



## Executive

**Monday, 13 June 2011 at 7.00 pm**

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

### Membership:

#### Lead Member Councillors:

#### Portfolio

John (Chair)	Leader/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 and Public Safety
Crane	Lead Member for Regeneration and Major Projects
Jones	Lead Member for Customers and Citizens
Long	Lead Member for Housing
J Moher	Lead Member for Highways and Transportation
R Moher	Lead Member for Adults and Health
Powney	Lead Member for Environment and Neighbourhoods

**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
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<b>1</b>	<b>Declarations of personal and prejudicial interests</b>	
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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</b>	<b>Minutes of the previous meeting</b>	1 - 10
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<b>3</b>	<b>Matters arising (if any)</b>	
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<b>4</b>	<b>Petitions</b>	
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The following petitions have been received:

1) **“Stop the Navratri Grant cuts proposed by the Council”**  
*(approximately 281 signatures from people who live, work or study in Brent)*

2) **Save the St Patrick’s Day Parade**

“We the undersigned sign this petition to ask that Brent Council continue to fund and support the traditional celebrations of St Patrick’s Day in Willesden Green for the benefit of the whole community.”  
*(approximately 110 signatures from people who live, work or study in Brent)*

3) **Save Navratri Petition**

“We oppose Brent Council cutting funding for the Navratri Celebrations and call for it to be restored.”

Joint report from the Directors of Citizens and Customer Engagement and Environment and Neighbourhood Services  
*(approximately 5,000 signatures from people who live, work or study in Brent)*

Joint report from the Directors of Citizens and Customer Engagement and Environment and Neighbourhood Services relates (item 12)

<b>5</b>	<b>Deputations (if any)</b>	
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**Housing and Community Care reports**

## 6 Day opportunities strategy review - mental health

11 - 24

In January 2011 the Executive agreed to consult with service users, carers and stakeholders on the proposed transformation of the directly-provided adult social care day services for Mental Health, also known as Community Networks. This proposal was framed within the Day Opportunities Strategy which had been refreshed to include people suffering with severe and enduring mental health problems. The consultation process is now complete and this report sets out the results of the consultation, the options for transformation and a recommended course of action.

*Appendices circulated separately*

**Ward Affected:** All Wards;  
**Lead Member:** Councillor R Moher  
**Contact Officer:** Alison Elliott, Adult Social Care  
Tel: 020 8937 4230 alison.elliott@brent.gov.uk

### Regeneration and Major Projects reports

#### 7 Authority to award construction contract - Albert Road Resource Centre - John Billam Playing Fields, Woodcock Hill, Kenton 25 - 50

This report seeks Executive approval to award the main works contract for the construction of new facilities for Adult Day Care at the John Billam Playing Fields site.

*Appendices also below*

**Ward Affected:** All Wards;  
**Lead Member:** Councillor Crane  
**Contact Officer:** Richard Barrett, Property and Asset Management  
Tel: 020 8937 1334 richard.barrett@brent.gov.uk

#### 8 58 A&B Palermo Road NW10 5YP - disposal of freehold to BHP at open market value as part of the Settled Homes Initiative 51 - 60

This report seeks the Executive's approval to dispose of 58 Palermo Road NW10 comprising upper and lower self contained flats at open market value to Brent Housing Partnership pursuant to the Settled Homes Programme.

**Ward Affected:** Kensal Green;  
**Lead Member:** Councillor Crane  
**Contact Officer:** Louis Eden, Property and Asset Management  
Tel: 020 8937 1325 louis.eden@brent.gov.uk

#### 9 51 Kilburn High Road NW6 - disposal of freehold 61 - 70

This report seeks the Executive's approval for the open market disposal at auction of the freehold of 51 High Road Kilburn NW6 5SB, which

comprises three dilapidated and vacant residential upper units known as flats A, B and C and the ground floor shop premises which is sold on long lease, following confirmation from the Chief Executive of Brent Housing Partnership that these residential units are beyond economic repair. The residential units are surplus to the Council's operational requirements and sale at auction will ensure the best price is achieved for Brent's freehold interest.

**Ward Affected:** Kilburn;  
**Lead Member:** Councillor Crane  
**Contact Officer:** James Young, Property and Asset Management  
Tel: 020 8937 1398 james.young@brent.gov.uk

**10 Award of contract for procurement and management of temporary accommodation 71 - 82**

This report details the process of the competitive tendering for the Procurement and Management of Temporary Accommodation (Private Managed Accommodation), and makes a recommendation as to award pursuant to Contract Standing Order 88.

*Appendices also below*

**Ward Affected:** All Wards;  
**Lead Member:** Councillor Crane  
**Contact Officer:** Perry Singh, Housing Needs/Private Sector  
Tel: 020 8937 2332 perry.singh@brent.gov.uk

## Central Reports

**11 Rising to the challenges: re-shaping Brent Council to deliver the new Administration's priorities - further structural proposals 83 - 88**

This report describes those changes implemented through the Chief Executive's delegated powers, seeks the Executive's agreement to staffing changes requiring its approval and identifies work underway to create new delivery models in response to further key changes in the evolving public sector landscape that are likely to require further structural changes.

**Ward Affected:** All Wards;  
**Lead Member:** Councillor John  
**Contact Officer:** Gareth Daniel, Chief Executive  
Tel: 020 8937 1007 gareth.daniel@brent.gov.uk

**12 Arts and Festivals Strategy consultation 89 - 100**

This report outlines:

- the overarching draft Arts and Festivals Strategy (Appendix 1) for the council which has been developed following the recent consultation.

- options for the council's delivery of an Arts and Festivals Programme for the borough within the current financial constraints. This report takes into consideration feedback from the council's recent consultation (Appendix 2a and 2b) on the council's Arts and Festivals offer as well as feedback and monitoring gathered over a number of years (Appendix 3) and London Boroughs events comparison (Appendix 4).

*Appendices circulated separately*

**Ward Affected:** All Wards;  
**Lead Member:** Councillors Jones and Powney  
**Contact Officer:** Cheryl Curling,  
 Communications Team, Sue McKenzie, Arts,  
 Libraries and Heritage  
 Tel: 020 8937 1063, Tel: 020 8937 3144  
 cheryl.curling@brent.gov.uk,  
 sue.mckenzie@brent.gov.uk

### 13 Contract for pensions administration

101 -  
116

This report seeks approval to award a call-off contract from a framework agreement being let by the London Borough of Hammersmith and Fulham ("LBHF") for the provision of pension administration services. This report details the procedure followed by LBHF in association with Officers from Brent Council in procuring a single supplier framework agreement and recommends to whom the resulting call-off contract under the framework agreement should be awarded.

*Appendices also below*

**Ward Affected:** All Wards;  
**Lead Member:** Councillor Butt  
**Contact Officer:** Andrew Gray, Pensions Team  
 Tel: 020 8937 3900 andrew.gray@brent.gov.uk

### 14 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.

### 15 Reference of item considered by Call in Overview and Scrutiny Committee (if any)

### 16 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:

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

**APPENDICES:**

- Authority to award construction contract - Albert Road Resource Centre - John Billam Playing Fields, Woodcock Hill, Kenton
- Award of contract for procurement and management of temporary accommodation
- Contract for pensions administration

***Reports above refer***

**Date of the next meeting:            Monday, 18 July 2011**



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



## LONDON BOROUGH OF BRENT

### MINUTES OF THE EXECUTIVE Monday, 23 May 2011 at 7.00 pm

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

APOLOGIES: Councillor Crane

ALSO PRESENT: Councillors Cheese, Gladbaum, Harrison, Lorber, Naheerathan and HB Patel

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

None.

#### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 1 April 2011 be approved as an accurate record of the meeting subject to:

the inclusion of Councillors Colwill and Hashmi in the list of members present and, in the item on 'Petitions and Deputations – Libraries', ward councillors being referred to as follow Councillors Lorber (Sudbury), Colwill and Kansagra (Kenton).

#### 3. **Matters arising**

None.

#### 4. **Deputation - restructuring short break residential provision in Brent for children with disabilities**

Mr Lee addressed the meeting on behalf of parents/guardians of children attending the Crawford Avenue centre in Wembley and spoke against the proposals to restructure short break provision for children with disabilities by ceasing to provide a service from Crawford Avenue centre and instead delivering a service for these children and those with physical disabilities from the Clement Close centre in Willesden. This would be an interim measure until the opening of a new respite centre at The Village School, NW9. He was concerned that the proposals were driven by the need to save money and referred the recent investment in the Crawford Avenue centre which had resulted in a high standard of facilities including a sensory room and garden. Clement Close, in contrast, would need £50,000 for improvement works and was already used by 60 families including children from other boroughs. Children in Brent currently using both

facilities would have reduced levels of access. Mr Lee suggested that the funding for Crawford Avenue centre should be ring-fenced and the centre not closed until the new respite facility at The Village School was available.

Councillor John acknowledged receipt of the written contributions from the staff and parents circulated prior to the meeting and assured that their views would be taken into account.

## 5. **Order of business**

The Executive agreed to take early in the meeting those items for which members of the public were present.

## 6. **Restructuring short break residential provision in Brent for children with disabilities**

The report from the Director of Children and Families proposed a restructure of the residential short break services currently provided at Crawford Avenue and Clement Close units based in Wembley and Willesden respectively. The proposals were in line with the longer term strategy for reducing residential provision and increasing more flexible options for families for short breaks which were community based. Earlier in the meeting, members heard from Mr Lee speaking against the proposals on behalf of parents and carers at the Crawford Avenue centre.

Councillor Arnold (Lead Member, Children and Families) introduced the report. Following a review it was being recommended to reconfigure the current arrangements and to provide services from one base in keeping with the council's Aiming High Joint Commissioning Strategy and national initiatives to promote take up of direct payments and increase community based provision. Councillor Arnold advised that Crawford Avenue centre was leased from the charity Barnardos while Clement Close was council owned. Both units required maintenance work, in particular the lack of lift facilities at Crawford Avenue had been the subject of criticism in an Ofsted report. State-of-the-art respite facilities would be available at The Village School due to open in 2012. . Government spending review had reduced available levels of funding however the council was still trying to retain the option of offering residential breaks within the borough, which was not the case in all local authorities. The eligibility criteria remained unchanged. It is likely that all available places at Clement Close will be used and so any emergency provision would have to be out of borough. The Director of Children and Families advised that the estimated costs for works to Clement Close had reduced by almost half to £27,000.

Councillor Gladbaum (Chair, Children and Families Overview and Scrutiny Committee), having visited both centres, raised a number of questions relating to how the decision was taken to close a centre and why was Clement Close the centre chosen for closure, what would happen to the adapted furniture at Crawford Avenue, the financial implications and location of alternative provision outside Brent and timescales for building works at The Village School. The Director of Children and Families responded stating that the council was trying to ensure that the facilities were suitable for all children and to withdraw from the council owned Clement Close premises would not yield the same level of financial savings. Moving to alternative forms of provision had not been straightforward however direct payments were being promoted and there had been some successes. The Director felt that it was likely provision for emergency placements



would need to be sought outside the borough. This is common practice in many local authorities. On the building programme for The Village School, members were advised that the school was due to open in September 2013 however the respite centre was due to be available earlier, towards the end of 2012. She confirmed that it was hoped that some of the furniture could be transferred to Clement Close, put in storage for use at The Village School or used by Barnardos.

In response to a question on government grant funding from Councillor Jones (Lead Member, Customers and Citizens), Councillor Arnold advised that the government had provided early intervention grant but there had been a funding reduction of £4m leaving local authorities to prioritise needs. She assured that no child would be left without some form of respite.

At the end of the discussion, and with the consent of the Executive, Alun Davies (deputy manager, Crawford Avenue centre) advised that the funding to be spent at the Clement Close centre was primarily for health and safety works and that this centre provided for children with many types of disability. On the number of hours offered to families on an annual basis for overnight stays, Mr Davies stated that this was in excess of the 472 referred to in the report as this did not account for holidays. Additionally, emergency care was very costly, 1,200 hours having already been provided as at May 2011.

Councillor John thanked the parents, carers and staff for attending the meeting.

RESOLVED:

- (i) that short breaks for children with disabilities cease to be provided at 24 Crawford Avenue short break unit from 1 October 2011;
- (ii) that staffing arrangements be restructured at Clement Close and Crawford Avenue in order to deliver an effective service at Clement Close to meet the full range of children's needs.

## **7. Update on the implementation of the Libraries Transformation Project**

The report from the Director of Environment and Neighbourhood Services updated members on the implementation of the Libraries Transformation project approved at the meeting of the Executive on 11 April 2011. The decisions were called in for scrutiny by the Call in Overview and Scrutiny Committee on 27 April 2011 and the report responded to the scrutiny committee's recommendation that the existing libraries or suitable alternative local premises be available for young people throughout the 2011 exam period.

Councillor Lorber (Leader of the Opposition) addressed the Executive and referred to the discussion at the meeting of the Call in Overview and Scrutiny Committee. He put that the report before members did not fully address concerns as the 2011 exam period did not end in July but only after students had received their results and had had the opportunity to retake and improve grades where necessary. He sought clarification on the number of students expected to re-sit exams and expressed the view that after the closure of six libraries the remaining facilities would be insufficient.

Councillor Powney (Lead Member, Environment and Neighbourhoods) in response stated that he had attended a Youth Parliament meeting as part of the consultation

process. He put that all concerns were being addressed and felt that Councillor Lorber's concerns were misplaced.

RESOLVED:

that the report be noted.

## 8. **Waste Strategy**

Councillor Powney (Lead Member, Environment and Neighbourhoods) introduced the report which provided an update on procurement matters in relation to the Council's proposals to implement the new Household Waste Collection Strategy (2010), in particular the provision of new waste collection vehicles and the supply and distribution of various household waste containers. Councillor Powney also drew attention to the use of the Chief Executive's delegated powers to vary and award the contract given the contract deadlines and increasing prices.

RESOLVED:

- (i) that the revised means of acquiring 12 waste collection vehicles, by way of hire instead of purchase, to be implemented by way of a variation to the main waste contract with Veolia, be noted;
- (ii) that the outcome of the procurement process for the supply and distribution of various household waste containers be noted;
- (iii) that the use (on the basis of 'urgency') of the Chief Executive's delegated powers to authorise the variation and award of contract described in paragraph (i) and (ii) be noted.

## 9. **Authority to award the contract for the provision of a managed service for the supply of staff services for Brent Transport Services (BTS)**

The report from the Director of Environment and Neighbourhood Services sought authority in accordance with Contract Standing Orders 88 to award a contract for the provision of a managed service for the supply of personnel for Brent Transport Services. The report summarised the tender process undertaken by officers and following evaluations of tenders, recommended the tenderer that should be awarded the contract. Councillor Powney (Lead Member, Environment and Neighbourhoods) in introducing the report referred to the agency worker directive which was to be enforced later in the year and the expected increase in operational costs.

The Executive also had before it an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Paragraph 3 of Schedule 12A to the Local Government Act 1972, namely:

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

RESOLVED:-

- (i) that approval be given to the award of the contract to Drake International for an initial period of three years with an option to extend for a further one year, with an estimated contract value over the four year period of £7.6 million;
- (ii) that the BTS staff requirement be delivered through the contract described in paragraph (i) above, a departure from the standard council procedure for the procurement of temporary staff.

10. **Authority to invite tenders for a framework agreement for the provision of cleaning services to Brent schools**

The report from the Director of Children and Families concerned the procurement of a framework agreement for cleaning services for schools and sought authority to invite tenders for a Cleaning Framework Agreement to commence on 2 January 2012 as required by Contract Standing Orders 88 and 89.

Councillor Arnold (Lead Member, Children and Families) stated that the proposals were the outcome of a value for money workshop and the adoption of a strategic approach to collaboration between schools resulting in potential annual savings of £50,000. She hoped it would be the start of further joint procurement.

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 and their evaluation in accordance with the approved evaluation criteria referred to in paragraph (i) above.

11. **Authority to award a contract for the delivery of services at Stonebridge Adventure Playground and Special Educational Needs Afterschool Clubs in Brent**

Councillor Arnold (Lead Member, Children and Families) introduced the report which requested authority to award a contract for the delivery of services at Stonebridge Adventure Playground and SEN Afterschool Clubs (including Manor School, The Village School and Middlesex House) in Brent to Brent Play Association on the basis that there were good operational and financial reasons for doing so. She reminded the Executive that the contract was needed so as to comply with the terms of previously awarded lottery funding for the project.

RESOLVED:-

that approval be given to a contract for the delivery of services at Stonebridge Adventure Playground and SEN Afterschool Clubs in Brent to Brent Play Association for the period 1 June 2011 to 31 March 2012, such award being exempted from the normal requirements of Brent's Contract Standing Orders in accordance with Contract Standing Order 84 (a) on the basis that there were good financial and operational reasons as set out in paragraph 3.7 of the report from the Director of Children and Families.

12. **Authority to award a support and maintenance contract**

The report from the Director of Housing and Community Care requested authority to award a support and maintenance contract in respect of "frameworki", the Council's Adult and Children Social Care Case Management IT System and sought approval not to invite tenders in accordance with Contract Standing Order 86 (e)(i). Councillor R Moher (Lead Member, Adults and Health) advised that the original contract, having been awarded to Corelogic had now expired. Options had been explored and it had been concluded to remain with the current provider as staff were already trained and new functions were in the process of being added to the system. Additionally, Corelogic owned the intellectual property rights and were unwilling to give third party access rights to the software.

The Executive also had before it an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Paragraph 3 of Schedule 12A to the Local Government Act 1972, namely:

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

RESOLVED:-

- (i) that approval be given to award a support and maintenance contract in respect of frameworki to Corelogic Ltd for a term of five year with an optional two year extension from 1 June 2011;
- (ii) that approval be given to tenders not being invited in accordance with Contract Standing Order 86 (e) (i) for the reasons detailed in paragraph 3.7 of the report from the Director of Housing and Community Care.

**13. The East Lodge, Paddington Cemetery, 93 Willesden Lane**

The report from the Director of Regeneration and Major Projects sought approval for the disposal at auction of the East Lodge located in the Paddington Cemetery, 93 Willesden Lane London NW6 7SD. The property had now become surplus to requirements after the previous occupier, an employee of the Environmental Health Unit vacated the property in February 2011. The Director advised that the property would be sold at auction as a Grade II listed building for residential use and drew attention to the terms of a covenant which required that half of the net profit from sale had to be paid to Westminster City Council.

RESOLVED:-

- (i) that the Assistant Director, Regeneration and Major Projects, (Property and Asset Management), be authorised to dispose of the property by way of auction on such terms that he considers appropriate, after all due regard to planning and architectural considerations, so as to ensure that the best price was received on sale and to instruct Legal Services in the matter of the disposal;
- (ii) that the Assistant Director, Regeneration and Major Projects, (Property and Asset Management) be authorised to commence and comply with the procedure, as set out in Section 123(2A) of the Local Government Act 1972 (LGA 1972), of the council's intention to dispose of the public open space comprising the East Lodge and the land within its curtilage.

#### 14. **Proposed Park Royal Partnership Business Improvement District**

The report from the Director of Regeneration and Major Projects informed members of Park Royal Partnership's intention to ballot eligible businesses within the Park Royal industrial estate for the establishment of a Business Improvement District (BID) anticipated to take place on 30 June 2011. The report included background information about the BID, the progress Park Royal Partnership has made to date and outlined the implications for the council. The Director referred to the benefits for businesses should the ballot be successful in terms of the environment, networking, training and being able to attract more government funding into the area.

RESOLVED:

- (i) that it be noted that an 'industrial' Business Improvement District (BID) was being proposed in the Park Royal area across three boroughs: Brent, Ealing and Hammersmith and Fulham;
- (ii) that authority be delegated to the Director of Regeneration and Major Projects, in consultation with the Director of Finance and Corporate Services, to decide whether to approve the Park Royal Partnership BID proposals and business plan such that a ballot will be held;
- (iii) that it be noted that Park Royal Partnership has asked the three councils to run BID ballots on 30 June 2011 and that the cost of running the ballot to be funded by the three Local Authorities, was estimated to be less than £3,000 in total;
- (iv) that it be noted that the three ballots would be run by Ealing and that the council's Returning Officer proposed to appoint Ealing to undertake the ballot on behalf of the council;
- (v) that authority to veto be delegated to the Director of Regeneration and Major Projects, in consultation with the Director of Finance and Corporate Services in respect of the ballot including the authority to exercise such power should those officers consider such action appropriate;
- (vi) that the Head of Revenue and Benefits be authorised to establish and administer the BID revenue account and to provide for the introduction, administration, recovery and application of the BID levy in accordance with the BID Regulations in the event that the Park Royal BID successfully proceeds at ballot;
- (vii) that authority be delegated to the Director of Regeneration and Major Projects in consultation with the Director of Finance and Corporate Services to complete any necessary legal agreements and other arrangements required for the operation of the BID Levy, BID ballot and service arrangements including the Baseline and Operating Agreements with the newly formed BID company should the ballot be successful in June.

#### 15. **Development of SEN Provision at Hay Lane and Grove Park Sites -The Village School including award of Design and Build contract**

The Director of Regeneration and Major Projects Council introduced his report which summarised the process to procure a Design and Build contractor for the temporary accommodation at The Village School, NW9. The Director advised that work on the temporary accommodation had commenced earlier in the day. The Director's report also summarised the procurement process undertaken by the council to procure a Design and Build contractor for the main works contract and requested authority to award the contract for the appointment of a Design and Build contractor for this scheme. He was pleased to report that the contract sum was within the estimated project costs.

The Executive also had before it appendices to the report which were not for publication as they contained the following category of exempt information as specified in Paragraph 3 of Schedule 12A to the Local Government Act 1972, namely:

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

RESOLVED:-

that the Design and Build Contract for the main works for The Village School be awarded to JB Leadbitter and Co Ltd, trading as Leadbitters, in the sum of £18,856,721.00.

16. **Authority to award contract for supply of energy (Gas and Electricity) to the council**

The report from the Director of Corporate Services related to the procurement of both gas and electricity across the council and requested approval to award two call-off contracts under flexible energy procurement frameworks operated by Kent County Council in accordance with Contract Standing Orders 88. Councillor Butt (Lead Member, Resources) confirmed that schools could join the framework if they so wished.

RESOLVED:-

that, subject to the formal award of the Laser Framework and the Director of Legal and Procurement subsequently confirming that participation in the Laser Framework was legally permissible:

- (i) authority be delegated to the Director of Finance and Corporate Services to award a call-off contract from the Laser Framework for the Supply of Gas via flexible procurement to Total Gas and Power Limited and Kent County Council for four years from 1 October 2012;
- (ii) authority be delegated to the Director of Finance and Corporate Services to award a call-off contract from the Laser Framework for the Supply of Electricity via flexible procurement to NPower Limited and Kent County Council for 4 years from 1 October 2012.

17. **Applications for Discretionary Rate Relief**

The Council has the discretion to award rate relief to charities or non-profit making bodies. It also has the discretion to remit an individual National Non-Domestic Rate (NNDR) liability in whole or in part on the grounds of hardship. The report from the

Director of Finance and Corporate Services included applications received for discretionary rate relief since the Executive last considered such applications in February 2011 and the Lead Member, Councillor Butt, advised that many were from new organisations working with the council.

RESOLVED:

that approval be given to the discretionary rate relief applications in Appendices 2 and 3 of the report from the Director of Finance and Corporate Services.

**18. Any Other Urgent Business - appointments to committees**

RESOLVED:

(i) that the following appointments to the Highways Committee be noted:

<b>Member</b>	<b>Alternates</b>
Beswick	John
Long	Arnold
Jones	R Moher
J Moher (C)	Butt
Powney (VC)	Crane

(ii) that approval be given to the following appointments:

London Councils Grants Committee (Associated Joint Committee)

<b>Member</b>	<b>Alternates</b>
John	Jones
	Butt
	Al-Ebadi

**19. Reference of item considered by Call in Overview and Scrutiny Committee - 27 April 2011**

RESOLVED:

that the recommendations from the Call in Overview and Scrutiny Committee, as considered earlier in the meeting with the report from the Director of Environment and Neighbourhood Services, be noted.

The meeting ended at 7.50 pm

A JOHN  
Chair

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**Executive  
13 June 2011**

## **Report from the Director of Housing and Community Care**

Wards Affected:  
**ALL**

### **Day Opportunities Strategy Review – Mental Health**

#### **1.0 Summary**

- 1.1 In January 2011 the Executive agreed to consult with service users, carers and stakeholders on the proposed transformation of the directly-provided adult social care day services for Mental Health, also known as Community Networks. This proposal was framed within the Day Opportunities Strategy which had been refreshed to include people suffering with severe and enduring mental health problems.
- 1.2 The consultation process is now complete and this report sets out the results of the consultation, the options for transformation and a recommended course of action.
- 1.3 The consultation process was carried out over three months – February, March and April. Separate service user, carer and staff meetings were held in a variety of venues including the Community Network bases. In total, there were 8 consultation meetings. A summary of the consultation process and outcomes is attached in Appendix A.
- 1.4 The responses across all client groups were broadly understanding of the principles underpinning the strategy: personalisation and a greater focus on community activities. However, users and carers also wanted to retain the consistency of a building base service. The main concerns raised were focused on the degree of change proposed for the Community Networks service.
- 1.5 Service user concerns were wide ranging. For example, they:
- Do not want to lose the day centres as meeting places, where they have friends
  - Do not want to lose the relationship they have with their key workers
  - Feel vulnerable in the community.
  - Are worried they will be isolated at home

## 1.6 Carers concerns focused on the following areas:

- That changes are driven by the need to save money rather than improvements to the service
- The capacity of two workers, as per proposal, to meet needs of service users
- That many service users will need support to manage their direct payments
- The need for a percentage of service users to have a base to go to as they are too vulnerable to access resources in the wider community
- The need for a culturally sensitive service

## 1.7 The other factors that will inform the Executive's decision on the refreshed Day Opportunities Strategy's proposal were also discussed at each of the consultation meetings. The key factors that were highlighted in consultation meetings were:

- National policy (which has a clear focus on personalisation, promoting service user choice and control to increase independence and lead to a more fulfilling life)
- Experience in other parts of the UK (where a focus on personalisation and community based activity have led to greater independence for service users and improved financial sustainability)
- The current financial context and the potential impact of the Comprehensive Spending Review on the council's budgets

## 2.0 Recommendations

2.1 The Executive agrees the refreshed Day Opportunities Strategy attached in Appendix B.

2.2 The Executive agrees implementation of Option 4: Replace the current service with four community development workers, working in partnership with Southside Partnership. Provide a single base as a meeting place, with limited sessional provision of day services by the Community Development Workers. This will result in the closure of Kingsbury Manor and the Design Works (administrative base) and the relocation of a reduced service to Kingsbury Resource Centre.

## 3.0 Day Opportunities Strategy

3.1 The refreshed Day Opportunities Strategy reflects national policy, focused on the need to develop more personalised services for adults in order to promote independence and help people to lead fulfilling lives, and the work that has already been done locally as part of the Adult Social Care Transformation programme. It also reflects the One Council Improvement and Efficiency Strategy, which stresses the need to develop innovative services with local people to deliver improved outcomes in a cost effective way given the current financial pressures on the council.

3.2 The strategy outlines proposals for the future design of day opportunities across all client groups in adult social care. The principles underpinning the strategy are:

- a move away from services delivered in buildings to a large number of people at the same time and towards the delivery of personalised services

- service users will be supported to access services provided within the community – leisure, employment, faith, learning and social activities - to enable them to contribute to the local economy and their local communities
- we will work with partners to ensure that these services meet the needs of people with a mental illness
- The role of staff will change to support the delivery of the personalisation agenda.

3.3 The 12-week consultation process has been broadly supportive of the principles underpinning the strategy but not necessarily of the implications of the strategy on Community Networks. Some of the outcomes, such as greater use of Direct Payments were supported by some service users, but a number of general concerns have been raised about implementing the strategy. For example, some service users and carers feel that:

- The choice and community activities are not suitable for all
- Service users are vulnerable in the community
- They may become isolated
- There will be less respite for carers if activities are community based
- Personalised services will be more expensive and or unavailable
- The support mechanisms to prevent relapse will be reduced.

3.4 Therefore, it is crucial whichever option is taken forward that we continue to improve communication and engagement over the coming months to ensure that we can address these and other concerns while also delivering improved outcomes for service users and carers. This is particularly important in the current financial context, which will make implementation more challenging.

#### **4.0 Implementing Changes to Mental Health Day Opportunity Services**

4.1 The Day Opportunities Strategy sets out a proposal for the transformation of all directly provided Mental Health Day Services (Community Networks) in line with the wider Day Opportunities vision by Brent Council for all Day Services.

4.2 The proposal builds on the significant amount of work carried out within Community Networks Day Services over the last two to three years, including previous service redesigns. It reflects the fact that teams within the service, service users and carers are expecting change to happen following this preparatory work, and it is desirable that this work begins as soon as possible given the uncertainty regarding day services.

4.3 The proposal was focused on the implementation of an alternative service that moved away from centre-based sessions to a more flexible, specialist service that encourages users to be more independent. This would be provided by two Community Development Workers (CDWs) working across a number of key locations across the borough. CDWs would seek out local resources (employment, volunteering, sports, leisure and healthy living, education, cultural and faith) helpful to the service user, liaising with other agencies as required. The CDWs would meet with services users and be more goal orientated and time limited encouraging service user integration in the community. Current service users would have improved access to information and advice about mainstream and community activities.

- 4.4 The consultation responses raised a number of significant concerns in response to the specific proposals in the Day Opportunities Strategy. The main ones were as follows:
- Speed of Change – The changes proposed are happening too quickly in the context of many other health and social care changes
  - Respite - Day services provide respite for service users and carers. This will be lost if the proposal goes ahead.
  - Most vulnerable - A certain percentage of service users will be able to move onto the community. However, there is a core group considered too vulnerable for what is proposed. This group need a base.
  - Lack of alternatives - Where will people buy services from if Community Networks is decommissioned as many local resources are being cut?
  - Relationships – The need for continuity of staff and services as service users have difficulty forming relationships.
  - Cost effectiveness - Savings generated by the proposal will not be cost effective as they will cost more for the council in end as the impact is felt by wider community.
  - Capacity - Two Community Development Workers is not enough to deal with the number of service users.
  - Gap in Services – There is a need something in between for transition from acute inpatient to community Mental Health Services. Few organisations and or community facilities are capable or equipped to provide this.
  - Carers – The reduction in service will have a negative impact on carers and families and will increase pressure on families.
  - Culturally sensitive provision -There is a need for locally based and culturally sensitive services.
- 4.5 Most service users did not want to see the closure of any day centres. Carers also stressed how much they value the respite that the day services provide to them and were not convinced that there were enough services in the community for the people they care for to access.
- 4.6 In light of these concerns and further discussions with key partners, this report outlines four options for taking forward the Day Opportunities Strategy for directly provided Mental Health day services
- 4.7 **Option 1: No change – current service users, current service model in the same buildings.**
- 4.8 There would be no impact on service users in any of the three directly provided teams for Community Networks in this option as the service would continue in the current service model.

- 4.9 There was support for this option from service users and carers. Option one is not aligned to the draft Day Opportunities Strategy because it would have little or no positive impact on the levels of independence, maintaining reliance on council directly provided services and would not lead to any cost savings. It would also provide limited opportunity to stimulate the market to provide inclusive community activities.
- 4.10 **Option 2: Replace the current service with two community development workers**
- 4.11 This option would involve replacing the current service with an alternative service. This would be provided by two CDWs working across a number of key locations across the borough. CDWs would seek out local resources (employment, volunteering, sports, leisure and healthy living, education, cultural and faith) helpful to the service user, liaising with other agencies as required. The CDWs would meet with services users and support them to identify goals for themselves which encourage service user integration in the community. Current service users would have improved access to information and advice about mainstream and community activities.
- 4.12 Concerns were raised about retention of bases in local communities. The two key concerns were the ease of access and transport links. The second was desire for culturally sensitive services to be based within local communities. These are genuine issues, which have been addressed in this option
- 4.13 Current revenue costs would be reduced as the two staff would work peripatetically from existing mental health and or council bases. Allowing the Council to close two bases – Kingsbury Manor Day Centre and Design Works (administrative base).
- 4.14 Option two is aligned to the draft Day Opportunities Strategy as it would positively impact on the levels of independence for a percentage of these service users. However, this option was not supported by service users and carers who raised significant concerns that are referred to in this report and in Appendix A.
- 4.15 **Option 3: Replace the current service with four community development workers, working in partnership with Southside Partnership.**
- 4.16 This option builds on the initial proposal communicated in the consultation document. Through a series of discussions with partners, a number of opportunities were identified for the Council and its partners to provide an improved service with a greater presence across the borough, giving the flexibility to spend more time with those people who need it most.
- 4.17 Further funding has been identified by the Council that can be used to create 2 additional CDW posts. This funding will be provided by the Primary Care Trust with the focus on reablement services across all client groups, but with specific agreement to fund these posts targeted at this client group on an ongoing basis.

- 4.18 Southside Partnership has been commissioned by the NHS to provide a community development service to people with severe and enduring mental health problems with a specific remit to support service development for BME communities. Posts for 6 Community Development Workers have been commissioned.
- 4.19 By integrating all the Community Development resource into one team of ten CDWs, a seamless service could be provided. This would make it easier for these vulnerable people to get the support that they need.
- 4.20 This option would allow for specialisation of some of the posts. Employment specialist and benefits advisor roles have been requested by staff and service users as part of Consultation feedback.
- 4.21 Current revenue costs would be reduced as the four staff would work peripatetically from existing mental health and or council bases.
- 4.22 All service users within community networks would be affected by this option. Option three is aligned to the draft Day Opportunities Strategy as it would positively impact on the levels of independence for a percentage of service users.
- 4.23 This option means that the council will no longer be a direct provider of day services, with specific bases where people with severe and enduring mental health problems can meet. The council's role will be one of a facilitator who invests time supporting people integrate into the community and stimulating the market to ensure that the right activities are accessible and available. This option was discussed as part of the consultation and whilst it was preferred to option 2 service users and carers remained concerned about the reduction in staffing and the lack of a buildings based service (see Appendix A).
- 4.24 **Option 4: Replace the current service with four community development workers, working in partnership with Southside Partnership. Provide a single base with limited sessional provision of day services by the CDWs.**
- 4.25 This option reflects concerns raised in the consultation, in particular the importance of day centres as a key meeting place, which allows service users to maintain important relationships in a safe environment. It also provides additional resource above the original proposal.
- 4.26 In this option eligible service users from Community Networks would cease to use current sites and instead access an alternative site for limited day care provision. There would be some reduction in service for eligible service users as it would not seek to replicate the Monday to Friday provision. This would reflect the fact that a significant number of service users either do not come to a base or attend on a daily basis.
- 4.27 It is envisioned that the new site will be Kingsbury Resource Centre. This site is currently used to provide day services for older people. 4 sessions per week would be made available for up to 10 services users, two in the mornings and two

in the afternoons. The sessions will be tailored to the needs of the services users and would be run by the CDWs.

- 4.28 As an example, out of the group of 41 service users currently using the Community Networks Service at Kingsbury Manor, there is a core group of 10 to 15 service users with complex needs who would benefit from ongoing centre based day care provision. Of these, not all will continue to require use of the existing facilities more frequently than twice a week. Those who may do will be supported by CDW's to access alternative services.
- 4.29 If this option is agreed, implementation would be built on a comprehensive and inclusive reassessment and support planning process for every current service user. This will include, where relevant, an assessment of their carer's needs for support, including respite provision. There would be a transparent application of eligibility criteria and reflect service user aspirations. The outcome would be a personalised package of support for eligible service users focused on outcomes that support people to lead independent and fulfilling lives. This would be delivered through a Personal Budget that may or may not include directly provided day services as appropriate. This process would also be designed to ensure that service users and carers have more information about any changes.
- 4.30 This option is aligned with the draft Day Opportunities Strategy because of the focus on person centred planning and increased levels of independence and community based activity. The potential, identified in the consultation, to use other Council buildings more flexibly to provide direct provision offers value for money. This option reflects the concerns raised during the consultation and whilst it does not reflect the level of staffing or buildings based currently provided it does demonstrate that concerns have been addressed within the current drive for more personalised services.

## **5.0 Co-production, continuing communication and engagement**

- 5.1 Continued engagement with service users, carers, staff and other stakeholders will be crucial to the successful implementation of any of the options outlined above. As outlined above a co-designed process of redesign and support planning would be central to this.

## **6.0 Financial Implications**

- 6.1 The community networks budget for 2010-11 was £1,166k. Savings of £880k have been assumed for the 2011-12 budget, bringing the net budget to £236k.
- 6.2 This report considers four options for taking forward the Day Opportunities Strategy for directly provided mental health day services. The details of these options are set out at section 4 of this report.
- 6.3 **Option 1 - No change**
- 6.4 This will have no impact on the current revenue budget for the service. The cost to run the service will remain at £1,166k per annum (revenue budget figure provided in the Executive report dated 17 January 2011). There is currently no

capital expenditure required for this service. This option will deliver no savings to the council.

**6.5 Option 2 - Decommission service and create four CDW posts. In partnership with Southside and NHS combine resources to create a team of 10 staff**

6.4 The revenue budget for the new service as of 2012/13 would be £80k excluding the separate funding from the PCT for the 2 additional CDW posts. A budget of £206k would be moved into the main ASC budget in 2012-13 to fund residual and other ongoing costs. There is currently no capital expenditure required for this service.

6.5 This option would deliver ongoing revenue net savings of £880k from April 2012. A part year effect of these savings of approximately £480k would be achieved in 2011/12 due to a period of transition to the new service and expected severance and redundancy related costs. The council will need to develop a strategy for the two properties which are suggested will close. Kingsbury Manor is a freehold building located within a park setting. It has no immediately identifiable alternative use and therefore would require further consideration as to options for future use. The administrative base is within a building operated by the Council for commercial letting. Closure will result in a loss of revenue but the space will then become available to be re-let on the open market.

**6.6 Option 3: Replace the current service with four community development workers, working in partnership with Southside Partnership.**

6.7 The revenue budget for the new service as of 2012/13 would also be £80k excluding the separate funding from the PCT for the 2 additional CDW posts. A budget of £206k would be moved into the main ASC budget in 2012-13 to fund residual and other ongoing costs. There is currently no capital expenditure required for this service.

6.8 This would deliver ongoing revenue savings of £880k as of 2012/13. A part year effect of these savings of approximately £480k will be achieved in 2011/12 due to a period of transition to the new service and expected severance and redundancy related costs.

**6.9 Option 4: Replace the current service with four community development workers, working in partnership with Southside Partnership. Provide a single base as a meeting place, with limited sessional provision of day services by the CDWs.**

6.10 The revenue budget for the new service as of 2012/13 would be £85k excluding the separate funding from the PCT for the 2 additional CDW posts. A budget of £201k would be moved into the main ASC budget in 2012-13 to fund residual and other ongoing costs. There is currently no capital expenditure required for this service.

6.11 This would deliver ongoing revenue net savings of £880k as of 2012/13. A part year effect of this saving of approximately £480k will be achieved in 2011/12 due to a period of transition to the new service and expected severance and redundancy related costs.



- 6.12 Kingsbury Resource Centre was recently extensively refurbished following the decant of the library use. This is therefore a suitable building to retain within the Council's portfolio. The use proposed is consistent with current useage and subject to capacity the proposal to co-locate with other providers would be consistent with the Council's aim of maximising the utilisation of it's retained portfolio.

The following table summarises the financial impact for each of the 4 options

Item	Option 1 £000s	Option 2 £000s	Option 3 £000s	Option 4 £000s
Cost of Service 12/13	1,167	80	80	85
Residual/Ongoing ASC costs	0	206	206	201
Part Year Savings 11/12	0	480	480	480
Full Year Savings 12-13	0	880	880	880

- 6.13 The Adults Social Care budget for 2011-12 assumes a saving of £880k in respect of Community Networks from 2011-12 onwards. If option 1 is agreed by members, this saving would not be achieved in 2011-12 or future years and it would be necessary to bring a further report shortly to the Executive with proposals to make alternative savings.
- 6.14 If options 2, 3 or 4 are agreed, then part year savings of £480k will be achieved in 2011-12, which is a shortfall of £400k. In any of these cases, officers would identify with the Director of Finance and Corporate Services how this shortfall could be funded within the overall Adults Social Care Budget for 2011-12. This would be reported to the August meeting of the Executive as part of the 1<sup>st</sup> Quarter monitoring report.

## 7.0 Legal Implications

- 7.1 Guidance issued by the Department of Health requires that the Local Authority "provide, whether at centres or elsewhere, facilities for occupational, social, cultural and recreational activities and, where appropriate, the making of payments to persons for work undertaken by them" to those who qualify for services under s29 of the National Assistance Act 1948 or s2 CSDPA 1970. Local Authorities, in conjunction with Primary care Trusts, are also required by virtue of s117 of the Mental Health Act 1983 to provide after-care services for any person to whom this section applies until such time as the Primary Care Trust and the local social services authority are satisfied that the person concerned is no longer in need of such services. The Local Authority also has a power to provide such services where necessary to promote the welfare of older people under s45 of the Health Services and Public Health Act 1968. The Local Authority will need to demonstrate that the chosen option does ensure sufficient facilities will be available for occupational, social, cultural and recreational activities to both current and future services users and that these can be accessed by individual services users. The move towards personalisation of adult social care does not affect the duties set out in legislation; however the increased use of existing community resources rather than specialised separate provision is not prohibited by legislation or government guidance.
- 7.2 The Executive is reminded that they are required to approach the outcome of any

consultation objectively and in a fair manner. Care should be taken to ensure that those with views relevant to the decision are consulted and their concerns taken into account.

### The Equalities Act 2010

- 7.3 The decision to be made by members in relation to the services to be provided under s117 Mental Health Act 1983, s29 of the National Assistance Act 1948 or s2 CSDPA 1970 involves the exercise of the Council's functions and accordingly the Council is required to comply with the duties set out in the Equality Act 2010. 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.
- 7.4 Section 149 Equality Act 2010 introduces a new public sector equality duty which came into force on 5<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. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, 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.
- 7.5 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.
- 7.6 The previous public sector equalities duties only covered race, disability and gender.
- 7.7 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.
- 7.8 The steps involved in meeting the needs of disabled persons include steps to take account of the persons' disabilities.
- 7.9 Having due regard to 'fostering good relations' involves having due regard to the need to tackle prejudice and promote understanding.
- 7.10 Complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.

- 7.11 Carers are not a protected group, but the Equality Act 2010 does prohibit discrimination by association, that is treating a person less favorably because of their association with someone has a characteristic protected under the Equalities Act 2010 (excluding pregnancy and maternity). The Executive should consider whether the implementation of a decision would amount to unlawful discrimination against carers or would have an adverse or significant impact on those they care for and their ability to access facilities and services if these are to be based primarily in the community.
- 7.12 S149(4) Equality Act 2010 requires that public bodies consider the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities. The Equality Impact Assessment appended to this report highlights that the proposed changes will require detailed reassessment of each service user's needs to ensure that this requirement is adhered to.
- 7.13 In addition to the Act, the Council should to have regard to any statutory Code of Practice issued by the Equality and Human Rights Commission. A new Code of Practice relating to the new public sector equality duty under the new Act has yet to be published. However the Equality and Human Rights Commission has published guidance on the new public sector equality duty. The advice set out to members in this report is consistent with the published advice.
- 7.14 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 services for Adults with social care needs. 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 moving away from building based provision and implementing the proposed options will have in relation to equality before making a decision.
- 7.15 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 service users and carers of those who use or are eligible to use the service and other interest groups, and by gathering details and statistics on who uses the services and how the service is used. A consultation exercise has been undertaken in relation to the proposals and information about its likely impact on the service users has been provided through this process. The service is one which by its nature directly affects those service users with disabilities and their carers. The potential equality impact of the proposed changes to those who currently utilise council run day opportunity provision for those with mental health needs has been assessed, and that assessment is found at Appendix? and a summary of the position is set out in the paragraph in this report on Diversity Implications. A careful consideration of this assessment is one of the key ways in which members can show "due regard" to the relevant matters.
- 7.16 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. The steps proposed to be taken are set out in the body of this report and in the attached equality impact assessment.
- 7.17 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 children and families). “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. The weight of these countervailing factors in the decision making process is a matter for members in the first instance.

## **8.0 Diversity Implications**

- 8.1 The Day Opportunities Strategy and the specific proposals for Mental Health services are designed to deliver a more personalised service, which recognises individual needs and supports service users to access the support and services they need and want in the community. This will enable them to become participants in their local communities and develop networks and support as close to home as possible.
- 8.2 The Equality Impact Assessment (attached at Appendix D) that was finalised after completion of the consultation confirms that the draft Day Opportunities Strategy will create a more positive approach to diversity, ensuring that individual needs, whatever they may be, are addressed to give people more control over the way they live. This is also reflected in the focus on person centred planning as the foundation of the implementation of any major changes to the service.
- 8.3 The proposed re-design of day opportunities will mean moving away from building based provision. At present two services exist to meet specific needs of those from BME backgrounds one of which is a building based day centre provision. As is noted in the consultation feedback there will likely be an impact on this client group by the proposed re-design in that there will be less building based provision specifically designed to meet the needs of those from targeted BME backgrounds. However, there is no reduction in provision made available to the service users, and appropriate alternative means of meeting these needs will be developed by the CDWs addressing service users’ individual needs, particularly where these relate to protected characteristics. All 6 of the CDWs provided by the Southside Partnership will have a specific remit to assist those with mental health conditions from BME backgrounds and so will be in a position to ensure services are tailored to these needs and minimise any impact that the move away from traditional building based provision may create. Further the proposed move will eliminate discrimination, advance equality of opportunity and foster good relations between those who share a ‘protected characteristic’ and those who do not share that protected characteristic by ensuring that service users have greater access to community based provision. The Executive should also be aware that the proposals aim to encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low thereby satisfying the objective set out in s149(3)(c) Equality Act 2010.

## **9.0 Staffing Implications**

- 9.1 As the original Executive report highlighted, the Day Opportunities Strategy requires a change in working practices in all directly provided day services to

create a clear focus on personalised support delivered in the community wherever possible. Staff are being supported in this change. For example, most staff have already undertaken the Recovery and Personalisation training courses. This change in culture and practice will continue over the coming months.

- 9.2 As part of the consultation, Community Networks' staff have been consulted on the strategy and the proposed changes. In conjunction with this consultation, the staff have been formally consulted on the impact of the proposed change on their posts. While concerns were raised about the impact on jobs and the readiness for implementation, there was broad acknowledgement of the need for the direction of travel.
- 9.3 The options outlined above will have different impacts on the number, role and skills of staff required. If the Executive decides to implement option two, three and four the affected staff will have the opportunity to undertake a ring fenced interview, be redeployed or opt for voluntary redundancy. The Local Authority anticipate that the re-fenced interview and offer of redeployment will maximize the opportunity for the continuity of relationship between service users and staff identified as a key issue of concern by service users within the consultation.

### **Background Papers**

*Putting People First: DH policy December 2007*

*Valuing People Now: a new, three-year strategy for people with learning disability, Department of Health 2009*

*Duty to Promote Disability Equality: Statutory code of Practice (England and Wales)*

### **Appendices**

- A. Consultation Process and Feedback Report
- B. Summary list of feedback received
- C. Draft Day Opportunities Strategy
- D. Equalities Impact Assessment

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	<p style="text-align: center;"><b>Executive</b> <b>13 June 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: Kilburn and Kenton</p>	
<p><b>Authority To Award Construction Contract – Albert Road Resource Centre - John Billam Playing Fields, Woodcock Hill, Kenton</b></p>	

## Appendix 4 is not for publication

### 1.0 SUMMARY

- 1.1 This report seeks Executive approval to award the main works contract for the construction of new facilities for Adult Day Care at the John Billam Playing Fields site.

### 2.0 RECOMMENDATIONS

The Executive is requested to:

- 2.1 Approve the award of the main construction contract for construction of a new Day Care Centre at John Billam Playing Fields to replace the one currently situated at Albert Road to Wates Construction Limited in the Contract Sum of £4,315,097.

### 3.0 DETAIL

- 3.1 On 14 July 2009 Executive provided approval in principle to the relocation of the Adult Day Care Centre from Albert Road to provide a modern purpose built facility in a more centrally located area and also to facilitate the proposals for regeneration of the South Kilburn area.
- 3.2 Following a search by officers of a suitable alternative site on 16 November 2009 the Executive approved the John Billam Playing Fields site as the preferred alternative location for this facility. This approval was subject to the appropriation of the site for planning purposes and also to the grant of planning permission. Members were subsequently informed during the Executive meeting held on 26 July 2010 of the progress made in securing the site and the outcome of stakeholder consultation. Members also approved the total budget estimate for construction at

£4.755million and approved the requisite variation to the long lease already in existence on this site and granted in favour of Gujarati Ayra Association London (GAA London).

- 3.3 The site identified for the new building is shown on the attached plan in Appendix 2; also attached as Appendix 1 is the final design of the proposed building.
- 3.4 In December 2010, in accordance with standing order 86 (d) (ii), Officers agreed to Brent Council's participation in the IESE Framework Agreement in order to approve an enabling works package by the selected IESE Framework contractor. The enabling works contract was subsequently awarded to Wates Construction Limited and they are currently on site. The enabling package had become a requirement of the variation of the GAA London's lease from the Council and had to be completed prior to the Council entering into contract for the main works.
- 3.5 On 15 October 2010 the GAA London entered into an Agreement for Deed of Variation and Surrender of Part ('Agreement') with the Council to allow the Council to carry out the necessary works, namely;
- a) The re-provision of 108 car parking spaces to the south of Kenton Hall.
  - b) The re-surfacing of the access road layout and internal access ways including to the front of Kenton Hall.
  - c) The reinstatement of the car park to the north of Kenton Hall to landscaped open (green) space.
  - d) The black top finish to the car parking spaces the access road layout and internal access ways

Pursuant to the Agreement, the GAA London are obliged to enter into the deed of variation with the Council when the re-provision of the car parking spaces and the re-surfacing of the access road referred to in (a) and (b) above, but excluding the black top finish to the car parking spaces, access road layout and internal accessways, are completed.

When the deed of variation is completed, the deed will incorporate additional land in the GAA London lease for additional car parking and will also surrender back to the Council the area of land to the north of Kenton Hall which will be used as landscaped open (green) space.

#### **4.0 PROCUREMENT OF THE MAIN WORKS CONTRACT**

- 4.1 In June 2010, in accordance with Contract Standing Order 86(d)(ii) Officers sought authority from the Director of Legal and Procurement and the Director of Finance and Corporate Resources that participation in the use of the Improvement and Efficiency South East (IESE) Framework (the "Framework") for the procurement of the main contract was permissible.
- 4.2 The IESE Framework is run and managed by Hampshire County Council on behalf of surrounding local authorities. In essence the view is the combined value of the capital schemes of participating local authorities lead to greater interest from established main contractors who wish to secure a potential stream of instructions.



This in turn is envisaged to lead to efficiencies for the local authorities both in terms of cost and time taken to procure a main contractor and also in the cost of the project. The IESE Framework is OJEU compliant and Brent is one of 10 London Authorities to have availed of this route to date.

- 4.3 A mini-competition exercise was subsequently undertaken through the Framework Agreement in October 2010. This consisted of a two-stage process and led to the appointment of Wates Construction Limited as provider for pre-construction services. Under the pre-construction agreement, Wates are required to carry out design, and finalise their proposals and Contract Sum.
- 4.4 Since the appointment of Wates, works have been undertaken to finalise the design for the scheme and the Contract Sum. Wates are now in the process of completing the enabling works of the project in accordance with the Project/Construction Programme attached to this report as Appendix 3.
- 4.5 Final Contractor's Proposals and Contract Sum were received from Wates Construction Limited on on 20<sup>th</sup> May 2011 for the complete contract for main as well as for enablement works for the sum of £4,315,097 and have been verified by the Council's Consultant as satisfactory. Appendix 4 sets out the current cost plan and funding position
- 4.6 All aspects of the Contractor's Proposals and Contract Sum are satisfactory and accordingly award for the construction of the Day Care Centre at John Billam Playing Fields is recommended to the Executive.

## **5.0 OTHER ISSUES**

- 5.1 Planning Committee granted full planning permission with conditions on 14<sup>th</sup> April 2010. The vast majority of the conditions have now been discharged and the remaining conditions will be discharged during the construction phase.
- 5.2 Following the November 2009 Executive officers appointed MACE Architects, Frankham Consultancy, Building Services Engineers and Peter Gittins (Quantity Surveyors), from the Council's Consultancy Framework to provide design services and cost advice for delivery of the proposed building.

## **6.0 FINANCIAL IMPLICATIONS**

- 6.1 The Executive on 26 July 2010 agreed the total budget estimate of £4.755m for the construction of the day care centre at John Billam playing fields. It can be seen at appendix 4 of this report that the current cost plan of £4.743m and is therefore within budget.
- 6.2 The Council's budget includes £4.755m for this project. This has been funded from the Council's growth area fund allocation. The Growth Fund supports the provision of infrastructure for housing growth in specific growth areas. The rationale for using the Fund is that by relocating the Day Centre, this will free land in South Kilburn that will be subsequently developed to facilitate further regeneration of the area as part of delivery of the overall South Kilburn Master plan. As there is no borrowing for this capital expenditure, there are no revenue borrowing costs.

- 6.3 There is a officer project board that regularly monitors progress on this project and reviews updated costs plan information. In the event of any cost overruns on this project, the board is clear that all possible options will need to be reviewed in order to bring the cost plan back into budget. In the event that this is not possible, then any cost overrun will be met from existing resources.
- 6.4 The costs of moving into the new centre (removals etc) will be met from within the existing Adults Social Care budget. There are no other unbudgeted revenue costs associated for this project.

## **7.0 KEY FINANCIAL RISKS**

There are key financial risks to the project which are as follows:

- a) Unforeseen works may encounter during the ground as well as the super structure work.
- b) Fluctuation in material price during the project.
- c) Possible inclement weather during the winter period.

The following measures will be taken to mitigate the risks:

- a) Close and continuous cost plan exercise, programme monitoring and risk management.
- b) Continuous value engineering exercise.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 The anticipated value of the works contract exceeds the current threshold for the application of the Public Contracts Regulations 2006 (currently £3,927,260). The proposed call-off contract is also a high-value works contract for the purposes of the Council's standing orders. A formal tendering procedure compliant with the relevant Public Contract Regulations is therefore required but the use of an established and legal framework provides an exception to this.
- 8.2 The procurement took the form of a two stage process. Firstly a low value contract for pre-construction works was awarded by Director of Housing Community Care, leaving the decision to approve the award of the main contract for the Executive.
- 8.3 The formal Contract will be drawn up using a JCT SBC without quantities (2005 Edition) Revisions-2 2009.
- 8.4 In considering the recommendations, Members need to be satisfied on the basis of the information set out in the report that the appointment of the recommended contractor will represent best value for the Council and that there is sufficient budgetary provision for the contract.

## **9.0 DIVERSITY IMPLICATIONS**

- 9.1 Housing and Community Care have prepared an Equalities Impact Assessment for the Direct Service Review related to Learning Disabilities Day Services. A Day Opportunities Strategy underpins the direction of future day care services with a reliance on the John Billam resource centre used as a base for eligible service users. The Equalities Impact Assessment will include a review of the impact of the new development proposed on the John Billam playing field site. The results of the assessment to date have been published and have influenced the detailed building design. The Equalities Impact Assessments remains a working document and will be updated as progress is made towards the full implementation of Day Opportunities Strategy. EIA is attached to this report as Appendix 5.

## **10.0 STAFFING/ACCOMMODATION IMPLICATIONS**

- 10.1 Any staffing implications will be dealt with by Housing and Community Care as part of their Direct Service Review.

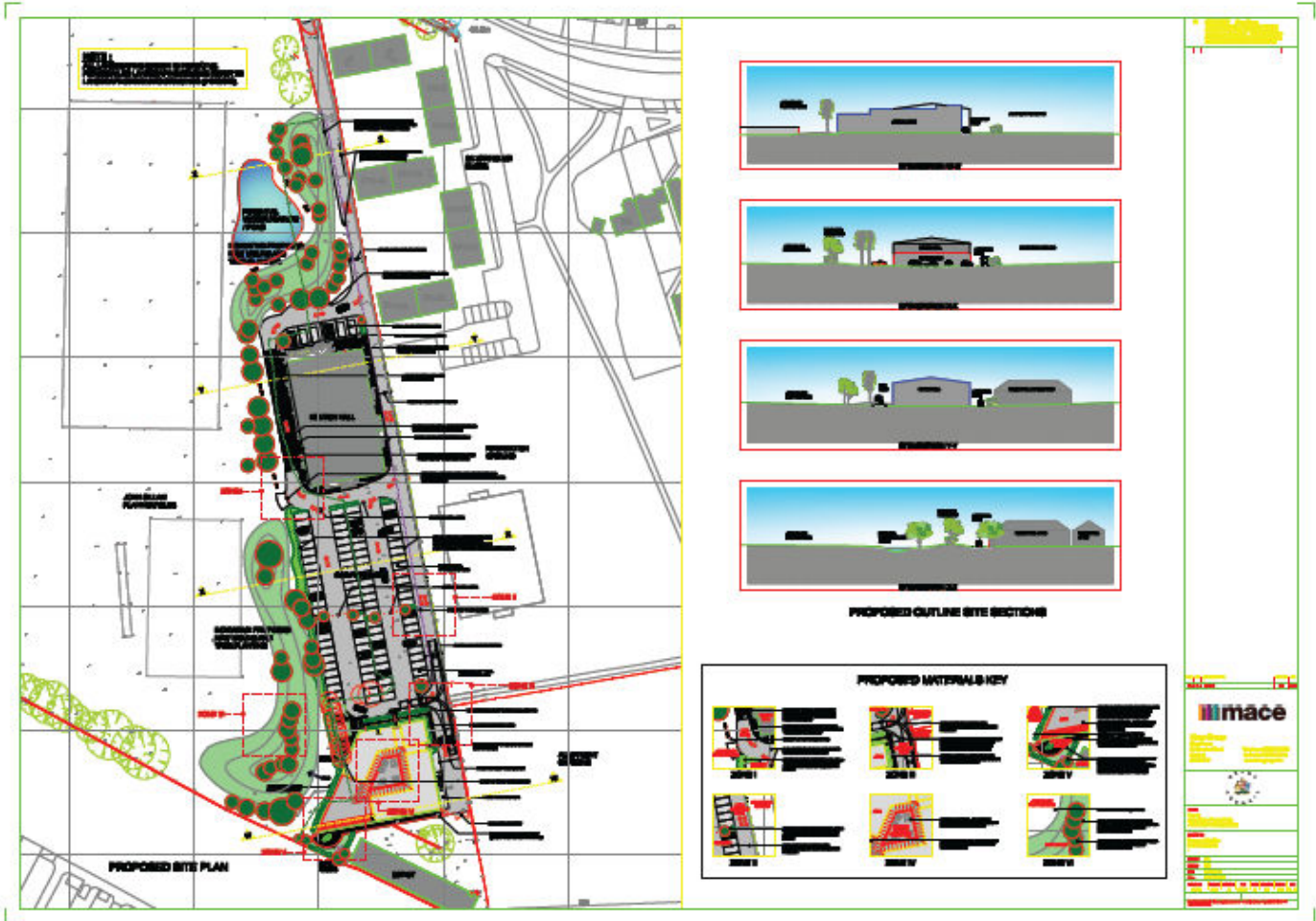
### **CONTACT OFFICERS:**

Richard Barrett, Assistant Director (Property and Asset Management),  
Brent House, 2<sup>nd</sup> Floor East, High road, Wembley HA9 6BZ.  
Tel: 020 8937 1334

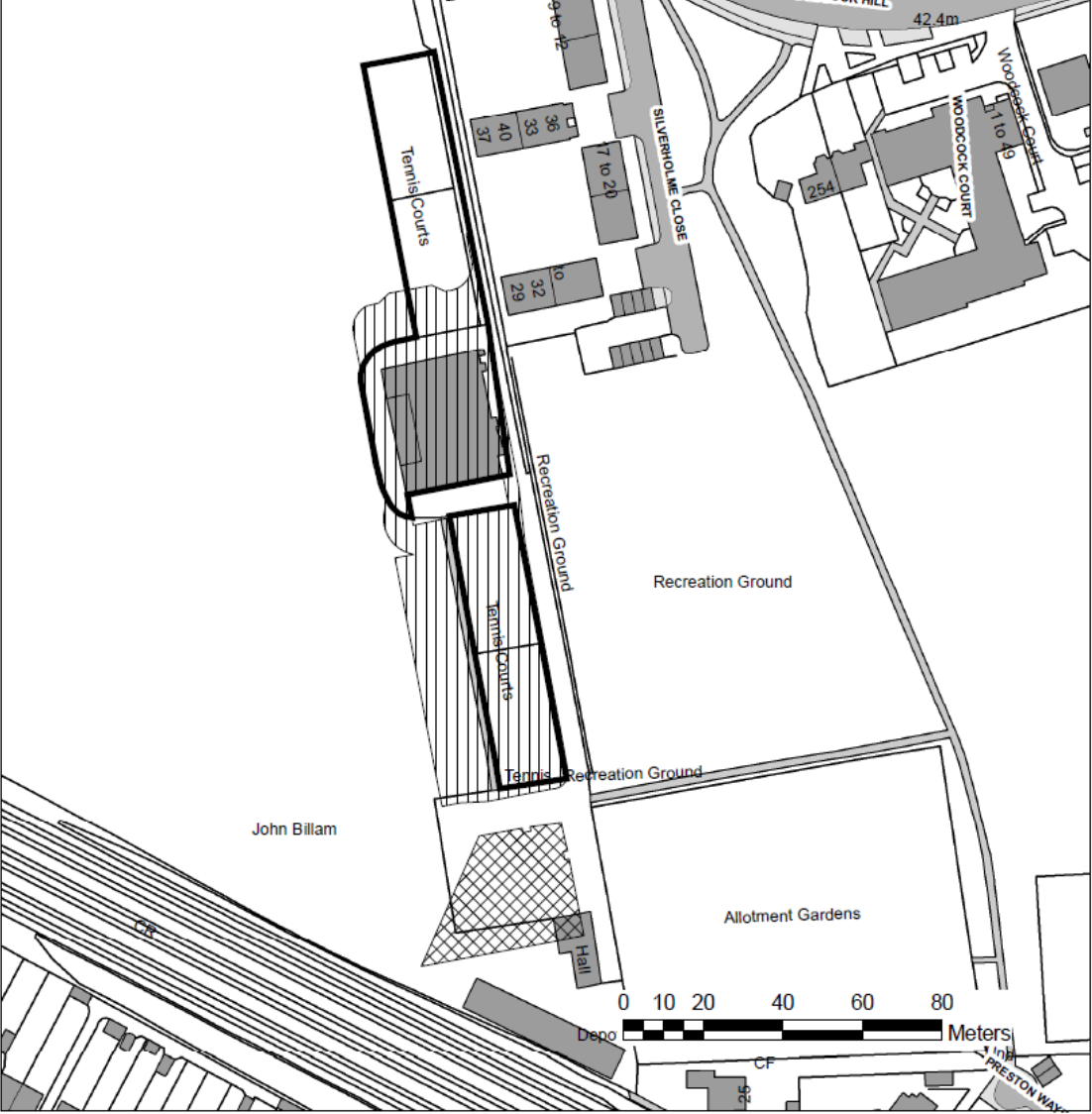
Andy Donald, Director of Regeneration & Major Projects,  
Brent House, 2<sup>nd</sup> Floor East, High road, Wembley HA9 6BZ.  
Tel: 020 8937 1334




Allison Elliott, Acting Director of Housing & Community Care  
Mahatma Gandhi House, Wembley Hill Road, Wembley HA9 8AD.  
Tel: 020 8937 4230

# APPENDIX 1 Design of the proposed building

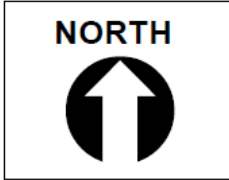


**EXECUTIVE COMMITTEE**  
**Learning Disability Resource Centre -**  
**Site identified for the new building and**  
**GAA current and proposed lease demises.**



 Resource Centre	 Proposed New Demise
	 Original Demise

**Plan for information purposes only.**



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**PROJECT/CONSTRUCTION PROGRAMME**

<b>INDICATIVE MAIN CONTRACT PROGRAMME MAY 2011</b>	
Main build works commence	Jul-11
Complete Piling	Sep-11
Complete main Structural Steelwork	Nov-11
Fit Cladding \ Complete roof	Mar-12
Complete Block work	Mar-12
Install external windows and doors	Apr-12
Lift installed	May-12
Fit new FF&E	Jun-12
Complete External Works	Jul-12
Building handover	Jul-12

# **EQUALITIES IMPACT ASSESMENT**

# EQUALITIES IMPACT ASSESSMENT

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DAY OPPORTUNITIES STRATEGY LEARNING  
DISABILITIES

NANCIE ALLEYNE

5/11/2010

Updated 14<sup>th</sup> March 2011



**EQUALITIES IMPACT ASSESSMENT  
FOR THE DIRECT SERVICES PROJECT**

**Impact Needs/Requirement Assessment Completion Form**

Department: Housing and Community Care

Person Responsible: 1. **Alison Elliot as AD**

Service Area: **Adult Social Care**

Timescale for Equality Impact Assessment: From **1<sup>st</sup> August 2010-1<sup>st</sup> July 2012**

Date: Completion date: **First stage November 2010 and ongoing until July 2012**

Name of service/policy/procedure/project etc: **Day Opportunity Strategy**  
service/policy/procedure/project etc:

New **Yes**

Old

Predictive **Yes**

Retrospective **partly**

Adverse impact Overall

Not found **Yes**

Found

Service/policy/procedure/project etc, amended to  
stop or reduce adverse impact **Not applicable**

Is there likely to be a differential impact on any group?

**Yes** No 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 **No**

2. Grounds of gender: Sex, marital status,  
transgendered people and people with  
caring responsibilities

Yes **No**

3. Grounds of disability: Physical or sensory impairment,

mental disability or learning disability

Yes **No**

4. Grounds of faith or belief:  
Religion/faith including  
people who do not have a  
religion

Yes **No**

5. Grounds of sexual orientation: Lesbian,  
Gay and bisexual

Yes **No**

6. Grounds of age: Older people, children  
and young People

Yes **No**

Consultation conducted

Yes **No**

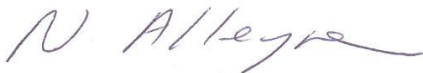
Person responsible for arranging the review: **Nancie Alleyne**

Person responsible for publishing results of Equality Impact Assessment: **Nancie Alleyne**

Person responsible for monitoring: **Alison Elliott as AD delegated to the Head of  
Service Direct Services**

Date results due to be published and where: **1<sup>st</sup> Published 13<sup>th</sup> December 2010, 2<sup>nd</sup>  
Publication 30<sup>th</sup> August 2011**

Signed:



Date: 13<sup>th</sup> December updated 11<sup>th</sup> March 2011

### **Title of service being assessed**

Learning Disability Directly Provided Day Services

### **Department and Section**

Housing and Community Care Adult Social Care

## **Impact Needs/Requirement Assessments**

### **Completion Form**

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 or screening. Use this form for new and existing policies. Where a question is not applicable to your assessment, please indicate

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

This document details the Equality Impact Assessment for proposed changes to learning disability day services directly provided by the Housing and Community Care Department of London Borough of Brent for people with learning disabilities. The aim of this report is to outline how the proposed changes will impact on day service users taking into account their race, gender, religion/belief, sexual orientation, age and level of disabilities. The proposed changes cover 6 directly provided day services:

- Strathcona           Based in Wembley
- Albert Road        Based in South Kilburn
- Stonebridge        Based in Stonebridge
- ASPPECT           Based on the grounds of Strathcona
- Projects            Based on the site of Stonebridge Day Centre
- CASS                Based at Willesden Centre for Health and Care

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

The proposed changes to directly provided learning disability day services are focused on moving from inflexible buildings-based services to personalised community-based solutions. Choice of community activities will reflect individual service user's aspirations as stipulated within their support plan

This proposed change has been developed on the basis of:

- national policy - 2007 - Putting People First, a shared vision to transforming adult social care; 2009 - 'Valuing People Now 2009'
- recent local experience (over the last two years the council has been working on plans to modernise the way they provide day care services to people who attend in-house day centres), and
- Brent Council Adult Social Care's belief that people who have a social care need have the right to lead their lives like everybody else, with the same opportunities and responsibilities, and to be treated with the same dignity and respect.

The Day Opportunities Strategy brings these different elements together. The strategy is not focused on eligible needs and services, but on people and outcomes such as:

- Having the opportunity to engage in meaningful activities
- Improving and extending social networks
- Spending time in an integrated or mainstream setting
- Learning, and earning money.

Therefore, it is structured around the activities that underpin such outcomes:

- To enjoy leisure and social activities (leisure);
- To learn (education); and
- To work (employment).

Person centred planning is fundamental to this approach as reassessments and support planning to help individuals to identify the outcomes they want to achieve and how they will achieve them is central to the implementation of the plan.

Both the Day Opportunities Strategy and the plan for learning disability directly provided services will be reported to the council Executive on 13 December 2010 for a decision.

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

Yes. Central to the work of the Community Team for People with Learning Disabilities (CTPLD) and the Direct Services staff, is the concept of dignity, respect, equality and fairness and the backbone of this work is the right to independence, choice and control for people with learning disabilities.

These concepts and the aims of the Day Opportunities Strategy fulfil the Council's Action Plan for disability and Race Equality. The promotion of greater personal choice and independence, employment and well-being is in line with the Council's policy.

**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/age/health etc? What are the reasons for this adverse impact?**

There is no evidence to suggest that there will be an adverse impact in terms of race/gender/disability/faith/sexual orientation/age or health because the approach is focused on addressing people's individual needs specifically. National evidence suggests that this approach has the capacity to bring significant improvements to people's quality of life by moving away from a limited selection of inflexible services to a diverse range of services and support that meet individual needs.

However, there will be a range of barriers that will need to be specifically addressed in the transition through reassessment, support planning and strategic commissioning. Below is a selection of the issues that were raised during the consultation:

- Some users have said that they do not always feel safe in public areas e.g. using public transport and/or just walking the streets
- At a recent consultation event one user in particular felt that a day centre was needed for people who were blind and partially sighted. They felt more protected being in one place and in one building
- Some users from Stonebridge Day Centre are concerned about a proposed move to Strathcona Day Centre and some people with complex needs and/or autism may be affected by the move to the John Billam Centre
- Access to some building and facilities can be physically challenging for some users in terms of wheelchair access

These issues need to be tackled at three levels:

- Public sector partnerships - community Safety for people with learning disabilities is not just a Brent issue, it is a national issue. Work will need to continue through the Learning Disability Partnership and public sector/community forums to tackle the underlying issues, but this will take time
- Social care commissioning - identifying suitable community based solutions and working with those providers to ensure service users are supported and made to feel safer
- Individual reassessment and support planning - different people will have different concerns that need to be addressed in different ways. Person centred planning will ensure that individuals' specific concerns are addressed and the right solution is found for that person. Family support and personal circumstances also needs to taken into consideration and this will be done through carers assessment offered separately to the service users assessment of needs

Another issue that was raised at the consultation is that some services in Brent do not currently meet some cultural needs and those that do are at full capacity. Again the person centred planning approach in combination with improved commissioning, brokerage and market management which is beginning to be developed will help to find the right support for people who have specific cultural needs. For example, a Health and Well-being area has been put onto the Brent website which has signposting information about organisations who can meet specific cultural needs.

Staff raised concerns about relocating to a different part of the borough and the additional time and cost that would be associated on the implementation of the Day Opportunities Strategy. This issue will be reviewed as part of the plan for staff relocating to the John Billam Resource centre in 2012. There is no impact in relation to the staff move from Stonebridge Day Centre to Strathcona Day Centre

**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 we have used to inform our judgements are the consultation events and previous assessments. The detail of the consultation is set out in the next section.

Information from previous assessments suggests a range of issues need to be addressed:

- From the assessments many service users have said that they want to try new things in the community. Some want to leave the day centre completely whilst others would like to combine community and day centre activities
- Some people from the Asian community would prefer a more cultural specific day centre environment. This in the main is because of their desire to practice their faith together with other people from their own community
- Twelve male and 5 female service users who attend Projects have said that they either want to gain full time employment, expand their working hours or secure work experience. Similar themes have been articulated at the consultation meetings held in August, September and October 2010. Service users who attend Projects tend to be users who are more able to work full or part time.

Further information will be collated from the comprehensive reassessment process of all 295 service users which is fundamental to the implementation of any changes. The process has been set up to ensure that there are close links between: assessment, support planning and strategic commissioning. In this way additional gaps or any adverse impacts can be addressed in a systematic way.

Page 16 provides a profile of service users attending the day centres and the staff supporting them

There is no evidence that the implementation of the Day Opportunities Strategy will disproportionately affect any staff groups at this stage. Should this change then remedial action will be taken to address this.

All staff have been trained in New Ways of Working as stipulated within the Day Opportunities Strategy and this will be followed up by on-going training and development as part of the Service Re-design stage.

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

Evidence from previous assessments and the consultation events suggests a range of unmet needs/requirements:

- some community provision is not geared up to support people with disabilities e.g., they do not have appropriate changing rooms or wheel chair access
- some people have difficulty in accessing college buildings and local colleges
- there is also anecdotal evidence that suggests services do not respond appropriately to people with learning disabilities because of their limited experience of dealing with them, and
- there are no specific or women only services which would benefit some women particularly from the Asian community.

The assessment approach has been adapted to take on board service improvements following the Customer Journey Project. The reassessment and support planning process will identify more of these unmet needs and requirements, and the process has been designed to record and address these issues wherever possible. If they cannot be resolved, then a buildings-based, directly provided service will still be available or alternative community support could be provided through the provision of Direct Payments

There is no evidence to suggest that unmet needs/requirements of staff will not be met on implementation of the Day Opportunities Strategy.

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

There has been a comprehensive consultation process. The Day Opportunities Strategy and the proposed changes to directly provided learning disability services have been explained through a series of consultations and focused

workshops.

Brent Council Community Care officers spent approximately 2 hours at each directly provided service with service users to hear their views on and concerns about the proposed changes to day centres and service re-design. After a presentation of the proposed plans by the Assistant Director for Community Care, all service user groups split into smaller groups for a facilitated discussion on the proposed strategy and what impact it would have on individuals and service users groups. The facilitators asked service users to express their views to three questions:

1. What do you think the Assistant Director just told you?
2. What do you think about these changes?
3. What do you like about the day centre?

A leaflet with the key messages of the strategy in Plain English and Easy read was available to all users, as well as a copy of the draft Day Opportunities Strategy.

Service user responses and questions were captured by scribes on flipcharts. In addition to key workers, advocates and representatives from disability organisations were present to assist service users expressing their views at the Strathcona and Stonebridge day centres. Projects users were also consulted with key workers and advocates present. Translators and British Sign Language (BSL) signers were also available when needed. At the end of the session, facilitators fed back their group responses.

The ASPPECTS and Albert Road service user sessions had a different format to adjust to the different levels of need and capacity. The key workers explained the proposed plans to service users by showing objects and pictures. Together with a speech and language therapist they tried to elicit service users' responses to two questions:

1. What do you like about the day centre?
2. What things do you not like about the centre?

The responses from these sessions are not recorded separately as it was very difficult to get meaningful reactions from this group of service users.

- In consulting with staff on the Draft Day Opportunities Strategy, the Assistant Director Community Care spent approximately 90 minutes with all staff (agency and permanent) and management to hear their views on and concerns about the proposed service re-design
- After a **presentation** of the proposed plans for service re-design by the Assistant Director staff and management had the opportunity to ask questions
- At every centre, management had the opportunity to speak to the AD and project officer separately for an additional 30 minutes
- A leaflet with the **key messages** of the strategy in plain English and easy read was available to all staff, as well as a copy of the Day Opportunities



## Strategy

- **Notetakers** were present to record the key points from the conversations
- A Housing and Community Care **HR representative** was present at the Stonebridge and Projects staff and management meeting
- The **CASS** session was cancelled by the day centre management without informing the Community Care consultation team. The AD and Head of Learning Disabilities are currently working on a resolution of the issue which may lead to the re-provision of the service. The service is currently provided by Brent Community Services.

The above consultation commenced in August 2010 for all the day centres which fall under the Direct Services provision for users, carers and staff and was repeated in September and again in October with amendments made to the format taking users, carers and staff comments on board and to improve users and carers understanding of the messages within the proposed draft Day Opportunities Strategy.

A consultation event for providers who support service users who have no direct contact with their relative was also held in November.

All the consultation events, 42 (approximately 250 carers, 295, users and 120 staff) in total, have been recorded using scribes from the Corporate Consultation Team; Palentypist (which provided a complete verbatim record of what had been discussed) and note takers

The above information has been collected and reported through the Brent Learning Disabilities Partnership Board with representation from Health and disability organisations e.g. Mencap and Advocacy Support Organisations.

A report has been produced for each round of consultation held in August, September and October 2010. Copies of the reports have been provided to carers and staff and all reports have been placed on the council's website

The information from the consultation meetings will be used to inform a report which will be presented to the Council's Executive Committee on 13th December 2010. Within the report a number of options will be put forward for implementing the draft Day Opportunities Strategy. The final decision on the future shape of the Day Services will be for the members of the Executive committee to make at the meeting on 13th December 2010.

In consulting with staff on the proposed new structure for Strathcona concerns were raised in relation to career development, equity in job roles and pay. All these issues have been taken on board and have been appropriately dealt with by the ongoing learning and development programme associated with New Ways of Working and job evaluation

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

Copies of all consultation documents have been provided to carers and staff as hard copies. Soft copies were made available on the Council's website. In addition at each consultation event, key concerns and issues from the previous meeting and what other people have been saying were fed back.

Information has also been included in the Corporate Consultation Tracker.

In the main users, carers and staff did not want the Stonebridge Day Centre to close but some users and carers were beginning to accept the possible change to their lives. Most people want better quality services with greater choice.

A report to the Executive will be presented in December 2010 which will include detail and information from all the consultation events. The Executive report, and its appendices, will be made available on Brent's Website and hard copies will be available from the Council's Committee Services.

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

Significant concerns have been raised about proposed changes to directly provided services. These include:-

- changes are driven by the need to save money rather than improvements to the service
- the capacity of John Billam to accommodate all Learning Disability day service users
- the quality and relevance of the current assessments, and the need for future high quality, transparent assessments and support plans to be focused on the needs of individuals if the changes are to happen
- the capacity of Strathcona and John Billam Resource Centre to meet the needs of those requiring a building based service
- the need to demonstrate what a person centred plan would look like

These concerns are not related to the changes being discriminatory

The national policy, local strategy and person centred planning which underpin these proposed changes should all ensure that support and services meet people's individual needs in the future.

Staff raised concerns over relocating to another area within the borough which may have an increased cost implication for them as well extending their travel time

**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.**

Service users have expressed concerns about possible discrimination and hate crime. Experience shows that where communities have increased

contact with disadvantages groups of people, better understanding and positive relationships evolve.

Some service users fear they may lose their benefits if they progress on to work or something else even though it may improve their lives and well-being.

The proposed Strategy itself will promote equality by inclusion and promoting citizen participation through the Area Forums, local and national disabilities groups and through the voluntary sector. Plans for this will run in conjunction with Consultation and Communication, Health and other council departments. In addition, person centred planning will ensure that the individual needs are taken into consideration and factors concerning diversity and equity will be taken into consideration by skilled and trained staff working with families.

### **11 *If the Impact cannot be justified, how do you intend to deal with it?***

The assessment and support planning process will lead to a more personalised approach to meeting people individual needs. Services will be delivered in the community as appropriate by a range of organisations and professionals, which individuals can access by using their personal budgets.

Continued engagement with service users, carers, staff and other stakeholders will be crucial to the successful implementation of the Day Opportunities Strategy. Advocacy and counselling support for users and carers throughout the process of change will be put in place. It is intended to co-design the process of reassessment and support planning with carers and advocates. A communications plan will be produced which outlines the full breadth of communication activity which will be delivered and a commitment to continue to deliver quality services to those most vulnerable in the community.

This change will deliver three core benefits: service quality improvements, financial sustainability as well as national and local policy alignment

### **12 *What can be done to improve access to take up of services?***

Access to day services funding (as with all social care services) will be on the basis of service users meeting Fair Access to Service Criteria.

Increasing access to community based services will require strategic commissioning work with community based providers, for example:

- colleges will need to adapt their curriculums and offer improved access to their courses with the aim of users being able to study something that gives them a better chance of securing employment and becoming more independent in a mainstream classroom setting
- specialist service providers and community providers ensuring their services are more culturally appropriate.

Increasing access to services will also rely on flexible payment mechanisms,

for example, a Direct Payment, a council managed fund or an Individual Service Fund. These options, and easy access to them, are being developed through a separate, but aligned project – Adult Social Care Customer Journey. Through the training and support of the operational staff although this has already been done but this can be reinforced

### **13 What is the justification for taking these measures?**

The justification for this is to support inclusion, choice and independence and to enable people with learning disabilities to exercise their right to be full citizens.

Day opportunity services have been changing for the last 20 years. These changes have regularly been given fresh impetus by initiatives such as Direct Payments and *Putting People First*. However, the majority of day opportunity services in Brent are still traditional building-based services. This means that day opportunity services are still a barrier to achieving genuine choice and control for people in Brent.

National and local consultation has shown that two significant changes are needed to improve outcomes for service users and carers and give people genuine choice and control. Firstly, people need a wider range of options to choose from and these options must include both specialist (sometimes building-based) and mainstream (in and with the community) services. Secondly, in order to create this choice, Councils need to focus more on commissioning and developing new services in the community and less on delivering traditional building-based services themselves.

Providing more community-based day services will also allow the Council to provide financially sustainable services.

### **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 for this on the front page**

The reassessment and support planning process will set a clear baseline against key indicators:

- Age
- Gender
- Language,
- Faith
- Monitor direct payments and take up of personalised budget by the above group
- % of users securing employment and type of employment
- % of users accessing culturally specific services through brokerage and market stimulation
- % of increase in women only service
- Improvement to quality of users lives
- Regular Reports to go to Learning Disabilities Partnership Board will be produced as well as to the disabilities forum

The Joint Commissioner for Learning Disabilities Service will then be

responsible for ensuring that where possible services and support is identified and developed to meet unmet needs.

The impact of these changes on the performance of the staff within the service, and the impact this has on the support people receive will be monitored through management reports, supervision and training of staff

The evidence for this will be reported to the CCMT at agreed intervals and any remedial action will be addressed by the appropriate line managers

**15 What are your recommendation based on the conclusion and comments of this assessment?**

The recommendation is to support option 4 in the Executive report. The focus on reassessment, support planning aligned to strategic commissioning capacity means that the opportunities for choice and control, and personalised support will increase therefore ensuring day services as a whole support the equalities agenda. The three other options put forward include:

**Option 1: No change to the current service**

There would be no impact on service users or staff in any of the six directly provided services in this option as services would continue in the current service model.

**Option 2: Improve Stonebridge – current service users, current service model in the same buildings, but with significant investment in Stonebridge**

There would be a temporary negative impact while the building works were carried out but there would be a positive medium term impact as the building would then be fit for purpose. There would be no impact on the levels of independence for service users and any increases in services delivered in the community would lead to excess capacity in directly provided services

**Option 3: Buildings based, community focused service – increase levels of independence by 10 per cent and close Stonebridge but retain Strathcona.**

There would be no impact to users who continue to meet the eligibility criteria.

**Should you:**

**a. Take and immediate action?**

Any actions that will be taken will be in line with the results from the consultation and Executive Decision in December 2010.

**b. Develop equality objectives and targets based on the conclusions.**

Reporting targets on equalities objectives are already in operation. However, this work needs to be extended to include targets around faith, transgender; sexual orientation and ethnic take up of services through the baseline. The information then needs to be used for effective future planning of the service.

### c. Carry out further research

The reassessment and support planning process will identify the key actions which will then be updated through the ongoing monitoring.

### 13 If equality objectives and targets need to be developed, please list them here

In addition to the indicators that already exist:

- A key element of the Day Opportunities Strategy and the plan for directly provided learning disability services is to increase employment for people with learning disabilities. Only 3% of the people with learning disabilities are in employment. This will be measured by increased employment numbers and by type of work secured by gender and age.

### 14 What will your resource allocation of action comprise of:

- The main funding for delivering this proposed change will be the money service users will be allocated as a Personal Budget through the reassessment and support planning process
- The staff resource costs which will go into supporting service users to use this money effectively to ensure that the individual's needs and outcomes are met
- Learning and Organisational Development will provide the resource to develop staff skills where needed
- The strategic commissioning staff resource which will be focused on supporting the development of new services

Additional financial and people support will be provided by the Council's One Council PMO office.

### Service Users Profile

### Age

Gender	Ethnic Origin	No	Age Range	19-25	26-39	40-49	50-60	60-70	70+
			Male	Female					
F	other	3	Male	6	57	53	23	12	1
F	White UK	49	Female	3	41	39	28	10	1
F	Asian	26							
F	Black African / Caribbean	28							
F	White Irish	4							
F	Chinese	1							
F	Black UK	1							
M	White UK	35							
M	Asian	61							
M	Black /African Caribbean	13							
M	White Irish	6							
M	Other	5							
M	British	3							
M	Spanish	2							
M	Italian	1							


M	Jewish	1							
M	Lebanese	1							
M	Greek	1							
M	Chinese	1							
M	Black British	20							
M	Unknown	6							
Not recorded	Black British	1							
	Black Other	1							
	African	2							
	Asian	2							

## Staff Profile

Gender	Ethnic Origin	No	Age Range	19-25	30-39	40-49	50-60	60-70	70+
F	White other	3	Male		2	7	1	4	
M	White Other	1							
F	Asian Other	3							
F	White UK	5	Female		8	16	17	21	4
M	White UK	1							
F	Asian	5							
F	Black African / Caribbean	18							
M	Black African/Caribbean	4							
F	White Irish	2							
F	Chinese	1							
F	Black UK	6							
M	Black UK	2							
M	Mixed Other	1							
	Unknown	4							

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	<p style="text-align: center;"><b>Executive</b> <b>11 June 2011</b></p> <p style="text-align: center;"><b>Joint Report from the Director of Regeneration and Major Projects and the Chief Executive of Brent Housing Partnership</b></p>
Ward Affected:	
<b>58 A&amp;B Palermo Road NW10 5YP – disposal of freehold to BHP at open market value as part of the Settled Homes Initiative</b>	

## **1.0 SUMMARY**

- 1.1 This report seeks the Executive's approval to dispose of 58 Palermo Road NW10 comprising upper and lower self contained flats at open market value to Brent Housing Partnership pursuant to the Settled Homes Programme. The price agreed is £410,000

## **2.0 RECOMMENDATIONS**

- 2.1 That members approve the disposal of the property to Brent Housing Partnership (BHP) at open market value in the sum of £410,000 for the purpose of inclusion within the Council's Settled Homes Programme

## **3.0 DETAIL**

- 3.1 Brent acquired the freehold of the property under the Leasehold Reform Act 1967 for the sum of £222,500 on 23 November 2009. This was pursuant to an initiative in conjunction with the Director of Housing and Community Care which gives the Council as lessee the opportunity to buy in the freehold under statute at a discounted price. The property is a modest terraced former dwelling house which has been converted into two self contained flats and both units are now vacant. Each unit comprises 2 bedrooms, reception room, kitchen and bathroom/wc
- 3.2 The Council has the following options:

- i) dispose of the property with vacant possession at open market value to generate a profit in order to acquire additional properties;
  - ii) dispose of the property to a Registered Provider so that it can be retained as social housing;
  - iii) retain the property and so that it can be let to a secure Council tenant.
- 3.3 There are currently over 16,000 households registered on the Council's waiting lists, of which 19% are homeless households staying in temporary accommodation, and therefore there is a strong need to retain the housing supply to meet this need. However, disposal of the properties would allow the Council to generate a receipt at a gain which could be used to acquire additional properties to meet housing need.
- 3.4 Brent Housing Partnership Limited (BHP) has secured funding from the Homes and Communities Agency (HCA) to acquire properties under the Settled Homes Initiative (the SHI scheme). The SHI scheme aims to maximise the supply of affordable housing and assist the Council in managing homelessness demand. In January 2010, the Executive approved an £8m loan facility to be provided to BHP to allow the acquisition of up to 42 properties under tranche 1 of the SHI scheme. BHP have acquired these properties during 2010/11. The Executive gave delegated authority to the Director of Finance and Corporate Services to approve a further loan facility of £46.4m in order to deliver 244 properties under a second tranche by the end of March 2012. The tranche 2 loan facility is expected to be finalised by the end of May and given this, BHP are in a position to acquire the flats at 58 Palmero Road under the SHI scheme.
- 3.5 The Director of H&CC on 2 February 2011 agreed the option for BHP proceed to acquire the property at open market value as the properties would be retained for social housing use and the receipts generated can be used to increase the overall supply of affordable housing in the borough. Disposal to another Registered Provider is not considered to be feasible in the current climate as the HCA's capital funding budget for 2011-2015 for new housing provision has reduced by over 60% since the previous 3 year period. Given this, the appetite for other Registered Providers to acquire street property has reduced as they are not viable without securing grant subsidy. Given this, officers recommend that the option to dispose of the property to BHP represents the best value option for the Council.
- 3.6 BHP has commissioned a local firm of chartered surveyors Robson Walsh for a survey and valuation report. The firm's Director acts as an independent surveyor as defined in the Royal Institution of Chartered Surveyors (RICS) Appraisal and Valuation Standards Practice Statement 2.2 for the purpose of providing a valuation report in accordance with the RICS Appraisal and Valuation Standards. The report on open market value in the sum of £410,000 was provided on 7

February 2011. The condition of both units is generally poor and improvement works are estimated to cost £45,000 plus professional and other fees.

- 3.7 BHP has confirmed on 8 February 2011 that it can proceed with an acquisition at the reported open market value of £410,000 and the Assistant Director (Regeneration and Major Projects Property and Asset Management) has confirmed that the reported sum represents open market value.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 Members should note that the Local Authority (Capital Finance and Accounting) (England) Regulations 2003 states that capital receipts a local authority derives from the disposal of an interest in other housing land (non Right to Buy) must be “pooled” at a rate of 50%. However, the regulations also state that a local authority can treat such receipts as reduced by an amount up to the value of its available Capital Allowance at the time the specified amount is calculated. For the purposes of these regulations the Capital Allowance is a provision that reflects the authority’s past and current forecast investment in regeneration schemes and the provision of affordable housing. Currently the Council is maintaining a capital allowance significantly in excess of the forecast capital receipt and there will be no requirement to pool any of the derived income if Members elect to dispose of this property. The anticipated capital receipt forms part of the resources to fund the capital programme approved by Council on 28 February 2011.
- 4.2 BHP will be liable for the Council’s legal and surveyor’s costs in the disposal

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 Since the acquisition of 58A & B Palermo Road, the Council holds the property under Part II of the Housing Act 1985. The property is vacant.
- 5.2 Where the Council intends to dispose of housing land it requires the consent of the Secretary of State for Communities and Local Government pursuant to section 32 of the Housing Act 1985. The General Consent 2005 issued under the Housing Act 1985 sets out a number of categories of disposal which have deemed consent.
- 5.3 If the purchaser does not fall within the scope of a deemed consent the Council has to make an application for a Special Consent . One of the categories in the General Consent 2005 includes disposing of a property to a Registered Social Landlord.

- 5.4. BHP has been included in the same category of housing providers as housing associations from April 2011. The Housing and Regeneration Act 2008 has changed the status of housing associations from Registered Social Landlords to Registered Providers. BHP was granted Registered Provider status in April 2011 following the Executive's decision at their meeting of 15 March 2011 to approve BHP's application to the Tenant Services Authority to become a Registered Provider and to amend BHP's Memorandum of Association for that purpose.
- 5.5 The Communities and Local Government Department have advised the Council that local authorities should regard the General Consent 2005 as now applying to Registered Providers

Therefore a deemed consent will apply to the disposal to BHP as a Registered Provider provided :

1. the disposal is at best consideration
  2. the dwelling houses are vacant
  3. the dwelling houses are in need of substantial works of repair improvement or conversion and
  4. it is certified that the aggregate number of disposals to BHP do not exceed the ceiling for the current financial year
- 5.6 This property will be subject to a nominations agreement between BHP and the Council which has been stipulated and approved by the HCA as part of the HCA Grant Agreement between the HCA and BHP. The nominations agreement will enable the Council to nominate individuals and their households as this property will be purchased by BHP as part of the Settled Homes Initiative.
- 5.7 BHP will be liable to pay Stamp Duty Land Tax at 1% of the purchase price of the property.
- 5.8 Further details of the Settled Homes Initiative involving BHP are set out in the reports to the Executive meetings of August 2007, February 2008, January 2010 and February 2011.
- 5.9 Navigant Consulting has prepared a report regarding the review and future role of Brent Housing Partnership as the Council's Arms-Length Organisation. The report will be presented to the Executive later this year for their consideration. Members are asked to note that the proposals in this report will not prejudice any actions or decisions which the Executive may make following the Navigant Consulting's review of BHP on behalf of the Council.

## **6.0 DIVERSITY IMPLICATIONS**

- 6.1 None – Impact Needs and Resources Assessment undertaken. This is attached.

## **7.0 STAFFING/ACCOMMODATION IMPLICATIONS**

7.1 None

## **8.0 BACKGROUND PAPERS**

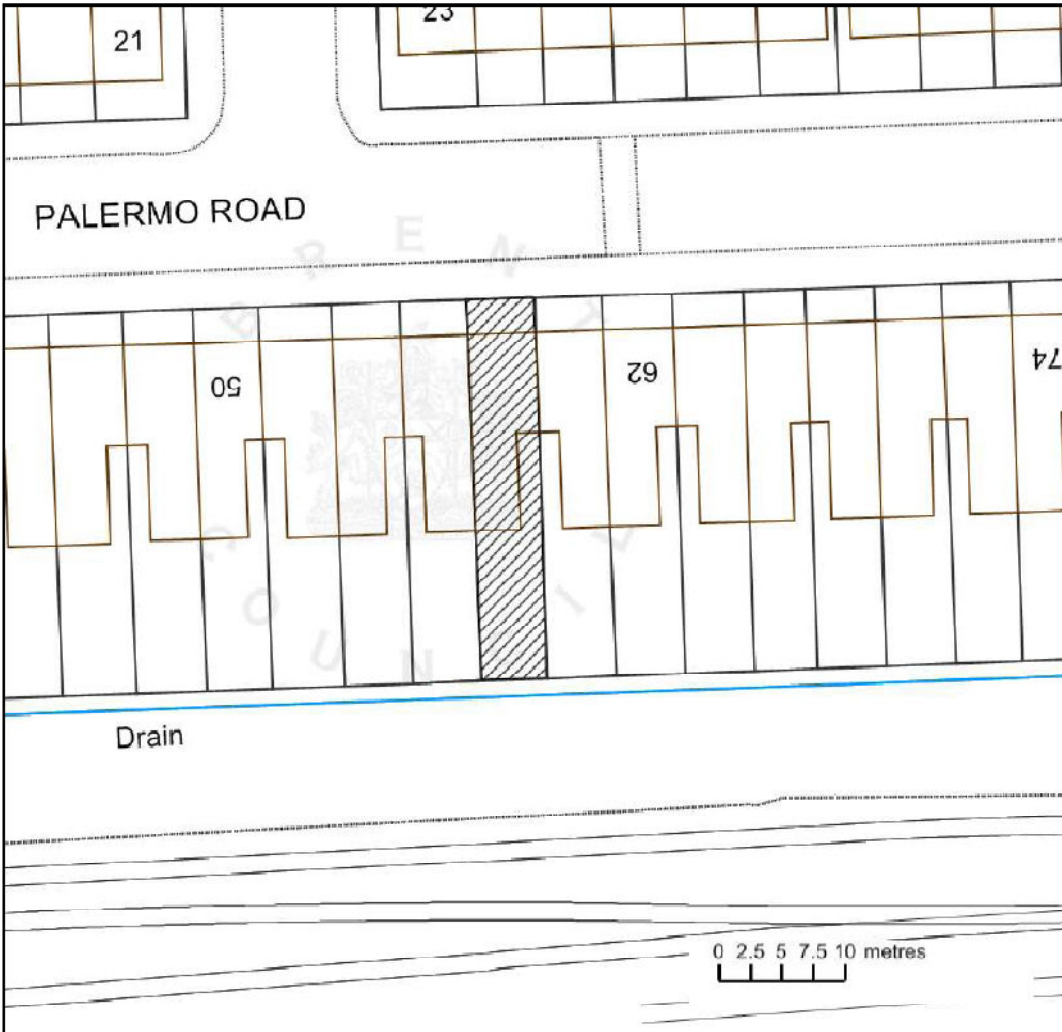
Various papers held in Property and Asset Management and Brent Housing Partnership



### **Contact Officers:**

James Young Property and Asset Management  
Tel 020 8937 1398

Andrew Reid Property Acquisitions Officer Brent Housing Partnership  
Tel 020 8937 2553

11th June 2011  
58A & B Palermo Road NW10 5YP.  
Disposal



 **1:500**  
Plan for information purposes only. 

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17 May 2011

# Impact Needs/Requirement Assessment Completion Form

<b>✓ Department: Regeneration and Major Projects</b>		<b>Person Responsible: James Young</b>	
Service Area: Property and Asset Management		Timescale for Equality Impact Assessment : Final Draft Report Date 1 June 2011	
Date 19 May 2011:		Completion date:	
Name of service/policy/procedure/project etc: The report to the Executive on 11 June 2011 seeks approval for the disposal to Brent Housing Partnership of the freehold of 2 self contained vacant flats within a dwelling house at open market value under the Settled Homes Scheme		Is the service/policy/procedure/project etc: New <input type="checkbox"/> Old <input checked="" type="checkbox"/>	
Predictive <input checked="" type="checkbox"/>		Adverse impact <input type="checkbox"/>	
Retrospective <input type="checkbox"/>		Not found <input checked="" type="checkbox"/>	
		Found <input 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/faitn 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 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		6. Grounds of age: Older people, children and young People 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: Louis Eden		Person responsible for publishing results of Equality Impact Assessment: No publication as far as I am aware	
Person responsible for monitoring: James Young		Date results due to be published and where: No publication as far as I am aware	
Signed: <i>Louis Eden</i>		Date: 19 May 2011	

## Impact Needs/Requirement Assessment Completion Form

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?

Acquisition of property known as 58A&B Palermo Road NW/10 5YP under Settled Homes Scheme

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 Housing Partnership Limited (BHP) has secured funding from the Homes and Communities Agency (HCA) to acquire properties under the Settled Homes Initiative (the SHI scheme). The SHI scheme aims to maximise the supply of affordable housing and assist the Council in managing homelessness demand

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

Yes. There is a considerable demand for homes and this scheme helps in satisfying that demand

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

There is no evidence that the scheme has an adverse impact around the above factors. The scheme has a positive impact for those people who are homeless

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 scheme will benefit homeless people irrespective of race gender disability etc  
In January 2010, the Executive approved an £8m loan facility to be provided to BHP to allow the acquisition of up to 42 properties under tranche 1 of the SHI scheme. BHP have acquired these properties during 2010/11.  
The Executive gave delegated authority to the Director of Finance and Corporate Services to approve a further loan facility of £46.4m in order to deliver 244 properties under a second tranche by the end of March 2012. The tranche 2 loan facility is expected to be finalised by the end of May and given this, BHP are in a position to acquire the flats at 58 Palermo Road under the SHI scheme.

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 scheme aims to maximise the supply of affordable housing and assist the Council in managing homelessness demand

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?

No external consultation due to the nature of this transaction within the scheme



## Impact Needs/Requirement Assessment Completion Form

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

No because there is no external consultation

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

No

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.

There is no adverse impact

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

N/A

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

BHP has already acquired a considerable number of properties for the purpose of assisting homelessness demand so the process is well established and operating efficiently

13. What is the justification for taking these measures?

The justification is the reducing of homelessness demand

# Impact Needs/Requirement Assessment Completion Form

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.

James Young will liaise H&CC and BHP with regard to this transaction and future transactions pursuant to the scheme

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

The council will be able to sell the property to BHP at open market value for the purpose of the Settled Homes Scheme

Should you:

1. Take any immediate action?  
No
2. Develop equality objectives and targets based on the conclusions?  
These are already developed
3. Carry out further research?  
None needed

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

N/A

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

No resources needed

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

Signed by the manager undertaking the assessment:

Louis Egan

Date:

19 MAY 2011

Full name (in capitals please):

CHARLES LOUIS EGAN

Service Area and position in the council:


PROPERTY AND ASSET MANAGEMENT PRINCIPAL OFFICER

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

PAUL ZYOR

JAMES YOUNG DEPUTY HEAD OF PROPERTY & ASSET MGMT.

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>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and a banner, surrounded by the words 'BRENT' at the top and 'COUNCIL' at the bottom in a circular arrangement.</p>	<p><b>Executive</b> <b>13 June 2011</b></p> <p><b>Joint Report from the Director of Regeneration and Major Projects and The Chief Executive of Brent Housing Partnership</b></p>
<p>Ward Affected: Kilburn</p>	
<p><b>51 Kilburn High Road NW6 5SB – disposal of freehold</b></p>	

## 1.0 SUMMARY

- 1.1 This report seeks the Executive's approval for the open market disposal at auction of the freehold of 51 High Road Kilburn NW6 5SB, which comprises three dilapidated and vacant residential upper units known as flats A, B and C and the ground floor shop premises which is sold on long lease, following confirmation from the Chief Executive of Brent Housing Partnership that these residential units are beyond economic repair. The residential units are surplus to the Council's operational requirements and sale at auction will ensure the best price is achieved for Brent's freehold interest

## 2.0 RECOMMENDATIONS

- 2.1 Members approve the open market disposal of the freehold interest of the building comprising dilapidated and vacant residential upper units A, B and C and the ground floor shop premises, which is sold on long lease.
- 2.2 Members agree the Assistant Director Regeneration & Major Projects (Property & Asset Management) to instruct auctioneers so as to ensure that the best price is achieved on sale of the freehold at auction and to instruct Legal Procurement in the matter of the disposal

## 3.0 DETAIL

- 3.1 The property is locally listed and comprises a mid terraced five storey late Victorian building in a terrace of similar properties with commercial shop premises on the ground floor and three residential units located on the upper four storeys

- 3.2 The ground floor shop was sold in 1991 on long 125 years lease at a premium and annual peppercorn rent
- 3.3 BHP carried out a survey of the internal condition of the upper parts and reported in March 2010. The accommodation known as flats A,B and C comprises a bedsit unit on both first and second floors and a two bedroom maisonette on the third and fourth floors.
- 3.4 The property is in need of significant structural repair mainly due to inadequacy of the existing structural floors and modifications made to the structure in the past. The report concludes that the accommodation fails to meet basic levels of functionality and is currently in a totally dilapidated condition. The estimated cost of such remedial works is in the region of £300,000
- 3.5 A subsequent major works voids report in May 2010 was presented to the Director of Housing and Community Care. This explained that the upper residential units have been vacant since about 2006 due to the poor condition of the building and the significant structural repair and refurbishment necessary to bring the units to a suitable condition to be let again.
- 3.6 The voids report considered three options for the property, which are:
- i) retain the status quo and assume the opportunity cost of the annual loss of rents estimated at about £14,000
  - ii) authorise capital funding to repair and refurbish the property which is estimated to be about £300,000
  - iii) dispose of Brent's freehold of the building on the open market in present condition which will achieve a capital receipt but will result in a loss of potential social housing stock
- 3.7 The decision taken is to proceed with the option to dispose of Brent's freehold in current condition in the open market at public auction which will ensure that the best price is achieved.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 Members should note that the Local Authority (Capital Finance and Accounting) (England) Regulations 2003 states that capital receipts a local authority derives from the disposal of an interest in other housing land (non Right to Buy) must be "pooled" at a rate of 50%. However, the regulations also state that a local authority can treat such receipts as reduced by an amount up to the value of its available Capital Allowance at the time the specified amount is calculated. For the purposes of these regulations the Capital Allowance is a provision that reflects the authority's past and current forecast investment in regeneration schemes and the provision of affordable housing. Currently the council is maintaining a capital allowance significantly in excess of the forecast capital

receipt and there will be no requirement to pool any of the derived income if Members elect to dispose of these properties.

4.2 It is anticipated a price for the freehold in the region of £ 300,000 is likely to be realised.

4.2 The Council's general policy is that receipts are used to support the overall capital programme. The receipt was part of the resources identified to support the whole capital programme approved by the Council on 28 February 2011.

## **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 Where the Council intends to dispose of housing land it requires the consent of the Secretary of State for Communities and Local Government. The General Consent 2005 issued under the Housing Act 1985 sets out a number of categories of disposal which have deemed consent. .

5.4 However a successful bidder at an auction may be an organisation which would not fall within the categories of purchaser which are covered by a deemed consent .

5.5 Therefore auction conditions have to state that the disposal is conditional upon the Secretary of State giving consent to the disposal of the dwelling. A deemed consent will automatically apply if the successful bidder is an individual or individuals who have not previously purchased a vacant dwelling from the Council in the current financial year.

5.6 If the purchaser does not fall within the scope of a deemed consent the Council will make an application for a special consent

## **6.0 DIVERSITY IMPLICATIONS**

6.1 None specific- Impact Needs Requirement Assessment has been undertaken and is attached.

## **7.0 STAFFING/ACCOMMODATION IMPLICATIONS**

7.1 There is a loss of potential social housing stock although significant expenditure is necessary to bring the units to decent homes standard

## **8.0 BACKGROUND PAPERS**

- 8.1 BHP Building Survey Report dated March 2010
- BHP Major Works Voids Report dated 26 May 2010

### **Contact Officers**

James Young Deputy Head of Property and Asset Management, Regeneration & Major Projects

Tel 020 8937 1398 email [james.young@brent.gov.uk](mailto:james.young@brent.gov.uk)

Gerry Doherty Chief Executive BHP

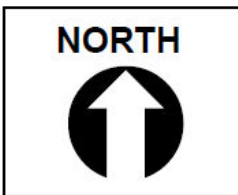
Tel 020 8937 2244 email [gerry.doherty@brent.gov.uk](mailto:gerry.doherty@brent.gov.uk)

**EXECUTIVE COMMITTEE 13 June 2011**  
**51 Kilburn High Road NW6 5SB. Freehold**  
**Residential Units A, B and C and Ground Floor Shop.**  
**Disposal in the Open Market.**



**Premises shown edged  
and cross hatched black.**

**Plan for information purposes only.**



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# Impact Needs/Requirement Assessment Completion Form

<b>Department:</b> Regeneration & Major Projects		<b>Person Responsible:</b> James Young Deputy Head Property & Asset Management Regeneration & Major Projects Dept	
<b>Service Area:</b> Property & Asset Management		Timescale for Equality Impact Assessment : Executive Meeting 13 June 2011	
<b>Date:</b> 19 May 2011		<b>Completion date:</b>	
<b>Name of service/policy/procedure/project etc:</b> The report to the Executive on 11 June 2011 seeks approval for the sale of the freehold of 51 Kilburn High Road NW6 5SB at auction so as to achieve best value. The property is surplus to operational requirements and comprises 3 vacant upper residential units and a ground floor shop sold on long lease		<b>Is the service/policy/procedure/project etc:</b> 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 checked="" type="checkbox"/> Found <input type="checkbox"/>	
Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input type="checkbox"/> No <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 type="checkbox"/> No <input checked="" 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 type="checkbox"/> No <input checked="" 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 type="checkbox"/> No <input checked="" type="checkbox"/>	
5. Grounds of sexual orientation: Lesbian, Gay and bisexual Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		6. Grounds of age: Older people, children and young People Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Consultation conducted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Person responsible for publishing results of Equality Impact Assessment: There will be no equality impact to the community from this transaction	
Person responsible for arranging the review: Louis Eden		Person responsible for publishing results of Equality Impact Assessment: There will be no equality impact to the community from this transaction	
Person responsible for monitoring: James Young		Date results due to be published and where: No results will be published	
Signed: <i>Louis Eden</i>		Date: 19 May 2011	

## Impact Needs/Requirement Assessment Completion Form

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 sale at auction of 51 Kilburn High Road NW6 5SB

The upper residential units are in dilapidated condition and have been vacant for some years  
The property has been declared surplus to Council's operational requirements and is to be sold to achieve best value for the Council's capital programme

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

To sell Council owned surplus property to achieve a capital receipt to help to meet the resources forecasts for the Council's capital programme

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

Yes as the bidding process at auction is open to all in a transparent and open way

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

No. The property will be sold at auction subject to approval of the Executive  
The upper units are vacant and the ground floor shop is let on a long lease  
There is no adverse effect on the long lessee by a change of freeholder as the terms of the lease do not vary

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).

It is the nature of the method of sale and also there are no residential occupiers  
The position of the shop user does not change as explained above

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 are no unmet needs or requirements that can be identified that could affect specific groups  
Any group of any ethnicity, sexual orientation, faith or age can bid for this property

## Impact Needs/Requirement Assessment Completion Form

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?

No. This is not necessary due to the nature of this transaction

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

No because none has been undertaken

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

No because this method of disposal is open and transparent and anybody is able to bid

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.

There will be no adverse impact.

There is equality of opportunity because everybody has the opportunity to bid for and purchase the property in an open and transparent way

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

N/A

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

The property will be advertised in the auctioneers' catalogue, on the Council's web site and a 'for sale' board will be erected

This will ensure that any interested party will be made aware of the proposed sale

13. What is the justification for taking these measures?

To ensure that there is sufficient publicity for those parties who are interested in bidding for the property so that they have sufficient notice to make the necessary arrangements to enable them to bid and complete a contract for purchase

# Impact Needs/Requirement Assessment Completion Form

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.

James Young will monitor the auction process and liaise with the auctioneers on a regular basis with regard to the interested parties and also the bidding process leading to an exchange of contracts and thereafter to an anticipated successful sale

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

That the council is able to sell this property by way of public open auction

Should you:

1. Take any immediate action?  
No
2. Develop equality objectives and targets based on the conclusions?  
Ensure the details of the auction reach the whole community
3. Carry out further research?  
None needed

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

N/A

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

No resources needed

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

Signed by the manager undertaking the assessment:

*Louis Zeman*

Full name (in capitals please):

Date: 19 MAY 2011


*CHARLES LOUIS ZEMAN*  
Service Area and position in the council:

*PRINCIPAL ESTATE SURVEYOR PROBATION AND CRIME  
MANAGEMENT*

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

*JAMES YOUNG DEPUTY HEAD OF PROBATION AND CRIME MAN.*

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>13 June 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 style="text-align: center;"><b>Award of a Framework Contract for the Procurement and Management of Temporary Accommodation</b></p>	

*Appendices 1,3, 5 and 6 are Not for Publication.*

## **1.0 Summary**

- 1.1 This report details the process of the competitive tendering for the Procurement and Management of Temporary Accommodation (Private Managed Accommodation), and makes a recommendation as to award pursuant to Contract Standing Order 88.

## **2.0 Recommendations**

- 2.1 That the Executive approves the appointment of the contractors recommended and listed at paragraph 3.2.8 to the Procurement and Management of Temporary Accommodation Framework for a period of two (2) years from July 2011 with provision to extend the Framework Agreement for a further two (2) years.

## **3.0 Detail**

### **3.1 Background to the contract**

- 3.1.1 The Private Managed Accommodation Scheme (PMA) will be used to provide temporary accommodation for homeless families. The Council has a statutory duty to provide suitable temporary accommodation to homeless persons who are eligible and have a priority need for accommodation under part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002). There are currently just over 3,000 homeless households in various Temporary Accommodation (TA) schemes. Private Sector Leasing (PSL) schemes involve the Council leasing properties from the private sector and letting them to homeless households as temporary accommodation and the Council has a number of these. The proposed Private Managed Accommodation scheme is a type of PSL scheme. Officers are considering whether such temporary accommodation can be used to house

homeless households for homeless prevention purposes outside the Council's powers under Part VII of the Housing Act 1996 and Counsel's opinion is being sought to clarify this point.

### **Temporary Accommodation Subsidy Changes**

- 3.1.2 In 2009 the Department for Work and Pensions (DWP) introduced changes to TA Subsidy which would restrict PSL subsidy income to 90% of Local Housing Allowance (LHA) plus a weekly £40 management fee. On the 1st April 2010, DWP announced without any prior notification further changes to Housing Benefit (HB) subsidy for TA, to take immediate effect. This set a ceiling subsidy cap of £500 per week for inner London and £375 per week for everywhere else.
- 3.1.3 In addition to this, DWP has announced that from 1<sup>st</sup> April 2011, the PSL subsidy formula will apply to Housing Association Leasing (HAL) schemes. The estimated cost to the Council of this change would be £900,000 for 2011/2012. To mitigate this cost, the Council will need to procure larger properties at a lower cost under the PMA scheme. In Brent the changes in HB changes have made it very difficult to procure four and five bed accommodation within the geographical boundaries of the Borough under any of Brent's existing TA leasing schemes.
- 3.1.4 For Bed and Breakfast (B&B) units the new subsidy cap is limited to the one bedroom LHA Rate, irrespective of the size of household placed by the Council. Current one-bedroom rates for LHA are as follows: £ 24.72 per night in the north of the Borough and £37.14 per night in the south of the Borough and large shortfalls are currently made on B&B placements.
- 3.1.5 The proposed PMA scheme will replace the majority of the current supply of B&B units. It is anticipated that the reduction in B&B usage will produce a significant cost saving over the duration of the contract.
- 3.1.6 The PMA scheme will also provide the Council with an additional supply of units that will be needed to house homeless households that can no longer be provided for under the HALS scheme. This particularly applies to larger households that require 4 and 5 bed properties.
- 3.1.7 The PMA scheme will utilise HB subsidy to fund the lease and management costs of the scheme. The specification for the contract will incorporate improved property procurement and management standards agreed by the West London Alliance.
- 3.1.8 The scope of services will include a full property management service to include property acquisition, viewings and lettings processes, tenancy management, property inspections, administering decants, void periods and property handbacks and performance management.
- 3.1.9 The services under the proposed framework agreement will be provided by multiple providers. The Council will be the lead authority for the operation of the framework agreement. There will be provision for members of the West London Housing

Partnership to call off services from the proposed framework agreement. The major advantage of this for the Council is that a competitive price for the services can be achieved as a result of the potential combined buying power of the West London Alliance.

### **Preliminary stages of Procurement Process**

- 3.1.10 As detailed in the report to the Executive of 11 April 2011, the Council commenced a procurement process for the establishment of a framework agreement following receipt of Executive authority to tender in November 2010 but due to procedural irregularities, this procurement process was aborted. A further procurement process was then re-commenced, as detailed below.
- 3.1.11 The advertisement for expressing an interest to tender for the framework was being placed on the Council's website, Inside Housing (a specialist housing publication) and the Wembley Observer on the 10<sup>th</sup> March 2011, with a closing date to express an interest of the 28<sup>th</sup> March 2011. Pre-Qualification Questionnaire (PQQ) documentation was issued to 37 organisations that expressed an interest with a submission date of 1<sup>st</sup> April 2011. 31 organisations submitted a PQQ by the submission date.
- 3.1.12 The PQQ evaluation was carried out by panel members consisting of Finance and Health and Safety officers from Brent Council and Housing officers from Brent Council and participating West London Alliance Boroughs. The PQQ evaluation was conducted in accordance with the Evaluation Methodology issued in the PQQ documentation. The PQQ evaluation consisted of 3 evaluation stages:
- 3.1.13 Stage 1 - Preliminary Compliance Review; organisations that failed to provide complete or adequate evidence, supporting documentation or details failed this stage in the evaluation. Organisations that passed the Preliminary Compliance Review were subject to the Full Evaluation. 5 Organisations failed the Preliminary Compliance Review and 26 organisations were subject to the full evaluation.
- 3.1.14 Stage 2 – Full evaluation; organisations that passed the Preliminary Compliance Review were subject to a full evaluation of their PQQ submission. Organisations that obtained a “fail” for any of the pass or fail questions or scored less than 2 marks out of the available 4 for any of the marked questions in the PQQ failed the full evaluation stage. Organisations were evaluated on their response to questions covering the following areas:

<u>Evaluation area</u>	<u>Pass/fail or scored question including weightings</u>
Sub-contracting/consortia arrangements	Pass/fail
Professional conduct	Pass/fail
Economic and financial standing	Pass/fail
Insurance cover	Pass/fail
Resources	Pass/fail
Health and Safety	Pass/fail and 2 scored questions with 5% weighting
Quality assurance	pass/fail questions

Equality	pass/fail questions
Environmental	pass/fail questions
Sustainability	pass/fail questions
Previous experience and references	5 scored questions with a weighting of 95%

Scored questions were evaluated using a scoring range of between 0 and 4. The assignment of a score of 0, 1, 2, 3 or 4 was based on the following assessments:

Assessment	Score
Deficient – Response to the question (or an implicit requirement) significantly deficient or no response received.	0
Limited – Limited information provided, or a response that is inadequate or only partially addresses the question.	1
Acceptable – An acceptable response submitted in terms of the level of detail, accuracy and relevance.	2
Comprehensive – A comprehensive response submitted in terms of detail and relevance.	3
Superior – As Comprehensive, but to a significantly better degree.	4

7 organisations failed the full evaluation stage and 19 organisations were subject to proceed to the short-listing stage.

3.1.15 Stage 3 - Selection of organisations to proceed to short-listing stage; organisations, who passed the full evaluation stage, scores were presented in a PQQ evaluation matrix. The evaluation matrix details the total average weighted scores for each organisation and ranks them with the highest scoring organisation being given a ranking of 1. The Evaluation Methodology stipulates that the top 22 ranked organisations shall be shortlisted and invited to the ITT stage. In the event that there are less than 22 suppliers meeting the requirement, that number shall be shortlisted. Therefore the 19 organisations that passed the full evaluation stage were invited to tender.

3.1.16 An invitation to tender (ITT) was sent to the 19 shortlisted organisations on 18<sup>th</sup> April 2011, with a return date of 12 noon of 9<sup>th</sup> May 2011.

3.1.17 Organisations were informed that the ITT evaluation would be conducted in accordance with the Evaluation Methodology issued to organisations in the PQQ documentation.

3.1.18 Tenders were evaluated on the basis of the most economically advantageous tender using the following criteria. Each criterion was assigned a weighting to reflect the relative importance of such criterion:

## 1. Quality



Quality consisted of 30% of the evaluation weightings. The quality evaluation was evaluated using the following criteria and weightings assigned to the method statement detailed below:

<u>ITT method statement</u>	<u>Weightings</u>
<u>Question 1 - Procurement</u> Please detail the procedures / processes your organisation would take to procure an on-going supply of good quality properties on a non-secure tenancy.	15%
<u>Question 2 - Repairs and Maintenance</u> Please detail the procedures your organisation would take to ensure the properties are maintained to at least the minimum property standards (as detailed in Appendix 2 in Specification)	10%
<u>Question 3 - Complaints Handling</u> Please detail how your organisation will ensure that complaints for both landlords and tenants are effectively managed to deliver the minimum customer care standards detailed in the specification	3%
<u>Question 4 - Anti-Social management</u> Please detail how your organisation will manage anti-social behaviour for this contract in relation to the specification	2%

## **2. Price**

Price consisted of 70% of the evaluation weightings. The pricing submitted by the 19 organisations were evaluated by using their weekly unit cost to calculate the cost to manage 200 properties over 4 years.

### **3.2 The Tender Evaluation Process**

- 3.2.1 19 tenders were received by the submission date. The tenders were opened checked and approved for submission by an Officer from Democratic Services and Procurement following the tender receipt closing time on the 9<sup>th</sup> May 2011.
- 3.2.2 The ITT was evaluated in accordance with the Evaluation Methodology by the same Housing officer panel members from the PQQ stage. The ITT evaluation consisted of 3 stages:
- 3.2.3 Stage 1 - Preliminary Compliance Review; organisations that failed to provide complete or adequate evidence, supporting documentation or details failed this stage in the evaluation. Organisations that passed the Preliminary Compliance Review were subject to the Full Evaluation. All 19 organisations passed the Preliminary Compliance Review and were subject to the full evaluation.
- 3.2.4 Stage 2 – Full evaluation; organisations that passed the Preliminary Compliance Review were subject to a full evaluation. Method statement questions were scored using a range of between 0 and 4. Organisations that scored less than 2 marks out of the available 4 for each of the method statement questions failed the full evaluation stage. The assignment of a score of 0, 1, 2, 3 or 4 was on the same basis as detailed in the second table at paragraph 3.1.14.

- 3.2.5 All 19 organisations passed the full evaluation and their average scores for the method statement questions and price were presented in an ITT evaluation matrix. The evaluation matrix details the total weighted scores obtained by each organisation and ranked with the highest scoring Bidder being given a ranking of 1.
- 3.2.6 The following presents information of the evaluation matrix:
- Appendix 1 presents the ITT identification numbers
  - Appendix 2 presents the ITT quality evaluation scoring
  - Appendix 3 presents the ITT price evaluation scoring
  - Appendix 4 presents an overview of the ITT price and quality evaluation scoring
  - Appendix 5 presents base pricing information upon which prices were calculated.
- 3.2.7 Stage 3 - Selection of Bidders to be appointed to the Framework Agreement; The Evaluation Methodology informed organisations that the top 17 ranked organisations that passed the full evaluation would be appointed to the Framework Agreement.
- 3.2.8 The Evaluation Panel considered the final scores and recommends the tenderers detailed below for appointment to the Framework (in alphabetical order).
1. Altwood Properties Ltd
  2. Bishop Property Management Ltd
  3. Cromwood Ltd
  4. Finefair Consultancy Ltd
  5. Genesis (Formerly Pathmead Housing Association)
  6. Golden Care Estates Limited
  7. Housing Britain
  8. Lettings International
  9. Middlesex Housing Ltd
  10. Omega Lettings
  11. Orchard & Shipman PLC
  12. Ready Homes
  13. RHP Services Ltd
  14. RMG
  15. Shepherds Bush Housing Association
  16. Stadium Housing Association
  17. Theori Investments Ltd

3.2.8 The anticipated date for appointment to the Framework is the 4<sup>th</sup> July 2011.

#### **4.0 Financial Implications**

- 4.1 The tender prices quoted by the recommended tenderers are in line with the budget projection for the next financial year. The tender prices submitted represent a saving on the costs of providing this accommodation service. It is anticipated that the reduction in Bed and Breakfast usage will produce cost savings over the duration of the project.
- 4.2 A breakdown of the tender prices is shown at Appendix 5.

- 4.3 The cost of these contracts will be funded entirely through the temporary accommodation subsidy payment of £40 per week for each property from the Department and Work and Pensions.
- 4.4 The estimated value of this 4 year contract is £2.6 million and will be funded entirely from Housing Benefit Subsidy.
- 4.5 The DWP have reduced temporary accommodation subsidy for all forms of temporary housing for homeless households from 1<sup>st</sup> April 2011.
- 4.6 Officers had previously forecast an overspend of £1.3 million against the draft Temporary Accommodation budget for 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.
- 4.7 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.
- 4.8 The introduction of the PMA scheme will help to reduce the expected overspend, by reducing the use of hotel accommodation for homeless households.
- 4.9 Current forecasts suggest that the PMA scheme will reduce overall costs on hotel accommodation by approximately £300,000. This reduction has been taken into account our 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. Legal Implications**

- 5.1 The requirement to provide temporary accommodation to persons in housing need arises under Part VII of the Housing Act 1996 ("the 1996 Act"). The Council is bound by statute under 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 and they have are not intentionally homeless. The circumstances in which the Council will cease to be subject to any such duty are set out in section 196(6)-(7B) of the 1996 Act, which include the applicant accepting an offer of accommodation under Part VI of the 1996 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.

- 5.2 The Council also has an interim duty to accommodate homeless applicants in temporary accommodation under section 188(1) of the 1996 Act pending a decision regarding their homelessness applications if the Council has reason to believe that such applicants may be homeless, eligible for assistance and have a priority need of 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 a discretion (as opposed to a duty) under section 188(3) of the 1996 Act to house the homeless applicant in temporary accommodation pending a 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 under section 193 of the 1996 Act as set out in the previous paragraph.
- 5.3 Officers are considering whether such temporary accommodation can be used to house homeless households for homeless prevention purposes outside the Council's functions under Part VII of the Housing Act 1996 and whether non-secure tenancies can be granted for this purpose. The Council is obtaining Counsel's opinion to clarify this point.
- 5.4 Under paragraph 4 of Schedule 1 to the Housing Act 1985, the Council can grant non-secure tenancies to homeless households when exercising its functions under Part VII of the Housing Act 1996. The other main exception to the secure tenancy regime for temporary accommodation is under paragraph 6 of Schedule 1 to the Housing Act 1985 for short term temporary accommodation. The requirements for paragraph 6 of Schedule 1 of the Housing Act 1985 are more cumbersome and that paragraph states: "A tenancy is not a secure tenancy if: - (a) the dwelling-house has been leased to the landlord with vacant possession for use as temporary housing accommodation; (b) the terms on which it has been leased include provision for the lessor to obtain vacant possession from the landlord on the expiry of a specified period or when required by the lessor; (c) the lessor is not a body which is capable of granting secure tenancies; and (d) the landlord has no interest in the dwelling house other than under the lease in question or as a mortgagee".
- 5.4 The estimated value of contracts to be called off under the Framework Agreement over its lifetime are higher than the EU threshold for Services and the Council's Standing Orders threshold for High Value Service Contracts (of £500,000) so the procurement and award of the Framework Agreement is subject to the Council's own Standing Orders in respect of High Value contracts and Financial Regulations.
- 5.5 The main object of the service is to source accommodation on behalf of the council so as to enable the council to discharge its statutory duties to families accepted as homeless within the borough as stated in the above previous paragraphs. The recommended contractors, if appointed to the framework, will procure properties from private sector landlords, enter into head leases in respect of the properties and sub-let to the Council, who shall further sub-let the property, on a periodic licence to a nominated homeless applicant; in addition the contractors will provide administrative housing management services on the council's behalf. Given the breakdown between the different elements of the Procurement and Management of the Temporary Accommodation service, which falls under both Parts A and B of the Public Contract Regulations 2006 ("EU Regulations"), the Framework Agreement was regarded at the time of tendering as a contract for Part B Services and was

tendered as such, therefore being subject to partial application of the EU Regulations. Further details regarding this aspect are in Appendix 6.

- 5.6 As noted in section 3 of this report, there were a number of candidates who did not submit complaint Pre-Qualification Questionnaires (“PQQ”) in accordance with the Council’s published Evaluation Methodology. In accordance with Stage 1 of the PQQ Evaluation Methodology, the Council may refrain from considering any incomplete submissions as the PQQ submissions must be sufficient and cover all requirements contained in order to be able to evaluate all submissions on an equal footing. The candidates’ failure to complete all parts of the PQQ document and/or supply adequate evidence is considered by officers to be non-compliance with a substantive tendering requirement therefore their PQQ submission was rejected. This approach reflects the general EU procurement principle of fairness to all tenderers.
- 5.7 The EU Regulations allow the use of framework agreements and prescribe rules and controls for their procurement and use. Individual call-off contracts may then be called off under such framework agreements without the need for them to be separately advertised and procured through a full tendering process. There are however strict rules which apply to the call-off process to ensure fairness and transparency. The necessary rules have been incorporated in a call-off procedure set out in the framework agreements.
- 5.8 The council is observing a voluntary 10 day standstill period from the date of the decision to award the framework agreement. The standstill requirements include notifying all tenderers in writing, by the fastest means of communication, of the Council’s decision to award the framework and providing full detailed reasons to unsuccessful tenderers before executing the framework agreements.
- 5.9 The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council’s award decision if such challenge is justifiable. However, if no such challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful framework contractors and the framework agreements may be formally executed.

## **6. Diversity Implications**

- 6.1 There are significant variations between the population of Brent and those applying for assistance as homeless persons. For example, those in the Black category made up just under 20% of Brent’s population in 2001, however they accounted for nearly half of all applications as homeless in 2002/03. Furthermore, those in the White category made up just over a fifth of all homeless applications, but were 45% of the resident population in the 2001 census. Reasons for these differences are complex and relate to a variety of social, economic and demographic factors, including income levels, family size, and quality of housing and patterns of tenure.
- 6.2 The Housing Resource Centre’s Equality Impact Assessment regarding homelessness and lettings identified that current policy is specifically designed to ensure that those who are less able to access their own housing solutions are assisted.

## **7.0 Staffing Implications**

7.1 There are no implications for Council staff arising out of the tendering of the new contract.

## **8.0 Background Information**

- Report to the Policy Co- Ordination Group, 30th Sept 2010. Report Title: Likely impact of proposed changes to the Housing Benefit Group.
- Report to the Executive dated 15 November 2010
- Report to the Executive dated 11 April 2011

### **Contact Officer**

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**Andrew Donald**  
**Director of Regeneration and Major Projects**

## Appendix 2 - Overview of the ITT quality evaluation:

Detailed below is an overview of the average weighted ITT quality scores for each organisation


ITT Question	Weightings	Total Average Weighted Score																		
		ITT 2	ITT 3	ITT 4	ITT 5	ITT 6	ITT 7	ITT 8	ITT 9	ITT 10	ITT 11	ITT 12	ITT 13	ITT 14	ITT 15	ITT 16	ITT 17	ITT 18	ITT 19	ITT 20
Question 1 - Procurement Please detail the procedures / processes your organisation would take to procure an on-going supply of good quality properties on a non-secure tenancy.	15%	10.71%	10.71%	13.39%	11.25%	11.25%	10.71%	10.71%	9.11%	11.25%	9.64%	10.18%	10.71%	12.32%	9.11%	9.64%	10.71%	8.04%	10.71%	14.46%
Question 2 - Repairs and Maintenance Please detail the procedures your organisation would take to ensure the properties are maintained to at least the minimum property standards (as detailed in Appendix 2 in Specification)	10%	7.14%	7.14%	8.93%	8.21%	7.86%	7.14%	7.50%	7.14%	7.86%	7.14%	6.79%	7.50%	8.21%	6.07%	6.79%	6.43%	5.00%	7.14%	8.93%
Question 3 - Complaints Handling Please detail how your organisation will ensure that complaints for both landlords and tenants are effectively managed to deliver the minimum customer care standards detailed in the specification	3%	2.46%	2.25%	2.57%	2.14%	2.25%	1.61%	2.14%	1.93%	1.50%	1.93%	2.04%	1.71%	2.68%	1.71%	1.82%	2.04%	1.50%	2.14%	2.89%
Question 4 - Anti-Social management Please detail how your organisation will manage anti-social behaviour for this contract in relation to the specification	2%	1.79%	1.21%	1.86%	1.50%	1.57%	1.29%	1.36%	1.00%	1.36%	1.50%	1.43%	1.43%	1.79%	1.29%	1.00%	1.21%	1.21%	1.36%	1.86%
<b>Total Weighted Quality</b>	<b>30%</b>	<b>22.11%</b>	<b>21.32%</b>	<b>26.75%</b>	<b>23.11%</b>	<b>22.93%</b>	<b>20.75%</b>	<b>21.71%</b>	<b>19.18%</b>	<b>21.96%</b>	<b>20.21%</b>	<b>20.43%</b>	<b>21.36%</b>	<b>25.00%</b>	<b>18.18%</b>	<b>19.25%</b>	<b>20.39%</b>	<b>15.75%</b>	<b>21.36%</b>	<b>28.14%</b>

## Appendix 4 - Overview of price and quality evaluation:

Detailed below is an overview of the total weighted ITT scores for each organisation

Tenderer	Total Weighed %	Rank
8	91.71%	1
11	72.71%	2
20	70.14%	3
19	69.08%	4
4	68.75%	5
14	67.86%	6
16	66.63%	7
15	65.89%	8
3	65.11%	9
10	63.96%	10
13	63.36%	11
9	61.18%	12
12	60.05%	13
2	59.61%	14
17	59.28%	15
5	58.66%	16
18	57.75%	17
7	52.57%	18
6	40.73%	19



 The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and two lions, surrounded by the words 'BRENT COUNCIL' in a circular arrangement.	<p style="text-align: center;"><b>Executive</b> <b>13 June 2011</b></p> <p style="text-align: center;"><b>Report from the Chief Executive</b></p>
<p><b>Rising to the challenges: re-shaping Brent Council to deliver the new Administration's priorities - further structural proposals</b></p>	

## 1. INTRODUCTION

1.1 In response to a number of significant financial, policy and organisational challenges, I set out proposals for a major restructuring of the council in my report 'Rising to the challenges: reshaping Brent Council to deliver the new Administration's priorities', with the overall aim of ensuring the council was equipped to address those challenges and meet the policy ambitions of the then new Administration. The Executive considered and agreed that report in July 2010, including recommendations to:

- delete the Business Transformation department with the transfer of most of its functions to Finance and Corporate Services
- create the new Regeneration and Major Projects department, combining regeneration, planning and strategic transport, property, building control, affordable housing, schools capital projects, and responsibility for major projects, including the new Civic Centre project
- refocus and realign functions between other departments to create a more effective alignment of those functions

1.2 I indicated at the time that further structural changes would probably be required, given the still emerging policy agenda of the Coalition Government, new legislation and the continuing pressures on local government funding. Areas identified for possible further consideration included the split between services to children and services to adults, the council's role in the management of Council-owned housing stock following completion of the Decent Homes programme and the proposed changes to the health service.

1.3 The restructuring proposals were implemented, with the new Directors and senior management teams largely in place and the departments up and running from October 2010. Following this, Directors reviewed their departmental structures and management arrangements below assistant director level, with

the aim of further streamlining those structures and achieving further savings. Implementation of these departmental restructurings will be completed by the end of September 2011.

- 1.4 In the intervening months, the Government's policy priorities have become clearer, as has the funding position for local government, which is more severe than had been predicted. In conjunction with the retirement of the Director of Housing and Community Care, it has been necessary to accelerate consideration and implementation of further structural changes. This report describes those changes implemented through the Chief Executive's delegated powers, seeks the Executive's agreement to staffing changes requiring its approval and identifies work underway to create new delivery models in response to further key changes in the evolving public sector landscape that are likely to require further structural changes.

## **2. RECOMMENDATIONS**

The Executive is recommended to:

- 2.1 note the continuing national policy developments affecting local government and the wider public sector
- 2.2 agree the deletion of the Director of Housing and Community Care post for the reasons set out in paragraphs 3.6 to 3.11
- 2.3 agree that the Assistant Director, Community Care assume the role of statutory Director of Adult Social Services
- 2.4 note the transfer of the housing function including the client responsibility for Brent Housing Partnership to the Regeneration and Major Projects department, with effect from 1 June 2011
- 2.5 note the work underway in developing a new integrated delivery model for adult social care and health and that a report with recommendations will come to the Executive in the autumn 2011

## **3. DETAIL**

### **National Developments**

- 3.1 It is now clear that the Government is pursuing a radical agenda in relation to the public sector, with many of the changes that directly affect local government currently going through Parliament. In conjunction with severe cuts in public spending, this is one of the most challenging periods local government has ever experienced. The announcement of the Comprehensive Spending Review in October 2010 followed by the more detailed settlement information for each local authority clarified Brent's financial position for the next three years.
- 3.2 The council has successfully met the unprecedented requirement to achieve £42 million savings in 2011/2012, which has included sizeable reductions in the workforce. However the council will need to find further substantial savings in the next three years and must therefore continue to consider every opportunity to

reduce management and staffing costs, increase income and make savings through procurement, better use of property and assets, and further service efficiencies.

- 3.3 In terms of national policy developments, two pieces of legislation currently going through Parliament have particularly significant implications for local authorities. The first covers the proposals to introduce radical changes in the National Health Service, including the proposal to introduce GP commissioning and the transfer of public health to local government, both of which offer opportunities for rethinking current local authority services and activities and in particular the potential for integrating social care and health services.
- 3.4 The second is the Localism Bill with wide ranging proposals for local government, including the abolition of the housing revenue account subsidy system and its replacement with a self-financing regime. Coupled with changes in homelessness duties, allocations and tenancies, there will be significant changes in the way housing functions are organised, funded, managed and delivered in the future.
- 3.5 It should also be noted that the recently published final report from the Munro review of child protection has come out strongly against adding additional responsibilities to the portfolio of Directors of Children's Services that are not directly related to children. While the Government has not made clear what recommendations from the report will be implemented, if this proposal is supported it would rule out the re-creation of a social services department responsible for both adults and children's social care.

### **Changes to the Housing and Community Care Department**

- 3.6 All of these changes will have a particularly significant impact on housing and adult social care, which would in any case have required a review of current structures and arrangements. With the recent retirement of the Director of Housing and Community Care this review has become urgent, with an immediate requirement to consider whether to retain the Director post.
- 3.7 For a number of reasons, the Chief Executive is recommending that this post is deleted. The financial climate requires that all costs are scrutinised constantly and reduced wherever possible. In conjunction with the substantial legislative changes affecting housing and adult social care functions, and the opportunities this offers to realign and reconfigure those functions, there is no longer a requirement for a housing and community care department and therefore no longer a requirement for a Director post. The savings from the deletion of this post are set out in the financial section of this report. This will reduce the Corporate Management Team from nine members to eight.
- 3.8 **Relocating Housing Services** The development of public sector housing is an important feature of wider regeneration planning and programmes, which is why the housing regeneration, affordable housing development and housing strategy functions are already now located in the Regeneration and Major Projects department created in last years council-wide restructuring. With the proposed legislative changes in housing offering potential to increase investment in new build and existing housing stock, a further consolidation of regeneration and

housing will ensure the council is positioned to take full advantage of these opportunities. Following discussions with the relevant senior managers, I have taken the decision that the housing service and the client function in relation to Brent Housing Partnership should transfer to the Regeneration and Major Projects department, reporting to the Director of Regeneration and Major Projects. This transfer took place on the 1 June this year.

- 3.9 **Adult Social Care** Both the health and adult social care sectors are experiencing increasing pressure in terms of demand, which will continue to rise over the coming years, and reducing resources. It has long been understood that better integration across the sectors is essential if these pressures are to be managed more effectively, but progress in integration has been limited, despite many years of national and local initiatives and policies. The move to GP commissioning and the transfer of public health to local authorities provides a significant opportunity, as well as challenges, in finally creating a fully integrated set of services that can deliver efficiencies and improved services for customers.
- 3.10 Given this context, the council, the PCT and lead GPs have recently agreed in principle to work towards integration of local authority and primary care services for older people, learning disabilities, physical disabilities and mental health services. Officers have started work on options for integration, which will be reported to the Executive in autumn 2011.
- 3.11 With the break up of the Housing and Community Care department, the Assistant Director, Community Care is now reporting to the Chief Executive and will do so until integration is progressed.

### **The Role of the statutory Director for Adult Social Services (DASS)**

- 3.12 While the Executive has the authority to delete the Director of Housing and Community Care post, it must ensure that the Director of Adult Social Services role is retained, in line with the statutory requirement. The statutory role includes overall strategic responsibility for the planning, commissioning and delivery of social services for all adult client groups, with specific responsibilities for: professional leadership; leading the implementation of standards; managing cultural change; promoting local access and ownership and driving partnership working; delivering an integrated whole systems approach to supporting communities; and promoting social inclusion and wellbeing.
- 3.13 The Chief Executive recommends that this role should be undertaken by the Assistant Director, Community Care up to the start of any new arrangements for adult social care. At this point the council will need to consider again how it ensures the requirements of the statutory role are met.

### **Other Changes – Leading Developments with the Voluntary sector**

- 3.14 In the past the council's approach to the voluntary sector has been fragmented and lacking in a strategic approach. The introduction of new rights for the voluntary sector in the Localism Bill, the shifting mixed market of service provision, current public sector cuts and an end to BrAVA's operating in the borough make it critical that this is addressed.

- 3.15 I have therefore agreed that the lead responsibility for working with the voluntary sector should transfer to the Director of Strategy, Partnerships and Improvement. This will ensure a more consistent relationship with the voluntary sector, a better fit between voluntary and public sector service provision and a clearer focus on outcomes. The role will also include responsibility for the management of the council's grant aid programme.

#### **4. Financial Implications**

- 4.1 The deletion of one board-level Director post will generate part year savings of £174k in 2011-12 and full year savings of £190k from 2012-13 onwards. As the Director of Housing and Community Care's post was jointly funded by the Council's General Fund and Housing Revenue Account (HRA) , these total savings will need to be split, with £87k allocated each to the General Fund and HRA in 2011-12 and £95k to each source in 2012-13. These savings have not been included in the Council's budget for 2011-12.

#### **5. Legal Implications**

- 5.1 The constitution requires that the decision to appoint to the Director of Adult Social Services role is an Executive Decision. Similarly, the decision to delete a Director level post is also one that requires an Executive Decision. In the current circumstances both decisions were initially taken by the Chief Executive who is entitled to take such decisions in accordance with his powers under the Constitution. Both decisions were taken to ensure that continuity was maintained in both key roles and as such come within the ambit of the Chief Executive's urgency powers.

#### **6. Diversity Implications**

There are no direct diversity implications.

#### **7. Staffing/accommodation implications**

None at this stage.

#### **Background Papers**


'Rising to the challenges: reshaping Brent Council to deliver the new Administration's priorities' Chief Executive's report to the Executive, July 2010

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CHIEF EXECUTIVE

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	<p style="text-align: center;"><b>Executive</b> 13 June 2011</p> <p style="text-align: center;"><b>Report from Directors of Customer and Community Engagement and Environment and Neighbourhood Services</b></p>
All Wards	
<b>Arts and Festivals Strategy and Programme</b>	

## 1.0 Summary

### 1.1 This report outlines:

- the overarching draft Arts and Festivals Strategy (Appendix 1) for the council which has been developed following the recent consultation.
  
- options for the council's delivery of an Arts and Festivals Programme for the borough within the current financial constraints. This report takes into consideration feedback from the council's recent consultation (Appendix 2a and 2b) on the council's Arts and Festivals offer as well as feedback and monitoring gathered over a number of years (Appendix 3) and London Boroughs events comparison (Appendix 4).

You will note that where appropriate separate headings for Arts and Festivals have split the report to allow for arts and festivals options to be considered individually. Otherwise the report applies to both functions.

## 2.0 Recommendations

That Executive:

- 2.1 notes the principles set out in the draft Arts and Festivals Strategy (Appendix 1).
- 2.2 approves Option 2 (outlined at 6.9). This will deliver an arts programme against the four key priorities and reduce the grant to the Tricycle Theatre by £20k per annum.
- 2.3 approves Option 3 (outlined at 6.14). This will deliver a reduced events programme against the four key priorities with no faith-related events.
- 2.4 endorses the council's commitment to the future development of arts and

cultural activities in the borough at the new Civic Centre and a new cultural hub in Willesden, conditional on the proposed redevelopment progressing.

- 2.5 endorses the commitment to providing advice and support for local community groups to stage a broad range of celebratory events.

### **3.0 Detail**

- 3.1 There is a clear commitment to the development of an improved arts and culture offer in Brent and a strategic context for change outlined in the council's Corporate Borough Plan, Brent – Our Future 2010-2014 and Brent's Cultural Strategy 2010-2015. Brent is a key partner within the Brent Culture, Sports and Learning Forum which developed Brent's Cultural Strategy adopted by the council in 2010.

The Cultural Strategy acknowledges that Brent has a key leadership role in developing partnerships among cultural providers to ensure the best possible opportunities flourish within the borough. There is a clear commitment to supporting local community groups, advising them on how to stage and deliver their own events, encouraging local ownership while ensuring safe delivery, alongside the expectation that the council will develop a range of cultural services, including its own arts development activities.

- 3.2 A clear strategy for arts and festivals provision in Brent is overdue and required. There are a number of increasingly urgent reasons for clarity and direction, namely:

3.2.1 Public sector cuts and the need for the council to make savings.

3.2.2 Reorganisation of both the arts and festivals team to reflect agreed strategic priorities and to support Brent's cultural offer outlined in Brent's Cultural Strategy.

#### **Festivals**

3.2.3 The imbalance of resource invested into specific festivals as the programme has developed in an 'ad hoc' way.

3.2.4 The need for clear outcomes from grant funded organisations.

3.2.5 Imbalance of spend and cultural emphasis in the festivals programme.

3.2.6 Fragmented approach to events delivery across the council.

3.2.7 Brent Council has traditionally delivered far more events and festivals than the majority of other local authorities.

#### **Arts**

3.2.8 The requirement to be transparent in prioritising arts development activity within the council recognising limited resources.

3.2.9 Clarity regarding what Brent Council's arts service provides and what should be led by other groups.



- 3.2.10 The opening of the new Civic Centre in 2013 with the potential to provide significant new cultural opportunities for community and voluntary groups.
- 3.2.11 Plans to redevelop Willesden Green Library Centre and create a cultural hub/council service centre, conditional on the proposed redevelopment progressing.
- 3.2.12 The need to develop the existing partnership working with the Tricycle Theatre so that Brent residents get the maximum benefit from the grant funding. The Tricycle Theatre produces a programme of culturally diverse theatre, cinema and visual arts in north-west London. The theatre is also an important producer of national and international work, and operates a Creative Space for educational workshops and social inclusion programmes for children and young people aged from 18 months to 26 years. Brent council's grant of £218,000 is managed by a Service Level Agreement and funds outreach activity with young people. The theatre also receives grants from the Arts Council (ACE) and, until recently, received £56,000 from London Councils. Following the government's reduction in funding for ACE they have reduced their grant to the Tricycle by 11 per cent. Therefore, the public grant funding of the Tricycle has been reduced by over £100,000 this year.

#### 4. **Draft Arts and Festivals Strategy**

- 4.1 The attached draft Arts and Festivals strategy for the council (Appendix 1) has been written to align with the principles of Brent's Cultural Strategy 2010-2015. It has separate sections for Arts and Festivals to help clarify the roles of the two distinct but related functions. An Equality Impact Assessment (EIA) will be carried out into the content of the Strategy and once the Arts and Festivals Strategy is finalised, it will be presented to the Executive at a later for consideration and approval. This will give Members the opportunity to consider the content of the EIA before deciding whether to approve the Council's Arts and Festivals Strategy.
- 4.2 The council's draft Arts and Festivals strategy has been produced to ensure arts and festivals activities and opportunities are planned and developed in an agreed and coordinated way within Brent, rather than accepting the historical ad hoc list of festivals currently delivered as being the appropriate programme for the borough.
- 4.3 It recognises the vital role the council plays in community leadership in the encouragement, development and empowerment of local community groups. It also recognises the range of organisations and agencies involved, and the role they will play in delivering the strategy and highlights the contribution that arts and cultural activities play in terms of improving health, creating safe places, tackling worklessness and increasing community cohesion.
- 4.4 The Council also acknowledges the significant presence of the film and television industry in Park Royal and Wembley and aims to work with this sector, both through the Culture Sports and Learning Forum and through the arts team building partnerships on specific projects.
- 4.5 **2012 Olympics**  
While the draft Arts and Festivals strategy covers the next four years it recognises the significance of the 2012 Olympic and Paralympic Games and identifies that the period leading up to the Games and after will be the dominant cultural event for the whole of London in the next 12 months. With Brent hosting events in two Olympic venues – football at Wembley Stadium, badminton and rhythmic gymnastics at

Wembley Arena – the delivery model for arts and festivals during this period is likely to be heavily influenced by the Games.

#### 4.6 **New Civic Centre/Cultural Hub in Willesden**

The draft Arts and Festivals strategy also acknowledges the impact of the new Civic Centre from the summer of 2013. The position of the Civic Centre, opposite Arena Square, provides opportunities to host a range of arts and cultural events. The building will have significant quality public areas within which to hold events including halls, a garden, foyer and gallery areas. The council is keen to maximise the use of the building for community and income generation purposes and will develop a Calendar of Events to ensure this is achieved. The Calendar will include a wide range of activities to reflect the diversity of the borough, promote arts and culture and celebrate key Brent community events. In addition the council is proposing to develop a new cultural hub in Willesden.

### 5.0 **Consultation and monitoring**

5.1 The draft Arts and Festivals strategy has been developed in consultation with internal and external partners and stakeholders over a sustained period of time. It builds on the extensive participation that developed the Culture Sport and Learning Forum's Cultural Strategy during 2010.

5.2 The most recent consultation took place from 7 March to 26 April 2011. The results can be found in Appendix 2a and 2b. The consultation included an online consultation document, a paper consultation and presentations at Brent's Multi-faith Forum and Brent's Culture, Sports and Learning Forum. There were 202 responses to the online and paper consultation plus nine emails, one letter and feedback from the Environmental Projects and Policy Team.

5.3 The consultation document sets out the council's proposed eight priority areas of work, four for Arts and four for Festivals, and asked: if they were the right priorities; were they of equal importance; and to rate them in preference of importance. It also asked if there were other areas of work not covered in the identified priorities and there was a final open question asking if there was anything additional to add.

5.4 The results of the consultation has helped to inform the options proposed for Executive to consider.

5.5 Other relevant consultations and feedback have taken place over the past few years which have also informed the strategy. These include a period of public consultation in 2008 for stakeholders to comment on the festivals programme (Appendix 5); a mapping exercise of current provision took place in 2009 (Appendix 6); consultation on the Cultural Strategy took place in 2010; and London Borough events comparison (appendix 4)

#### **Arts**

5.6 The priorities consulted on for Arts were:

- Supporting the regeneration and infrastructure investments underway
- Promoting the cultural economy
- Commissioning and promoting art

- Promoting arts and festivals linked to the 2012 Olympic and Paralympic Games.

5.7 The response percentages to the questions in relation to arts were:

- Are they the right priorities?
  - Arts – 54% agreed, 46% disagreed
- Are they equally important?
  - Arts – 71% disagreed, 29% agreed

5.8 The consultation provided an opportunity for feedback on current provision and future provision of Arts. Respondents identified the two preferred priorities as promoting the cultural economy and supporting the regeneration and infrastructure investments underway. Open comments show a preference for supporting the cultural and creative work that taps into Brent's diverse communities and also the importance of arts work in supporting regeneration in the borough. The full results are attached as appendix 2a and 2b.

### **Festivals**

5.9 The priorities consulted on for Festivals were:

- An all encompassing approach that promotes festivals and events which are inclusive of all Brent's communities
- Promoting events that act as a community showcase creating vibrant public spaces which attract visitors to the borough
- Promoting a business development approach to festivals and events which secure additional funding and sponsorship
- Promote best practice jointly between the council and external event organisers to ensure we deliver safe and well organised events.

5.10 The response percentages to the questions in relation festivals were:

- Are they the right priorities?
  - Festivals – 53% agreed, 46 % disagreed
- Are they equally important?
  - Festivals – 70% disagreed, 30% agreed

5.11 Two online petitions were also set up by interested parties. These were:

- Petition to retain support to the St Patrick's Day Parade – 110 signatures (Appendix 9).
- Petition to continue funding the Navratri festival – 281 signatures (Appendix 10).

A paper petition was also received:

- Save Navratri Petition – We oppose Brent Council cutting funding for the Navratri celebrations and call for it to be restored – approximately 5,000 signatures.

5.12 The consultation provided an opportunity for feedback on the current and future provision for festivals. The full results are attached as Appendix 2a and 2b. Respondents identified the two preferred priorities as an all encompassing approach that inclusive of all Brent's communities and promoting events that act as a community showcase creating vibrant public spaces. In general, there was recognition of the need to save money while still delivering activities for Brent's diverse communities. There was support for specific cultural or faith activities but overall the consensus was to deliver activities that were not faith-based but rather brought Brent's communities together in a celebration.

5.13 The delivery of the strategy will be monitored through performance monitoring of outcomes attached to specific and individual arts and festivals activities. The strategy will be reviewed on an annual basis with a comprehensive review planned for 2014 to allow sufficient time for a subsequent strategy to be produced.

## **6.0 Options for Arts and Events Programme**

6.1 The options have been developed with consideration to the need to make savings on the current levels of spend, the results of all consultation over a sustained period of time, and to meet the needs of Brent's diverse communities in an equitable way.

### **Arts**

6.2 The aims and vision of the strategy will support the options below, other than Option 1 for Festivals which would result in the strategy becoming solely an Arts based strategy. Depending on the options chosen an action plan would need to be developed to ensure delivery.

6.3 Although there have been some significant successes and partnerships built Brent is failing to properly exploit the potential for arts and, more broadly, cultural activity which will deliver real returns in social, learning and economic benefits for the borough.

6.4 The developments around infrastructure bring exciting opportunities for creating excellent, inclusive cultural facilities in Brent's new Civic Centre and potentially at the refurbished Willesden Green Library Centre necessitate a clear focus for the arts team.

6.5 The Tricycle Theatre is a significant cultural asset for the borough. Brent Council currently provides the theatre with an annual grant of £218,000 linked to outreach work with young people in the borough. The relationship with the Tricycle needs to be developed so that the council's priorities are reflected in the grant funded activities and so that local people recognise it as a Brent asset.

6.6 A new team to drive forward arts development in Brent is about to be put in place. This team with a small budget will need to be focussed on priority areas of work.

6.7 The four priorities proposed for the 2012 and Arts Development Team in Brent are as follows:

- **Supporting the regeneration and infrastructure investments underway**  
Over the next three years, the Council will be focusing its resources on two major developments: the new Civic Centre in Wembley and the redeveloped Willesden Green Library Centre in the south of the borough, conditional on the redevelopment proposal going ahead. Two brand new libraries, a new museum, arts development work in South Kilburn and Harlesden and exciting new public spaces will create opportunities to foster creativity and community participation. Additionally the council will build on the partnership with the Tricycle Theatre, developing the existing service level agreement to ensure the Brent residents benefit from this valuable cultural resource in the borough. The council will use the arts to encourage participation and responsibility for the borough's cultural assets and public spaces.
- **Promoting the cultural and creative economy**

The creative economy in Brent is complex and diverse, ranging from national facilities such as Wembley Stadium, Wembley Arena and major television studios to a wide range of individual artists and performers. Promoting the creative economy creates social and economic opportunities for Brent residents and the team will focus on improving cultural leadership in the borough, particularly through the work of the Culture, Sports and Learning Forum. Locally based practitioners can be supported into careers and businesses related to their art forms and the council can showcase existing areas of cultural economic activity in the borough, such as textiles, music, carnival arts and writing.

- **Commissioning and promoting art**

The team will create a structured programme of commissioning artists to both create art and animate public spaces with performance. The Council is already a significant patron of the arts due to the extensive regeneration of the borough in recent years. The team will continue that work, enhancing the environment for residents and visitors and promoting Brent as a vibrant cultural centre. The council will be looking to encourage and promote the best of Brent talent in the arts as well as bringing prestigious artists into the borough.

- **The 2012 Olympic and Paralympic Games**

The cultural elements of the Games will dominate the work of the team in the first eighteen months of the strategy, promoting arts events that reflect the borough's love of sport and its connections to communities across the world. A programme of community engagement linked to the Games is already in place to maximise the opportunities created by the borough's hosting of five major sports and to ensure a tangible legacy for residents.

6.8 **Option 1**

The new Arts and 2010 Team deliver against the four priorities identified above using existing resources and leveraging in external funding to increase capacity.

6.9 **Option 2**

As Option 1, plus the grant to the Tricycle Theatre of £218,00 p.a. is reduced by £20,000. This reduction is necessary in the current financial climate and with the council's need to make savings but also acknowledges the importance of this partnership and its potential to enhance the cultural offer for Brent residents. This would bring savings of £20,000.

**Festivals**

6.10 The options have been developed with consideration to the need to make savings on the current levels of spend, the results of all consultation over a sustained period of time, and to meet the needs of Brent's diverse communities in an equitable way. Depending on the options chosen an action plan would need to be developed to ensure delivery.

6.11 The four priorities for the Festivals Team are:

- **An all encompassing approach**

Promoting festivals and events which are inclusive of all Brent's communities. Festivals and events are a great driver for promoting a sense of belonging and

unit in local communities. The event programme aims to produce cultural events that are inclusive to all Brent's diverse residents.

- **Promoting best practice**

To ensure that Brent delivers safe events officers will work with and assist external event organisers. To promote the current online guidance which provides clear, up-to-date guidance on all the necessary steps for delivering an outdoor event, ensuring the guidance is maintained and accessible to all event organisers.

- **Events that act as a community showcase**

Promoting events that create vibrant public spaces which attract visitors to the borough. Events create opportunities that showcase areas that are not typically tourist destinations, while participation in events can broaden horizons, realise aspirations, improve education attainment and contribute to health through feelings of self-worth and wellbeing.

- **Promoting a business development approach**

Activity will be developed to secure additional funding and sponsorship. Using the programme of activities there is an opportunity to create a business plan for festivals and events with the aim to increase earnings from sponsorship to support limited budgets.

#### 6.12 **Option 1**

##### **Continue with the current programme of events and festivals**

This would involve service areas continuing to deliver the events/festivals they currently provide, so forgoing the opportunity to bring them together under one centralised team.

It would not allow for the savings identified to be made which would result in savings needing to be identified from other areas. Also the level of activity is increasingly unsustainable and inappropriate given the pressures on the council's budget and the changing demographic of the borough. The consultation identified that there was no appetite for maintaining the status quo and also recognition that savings were necessary.

#### 6.13 **Option 2**

##### **Deliver the reduced list previously proposed and consulted on**

This would involve stopping all festivals apart from Respect, Countryside Day, Diwali, Holocaust Memorial Day and fireworks night. It is proposed that the funding to Diwali is reduced by £25,000 and the Navratri grant is ceased. This would bring a saving in the first year of £231,000.

This option would allow for already identified savings to be achieved. It does allow for scope to review Respect and Countryside Day to more closely reflect the requirements for Brent's diverse communities. But, by keeping a clearly faith focused event such as Diwali, it could lead to claims of unfairness or lack of access to resources to newer communities. This point was also identified in the consultation feedback and could potentially have a negative impact on Brent's reputation.

#### 6.14 **Option 3**

##### **Cease delivery of any faith-based events and deliver a reduced programme**

Deliver one Brent Celebrates event (which is anticipated to be an event attracting up to 30,000 people) and continue to provide fireworks night and Holocaust Memorial Day. The council would also work with others in the community, to provide advice and guidance to resident groups to promote festivals and events they may identify.

This would mean the council ceasing its current events for Chanukah, St Patrick's Day, Eid, Diwali, Christmas, St George's Day, LGBT Month, International Women's Day. It would also no longer fund Navrati or the Christmas/festive lights.

This option would enable the council to build on the support already provided to a number of events, festivals and activities delivered by community groups which is currently working well. This would meet the requirements identified in the Brent Cultural Strategy 2010-2015 of providing a key leadership role in developing partnerships with cultural providers. This support could include advice and, where appropriate, training. Savings of approximately £270,000 would be achieved in the first year. The consultation feedback does not oppose this option and does support festivals and activities that bring all communities together.

This is the preferred option.

#### 6.15 **Option 4**

##### **All festivals are ceased and the festival team is disbanded**

This is the second option recently consulted on and would result in £508,000 savings in the first year less redundancy costs.

The recent consultation has shown that this is not a preferred option. While respondents recognised that there is a requirement to making savings it is not accepted that this should be at the cost of ceasing all activity. Most identify they would like to see some form of festival/event activity but that it should move away from any 'religious' attachment. This option would also not meet with the agreed requirements of the Brent Cultural Strategy 2010-2015 in providing a key leadership role in developing partnerships among cultural providers and supporting/advising on delivery of community owned events. It does not enable the council to exercise its power to provide (or arrange for the provision of) entertainment, the development and improvement of the knowledge, understanding and practice of the arts, and otherwise attract visitors to the area for recreation, etc under S144 and 145 of the Local Government Act 1972. It would also have a significant detrimental impact on support for activities for 2012 and support for activities at the Civic Centre when open.

6.16 It should be noted that the council is not proposing stopping the celebration of any specific dates or events. It would positively encourage these taking place – they would need to be community-led.

6.14 To deliver the Events and Festivals Programme it is suggested that the newly formed Events and Marketing Team in Customer and Community Engagement lead on the programme with identified cross-council support from relevant services areas as required. These would include parks, health safety and licensing, libraries arts and heritage and others as required.

#### **7.0 Festivals/Events/Activities for 2011/2012**

No major events have been programmed in for this financial year as this would have pre-empted the Council Executive's decision. If the Executive decides to continue

providing a festivals/events programme it is proposed that this is regarded as a transition year and that a new programme would be developed for next year. There is insufficient time to programme any large scale events this year and the recruitment of specialist staff has been on hold pending the outcome of this report. Depending on the decision both fireworks night and the Holocaust Memorial Day could go ahead.

## **8.0 Financial Implications**

### **Arts**

- 8.1 Option 1 of the Arts strategy results in no financial savings and is focussed on increasing capacity and delivery of priorities.
- 8.2 Option 2 of the Arts strategy results in a £20,000 savings, which is a reduction in grant to the Tricycle Theatre. This figure is already assumed in 2011/2012 budget so if not made here would have to be found elsewhere within the arts budget.

### **Festivals**

- 8.3 For Festivals Options 2 and 3 reduces the current provision resulting in a saving of £231,000 and £275,000 respectively, assuming the savings are taken at the start of financial year 2011/2012.
- 8.4 Option 1 for Festivals would see no savings which would require additional savings to be identified in service areas.
- 8.5 Option 4 would see a saving of £508,000 but redundancy costs and salaries paid would need to be taken into account for 2011/2012. The full year saving would be in effect from 2012/2013.

## **9.0 Legal Implications**

- 9.1 While there is no duty on the council to provide arts or events activities, the Local Authority has a power to provide (or arrange for the provision of) entertainment, the development and improvement of the knowledge, understanding and practice of the arts, and otherwise attract visitors to the area for recreation etc under S144 and 145 of the Local Government Act 1972.

## **10.0 Diversity/Equality Implications**

- 10.1 An Equality Impact Assessment has been conducted and is attached as appendix 8. Its current status is that it is being audited by the council's Diversity team.
- 10.2 Section 149 in Chapter 1 of Part XI of the Equality Act 2010 is the new public sector equality duty which came into force on 5 April 2011. Attached as appendix 9 is a full explanation of the duty which members need to consider. Broadly speaking Section 149 extends the scope of the duty to all 'protected characteristics' as defined in section 4 of the Act except marriage and civic partnership.
- 10.3 The protected characteristics are: age; disability; gender reassignment;



pregnancy and maternity; race; religion and belief; sex; and sexual orientation.

- 10.4 The EIA finds that the current provision for festivals does not meet the needs of the eight protected characteristics and consultation feedback indicates that there are concerns that the current programme is divisive. The proposition to go with a reduced programme that includes an all inclusive Brent Celebrates event would mainstream the protected characteristics. There would also be opportunities for individuals or groups to receive advice, training and support to allow them to deliver local activities for specific equality groupings.

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

### **Arts**

- 11.1 A restructuring of the Arts Team is currently being carried out in accordance with the council's Managing Change policy. Staff and trade unions are being fully consulted.

### **Festivals**

- 11.2 A restructuring of the Festivals Team has been carried out as part of a wider restructure of the Customer and Community Engagement Team. The restructure was carried out in accordance with the council's Managing Change policy. Staff and trade unions were fully consulted.
- 11.3 The restructure of the Festivals Team has allowed for this small team of two to be aligned with the current Business Development Team – also a small team of two – to form an Events and Marketing Team of three full-time equivalent staff. This alignment will allow for greater promotion and support of events activities and also for greater opportunities to identify and development sponsorship.

## **Background Papers**

**Appendix 1 – Draft Arts and Festivals Strategy**

**Appendix 2a and 2b – Consultation results**

**Appendix 3 – Monitoring information**

**Appendix 4 – London Boroughs events comparison**

**Appendix 5 – Brent Festival Strategy Review**

**Appendix 6 – Culture indicators**

**Appendix 7 – Equality Impacts Assessment**

**Appendix 8 – The Public Sector Equality Duty**

**Appendix 9 – Petition to retain support to the St Patrick's Day Parade**

**Appendix 10 - Petition to continue funding the Navratri festival**

**Appendix 11 – Cost of Events**

## **Contact Officers**


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	<p style="text-align: center;"><b>Executive</b> 13 June 2011</p> <p style="text-align: center;"><b>Report from the Director of Finance and Corporate Services</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p><b>Authority to Award a contract for the provision of pension administration services</b></p>	

**Appendix 2 of this Report is Not for Publication**

## **1.0 Summary**

- 1.1 This report seeks approval to award a call-off contract from a framework agreement being let by the London Borough of Hammersmith and Fulham ("LBHF") for the provision of pension administration services.
- 1.2 This report details the procedure followed by LBHF in association with Officers from Brent Council in procuring a single supplier framework agreement and recommends to whom the resulting call-off contract under the framework agreement should be awarded.

## **2.0 Recommendations**

- 2.1 The Executive approve the award of the call-off contract for the provision of pension administration services to Capita Hartshead for a term of six, with a possible extension of up to two years, commencing 1 October 2011 subject to the proper award of the pensions administration services framework agreement by LBHF.

### 3.0 Detail

- 3.1 On 15 February 2010 the Executive approved proposals for the council's participation in a collaborative procurement exercise leading to the establishment of a single supplier framework agreement by the LBHF for the provision of services for the administration of the Local Government Pension Scheme. As LBHF was leading on the procurement, members also agreed that the collaborative procurement exercise was exempt from Brent's Contract Standing Orders and Financial Regulations, with LBHF's own Contract Standing Orders and Financial Regulations to be applied instead.
- 3.2 Following approval to participate in the collaborative procurement, Officers from Brent and LBHF worked closely on all stages of the procurement, including setting the procurement timetable, agreeing evaluation criteria and helping to draft the specification as well as the other tender documentation for the proposed framework agreement and call-off contracts for Brent and LBHF.
- 3.3 A restricted or two stage procurement process was followed. LBHF advertised the procurement in May 2010 and following receipt of expressions of interest, pre-qualification questionnaires were issued to organisations. On receipt of pre-qualification questionnaires LBHF assessed the questionnaires and six tenderers were invited to tender.
- 3.4 Four tenderers withdrew from the tender process prior to the closing date citing over commitments in pursuing other business opportunities. Two tenderers as detailed in Appendix 2 of this report submitted tenders through the LBHF e-tendering system by 21 February 2011 (the closing date).
- 3.5 Tenders were evaluated by the Tender Evaluation Panel. The Tender Evaluation Panel was chaired by the LBHF's Assistant Director (HR) – Finance & Corporate Services and included representatives from the Pension Managers in LBHF, Brent as well as Royal Borough of Kensington & Chelsea ("RBKC") and City of Westminster ("Westminster") (both authorities having indicating an interest in calling-off the framework agreement in due course) and officers from LBHF's Procurement, Legal and Finance sections.
- 3.6 Both tenders were evaluated in accordance with the Tender Evaluation Model set out at Appendix 1 of this report. Members will note from Appendix 1 that appointment to the framework agreement was on the basis of the most economically advantageous tender, taking into account not only the specified quality criteria but also the combined indicative pricing for both the proposed LBHF and Brent call-off contracts. There was a 50/50 split between price and the various quality criteria.
- 3.7 Each tender submission passed Stage 1 of the evaluation process and therefore both were subjected to detailed evaluation of price and quality in accordance with the Tender Evaluation Model. Details of the combined indicative pricing using the methodology detailed in the Tender Evaluation Model are set out at Appendix 3. The summary scores for quality and price

resulting from evaluation of tenders for appointment to the framework agreement are set out in Appendix 4.

- 3.8 Following the evaluation of tenders, the Tender Evaluation Panel identified Capita Hartshead as submitting the most economically advantageous tender for appointment to the framework agreement. It will be noted from Appendix 4 that Capita Hartshead scored consistently highly across all quality criteria and also submitted the lowest priced tender. As a result, officers at LBHF are reporting to its Cabinet in June 2011 seeking authority to award the framework agreement to Capita Hartshead.
- 3.9 Subject to LBHF's Cabinet agreeing the award of the framework agreement to Capita Hartshead, Officers at Brent recommend the award of a call-off contract from that single supplier framework agreement.
- 3.10 Whilst tenderers were required to provide costs for base contract services and additional services (to include the Pensions Payroll Service), Officers would not intend requiring the preferred tenderer to provide a Pensions Payroll Service at contract commencement but may do so during the life of the contract. As a result, at the current time the anticipated cost of the call-off contract would be in the sum of £245,104.00 per annum which is less than the current contract cost. Further details concerning the anticipated cost of the contract are included in the Financial Implications at Section 4 together with details of further savings that may be available should further authorities call-off from the framework.

#### 4.1 **Financial Implications**

- 4.2 The Council's Contract Standing Orders require that contracts for services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval of the award of the contract. The estimated value of this contract is over that threshold
- 4.3 The cost of the council's current pension administration contract is £304,525.00 per annum. The annual cost of the proposed preferred bid totals £245,104.00.
- 4.4 The savings against the current contract cost are as follows:
- |   |              |
|---|--------------|
| Annual saving                               | =£ 59,421.00 |
| Saving over contract term (six years)       | =£356,526.00 |
| Maximum saving with extension (eight years) | =£475,368.00 |
- 4.5 Under the terms of the framework agreement the contractor will apply a discount to the contract cost as more councils join that framework. Details of the applicable discount percentages are provided below.

<b>Number of Authorities included in Framework</b>	<b>% reduction that will be applied</b>
3 to 4	1%
5 to 8	1.10%
9 to 12	1.20%
13 to 16	1.30%
17 to 20	1.40%
21 or more	1.50%

4.6 In the current economic climate the number of current contributors has reduced e.g. redundancy and early retirements have increased. This has meant that there has been an increase in deferred beneficiaries (early leavers whose pension benefits are frozen until they reach retirement age) and pensioners. The administration of deferred and pensioner members costs less than current members and in the light of the current trend bidders were asked to provide a price per member according to their status. If the current trend towards a declining active membership continues the cost of the contract will reduce.

4.7 Capita have informed officers that it will be possible to migrate records from the incumbent to them within a three month deadline. It is possible however that during mobilisation and implementation the service may decline in the short term which may impact on staffing and structure efficiencies.

## **5.0 Legal Implications**

5.1 As advised in the Executive Report dated 15 February 2010 requesting authority to participate in a collaborative procurement of a framework agreement, LBHF is leading on the procurement and has classified pensions administration services as Part A services under the Public Procurement Regulations 2006 ("EU Regulations"). Given the estimated value of the framework agreement over its lifetime is higher than the EU threshold for Services, the EU Regulations apply in full to the procurement. As a result, the framework agreement has been procured in accordance with EU Regulations, using LBHF's Standing Orders and Financial Regulations. Given that the EU Regulations apply, and subject to LBHF's Cabinet accepting the recommendation to award the framework agreement, LBHF will be required to observe a mandatory minimum 10 calendar day standstill period before the framework agreement can be awarded.

5.2 Subject to the award of the framework agreement, the intention is for the council to call-off a contract from it. The estimated value of the call-off contract over its lifetime is higher than the EU threshold for Services and the award of the contract is therefore governed by the EU Regulations. Normally a contract that is above the EU services threshold requires a formal EU-compliant tender process to be undertaken. However where there is an intention to call-off a

framework that has been procured in accordance with EU Regulations, then there is no requirement to pursue a full tender process provided that the call-off is in accordance with the framework rules.

5.3 The award of the call-off contract is also subject to the council's own Standing Orders and Financial Regulations in respect of High Value Contracts. As such, the call-off contract should ordinarily be tendered. However, where there is a call-off under a framework agreement established by another contracting authority, Standing Order 86 (d) provides an exception to this whereby, if the call-off is recommended by the relevant Chief Officer, the Director of Legal and Procurement has advised that participation in the framework agreement is legally permissible and approval from the Director of Finance and Corporate Services, then no formal tendering procedures apply. Approval from the Executive to any award of a call-off contract is however still required in connection with High Value contracts. Subject to formal award of the framework agreement by LBHF being in accordance with EU Regulations, the Director of Legal and Procurement will advise that participation in the framework agreement is legally permissible.

5.4 The duration of the framework agreement is for a period of 4 years, the maximum duration permitted by the EU Regulations save in exceptional circumstances. When the framework was advertised in the Official Journal of the European Union, it was indicated that the framework was of 4 year duration but that call-off contracts under it would have a contract length of up to 6 years with provision for extension by up to a further 2 years. Whilst it is unusual for a call-off contract to extend beyond the four year term of the framework agreement and this is discouraged by the Commission, the EU Regulations do not preclude this and it is understood that the proposed contract duration is usual for pensions administration contracts.

5.5 As it is proposed that the call-off contract will be awarded to Capita Hartshead which is not the incumbent contractor, it is likely that staff wholly or mainly occupied with the provision of the pensions administration service will transfer (unless they object to transferring) to the employment of Capita Hartshead under the provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). As such, their terms and conditions of employment shall be protected accordingly. The existing service provider will need to consult with them in accordance with TUPE and provide the relevant personnel information to Capita Hartshead. Where staff eligible to TUPE are existing members of the LGPS, Capita Hartshead have tendered on the basis that it will offer such staff either a broadly comparable pension scheme or access to the Local Government Pension Scheme via an admission agreement with related risk share agreement.

## **6.0 Diversity Implications**

6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

## **7.0 Staffing/Accommodation Implications**

- 7.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract. As detailed in the Legal Implications section however, as it is proposed that the call-off contract will be awarded to Capita Hartshead which is not the incumbent contractor, staff working on the contract are likely to transfer to the new contractor under the provisions of the TUPE.

## **Background Papers**

Executive Report – 15 February 2010

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## **TENDER EVALUATION MODEL**

### **1. Introduction**

- 1.1. The Authority is committed to providing high quality, value for money services and will evaluate each Tender according to 3 successive stages, as set out below.
- 1.2. The Authority will award the Framework Agreement fairly on the basis of quality and cost. The Tender Appraisal Panel (TAP) will evaluate the quality of tenders using a weighted model. Quality will account for **50%** of the overall evaluation process and price **50%**.
- 1.3. The Authority's approach to evaluation will be equitable and transparent and will allow Tenderers to tender on the basis of quality at an affordable price. It allows the TAP to recommend the selection of a tender that meets the key quality requirements and therefore represents best value for money, i.e. the economically most advantageous tender.

### **2. Provision of Additional Information**

- 2.1. If at any time during its evaluation of a Tender the TAP forms the view that any matter requires clarification, it may require the same from the Tenderer concerned in writing.

### **3. Stages**

- 3.1 There will be a 3-stage evaluation of returned Tenders:-

#### **3.1 Stage 1 - Checking for Validity**

- 3.1.1 A valid Tender shall be received in accordance with this ITT. Validity will involve checking that all requisite documents are completed, enclosed and signed where required in accordance with the Instructions to Tenderers.
- 3.1.2 Tenders that do not pass this Stage 1 will be rejected and not considered further except, at the Authority's sole discretion, in the case of minor omissions that can be rectified in accordance with any reasonable request of the Authority (for example missing signature or date etc. - for the avoidance of doubt this is not an exhaustive list).

### **3.2 Stage 2 - Detailed Consideration of Tenders**

3.2.1 All Tender submissions reaching this stage will be awarded points in relation to Price and Quality. Presentations will also be scored and comprise part of the Quality evaluation.

3.2.2 Tenders reaching this stage will, after evaluation against the detailed criteria set out below (eg Quality/Price), be ranked in order of aggregate score.

#### **3.2.3 Evaluation of Price**

3.2.4 The maximum score that can be achieved for Price element is **50** points. This will be split, with 45 points awarded for tendered costs as set out below, with the remaining 5 points for the Discount Structure as set out in paragraph 3.2.7.

3.2.5 Tendered costs for each Contracting Body for provision of Standard services and Additional services will be determined by reference to the completed charges schedule at Schedule 7.

The total cost per annum shall comprise:

#### **Total base tender price**

- cost of providing service to Active members (item i)
- cost of providing service to Deferred members (item ii)
- cost of providing service to Pensioner members (item iii)
- management charge for Administration of Scheme (item iv)

#### **together with**

- Year 1 costs for set up and transition/migration (amortised over contract period)

#### **Additional Services price**

- Year 1 costs for providing Redundancy, Severance etc payments
- Year 1 costs for providing Cashflow service
- Year 1 Pensions Payroll service

The total base tender price will be proportionately weighted (70%) and Additional Services price weighted (30%) respectively and then aggregated to form a grand total for that Council. A simple worked example is set out below to demonstrate the principle.

**If total base tender price and year 1 amortised costs for set up and transition/migration = £200K and**

**Additional services price (total year 1 costs for redundancy, cash flow and pensions payroll) = £50K**

**Weighted base tender price = £200K x 70%**

**Plus weighted additional services price = £50K x 30%**

**Grand total weighted sum = (£140K + £15K)**

- 3.2.6 Each tenderer's weighted grand total tender price for the Authority (H&F) and Other Contracting Body (Brent) will be added together to give a joint cost for both authorities.
- 3.2.7 Each Tender will be awarded points based on its relationship with the lowest aggregate (combined) tendered cost for both the Authority (H&F) and Other Contracting Body (Brent) as set out in paragraph 3.2.4 and 3.2.5. The Tender with the lowest aggregate tendered cost (x) will be awarded a maximum score of **45** Points; each of the remaining Tenders (y) will be awarded points on a pro rata basis in accordance with the following formula:

$$1 - \frac{(y - x)}{x} \times 45$$

Where x = lowest aggregated tender total

y = aggregated tender total other than lowest

For example, if the lowest aggregate tender total (for combined H&F [Authority] and Brent [OCB]) ie x, was £200k :-

Tender	£ x	£ y	Points Awarded
A	200		45.00
B		210	42.75
C		220	40.50
D		250	33.75

Please note that the figures are merely examples and are in no way an indication of the contract value.

- 3.28 Finally the tendered Discount Structure related to the number of participating Contracting Bodies set out at Schedule 2b in the Charges Schedule will be evaluated and a maximum of **5** points awarded in accordance with the following scoring scheme.

No of authorities included in Framework	Probability of event – weighting to be applied	Element to be evaluated with discount	Element with discount and probability weighting applied
3 to 4	50%	contract rates (i) to (iv) less percentage discount offered.	*sub-total for this category to be calculated as below
5 to 8	25%	ditto	ditto
9 to 12	10%	ditto	ditto
13 to 16	8%	ditto	ditto
17 to 20	5%	ditto	ditto
21 or more	2%	ditto	ditto
<b>Grand Total</b>			Grand total of all calculated sub-totals

\* A sub-total shall be calculated for each category by applying tendered discounts to tendered subtotals (i) to (iv). This will then be multiplied by the probability weighting to give the sub-total. The resultant grand total for all categories will be assessed. The tenderer with the lowest grand total will score **5** points. The remaining tenderers' grand totals will be scored on a pro-rata basis (lowest grand total/next lowest grand total x **5**)

### 3.2.9 Evaluation of Quality

3.2.10 In respect of Quality, a maximum score of **50** points will be awarded.

3.2.11 The criteria on which the quality of the Tender will be assessed, including the weighting are set out below. For full details of the main and sub-criteria please refer to the Contractor's Proposals at section 4.

3.2.12 The TAP will assess each Tenderer's Contractor's Proposals to determine the degree to which the quality criteria have been met. A score out of 4 will be awarded for each question in the Contractor's Proposals in accordance with Table 1 set out below.

3.2.13 Any tenderer who scores 0 (unacceptable) for any question forming part of the quality submission will be deemed disqualified and its tender submission for price and quality will be rejected and not further considered.

**Table 1**

<b>Points</b>	<b>Rating</b>	<b>Description</b>
4	Excellent	High quality, fully meeting all the requirements of the Specification, no shortcomings
3	Good	Good quality, meeting requirements of the Specification, robust, few if any shortcomings
2	Fair	Average Quality, meeting most requirements of the Specification, some shortcomings
1	Poor	Well below average, meeting few requirements of the Specification, significant shortcomings
0	Unacceptable	No information provided or so little information provided to prevent a judgement to be formed

**Evaluation Criteria One**

Assessment of the quality of products and service [main criteria] (accounts for 50% overall quality weighting – 25 marks)

Sub-criteria weightings and example marking is set out below:

Question No	Topic	Weighting	Max Marks	Weighted score/25
1.1	KPI's	15%	4	3.75
1.2	Service Improvement Plan	15%	4	3.75
1.3	Quality Systems	20%	4	5
1.4	Customer Focused Approach	20%	4	5
1.5	Example 'Products'	10%	4	2.5
1.6	Key Tasks	20%	4	5
				25

### Evaluation Criteria Two

Organisational and management experience and resources to be employed in the Contract [main criteria] - (accounts for 30% overall quality weighting – 15 marks)

Sub-criteria weightings are as follows:

Question No	Topic	Weighting	Max Marks	Weighted score/15
2.1	Proposed Management	15%	4	2.25
2.2	Training and Development	15%	4	2.25
2.3	ICT System Support	20%	4	3
2.4	Systems/arrangements for Data security	20%	4	3
2.5	Location and arrangements	10%	4	1.5
2.6	Mobilisation Plan	20%	4	3
				15

### Evaluation Criteria Three

Commitment to a collaborative relationship [main criteria] - (accounts for 10% overall quality weighting – 5 marks)

Sub-criteria weightings are as follows:

Question No	Topic	Weighting	Max Marks	Weighted score/5
3.1	Partnering Arrangements	50%	4	2.5
3.2	Identification & Resolution of Problems	50%	4	2.5
				5

### Presentations

Presentations will be scored and will account for 10% of overall quality weighting – 5 marks.

Tenderers reaching this stage will be invited to make a presentation which will comprise:

- a summary by the Tenderer of key elements of its submission

For the avoidance of doubt this summary will not be scored.

- a Q & A session where a set of predetermined questions will be asked of Tenderers. For the avoidance of doubt the same questions will be asked of each Tenderer invited to the Presentation and will be scored in accordance with Table 1.

Further details will be forwarded to Tenderers prior to the closing date for receipt of tenders.

Finally the aggregate weighted Price / Quality scores will be combined to obtain the total weighted score. The Tenderer with the highest total weighted score is that which offers the most economically advantageous Tender.

For the avoidance of doubt evaluation scores will be reviewed by the full TAP and individual scores may be moderated in accordance with Table 1 on page 4

### **3.3 Stage 3 - Consideration of Abnormally Low Submissions**

3.3.1 The TAP will consider when evaluating Tenders whether in its opinion the tendered rates and prices submitted by each Tenderer are sufficient to support the levels of service, manpower etc proposed by the Tenderer in the information submitted with its Tender.

3.3.2 Tenderers which, after clarification with the Tenderer, are deemed to be abnormally low will be rejected.

Following approval by the Authority, the Tenderer recommended to provide the service under the Framework Agreement will be that Tenderer who submits the most economically advantageous Tender according to the criteria set out above.

### **Contract Award**

Following approval by the Council, the Contract will be awarded to the Tenderer who has submitted the most economically advantageous Tender for providing the services according to the criteria set out above.

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## Appendix 3

Tenderer	LB Hammersmith & Fulham (annual £)	LB Brent (annual £)	Total (combined) (annual £)
<b>Tenderer 1</b>			
<b><i>Base contract price</i></b>	<b>198391*</b>	<b>237137*</b>	<b>435528*</b>
<b><i>Additional services- Redundancy, Severance etc payments</i></b>	* (see note below)	* (see note below)	* (see note below)
<b><i>Management of Cashflow</i></b>	<b>19918</b>	<b>7967</b>	
<b><i>Pensions Payroll Service</i></b>	<b>10108</b>	<b>13288</b>	
<b>Tenderer 2</b>			
<b><i>Base contract price</i></b>	<b>210193</b>	<b>273702</b>	<b>483895</b>
<b><i>Additional services- Redundancy, Severance etc payments</i></b>	<b>26300</b>	<b>27800</b>	
<b><i>Management of Cashflow</i></b>	<b>18300</b>	<b>19800</b>	
<b><i>Pensions Payroll Service</i></b>	<b>57600</b>	<b>60000</b>	

\*Base Contract Price includes Administration of redundancy, severance and other non-pension fund payments on behalf of the Council(s). This is an additional service which would otherwise be chargeable.



Please see attached table

Table 1 - Market Testing - Tender for inclusion in Framework for Provision of Pension Administration - Overall Evaluation of Tenders - TAP moderated

Applicant	Validity Checklist	Presentations	Contractors Proposals (averaged)														Total weighted Quality Score	Pricing Scores		Total weighted Pricing Score	Grand total weighted score (%)
			Criteria 1 (quality of products and services)						Criteria 2 (organisational & management experience & resources deployed)						Criteria 3 (collaborative relationship)			Annual base tender price + Additional services	Discount Structure		
			Question 1.1 - KPI's 15%	Question 1.2 - Service Improvement Plan 15%	Question 1.3 - Quality Systems 20%	Question 1.4 - Customer Focused Approach 20%	Question 1.5 - Example Products 10%	Question 1.6 - Key Tasks 20%	Question 2.1 - Proposed Management 15%	Question 2.2 - Training & Development 15%	Question 2.3 - ICT System Support 20%	Question 2.4 - Systems/arrangements for data security 20%	Question 2.5 - Location and arrangements 10%	Question 2.6 - Mobilisation Plan 20%	Question 3.1 - Partnering Arrangements 50%	Question 3.2 - Identification & Resolution of Problems 50%					
Tenderer 1	√	4.75	3.594	3.125	4.167	4.375	2.500	4.583	2.063	2.156	2.250	1.500	0.875	2.750	1.771	1.979	42.438	45.00	5.00	50.00	92.44
Tenderer 2	√	4.54	3.125	2.344	3.542	3.125	2.292	4.583	2.156	1.688	1.500	1.500	1.438	2.875	1.771	1.458	37.938	33.56	4.36	37.92	75.86

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