>	<b>756</b>	<b>68</b>	<b>67</b>	<b>58</b>	<b>52</b>	<b>-6</b>	<b>310</b>	<b>258</b>	<b>332</b>	<b>74</b>	<b>289</b>	<b>244</b>	<b>264</b>	<b>20</b>	<b>117</b>	<b>100</b>	<b>102</b>	<b>2</b>	<b>42</b>	<b>37</b>	<b>15</b>	<b>-22</b>

**BRENT AND HOUSING ASSOCIATION - Projected Lettings 2011/12**

	BSR	1 BED	2 BED	3BED	4 BED+	Total
Brent	34	191	176	67	12	480
RSL	28	155	143	55	10	391
<b>Total</b>	<b>62</b>	<b>346</b>	<b>319</b>	<b>122</b>	<b>22</b>	<b>871</b>

	BSR	1 BED	2 BED	3BED	4 BED+	TOTAL
<b>HOUSING REGISTER (HOMELESS)</b>						
HOUSING REGISTER (HMLSS)	8	73	172	55	10	318
MEDICAL 25 (HMLSS)	1	4	2	3	1	11
CHILDREN LEAVING CARE	5	20	3	0	0	28
EMERGING HOUSEHOLDS SCHEME	0	2	8	3	0	13
<b>SUB-TOTAL</b>	<b>14</b>	<b>99</b>	<b>185</b>	<b>61</b>	<b>11</b>	<b>370</b>
<b>HOUSING REGISTER</b>						
HOUSING REGISTER (OTHER)	25	73	30	2	0	130
MEDICAL 25 (REGISTER)	0	5	5	4	1	15
VOLUNTARY ORGANISATIONS	10	45	0	0	0	55
CONTRIBUTION TO MOBILITY	5	16	15	3	1	40
CHILDREN IN NEED	0	0	2	3	1	6
ADULTS SOCIAL CARE	2	17	1	0	0	20
PROBATION SERVICE	2	4	0	0	0	6
FORMER SERVICE TENANTS	0	0	1	1	0	2
<b>SUB-TOTAL</b>	<b>44</b>	<b>160</b>	<b>54</b>	<b>13</b>	<b>3</b>	<b>274</b>
<b>TRANSFERS</b>						
DECANTS	2	15	30	20	3	70
TRANSFER SCHEME	0	15	25	15	3	58
MEDICAL 25 (TRANSFERS)	0	2	2	2	0	6
MANAGEMENT TRANSFER	0	3	10	7	2	22
INTRA-ESTATE TRANSFER	0	1	3	2	0	6
£1000 UNDER OCCUPATION	2	51	10	2	0	65
<b>SUB-TOTAL</b>	<b>4</b>	<b>87</b>	<b>80</b>	<b>48</b>	<b>8</b>	<b>227</b>
<b>TOTAL</b>	<b>62</b>	<b>346</b>	<b>319</b>	<b>122</b>	<b>22</b>	<b>871</b>

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	<p><b>Executive</b> 11 April 2011</p> <p><b>Report from the Director of Housing and Community Care</b></p>
<p>Wards affected: ALL</p>	
<p><b>Fortunegate Community Housing – Transfer of Engagements to Catalyst Communities Housing Association Limited</b></p>	

## 1.0 Summary

- 1.1 The purpose of this report is to seek the Council's approval to transfer the assets, obligations and liabilities of Fortunegate Community Housing ("Fortunegate") to Catalyst Communities Housing Association Limited.
- 1.2 Fortunegate is currently a subsidiary organisation of Catalyst Housing Group Limited and Fortunegate is a Registered Provider. Catalyst Housing Group Limited, which is the charitable group parent company, is planning to restructure its existing group so that the charitable group parent company and two of its subsidiaries, namely Fortunegate and Kensington Housing Trust, will transfer their engagements to Catalyst Communities Housing Association Limited, which in turn will be renamed Catalyst Housing Limited. This will mean that the Catalyst group will have only one Registered Provider. This is part of a major restructure on the part of Catalyst Housing Group. Changes to Fortunegate Community Housing require the Council's approval and this is why this report is submitted to the Executive for its consideration. The first part of the process involves converting Fortunegate from a registered charity to a registered society under the Industrial and Provident Societies Act 1965. This will facilitate the second part of the process which is to transfer the obligations, assets and liabilities of Fortunegate to Catalyst Communities Group Housing Association Limited, which in turn will be renamed Catalyst Housing Limited. Details of the Local Board arrangements for the proposed new structure are set out in this report.

## 2.0 Recommendations

- 2.1 The Executive authorises Fortunegate Community Housing to convert from a registered charity to a registered society under the Industrial and Provident Societies Act 1965 and thereafter, to transfer its engagements to Catalyst

Communities Housing Association Limited, which is a registered charity and which will be subsequently re-named Catalyst Housing Limited.

### 3.0 Detail

- 3.1 Fortunegate Community Housing ("Fortunegate") is a company limited by guarantee, a registered charity (with the Charity Commissioners) and a Registered Provider (with the Tenant Services Authority). Fortunegate is the community-based housing company which has set up in 1998 to receive the transfer of the former council housing estates of Church End and Roundwood. Fortunegate was set up as a partnership between Brent Council, the residents of Church End and Roundwood and Ealing Family Housing Association ("EFHA"). Fortunegate was originally a subsidiary company of EFHA but in 2002, EFHA established a new group structure, creating a parent company called Catalyst Housing Group. Other members of that group included Keystart (formerly Northcote Housing Association) and Kensington Housing Trust. The Council is a corporate member of Fortunegate and the Council currently has two members on Fortunegate's Board, which consists of 12 members. Fortunegate has been regenerating the Church End and Roundwood estates in the borough of Brent.
- 3.2 In April 2003, the Council's Executive agreed in principle to allow Fortunegate to become a full member of the Catalyst Housing Group so that Fortunegate had equal status with the other group members and the Director of Housing was given delegated authority to negotiate the various amendments that were necessary to Fortunegate's Constitution. In February 2006, the Executive gave approval in principle to Fortunegate taking over the housing stock of EFHA and Keystart within the borough of Brent. Until April 2006, Fortunegate was confined to being the landlord of housing stock in the Church End locality of the borough. Since April 2006, Fortunegate has been operating on a borough wide basis in Brent and is currently the sole arm of Catalyst Housing Group in Brent. In January 2007, the Council's Executive approved changes to the quorum and size of Fortunegate's Board as the quorum was reduced from 18 to 12 and the number of Council members on Fortunegate's Board was reduced from 3 to 2.
- 3.3 The reasons for the proposed re-structure are explained in an explanatory note that was given at a conference of all Board Members of Catalyst Housing Group Limited and a copy of that explanatory note is set out in **Appendix 1** to this report. In short, the proposed re-structure will enable Catalyst Housing Group Limited to have a more simplified scheme of governance which will provide better value for money and provide one single housing management function to drive forward a single vision of customer service. Catalyst Housing Group Limited believes that the proposed new legal and governance structures will allow them to do the following:
- make residents the focus of everything they do;
  - empower residents to be at the heart of the business, scrutinising their operations and services;
  - improve internal and external communications and establishing a single voice for the group;

- speed up and provide informed and more consistent decision-making;
- improve value for money in governance.

## **Proposed Restructure**

- 3.4 Catalyst Housing Group is planning to a major restructure in the way it is organised. The current structure is set out in **Appendix 2** to this report. Catalyst Housing Group Limited (“CHGL”) is the charitable parent company and its subsidiaries are Catalyst Communities Housing Association Limited (“CCHA”), Kensington Housing Trust (“KHT”) and Fortunegate. All of these four companies are Registered Providers and these have a number of charitable and non-charitable subsidiaries.
- 3.5 Catalyst Housing Group is proposing that CHGL, KHT and Fortunegate will each transfer their engagements to CCHA, which in turn will be re-named Catalyst Housing Limited. This will mean that there will be only one Registered Provider within Catalyst Housing Group. A chart setting out the proposed restructure is set out in **Appendix 3** to this report. Details of the process are set out in paragraphs 3.8 to 3.15 below.
- 3.6 Fortunegate’s current objects, as set out in its Memorandum of Association, are carried out “primarily for those who are resident in the London Borough of Brent”. The proposals, if approved and implemented, will remove the specific geographical focus regarding Brent. This requires the agreement of the Council’s Executive and the Tenant Services Authority. Furthermore, it is necessary for Fortunegate to consult with the Charity Commission and residents of Fortunegate.
- 3.7 The other structural changes, which do not directly involve Fortunegate and in which the Council’s approval is not being sought, include proposing to merge Catalyst Communities Trust and KHT Community Fund into a single registered charity called Catalyst Gateway. The Southall Day Centre will be a subsidiary of this charity. Catalyst Finance Limited, Dee Park Developments and Catalyst by Design will become subsidiaries of CCHA, which will be renamed Catalyst Housing Limited.

## **Conversion of Fortunegate from a charity to a registered society**

- 3.8 The first stage of the restructuring process is to convert Fortunegate from a charity to a registered society under the Industrial and Provident Societies Act 1965. The Charity Commission must be advised that Fortunegate is proposing to convert to a registered society. Members of Fortunegate must pass two special resolutions at a general meeting to: (i) convert to an industrial and provident society and adopt a set of rules, and (ii) to appoint three people to be initial members of the society, sign the new rules and accept any amendments required by the Financial Services Authority (“FSA”).
- 3.9 Thereafter, the resolutions and signed rules are then sent to the National Housing Federation for processing or direct to the Tenant Services Authority

("TSA"). The consent of the TSA to the conversion will be required. The resolutions and new rules are sent to the FSA to be registered. The FSA will register Fortunegate as a registered society and send confirmation of the registration to the Charity Commission who will remove Fortunegate from the register of charities. The FSA will also send the resolutions to Companies House and the conversion takes place on the date that Companies Housing registers the resolution.

- 3.10 As a charity, Fortunegate can only go through these procedures if, following the completed process, its charitable objects will continue to be met by the resultant legal entity. This means that the transferee, CCHA, must also be an organisation with compatible charitable objects, which it is, as CCHA is a charitable registered provider.

### **Transfer of Engagements from Fortunegate to Catalyst Communities Housing Association (CCHA)**

- 3.11 The second stage of the process is to transfer the engagements of Fortunegate, Kensington Housing Trust and Catalyst Housing Group Limited to Catalyst Communities Housing Association Limited ("CCHA").
- 3.12 A general meeting of each transferring society, including Fortunegate, is held to pass a special resolution to transfer its engagements to CCHA. The board of CCHA (following the general meeting of the transferring societies) must pass a resolution that it will accept the transfer of engagements from each of the transferring societies. Following the meeting of CCHA's Board, and not less than 14 days and not more than one month after its general meeting, the members of each transferring society must pass a resolution confirmation that it still wants to transfer its engagements to CCHA. Following the second resolution of each transferring society, both resolutions and a declaration signed by the secretary of each transferring society must be sent to the FSA for registration. The effective date of the transfer of engagements is the date in which the resolutions are registered with the FSA.
- 3.13 When the transfer of engagements to CCHA becomes effective, the Land Registry must be notified and an application must be made to register the title of all the properties of each transferring society in the name of CCHA. Lenders usually require an undertaking from the lawyers of the receiving society to make the application to register at the Land Registry the transfer of engagements.
- 3.14 On the transfer of engagements to CCHA, all the obligations of Fortunegate, including the assets and liabilities, will pass by operation of law to CCHA.
- 3.15 Once the transfer of engagements to CCHA is complete, this new merged body will be named Catalyst Housing Limited and this will be regulated by the TSA or its successor. Catalyst Housing Limited will be a charitable body subject to charity law. Fortunegate's solicitors have advised officers that the Charity Commission will be fully involved in this re-structuring process as the Charity Commission's permission is required to change the corporate nature



of Fortunegate and to transfer Fortunegate's engagements to CCHA. The discussions which Fortunegate and their solicitors have had to date with the Charity Commission have not suggested that there will be any difficulties.

### **Changes to Board Structure and Brent Council's influence**

- 3.16 Once the changes have taken place, there will be one registered provider, which will be controlled by one main Board. However, four "Local Boards" will also be established and they will have responsibility for ensuring that operations and customer facing budgets are locally responsive and focused. The chairs of the Local Boards will be ex-officio members of the main Board. One of these local Boards will be a "Brent Local Board" where Brent Council will continue to be able to influence the work of the merged registered provider in the borough of Brent and will have a remit to direct and scrutinise service delivery. The three other Local Boards will be the West London Local Board, Kensington Local Board and South East Local Board, the latter of which will have responsibility for Catalyst's housing stock outside London.
- 3.17 The original plan was for a membership of seven local members for the Brent Local Board, of whom three would be residents, three would be independent members and with the one remaining place being reserved for a Brent Councillor. With such an arrangement, it was thought that this would ensure similar representation from Brent councillors on the Brent Local Board (one out of seven) to the current representation of Brent Councillors on the Fortunegate Board (two out of twelve). Also, Fortunegate currently manages housing stock outside the wards of Harlesden and Dudden Hill (eg Wembley) and in 2012, Catalyst will be involved in the handover of 50 units at Carlton Vale in South Kilburn. Catalyst has recently been selected as a development framework partner for future phases of the regeneration in South Kilburn. Thus, although the focus of the Brent Local Board will remain in Church End, it will be increasingly active elsewhere in Brent and this will be the future focus of the Brent Local Board alongside working closely with their residents in Church End.
- 3.18 However, after discussions with officers and the Lead Member for Housing at Brent Council regarding concerns about the reduction of the number of councillor members on the Fortunegate Board to one councillor member on the Brent Local Board, an alternative recommendation has been submitted by Fortunegate to the Members' Steering Group of Catalyst Housing Group. This alternative recommendation is to increase the size of the Brent Local Board to a maximum of 10 members with 2 councillors, 4 independent members and up to 4 resident members and accordingly, the Brent Local Board would have 2 councillors similar to the arrangement of two councillors on the Fortunegate Board. Officers have recently been advised that the Members' Steering Group of Catalyst Housing Group has agreed to the recommendation that there is a maximum of 10 members, with 2 councillors, 4 independent members and up to 4 resident members.

- 3.19 Catalyst Housing Group Limited believes it is important to operate in a local way for a number of reasons which are as follows:
- Catalyst does not think that a one-size fits all approach will deliverer their customer focus ambition;
  - Catalyst believes that to make a difference to people's lives, they need to gain a first-hand understanding of their situation and deliver flexible solutions
  - Catalyst want to empower their residents to be involved in the management of their homes;
  - Catalyst recognises the importance of maintaining a focus on their relationships with local authorities, which play a key role in commissioning homes and in the delivery of services which make neighbourhoods successful;
  - Catalyst believes in being accountable to their customers.
- 3.20 Catalyst Housing Group proposes that the Local Boards will have a remit in the following areas:
- *Planning:*
    - Approve the operational plan for the region
    - Give in-principle support to any proposal to refurbish or redevelop existing stock in the local area prior to this being considered by the main board for approval
    - Provide input into Catalyst's planned investment and asset management strategies
    - Determine the strategy, and act as the client for community investment in the local area in concert with Catalyst Gateway
  - *Customer Relationships:*
    - Oversee Resident Involvement in the local area and develop and maintain strong relationships with resident representatives and engage with resident groups in the local area.
  - *Budgets:*
    - Oversee budgets delegated by the Catalyst Board in accordance with the operational plan including, but not limited to:
      - Repairs maintenance and planned investment
      - Estate services
      - Resident involvement
      - Anti-social behaviour
      - Support costs for the Local board including expenses for board members
  - *Monitoring:*

- Monitor the service delivery performance of Catalyst in the local area by evaluating Key Performance Indicators, reviewing customer satisfaction surveys and identifying where improvements are needed
  - Review performance on complaints and provide a representative to sit on complaint panels
  - Receive the minutes of the Catalyst Board for information
  - Receive a regional update at each meeting informing the Board of key activities and new business and development opportunities in the region.
  - Raise any issues of concern about customer service delivery
  - Review the impact and outcomes of community investment in the local area
  - Monitor performance against the operational plan.
  - Agree local standards and monitor compliance with regulatory requirements and report findings to the Catalyst Board.
- *Stakeholder relationships:*
    - Develop and maintain good relationships with Local Authorities and other external parties.
    - Work with staff members, advisors and other residents to understand and communicate the long term priorities in the local area

### **Resident Consultation**

- 3.21 Catalyst Housing Group Limited consulted formally with residents over the period between 13 December 2010 and 31 January 2011 by means of a formal individually addressed letter to each tenant and leaseholder, along with a Question and Answer sheet, leaflet, response sheet and prepaid envelopes. Translations of these documents were provided on request. Fifteen consultation events were held with residents in local and accessible locations, including those in sheltered accommodation. Catalyst Housing Group has met with existing resident groups, put up posters and comments boxes in officers, posted materials to their website and set a consultation e-mail for replies. Prior to the commencement of this consultation, Catalyst Housing Group Limited sought the views of the TSA, the Group Residents' Federation and the Board Steering Group and the TSA expressed satisfaction that their approach was comprehensive.
- 3.22 624 response sheets were returned by residents. A summary of responses to the quantitative questions is set out in **Appendix 4** to this report. In the column headed "other", this means either the question was not answered or multiple boxes were selected. There was overwhelming support among those who responded for the following;
- Local Boards, including up to 50% resident membership, making decisions about service delivery;
  - A single customer services department (the comments made by residents accompanying this question indicate that they concerned about a single call centre rather than a single housing department/customer services department);

- Designated neighbourhood managers;
- Improvements to customer services;
- Merging the four registered providers.

- 3.23 The question that caused the biggest divergence of opinion among residents was the election/selection process of resident Local Board members. There was very little support for a wholly elective process. However, opinion was divided between a purely selective process (which will be used for independent Board members) and a hybrid model where residents will elect from a pool of those who have passed the selection process. The balance is in favour of the hybrid model. All written comments relating to Fortunegate were transcribed and are attached in **Appendix 5** to this report. It should be added that there will only be an elective process for resident Local Board members if there are more suitable candidates than there are available places. For example, if there are four suitable applicants and four places on the Local Board, there will not be an election. Members are also asked to note that only residents of the Catalyst Housing Group living in Brent will be eligible to apply to join the Brent Local Board as a resident member.
- 3.24 A total of 196 residents attended the fifteen consultation meetings that were held. A high level summary of the outcome of those consultation meetings is set out in **Appendix 6** to this report. **Appendix 7** to this report sets out the questions asked and responses given at the meetings relating to Fortunegate.

#### **4.0 Financial Implications**

- 4.1 There are no financial implications arising from this report in terms of additional cost to the Council. Officers' time involved in this matter will be met from existing budgets.

#### **5.0 Legal Implications**

- 5.1 Under sections 51 and 54 of the Industrial and Provident Societies Act 1965 ("IPSA"), a registered industrial and provident society may by special resolution transfer its engagements to another registered society.
- 5.2 Section 51(1) IPSA provides that: "Any registered society may by special resolution transfer its engagements to any other registered society which may undertake to fulfil those engagements, and if that resolution approves the transfer of the whole or part of the society's property to that other society, the whole or, as the case maybe, that part of the society's property shall vest in that other society without any conveyance or assignment".
- 5.3 Section 54 IPSA provides that: "An amalgamation or transfer of engagements in pursuance of section 50, 51 or 52 of this Act shall not prejudice any right of a creditor of any registered society which is a party thereto".

- 5.4 A transfer of engagements under IPSA means that the property of the transferring society (which includes Fortunegate) vests in the receiving society (in this case, CCHA) by special resolution and does not require any other conveyance or transfer. “Engagements” means the assets, obligations and liabilities. The agreement of the receiving society to the transfer of engagements and its agreement to fulfil them is necessary as a precondition to the passing of a valid resolution as only “any other registered society which may undertake to fulfil those obligations” can become the transferee.
- 5.5 Under a transfer of engagements pursuant to IPSA, any obligations of a transferring society to a lender under a loan agreement will transfer to the receiving society, as will any property of the transferring society which secures the loan. The transferring society then has no assets, obligations or liabilities, and is removed from the FSA register following an application in the standard form.
- 5.6 The proposed restructure involves the transfer of engagements of Fortunegate to CCHA. As Fortunegate is a charitable company, it will be necessary for Fortunegate to convert to an industrial and provident society under section 53 IPSA prior to the transfer of engagements to CCHA in order that it can transfer its engagements. Section 53 IPSA provides that a registered company can determine to convert to a registered society by special resolution provided it complies with the statutory procedure as set out in paragraphs 3.7 to 3.11 above. Any company converting to a registered society under IPSA retains all its assets and liabilities and the only change is to its corporate status.

## **6.0 Diversity Implications**

- 6.1 Fortunegate’s parent company, Catalyst Housing Group, has carried out an Equalities Impact Assessment regarding the proposed changes to the group structure and a copy of the same is set out in **Appendix 8** to this report. No adverse impacts were identified in the Equalities Impact Assessment. A Resident Impact Assessment was also carried out and a copy of the same is set out in **Appendix 9** to this report.

### **Contact Officers**

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**Perry Singh**

**Assistant Director - Housing Needs and Private Sector**

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## **Appendix 1**

### **Explanatory Note from Catalyst Housing Group Limited - Why is this re-structure taking place?**

We want Catalyst to be a vital force for change and improvement wherever we work - providing high quality homes for those priced out of the market, delivering excellent customer service, and working with local partners to transform the prospects of our residents and the areas in which they live. We want to act as a springboard of opportunity for our customers and not just as a safety net. We want Catalyst to be large scale in its thinking and its capacity but to be rooted in local relationships and local communities. To do all of this requires people, structures and systems which can consistently deliver superb customer service and high quality new and existing homes, and which have the ability to think and act big but deliver in a tailored way. In the world that lies ahead we will also need to generate more of our own financial capacity and rely less upon state aid.

We start from a good position but we should not underestimate the scale of the challenge we face. We want Catalyst to be not just consistently good but consistently excellent at customer service so that we are the landlord of choice wherever we work. This requires single-minded determination and a transformation of culture, customer offer, systems, leadership and management. We have started on this road but find that our present structures simply get in the way. We need a single function to drive forward a single vision of customer service, not three mini housing departments. A single customer service environment will allow us to extend what we're doing well across the whole company and stop doing the things that are dragging customer service down. We need operating systems which are aligned to what our customers want and which do not waste energy negotiating the interfaces between different companies. We need boards which champion and challenge customer experience at a local level not spend their time on company bureaucracy and regulation. We need our people to follow a single vision and not waste effort making sense of a multiple identity.

Money is the fuel for realising our ambitions. We can save over £1 million every year by simplifying our legal and operational structure. This is equivalent to 10 new homes or 400 new kitchens every year, or 25 additional customer facing staff. We operate in a world of increasing risk especially as we seek to grow using less public money and as lenders take a much stricter approach to our obligations to them. Our current structures frustrate rather than enable growth and exacerbate risk. We have to devise tortuous inter-company arrangements to support growth in Fortunegate's and KHT's patches. We have a complex portfolio of loans which carry significant risk of covenant breach, much of which is avoidable with a simpler legal structure.

Growth is possible in the period ahead despite harsh funding conditions. Affordable homes and solutions for failing housing stock are needed. The organisations that will succeed in this environment are those which excel at customer service, which are financially robust, and which can find innovative solutions to intractable problems. However, they will also be the ones which recognise that there has been a decisive shift away from centralised decision-making and which can most effectively manage local relationships. A devolved structure is therefore crucial but our present one doesn't add as much value as it could. The Boards of subsidiary, regulated companies necessarily devote much of their time to company stuff. Agendas tend to be dominated by accounts, policies, regulatory requirements, and relatively little time is spent on the customer or on relationship management. We need instead Local Boards which are freed up from company administration and which can focus exclusively on customer service and on relationships with local authorities and other local stakeholders.

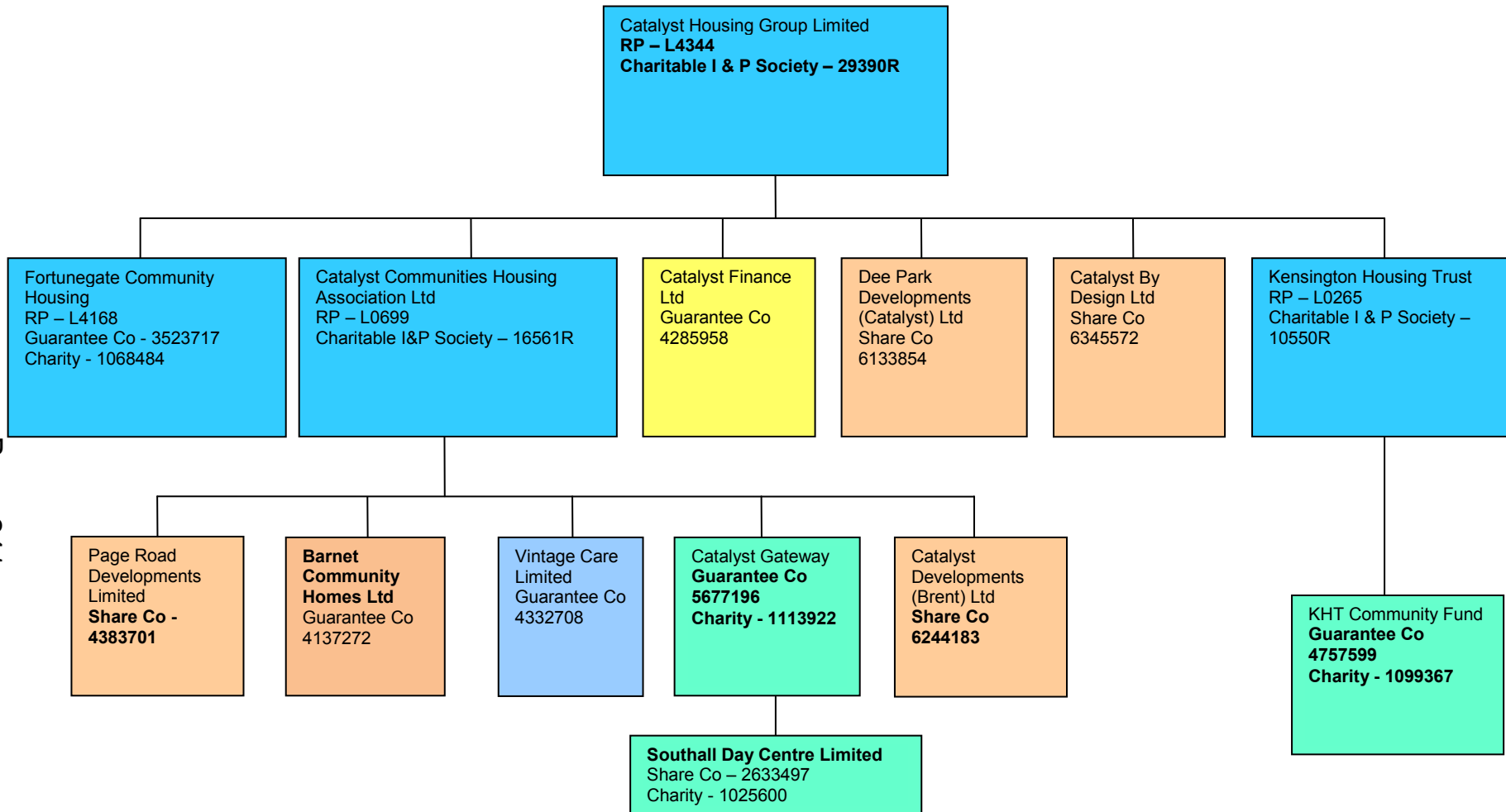
In summary, we believe that the new legal and governance structures will allow us to:

- Make residents the focus of everything we do;
- Empower residents to be at the heart of the business, scrutinising our operations and services;
- Improve internal and external communications – establishing a 'single voice' for the group;
- Speed up, informed and more consistent decision making; and
- Improve value for money in governance.

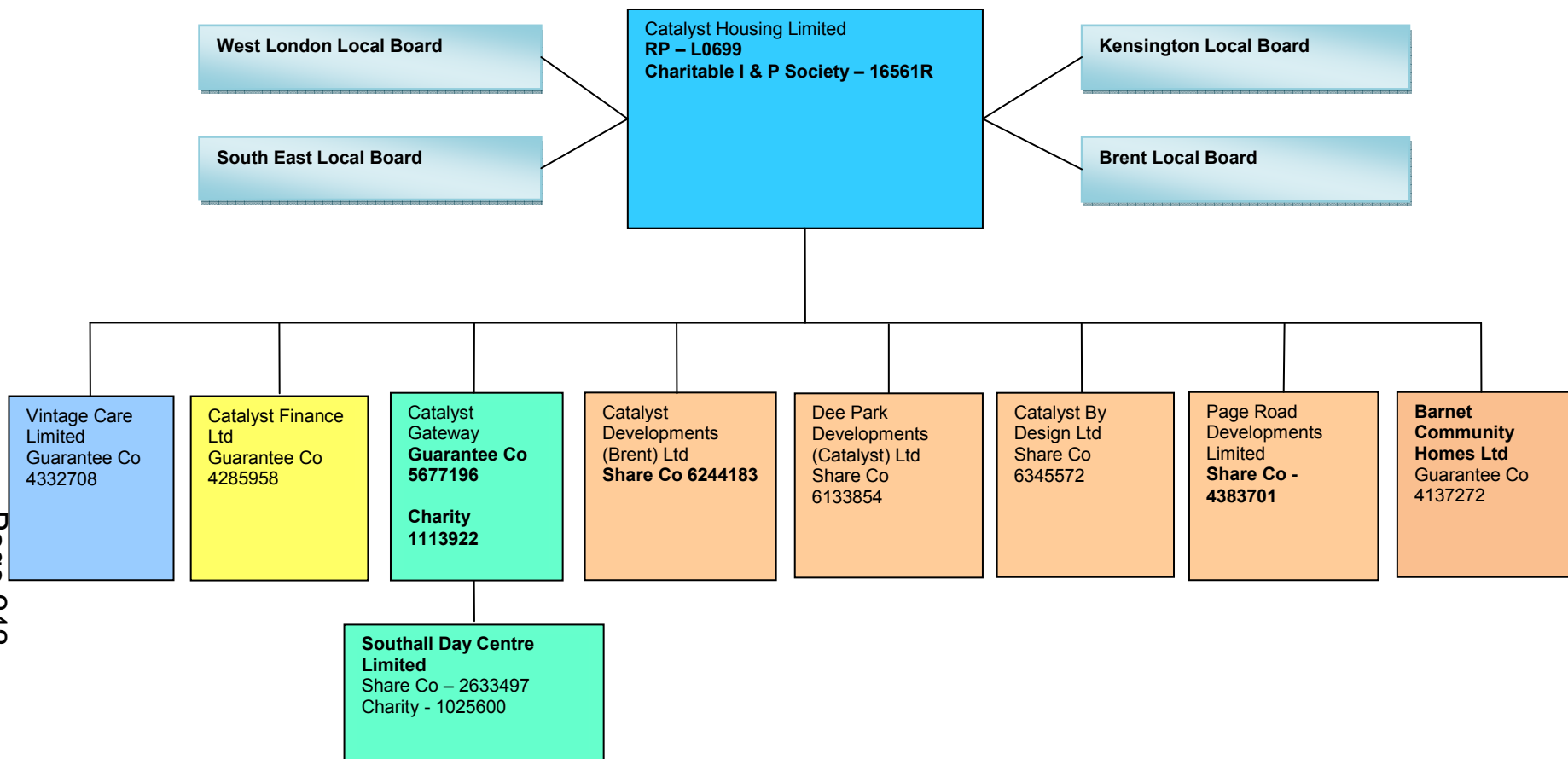
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## Appendix 2: Current Group structure chart



**Appendix 3: Proposed Group structure Chart**



#### Appendix 4: Analysis of responses to quantitative questions

		Good idea	No strong view	Not a good idea	Other	Total
1a. Local boards will make decisions about local service delivery. Up to half the places on these boards will reserved for residents.	CCHA London	331	52	9	6	398
	CCHA SE	62	7	3	2	74
	FCH	60	14		1	75
	KHT	56	9	5	4	74
	<b>Total</b>	<b>509</b>	<b>82</b>	<b>17</b>	<b>13</b>	<b>621</b>
2. A single customer services department will be responsible for all housing services and customer services	CCHA London	286	54	47	11	398
	CCHA SE	48	14	9	3	74
	FCH	56	10	8	1	75
	KHT	43	11	16	4	74
	<b>Total</b>	<b>433</b>	<b>89</b>	<b>80</b>	<b>19</b>	<b>621</b>
3. A designated neighbourhood manager will be responsible for all our residents and homes in a specific area	CCHA London	331	30	24	13	398
	CCHA SE	68	3	2	1	74
	FCH	58	10	6	1	75
	KHT	63	3	5	3	74
	<b>Total</b>	<b>520</b>	<b>46</b>	<b>37</b>	<b>18</b>	<b>621</b>
4. We will improve on how we deal with your queries on the telephone so we are able to answer 80% of your questions straightaway. We will also develop a new approach to customer services ...	CCHA London	369	20	2	7	398
	CCHA SE	69	3		2	74
	FCH	70	2	2	1	75
	KHT	69	2	1	2	74
	<b>Total</b>	<b>577</b>	<b>27</b>	<b>5</b>	<b>12</b>	<b>621</b>
5. We will join our housing associations together and make the four changes above. We expect that these changes will help us improve our services to you, and and free up resources for improving your homes and our services.	CCHA London	341	35	4	18	398
	CCHA SE	54	9	7	4	74
	FCH	58	12	2	3	75
	KHT	64	5	4	1	74
	<b>Total</b>	<b>517</b>	<b>61</b>	<b>17</b>	<b>26</b>	<b>621</b>

		Hybrid	Selection	Election	No strong view	Bad idea	Other	Total
1b. Local residents will elect their local board members from a pool of volunteers who meet the selection criteria for board member roles.	CCHA London	176	136	25	49		12	398
	CCHA SE	37	22	3	9		3	74
	FCH	34	21	5	13		2	75
	KHT	36	20	6	8	1	3	74
	<b>Total</b>	<b>283</b>	<b>199</b>	<b>39</b>	<b>79</b>	<b>1</b>	<b>20</b>	<b>621</b>

## **Appendix 5: Responses to qualitative questions (Fortunegate residents only)**

<b>1a. Local Boards will make decisions about local service development. Up to half the places on these boards will be reserved for residents</b>
I feel that resident representatives should be selected to represent cultural groups and religious groups
It is a good idea for residence to have a real say on the local service delivery
Progress and future challenges
There is need to consider the tenants' ability to contribute meaningfully during Lettings
When you put the Local board, I prefer to be art then on bold letters and chosen colours
Your detailed explanation on what local boards stand for have covered all the important points, consequently I cannot have more points to offer.
Car parking is a nightmare, you should remove half of the green area near the club make it a car park when there is events going on late way and that area in double parking
I believe a mixture is a good idea as residents who live in the area are able to give a personal view
I think you should consider the people that live locally
It is important to consider those who will be able to perform the job effectively
Let us know because I am interested to be in the board
Residents need to be heard and reflect on the services provided. The board need to be able to take all the concerns on board and produce a positive outcome which with address a association & and residents needs
Sounds Fair!
That all standards are maintained or increased
The Board's places reserved for residents must be done in a very transparent way. The residents must cover all areas.
The individuals capability to contribute meaning fully during board meetings - which go to pay he/she must be literate or meet certain criteria
The service they give in my area Fortunegate is very good and more attention if you have problem in the area and maintenance is more attention. And they give more support
Think about support service for the elderly tenants.
To think more of you community tenant/residents safety in their homes and surrounding area, to improve on community relaxing and support centre within the centre.
Yes, please let me know what will be happening, so I know where I stand.

<b>1b. Local residents will elect their local board members from a pool of volunteers who meet the selection criteria for board member roles</b>
As long as the "pool of volunteers" is a current one and not an existing list of names
Because people will just choose their friends without knowing any backgrounds
I don't know what is important to be recruiting local board members because he has to be relating to all the estate
Integrate the two. There will be a selection process of a group of people. Then to a separate board of residents to elect out of group
My comment is check very well any candidate. If he or she well, honest, be fore putting, in-position.
Since I'm a new resident member in this area, I can't say anything, but it is better for some people who knows each other for long time to choose their boards.
The selection criteria for Board member roles is very essential, in order to get the right set of people to carry out the board member roles. There will not be a case of round peg in a square hole
This is a right way forward - round pegs in round holes.
As long as there is no conflict of interest
Board members should be tenants or leaseholders or at least the majority
Brilliant way to empower residents to get involvement and care about where they live
For the recruitment I think you should choose those that stay close to the local office
Have a board with all ages

<b>1b. Local residents will elect their local board members from a pool of volunteers who meet the selection criteria for board member roles</b>
It is relevant to consider this or her educational background and possibly involvement in the community activities
It should be fair, and selection of local board members should be based on ability to perform the roles well without any self interest.
Local meaning residents of Fortunegate/Catalyst only!
The selected local board members must be from different resident areas. For example, we should avoid selecting Board members from 'one housing' communities.
There must be a local board member to represent the original council tenants before Catalyst housing took over Church end. Our rights need to be highlighted and implemented into your current and regular changes so that our needs are always met and are never overlooked, and to inform us how we can purchase our home.
To find the right one and one from each community
Yes, it would be important to consider members from each estate, which understands what's going on in their areas.

<b>2. A single customer services department will be responsible for all housing services and customer services</b>
Communications action positivity dedication
For the sake of thoroughness in the operation services department must be sectionalised according to speciality.
I think a single customer service is not a good idea, it should be more for all housing services
It is better things of services to be completed within a single customer service because scattered offices makes customers frustrated
Provided complaints as requests for repairs are handled promptly
A single customer services department will not be able to cope with the work load and decision making process
At present if there is a concern with a department there is no solution except write a letter with no satisfactory conclusion. There needs to be a head office to override and manage the individual departments practises especially the accounts department. The way the department show your rent payments is positively dishonest. Our rent needs to be claimed from your holding account before all statements are sent. If our rent officer is never available there must be an alternative to deal with unforeseen situations promptly
How will we get information on this
I think this would be a good idea as the service and information given will be the same
Somewhat like a call centre? Any queries, tenants or Residents have would be put through the call centre services and then directed to the allocated representatives!
This is encouraged based on the current financial trend of events but has to be well organised to accommodate promptness, effectiveness and satisfaction of tenants demand
Yes for the last 5 years I was single and have 2 kids and where I live more improve and service my place where I live now is very good condition and very clean area now.
you should get one big office where you do all your services and a head of that department

<b>3. A designated neighbourhood manager will be responsible for all our residents and homes in a specific area.</b>
Any time the manager wants to meet us should make pre-meeting contact
As a tenant I would rather deal with one manager than different ones this makes me feel more at ease
I think after rolling out the system you will come up with something more.
It will be consider to only some members of residents
Should be more than one person current neighbourhood manager has large workload + should have another person working alongside
Again this is supported to ensure that clients have some one to channel their demands or complaints to, as and when necessary
I don't think the manager should work at a specific area but he/she should work and be responsible for the residents and homes as a whole.

**3. A designated neighbourhood manager will be responsible for all our residents and homes in a specific area.**

I think that may be too much responsibility for one person, at least two managers.

If the areas allocated to the neighbourhood manager is a manageable amount of homes and that there are two managers one as a deputy to second all the decisions made by the manager and to confirm what the manager have agreed with the individual tenants in respect of their concerns.

Make sure the right person is chosen for the job

Manager to hold monthly surgeries on the estate

Providing that we as the residents/tenants actually get the help when needed, not to say we didn't before. But to be swift in dealing with help within our house/flat etc.

**4. We will improve on how we deal with your queries on the telephone so we are able to answer 80% of your questions straightaway. We will also develop a new approach to customer services which will mean that the customer services department will be open longer, including early mornings, evenings and weekends.**

A good idea for those who work different shifts that gives everyone time to solve their problems

Everything is perfect in advance, I have never fail or wait longer for anything I very happy including early morning and weekends, Well done.

It is better to see previous gathered information whenever you take the steps.

Yes it is a good idea

Priority may be given to people that are in full time employment at the proposed opening times.

Provided all calls are dealt with appropriately

Very good idea

What if too many queries at a time happens. It will bring more delay to simple straight matters

An 'online' customer service should be considered. We can have a custom-made 'online' form, which will be very specific.

Customer satisfaction is suppose to be the watch word - and if this development will deal with that squarely, fine again the waiting time on customers must be so limited not hanging on for so long and eventually not getting to anyone

Hope that these improvements are for the right reasons and the tenants and leaseholders will really benefit.

I hope you will open your telephone lines for people who wish to talk to you would be able to talk to you

It is important to ensure that staff are always present to answer telephone calls instead of voicemail

More lines should be open, because it takes too long to get through.

That would be so helpful and considerate to all. A very good idea

This probably will help more due to lot of waiting in the past, though it was never late in appointments.

This was supposed to be up and running already, we're still waiting for this service. 80% is still low as 20% of us will not be dealt with at all. In this case there is only 5 houses here and 1 of us will not be dealt with effectively. There need to be a 90% improvement to quality as providing a high quality service which matches the organisation that you are/

Yes a great way so working residents who work hours can contact Fortunegate at anytime rather than from work

Yes, dealing with queries on the telephone for us to have an answer straight away without us having to hold on to the line as it costs us a lot in telephone bills, and if the staff aren't able to answer queries straight away, they can call /e-mail the customers back

**5. We will join our housing associations together and make the four changes above. We expect that these changes will help us improve our services to you, and free up resources for improving your homes and our services.**

Give me a more chance than I can give my ideas

I think these improvements will be so useful for worker and the tenants. Also I think things will be more easier, rather than different departments here and there. I believe in one people one Heart!

5. We will join our housing associations together and make the four changes above. We expect that these changes will help us improve our services to you, and free up resources for improving your homes and our services.

It is good idea if you able to deal all those different places, because we have different councils and every area needs good feedback from you groups, house ever good lucky.

It will be only one side to others and it will be confusion of planning

This is based on the fact that promises are lived up to.

Call a tenant meeting

Dear Sir - Madam, when I join HA for the last 4 or more years I am very happy for your service in Fortunegate Association the service they give me is very very good service.

I don't believe by joining the housing associations you will improve the service

I'm not sure and worried about if the other housing services are not as good as ours how will the effect ours.

In these economic times I think that it makes sense to do this

Merging the above associations in one entity is good idea provided change will not lead to redundancy of staff for the sole industrial point of interest. The human faction and interest of the employees of the merging association should be taken into account.

Please consider how the progress of the joining of the different associations is effecting the tenants i.e. The housing officers/managers putting aside some contact time to communicate with their tenant, answer their messages and be more proactive in delivering the service you are planning to deliver.

Provided this arrangement realistically satisfies the need of both parties - the customer and service provider, and whichever resources result if their adequately reinvested in to ease the high demand of housing currently facing the country.

Take the Key successful feedback to become the best HA in the UK, Leading and changing the way people live.

The only thin is that more improvements in home furnishing, the basics of carpets, lino, cooker. More funding for furnishing household goods - just the basics.

The proposals are so lengthy and time consuming to read

6. If there is anything else about these proposals that you would like to comment on.

I always believe in changes for the better so please go ahead

I can see the improvements you have made you are on the right track with great success. All the best for the future

I do not have strong view. Thank you for letting me know

I wish all three groups happy join and honest work together.

My suggestion is to get a service delivery coach + deck it out with desks, computers of legal XXX can be used to visit areas that don't have an office also to train staff + residents, hire it out to other companies, it will pay for it self

Nothing more to add

Overall, the proposal is very good but it need deeply knowledge to contribute your ideas. So please give more time to give my ideas. My English is so poor. Please if it is possible I need interpreter.

Again just to reiterate that the services should be maintained or increased

Having mo0re young peoples services and apprenticeships for them to have less time to hang around, maybe having connexions drop in centre

I am very happy about these proposal, but I would like more information how can I buy my property? And If I will be able to buy my home? Please call me on Mon - Tue, 4pm - 5pm. Thank you

I don't want to say anything. Anyway they are doing a very good job + everything. That's all I can say

I would be grateful if you could do a mailing list and send this information by email. Will be less cost and saving for the environment plus more effective.

It is obvious that one thing that remains constant in life is "change" let us all hope that this one will be for the better and the expectation of both parties met/achieved.



6. If there is anything else about these proposals that you would like to comment on.

My experience with Fortunegate HA has been great! They offer me help and support in all my housing needs and even go beyond my expectations. I truly hope this is not lost with the merger but sustains it.

The proposal seems fair for now. If the future that matters. The need for attention within the community is very high even though it seem unnoticed.

There have been a few proposals and even if many disagree with any of them I always still go through. Even though we can survive through all your changes, we are powerless to really object.

These proposals should ensure that the right of tenants to buy their houses should be supported

## Appendix 6:

### Summary of Open Meetings with residents

Venue	Date	No. of attendees	GSR Forms Completed	General views on proposals:		
				One company	Selection/Election	Single Customer Services Dept
Windmill Park	12/01/2011	23	0	Agree	No clear preference	
Friary Park	13/01/2011	11	2	Agree	Selection	Agree
Melody Court *	17/01/2011	16	16	Agree	Selection	Agree
FCH - Unity Centre	17/01/2011	22	3	Agree	No clear preference	Agree but don't want service diluted
FCH - Unity Centre	17/01/2011	9	2	Agree	No clear preference	Agree but don't want service diluted
Auriol Drive	19/01/2011	10	8	Agree	Selection	Agree
Mabel Evetts Court	19/01/2011	23	18	Agree	Selection	No preference
Bensington Court	20/01/2011	11	9	Agree	Selection	Agree
THT	20/01/2011	8	7	Agree	Selection	Agree
Young Adults	25/01/2011	18	16	Agree	Selection	Agree
Wood Court	26/01/2011	22	16	No clear preference		
THT	26/01/2011	0	0	N/A	N/A	N/A
The Clockhouse	26/01/2011	18	12	Agree	No clear preference	Agree
Peter Lyell Court	27/01/2011	23	15	Agree	Selection	Uncertain
Global Cafe, Reading	27/01/2011	15	10	Agree	No clear preference	Agree

**Total 196 100**

#### Notes:

\* This was a scheme meeting to which Katerina (RI Officer) was invited to give info about setting up a new Residents' Association. Katerina also took the opportunity to brief residents about the GSR and 16 of them stayed behind after the meeting to complete the forms

Most of the residents at the focus groups were in favour of selection on the proviso that residents were allowed to be part of the selection process and that residents were given full information/ training on what is expected of them (e.g. a role description) as a Board member.

## Appendix 7:

### Questions raised at Fortunegate's meetings

<b>QUESTIONS @ 1.30pm meeting</b>	<b>COMMENTS</b>
With the proposal of less staff and less offices, how will this impact on the quality of services provided to the residents?	A better and more efficient & cost effective service is proposed
How do you plan to go about selecting the Local Board members following the merger?	Residents are required to register their interest
Does the change mean that only one department will manage the Customer Services needs of all the current companies within the group?	Yes
We are concerned that after the merger the staff answering the phones when we call will not know the residents by name, address and their personal circumstances.	Adequate training will be provided to provide an overall better service
We are concerned that if the changes are taking place for reasons such as extending the phone service to 8pm that very few tenants really want an extended phone service to 8pm.	We will work hard to meet all resident needs and requirements
If FCH are recognised as the best in the Group for customer service, why would we want to merge with KHT, for example, that does not have a good reputation for customer service.	An overall better & more efficient service is proposed across the Group
There is still an underlying issue, albeit historic, relating to Asset Management and consultation/resident involvement relating to proposed changes and reciprocal maintenance.	Lessons have been learnt from these historic issues and plan to better going forward
How does FCH propose more younger people in the community will be encouraged to get involved in the Local Boards and being elected	All residents will be encouraged to be involved
Is there a program to replace the trees that have been cut down over the last 30 years in order to redevelop the area?	All requests and concerns will be noted
<b>QUESTIONS @ 6.30pm meeting</b>	<b>Comments</b>
How are we going to get the person who answers the phones after the merger to know the individual patches? Will new IT systems be installed to cope with the changes?	Training will be given to all CS staff in order to provide an efficient service
Is this meeting in aid hearing our views and will this change anything we have been told to date?	Yes
What is the percentage of views heard in the meetings that will be taken on Board? e.g for voting purposes!	This is not a voting panel but a consultation to hear all views raised
ASB continues to be a main concern for all residents. There are many causes and effects so how is FCH continuing to deal with these problems?	Dealing with ASB is a high priority for the Group
What is the length of the term for residents serving on the Local Boards	3 years

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## Appendix 8

### Initial Equality Impact Assessment (EIA)

(Please refer to the guidance notes as required in order to complete this form)

<b>1. STEP 1 – Scoping &amp; Preparation</b>	<i>Complete this side</i>
1.1. Date of EIA:	07/03/2011
1.2. Name of policy or function to be assessed:	Group Structure Review
1.3. Name of Manager responsible for EIA:	Kevin Nichols (Corporate Projects Manager)
1.4. Names of any other relevant individuals or groups involved in this assessment:	Mark Lordon (Head of Business Systems)
1.5. Name of Bus. Improvement Team member sponsor:	Neil Topping
1.6. Is this a new or existing policy/function/service?	This is a restructure that affects multiple services and functions.
1.7. Describe the aims, objectives and purpose of the service, policy or function (include how it fits in to wider aims or the Catalyst 2012 vision – the 3 pillars).	The Group Structure Review aims to restructure the group to improve our Customer Service, Growth and Profitability. At a high level; Customer Services will be improved by the creation of a new Customer Services Directorate, Profitability will be improved by a £1 million saving per annum from reduced costs, Growth is not expected to be directly affected except through anticipated increased revenue and reduced costs. For more information please refer to Resident Impact Assessment of the Group Structure Review.
1.8. Are there any associated objectives of the policy or function (i.e. setting a standard of good practice, improving consumer confidence in the service)?	The Group Structure Review is expected to impact almost all existing policies.
1.9. Who's needs is it designed to meet and how?	This is designed to meet our residents' needs. They will benefit from longer opening hours and a better service.

1.10. What are the intended outcomes of this policy/function?	To ensure Catalyst Housing is fit for purpose and achieves its strategic objectives..		
2. STEP 2 – Information gathering	Complete this side		
2.1. What baseline quantitative data do you have on different groups? Including: <ul style="list-style-type: none"><li>- Census &amp; demographic data</li><li>- National and local statistics</li></ul>	Extensive benchmarking has been undertaken of various organisations to inform this review. This information informed best practice for our Customer Service Centre to resolve 80% of calls right first time.		
2.2. What qualitative data do you have on different groups? Including: <ul style="list-style-type: none"><li>- Knowledge &amp; expertise of staff</li><li>- Outcome of consultation exercises(Resident involvement)</li><li>- Customer feedback including complaints and customer satisfaction survey reports</li><li>- Workforce monitoring, staff surveys &amp; opinions</li><li>- service or contract monitoring reports (such as Board reports)</li></ul>	620 residents provided feedback during the formal consultation process and 83% of these residents responded favourably to the proposals.  This was gathered through a variety of methods so that all residents were contacted and given the opportunity to input into the proposals. The Board were extensively involved in the process and were the key decision makers and multiple Board reports can evidence this.		
2.3. identify the potential impact on each of the Protected Characteristics by considering the following questions (the list is not exhaustive but an indication of the sort of questions which should be considered as part of the EIA): <ul style="list-style-type: none"><li>- might some groups find it harder to access the service than others? Do some groups have particular needs that are not well met by the current arrangements of the service, policy, procedure or function?</li><li>- what evidence do you have for your judgement such as monitoring data, information from consultation/research/feedback (e.g. if you know 20% of our residents are disabled, but only 1% are accessing the service being EIA'd, this is a strong indication they have difficulty accessing the service)</li><li>- Have staff, residents or other stakeholders raised concerns or complaints?</li><li>- Is there local or national research to suggest there could be a problem?</li></ul>			
2.4.	Adverse impact identified?	Positive Impact Identified?	Comments/evidence relate to the prompt questions above under 2.3
Protected Characteristics	Yes/No	Yes/No	
Age	No	Yes	The re-structure will be beneficial for all customers regardless of their Protected Characteristics.
Disability	No	Yes	The re-structure will be beneficial for all customers regardless of their Protected Characteristics.
Gender re-assignment	No	Yes	The re-structure will be beneficial for all customers

			regardless of their Protected Characteristics.
Marriage and Civil partnerships	No	Yes	The re-structure will be beneficial for all customers regardless of their Protected Characteristics.
Pregnancy and maternity	No	Yes	The re-structure will be beneficial for all customers regardless of their Protected Characteristics.
Race (including ethnicity & language considerations)	No	Yes	The re-structure will be beneficial for all customers regardless of their Protected Characteristics.
Religion or belief	No	Yes	The re-structure will be beneficial for all customers regardless of their Protected Characteristics.
Sex	No	Yes	The re-structure will be beneficial for all customers regardless of their Protected Characteristics.
Sexual Orientation	No	Yes	The re-structure will be beneficial for all customers regardless of their Protected Characteristics.
Step 2 continued		Complete this side	
2.5. Does the service, policy, procedure or function promote equality of opportunity? This can be linked to staff training and company ethos		Yes	
2.6. If 'adverse impact' identified in table on page 2 is it? - legal (i.e. not discriminatory) yes/no - what is the level of impact? High/low If high impact then refer EIA to Business Improvement Team for agreement & to timetable full EIA)		There are no adverse impacts identified.	
3. STEP 3 – Action Planning & Review		Complete this side	
3.1. Although there are no adverse or negative actions identified, we can improve our service delivery to all residents by enhancing our customer profiling information. This will mean that we can tailor our services to residents more closely using to maximise the benefit of the new company structure.			

Action	Positive outcome	Target Date	Action owner	Resources required?	Progress update
<i>example: translate ASB leaflet into 5 main languages &amp; issue at sign up</i>	<i>ASB understood by non-English speaking community from outset – about tnt responsibility &amp; what action we will take. Improve community cohesion/access to services</i>	<i>By February 2010</i>	<i>Hannah Weight</i>	<i>£75 per language = £675. Print costs x 100 of each leaflet = £400</i>	<i>25/11/09- leaflet with company – due back 10/12/09 to print.</i>
Improve customer profiling information	This will increase resident satisfaction by ensuring that we tailor our services more closely in line with Protected and other characteristics.	Ongoing Task	Director of Customer Services	No additional resources are required. The collection and analysis of the information is expected to be within current and future staffing capacity.	Detailed in the Customer Engagement Management Strategy
3.2. Review EIA or new EIA ( <i>date due or timeframe e.g. within 18 months</i> )		Not required			
3.3. Name of completing officer:		Neil Topping			
3.4. Job Title:		Continuous Improvement Officer			
3.5. Date of completion of Initial EIA:		07/03/2011			
3.6. Name (and signature) of Manager:		Kevin Nichols			





## **Appendix 9**

# **Resident Impact Assessment of the Group Structure Review**

### **Key themes**

- I. Changes following the Group Structure Review
- II. Consultation with residents
- III. How residents' views impacted upon the proposals
- IV. What is the impact of the GSR on residents

### **I. Changes following the Group Structure Review**

1. Customer Service Provision
2. Resident Involvement resources
3. Board composition and Governance Structure
4. Income Recovery
5. Local office visiting arrangements
6. Re-defined Neighbourhood Manager Role
  - Areas that are not changed

#### **1) Customer Service Provision**

There are currently four customer service centres that are becoming two Regional Customer Service Centres. These two new Customer Service Centres will operate longer hours and on Saturday mornings.

#### **2) Resident involvement resources**

The new structure will lead to the creation of new Resident Involvement posts that are expected to increase resident involvement. The increased resident involvement capacity will enable Catalyst Housing to specifically target hard to reach groups for their involvement in service delivery. The creation of a new Board Support Officer will ensure that the Local Boards can operate with reduced bureaucracy and function more efficiently for residents.

#### **3) Board/ Governance**

### **More Resident Board Members**

Changes to the governance structure will lead to more resident Board Members. Existing board structures, containing residents, were involved in the proposals and have agreed. Local Boards will have a greater capacity for performance monitoring and will be better able to tailor services to all residents.

## **Local Board recruitment**

Residents were given the option of election or selection for residents to become Board Members. Residents have decided that their preference is a selection process of a pool of volunteers that meet the criteria.

### **4) Income Recovery**

There are significant changes to the existing benefit system, and a more specialist focus is needed in this area. Income Management will be centralised and the role will be taken away from the Neighbourhood Manager (NM). The new Income Recovery Team will be able to identify problems early and provide better support for our residents to pay rent. The improved rent recovery will lead to a reduction in non-collected rent that can be used to benefit all customers.

### **5) Local Office visiting arrangements**

Our local offices are changing from a 9-5 drop-in service to an appointment based system.

### **6) Re-defined Neighbourhood Managers Role**

This will encourage NMs to be responsible for all residents on their estates. The larger patches would normally create increased difficulties, but by reducing the amount of administration duties then this will mean NMs are on site more and can more easily communicate with residents.

#### **- Areas that are not changed**

Maintenance arrangements, Business Development and Marketing, and Business Systems Department.

## **II. Consultation with Residents**

Prior to commencement, we sought the views of the TSA, the Group Residents' Federation and the Board Steering Group.

### **Method Statement-**

In January 2010 the Board took the decision to restructure the company. Residents were consulted and involved in the process in May/June 2010 to develop optional approaches to restructuring the company. The Board selected the current proposal in July 2010.

Residents were formally consulted over the period 13/12/10 to 31/01/11 via-

- An Entire Resident Population Survey. The survey consisted of formal, individually addressed letters to each tenant and leaseholder. Contents included Question and Answer sheet, leaflet, response sheet and prepaid envelopes.
- Meeting with existing resident groups.
- Posting materials to our website.
- Set up a consultation e-mail mailbox for replies.
- Put up posters and comments boxes in offices.
- Held 15 consultation events with residents (including those in sheltered accommodation etc) in local and accessible locations. Residents informed through an individual letter approximately two weeks before and a door knocking exercise of neighbourhood properties commencing two to three days prior to the events. All events were held in Disability

Discrimination Act (DDA) 1995 compliant locations. All events were held on non-religiously sensitive days and locations where possible.

Translations and other formats were produced on request.

Fifteen events were held and in total, 196 residents attended. A total of 620 residents responded to this consultation approach. For more specific details on the responses please refer to Appendix A.

### **III. How residents' view impacted upon the proposals**

We developed our proposals between May and June 2010 with our residents. Our residents identified that they wanted such as longer opening times, specific Neighbourhood Managers to areas, and the Customer Service Centre to achieve 80% right first time contact were identified.

The method that we used to consult has enabled our residents show whether they support or do not support our proposals. Appendix A shows that there is wide-spread support throughout the Group for all the changes that we want to make.

Residents were given the choice between electing or selecting Local Board Members. They have chosen selection, so we will honour their decision and use this method.

### **IV. What is the impact of the GSR on residents?**

#### **Gender +**

There is no indication of any specific impact on residents with these Protected Characteristics from the restructure. All residents are expected to receive the benefits of the changes regardless of Protected Characteristics. Overall there will be a positive impact.

#### **Age +**

There is no indication of any specific impact on residents with these Protected Characteristics from the restructure. All residents are expected to receive the benefits of the changes regardless of Protected Characteristics. Overall there will be a positive impact.

#### **Race +**

There is no indication of any specific impact on residents with these Protected Characteristics from the restructure. All residents are expected to receive the benefits of the changes regardless of Protected Characteristics. Overall there will be a positive impact.

#### **Sexual Orientation +**

There is no indication of any specific impact on residents with these Protected Characteristics from the restructure. All residents are expected to receive the benefits of the changes regardless of Protected Characteristics. Overall there will be a positive impact.

#### **Disability +**

All consultation events were held in DDA compliant locations. Plain English communication was used where possible. A legal letter needed to be sent to all residents and was not in Plain English. To ensure that our residents could understand the letter we also sent a brochure in Plain English explaining the letter and the proposals. All residents are expected to receive the benefits of the changes regardless of the Protected Characteristics. Overall there will be a positive impact.

#### **Religion or belief +**

There is no indication of any specific impact on residents with these Protected Characteristics from the restructure. All residents are expected to receive the benefits of the changes regardless of Protected Characteristics. Overall there will be a positive impact.

#### **Gender Reassignment +**

There is no indication of any specific impact on residents with these Protected Characteristics from the restructure. All residents are expected to receive the benefits of the changes regardless of Protected Characteristics. Overall there will be a positive impact.

#### **Pregnancy and Maternity Leave +**

There is no indication of any specific impact on residents with these Protected Characteristics from the restructure. All residents are expected to receive the benefits of the changes regardless of Protected Characteristics. Overall there will be a positive impact.

#### **Marriage and civil partnerships +**

There is no indication of any specific impact on residents with these Protected Characteristics from the restructure. All residents are expected to receive the benefits of the changes regardless of Protected Characteristics. Overall there will be a positive impact.

## Appendix A - Resident consultation: summary of responses

More than 620 residents took part in the resident consultation regarding our restructure, which ran from 15 December 2010 – 31 January 2011. Overall, 83% of those who fed in their views are in favour of our restructure proposals. More specifically:

- 82% are in favour of establishing local boards
- 46% feel that local board members should be elected from a pool of volunteers who meet the criteria (32% preferred selection through interviews)
- 70% are in favour of establishing a single customer services department
- 84% are in favour of rolling out the neighbourhood management system to all areas, and providing greater admin support for neighbourhood managers
- 93% are in favour of the customer services department being open for longer and aiming to deal with 80% of queries immediately

Below is the summary of responses to each proposal, for each member company.

**Our proposal:** Local boards will make decisions about local service delivery. Up to half the places on these boards will reserved for residents.

***Resident response:***

- CCHA London: 83% in favour
- CCHA South East: 84% in favour
- FCH: 80% in favour
- KHT: 76% in favour

**Key issues:** Resident board members should reflect a broad spectrum of residents and must have the right skills for the role

**Our proposal:** Local residents will elect their local board members from a pool of volunteers who meet the selection criteria for board member roles.

***Resident response:***

- CCHA London: 44% in favour (34% prefer selection by interview)
- CCHA South East: 50% in favour (30% prefer selection by interview)
- FCH: 45% in favour (28% prefer selection by interview)
- KHT: 49% in favour (27% prefer selection by interview)

**Key issues:** Very little support for full, open election. Opinion is divided between a purely selective process (as for non-resident Board members) and a mixed approach where residents will elect resident board members from a pool of candidates who meet the selection criteria. More residents favour the mixed approach.

**Our proposal:** A single customer services department will be responsible for all housing services and customer services

**Resident response:**

- CCHA London: 67% in favour
- CCHA South East: 65% in favour
- FCH: 75% in favour
- KHT: 58% in favour

**Key issues:** Residents broadly support this – but only as long as the department has enough trained staff to provide the service they need. Some concern that the service could become less personal. In general residents are less concerned with structure than with quality of service.

**Our proposal:** A designated neighbourhood manager will be responsible for all our residents and homes in a specific area.

**Resident response:**

- CCHA London: 83% in favour
- CCHA South East: 92% in favour
- FCH: 77% in favour
- KHT: 85% in favour

**Key issues:** It is important that there are enough NMs and that patch sizes are manageable, so that NMs are able to spend more time out and about in the communities they serve. It is important to know who your NM is, and for there is a deputy/alternate contact to provide cover in a NM's absence.

**Our proposal:** We will improve on how we deal with your queries on the telephone so we are able to answer 80% of your questions straightaway. We will also be open for longer, including early mornings, evenings and weekends.

**Resident response:**

- CCHA London: 93% in favour
- CCHA South East: 93% in favour
- FCH: 93% in favour
- KHT: 93% in favour


**Key issues:** Very strong support for longer opening hours and for queries being resolved quickly without being passed around. Some current frustration when residents are not able to reach someone who can help them, and when we don't take action/follow up.

**Overall proposal: We will join our housing associations together + make the four changes above.**

**Resident response:**

CCHA London: 86% in favour  
CCHA South East: 73% in favour  
FCH: 77% in favour  
KHT: 86% in favour

**Key issues:** Residents are broadly supportive of what we are proposing, as long as the changes will lead to tangible service improvements

	<p style="text-align: center;"><b>Executive</b> <b>11 April 2011</b></p> <p style="text-align: center;"><b>Report from the Director of Strategy, Partnerships and Improvement</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p><b>Fuel Poverty and Health Task Group – Final Report</b></p>	

## 1.0 Summary

- 1.1 This report sets out the findings and recommendations of the Fuel Poverty and Health Task Group that are being presented to the Executive for approval. The report has been considered and endorsed by the Health Partnerships Overview and Scrutiny Committee.

## 2.0 Recommendations

- 2.1 The Executive is recommended to approve the Fuel Poverty and Health Task Group's recommendations.

## 3.0 Details

- 3.1 The Fuel Poverty and Health Task Group was established to look at the effect that fuel poverty has on peoples' health in Brent. It has been demonstrated in various research projects that fuel poverty and its consequences can have a major impact on physical and mental health and well being. There are also specific factors in Brent that led to the selection of this topic, such as the high proportion of housing in the private rented sector (where the proportion of households in fuel poverty is highest), the relative deprivation of the borough, particularly income deprivation and the general health inequalities that exist in Brent
- 3.2 This work was part of a wider scrutiny project in North West London that considered the relationship between housing and health inequalities. Funding was provided by the Centre for Public Scrutiny to support this work, and Brent's report will be used in a tool kit to assist other councils carrying out

housing and health inequalities scrutiny reviews. The other boroughs taking part in this work, and their work areas were:

- Health and the Built Environment – Hounslow and Hammersmith and Fulham
- Fuel Poverty/Energy Efficiency – Brent and Ealing
- Overcrowding – Kensington and Chelsea and Westminster
- Overcrowding and its impact on children's educational – Hillingdon

3.3 In order to carry out their review the Fuel Poverty and Health Task Group:

- Carried out a review of literature and discussions with housing and health providers on the links between fuel poverty and health;
- Reviewed the means (i.e. grants and income maximisation advice) currently available to both residents and landlords to promote energy efficiency and reduce fuel poverty, of the various agencies involved, and what the take up of these services are;
- Reviewed fuel poverty and affordable warmth strategies currently in place and best practice examples;
- Discussed fuel poverty and health with local energy agencies;
- Held discussions with housing departments and providers on the actions used to promote energy efficiency in social and council housing, and how private sector households in fuel poverty are targeted and reached;
- Discussed with GPs and local health service providers referrals to advice on fuel poverty and affordable warmth. They also considered hospital admissions data for illnesses connected to cold homes and fuel poverty, including the costs to the health service of these admissions;
- Consulted with residents by carrying out a survey to learn more about the effects of fuel poverty on peoples' health and wellbeing.

3.4 The members of the task group were:

- Councillor Janice Long (chair)
- Councillor Margaret McLennan
- Councillor Wilhelmina Mitchell-Murray
- Councillor Claudia Hector
- Councillor Reg Colwill
- Councillor Michael Adeyeye

3.5 The key learning points from the review were:

- There is much work happening in Brent to tackle fuel poverty. Brent is fortunate to have a local charity, Energy Solutions that works on fuel poverty issues in our borough and brings its expertise to this issue.
- Commitment from the health service in Brent to tackle fuel poverty is mixed. There are some very committed individuals who are working



extremely hard to give the issue a higher profile. But the local NHS does not regard fuel poverty as a corporate priority.

- As with many issues, especially in the current financial climate, fuel poverty cannot be the responsibility of one organisation – it has to be tackled in a collaborative way by the council, NHS, voluntary sector and private sector. The role of the energy firms could be increasingly important as grant funding to tackle fuel poverty (such as Warm Zones) is being cut. Energy firms will be expected to step in and provide funding for carbon reduction and energy efficiency measures in the home, which will help to alleviate fuel poverty.
- Income maximisation is key to addressing fuel poverty. Fuel poverty is another facet of general poverty. The importance of giving people (especially the elderly and vulnerable) the means to afford to heat their home cannot be overstated. If people are entitled to benefits but they are not claiming them they need to be given the assistance to do this.

3.6 The task group believes that the key challenges to address fuel poverty are:

- Replacing the funding for fuel poverty mitigation work, as Warm Zone funding has been significantly reduced following the Comprehensive Spending Review. Will funding be replaced by energy companies, and will it be available for fuel poverty mitigation or to reduce carbon emissions from households, as the two are different?
- Ensuring that frontline staff are aware of fuel poverty and any referral network put in place to help signpost people to advice and guidance where needed.
- Getting organisational buy-in to fuel poverty as an issue to ensure support for initiatives to address it from the council, NHS, voluntary and private sector companies in Brent.

3.7 The task group has developed 13 recommendations that it hopes can be approved by the Executive. The members of the task group are of the view that these recommendations can make a positive contribution to addressing fuel poverty in Brent. The recommendations are:

**Recommendation 1** – The task group recommends that Energy Solutions and Brent Council's Voluntary Sector Team work with advice providers in Brent to develop a consistent and co-ordinated fuel debt advice service in Brent.

**Recommendation 2** – The task group recommends that Brent Council's Housing Policy Team works with Energy Solutions and local RSLs to help broker an agreement for Energy Solutions to be compensated for providing fuel debt advice for housing association tenants in Brent.

**Recommendation 3** – Recommendation 3 – The task group recommends that officers in the council's Environmental Projects and Policy Team work

with Energy Solutions to monitor the emerging funding and policy environment in relation to fuel poverty, so that Brent is able to respond to new funding opportunities if they become available post April 2012.

**Recommendation 4** – The task group recommends that the council does not arrange for installation of pre-payment energy meters in its properties or properties used for temporary accommodation and instead refers the tenants and residents that request this service to Energy Solutions for advice on energy efficiency and fuel debt.

**Recommendation 5** – The task group recommends that officers in the council's Environmental Projects and Policy Team works with officers from NHS Brent and North West London NHS Hospitals Trust to resurrect the planned fuel poverty and health campaign and implement this in Brent.

**Recommendation 6** – The task group recommends that the council continues to require landlords to provide properties with at least a D rating under the Energy Performance Certificate system before it is used for temporary accommodation or housing for people placed by the council. This standard should be enforced even if pressure on private sector properties increases as a result of changes to housing benefit rules, and if the council needs to use properties outside of Brent to place people.

**Recommendation 7** – The task group recommends that Brent Private Tenants Rights Group presents the findings from its mystery shopping of landlords to the appropriate overview and scrutiny committee to see if the council should be taking additional action as a result of this work.

**Recommendation 8** – The task group recommends that NHS Brent and GPs work to include a question on fuel poverty in their screening of over 75s, to help track the extent of the problem and to refer them to appropriate advice. This could be done on a trial basis and if successful rolled out across the borough.

**Recommendation 9** – The task group recommends that staff from NHS Brent and North West London NHS Hospitals Trust work with Energy Solutions, supported by the council, to develop an appropriate referral pathway for patients who are suspected of being in fuel poverty. The referral pathway should involve as wide a range of organisations as possible and could build on the Hot Spots scheme that already exists in Brent. Energy Solutions should be appropriately funded by the NHS for facilitating a referral network.

**Recommendation 10** – The task group recommends that North West London NHS Hospitals Trust investigates the possibility of running fuel poverty advice sessions with Energy Solutions at their respiratory clinics. Energy Solutions should be funded to carry out this work.

**Recommendation 11** – The task group recommends that Brent Council, with partners, develop an affordable warmth strategy for Brent to enable the borough to develop a coherent and focussed plan to tackle fuel poverty within existing resources.

**Recommendation 12** – The task group recommends that Brent Council considers the feasibility of undertaking a stock condition survey in order to produce a more accurate picture of fuel poverty in the borough and a basis from which to chart measures put in place to tackle it.

**Recommendation 13** – The task group recommends that Brent's Local Strategic Partnership hosts a fuel poverty event to begin to address the wider issues outlined in this report and to promote the partnership approach involving the council, NHS and voluntary sector to bring more people out of fuel poverty.

#### **4.0 Financial Implications and Service Area Response**

- 4.1 Responses to each of the recommendations have been received from the relevant service areas, and these are included as an appendix to this report.
- 4.2 There are cost implications to a number of the recommendations, which are outlined in the service area responses. The Executive should be aware that recommendation 12 in particular has a significant cost implication (a standard stock condition survey would cost in the region of £50,000) which may prohibit implementation at this stage, although an alternative proposal is suggested by the Housing and Community Care Department. The Policy Teams in Housing and Community Care and Environment and Neighbourhood Services are responsible for a number of the recommendations and have indicated that they can be taken forward within existing resources.
- 4.3 Recommendation 6 relates to the energy performance rating of properties used by the council to place people in temporary accommodation. It is a symptom of the changes that will be introduced around housing benefit that we can't guarantee that all temporary accommodation used in the future will be at least a D rating under the Energy Performance Certificate system.
- 4.4 Some of the recommendations relate specifically to the NHS and voluntary sector in Brent. Assuming these are endorsed by the Executive, the Health Partnerships Overview and Scrutiny Committee will follow these up in six months time to check on their implementation.

#### **5.0 Legal Implications**

- 5.1 There are no legal implications with the report as there is no legislation or government advice to follow in relation to fuel poverty. However it is within our power to fulfil the tasks set out in the recommendations by virtue of section 111 of the Local Government Act 1972 and section 2 of the Local Government Act 2000.

#### **6.0 Diversity Implications**

- 6.1 None

#### **7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 None

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Phil Newby  
Director of Strategy, Partnerships and Improvement

## Fuel Poverty and Health Task Group – Recommendations and Service Area Response

Recommendation	Service Area Comments	Officer Responsible
<p><b>Recommendation 1</b> – The task group recommends that Energy Solutions and Brent Council's Voluntary Sector Team work with advice providers in Brent to develop a consistent and co-ordinated fuel debt advice service in Brent.</p>	<p><b>Beverleigh Forbes - Contracts Manager, Service Development and Commissioning, Housing and Community Care -</b></p> <p>In 2010 the council awarded Energy Solutions £59,125 from the Main Programme Grant over 3 years to deliver face to face fuel debt, fuel poverty and advice to specific communities in Brent. The advice sessions are delivered to people living in Stonebridge, South Kilburn and Church End. Referrals are received from various community groups dealing with vulnerable people living in these priorities areas. This funding will expire in 2013.</p> <p><b>Matt Sheen, Energy Solutions –</b></p> <p>In April 2011 Energy Solutions is due to launch 'Final Demand' its comprehensive fuel debt advice service.</p> <p>Final Demand is a specialised service that covers all aspects of fuel debt and fuel poverty.</p> <p>It will be offered to RSLs, Energy Suppliers, Local Authorities and other organisations that have a vested interest in reducing fuel poverty and fuel debt. It will be provided on a commissioned basis with individual organisations being charge for a pre arranged level of service delivery.</p> <p>Please contact Matthew Sheen at Energy Solutions for more details of this service.</p>	<p>Linda Martin, Head of Service Development and Commissioning and Matt Sheen, Energy Solutions</p>
<p><b>Recommendation 2</b> – The task group recommends that Brent Council's Housing Policy Team works with Energy Solutions and local RSLs to help broker an agreement for Energy Solutions to be compensated for providing fuel debt advice for housing association tenants in Brent.</p>	<p><b>Matt Sheen, Energy Solutions –</b></p> <p>See Recommendation 1 – Final Demand will be available on a commissioned basis to all RSLs.</p> <p><b>Tony Hirsch, Housing and Community Care -</b></p> <p>Policy Team will ensure that the scheme is promoted through regular meetings with RSLs. Work on this can start immediately, although at this stage it is difficult to gauge the likely attitude of RSLs given the financial</p>	<p>Tony Hirsch, Head of Policy and Performance, Housing and Community Care and Matt Sheen, Energy Solutions</p>

	pressures all organisations are facing.	
<b>Recommendation 3</b> – The task group recommends that officers in the council's Environmental Projects and Policy Team work with Energy Solutions to monitor the emerging funding and policy environment in relation to fuel poverty, so that Brent is able to respond to new funding opportunities if they become available post April 2012.	<p><b>Jeff Bartley –</b></p> <p>Energy Solutions will be asked to undertake this work as part of its 2011/12 Service Level Agreement with the Council.</p> <p><b>Matt Sheen, Energy Solutions –</b></p> <p>Energy Solutions supports this recommendation.</p>	Jeff Bartley, Environmental Projects and Policy Manager and Matt Sheen, Energy Solutions
<b>Recommendation 4</b> – The task group recommends that the council does not arrange for installation of pre-payment energy meters in its properties or properties used for temporary accommodation and instead refers the tenants and residents that request this service to Energy Solutions for advice on energy efficiency and fuel debt.	<p><b>Matt Sheen, Energy Solutions –</b></p> <p>Energy Solutions supports this recommendation.</p> <p>In practice many tenants will request pre-payment meters directly from the energy supplier. As a result the council will often be unaware of the installation of these types of meters. We recommend making prospective tenants aware of our advice services prior to moving in so as to further reduce the number of pre-payment meter installs.</p> <p><b>Tony Hirsch, Housing and Community Care -</b></p> <p>H&amp;CC will instruct our providers to this effect.</p>	Perry Singh, Assistant Director, Housing Needs/Private Sector Housing
<b>Recommendation 5</b> – The task group recommends that officers in the council's Environmental Projects and Policy Team works with officers from NHS Brent and North West London NHS Hospitals Trust to resurrect the planned fuel poverty and health campaign and implement this in Brent.	<p><b>Jeff Bartley –</b></p> <p>A meeting has been arranged on 31st March 2011 with John Palmer of Northwick Park hospital in order to discuss the way forward.</p> <p><b>Matt Sheen, Energy Solutions –</b></p> <p>Energy Solutions supports this initiative particularly in relation to patients being discharged from hospital back into to housing conditions with a poor level of thermal comfort.</p>	Jeff Bartley, Environmental Projects and Policy Manager, John Palmer, Sustainability Manager, North West London Hospitals NHS Trust and Simon Bowen, NHS Brent
<b>Recommendation 6</b> – The task group recommends that the council continues to require landlords to provide properties with at least a D rating under the Energy Performance Certificate system before it is used for temporary accommodation or housing for people placed by the council.	<p><b>Matt Sheen, Energy Solutions –</b></p> <p>Energy Solutions supports this as the very minimum requirement.</p> <p>Opportunities exist, (e.g. grants, CERT funding, tax relief etc) for landlords to improve the energy efficiency and thermal comfort of their properties. There is poor uptake of these initiatives in the private</p>	Perry Singh, Assistant Director, Housing Needs/Private Sector Housing

<p>This standard should be enforced even if pressure on private sector properties increases as a result of changes to housing benefit rules, and if the council needs to use properties outside of Brent to place people.</p>	<p>rented sector. This in part can be attributed to a lack of awareness by landlords of what is available either directly to themselves or through their tenants. With the advent of the government's Green Deal programme an additional cost effective mechanism will exist for improving the energy efficiency of properties.</p> <p>We recommend that a system be developed that ensures all landlords have at the very minimum gone through a formal process of being made aware of and investigating the opportunities that exist to them for improving their properties.</p> <p><b>Tony Hirsch, Housing and Community Care -</b></p> <p>All current temporary accommodation meets this standard. However, the scope of the changes to the Housing Benefit system are such that there is very real uncertainty that the Council will be able to meet its statutory obligations to accommodate homeless families in coming years. In this context it may not be prudent to place a further constraint on procurement activities. We will take all reasonable steps to comply with this recommendation, but cannot provide an absolute guarantee in all instances that we will be able to meet this standard.</p>	
<p><b>Recommendation 7</b> – The task group recommends that Brent Private Tenants Rights Group presents the findings from its mystery shopping of landlords to the appropriate overview and scrutiny committee to see if the council should be taking additional action as a result of this work.</p>		<p>Jacky Peacock, Brent Private Tenants Rights Group</p>
<p><b>Recommendation 8</b> – The task group recommends that NHS Brent and GPs work to include a question on fuel poverty in their screening of over 75s, to help track the extent of the problem and to refer them to appropriate advice. This could be done on a trial basis and if successful rolled out across the borough.</p>	<p><b>Matt Sheen, Energy Solutions –</b></p> <p>Energy Solutions supports this recommendation however we would like to be consulted on the format of the question/s.</p> <p>Energy Solutions has a great deal of experiencing assessing fuel poverty in the over 75s and understands the types and format of questions that need to be asked to enable an accurate needs assessment to be made.</p>	<p>Jo Ohlson / GP Commissioners, NHS Brent</p>
<p><b>Recommendation 9</b> – The task group recommends that staff</p>	<p><b>Matt Sheen, Energy Solutions –</b></p>	<p>Jo Ohlson, NHS Brent, John</p>

from NHS Brent and North West London NHS Hospitals Trust work with Energy Solutions, supported by the council, to develop an appropriate referral pathway for patients who are suspected of being in fuel poverty. The referral pathway should involve as wide a range of organisations as possible and could build on the Hot Spots scheme that already exists in Brent. Energy Solutions should be appropriately funded by the NHS for facilitating a referral network.	<p>Energy Solutions supports this recommendation and would advise building on the existing framework.</p> <p>North West London NHS Hospitals Trust has set up an exploratory meeting with Energy Solutions to take this recommendation forward.</p>	Palmer, North West London Hospitals NHS Trust and Matt Sheen, Energy Solutions
<b>Recommendation 10</b> – The task group recommends that North West London NHS Hospitals Trust investigates the possibility of running fuel poverty advice sessions with Energy Solutions at their respiratory clinics. Energy Solutions should be funded to carry out this work.	<p><b>Matt Sheen, Energy Solutions –</b></p> <p>Energy Solutions supports this recommendation and would be happy to provide such a service.</p> <p>See Recommendation 1 – Final Demand</p>	John Palmer, North West London Hospitals NHS Trust
<b>Recommendation 11</b> – The task group recommends that Brent Council, with partners, develop an affordable warmth strategy for Brent to enable the borough to develop a coherent and focussed plan to tackle fuel poverty within existing resources.	<p><b>Jeff Bartley –</b></p> <p>A meeting is to be arranged between Tony Hirsch and Jeff Bartley to consider this recommendation.</p> <p><b>Tony Hirsch, Housing and Community Care -</b></p> <p>The existing Fuel Poverty Strategy is out of date and should be replaced.</p> <p><b>Matt Sheen, Energy Solutions –</b></p> <p>Energy Solutions in partnership with Brent developed the borough's previous fuel poverty strategy in 2004. We have been advocating the need for an updated strategy and could assist Brent in developing one.</p>	Tony Hirsch, Head of Policy and Performance, Housing and Community Care and Jeff Bartley, Environmental Projects and Policy Manager
<b>Recommendation 12</b> – The task group recommends that Brent Council considers the feasibility of undertaking a stock condition survey in order to produce a more accurate picture of fuel poverty in the borough and a basis from which to chart measures put in place to tackle it.	<p><b>Matt Sheen, Energy Solutions –</b></p> <p>Energy Solutions supports this recommendation and would welcome the opportunity to put forward a proposal to achieve this.</p> <p><b>Tony Hirsch, Housing and Community Care -</b></p> <p>The principal difficulty here is with cost. An updated survey would be desirable for a</p>	Tony Hirsch, Head of Policy and Performance, Housing and Community Care



	number of reasons, not only connected with fuel poverty, but is likely to cost in the region of £50,000 for a standard survey. It is suggested that other avenues might be explored to assess whether existing data can provide a reliable proxy for a survey so that the cost of alternatives can be compared.	
<b>Recommendation 13</b> – The task group recommends that Brent's Local Strategic Partnership hosts a fuel poverty event to begin to address the wider issues outlined in this report and to promote the partnership approach involving the council, NHS and voluntary sector to bring more people out of fuel poverty.	<b>Joanna McCormick -</b>  The LSP Advisory Leads Group will look at the best way to deliver a fuel poverty event this year.	Joanna McCormick, Partnerships Coordinator

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