



## Executive

**Monday, 17 October 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
<b>1</b>	
<b>Declarations of personal and prejudicial interests</b>	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
<b>2</b>	1 - 12
<b>Minutes of the previous meeting</b>	
<b>3</b>	
<b>Matters arising (if any)</b>	
<b>4</b>	13 - 14
<b>Petition - Reverse the street cleansing</b>	
<b>5</b>	
<b>Deputations (if any)</b>	
<b>Environment and Neighbourhood Services reports</b>	
<b>6</b>	15 - 36
<b>Green Charter</b>	

Brent Council's Corporate Strategy, 'Brent Our Future 2010 - 2014' says that the Council will develop a Green Charter, 'setting out how we can work together to protect our environment'. A draft Green Charter was circulated between 29 June and 04 August 2011 for consultation and the outcome of this consultation is set out in this report. As a result, a revised version of the Charter is attached in Appendix 1. The Executive is asked to adopt this version of the Charter.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Powney  
**Contact Officer:** Michael Read, AD (Policy and Regulation)  
Tel: 020 8937 5302 michael.read@brent.gov.uk

## Regeneration and Major Projects reports

<b>7</b>	<b>South Kilburn Regeneration Programme: criteria for selecting a partner to deliver the decentralised energy system</b>	37 - 48
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This report concerns the proposed procurement of a decentralised energy system as part of the regeneration of South Kilburn. This report seeks Executive's approval to invite tenders in respect of a decentralised energy system as required by Contract Standing Orders 88 and 89.

**Ward Affected:**  
Kilburn

**Lead Member:** Councillor Crane  
**Contact Officer:** Joyce Ip, Major Projects Team  
Tel: 020 8937 2274 joyce.ip@brent.gov.uk

**8 The Community Infrastructure Levy Draft Charging Schedule and the Section 106 Planning Obligations Supplementary Planning Document 49 - 86**

This report explains the rationale and approach to the proposal for the Council to charge a Community Infrastructure Levy in respect of development across Brent and concurrent and related changes to planning obligations required by the Council under Section 106 agreements.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Crane  
**Contact Officer:** Dave Carroll, Planning and Development  
Tel: 020 8937 5202 dave.carroll@brent.gov.uk

### Central Reports

**9 Commissioning Carer Services 87 - 94**

This report sets out proposals to integrate Adult, Children and Families and NHS Brent/GP Clinical Commissioning Group for the procurement of services to carers. We recommend a joint framework agreement for the provision of respite and support services to carers of children with disabilities and for carers of adults with disabilities and long term health conditions.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor R Moher  
**Contact Officer:** Alison Elliott, Director of Adult Social Services  
Tel: 020 8937 4230 alison.elliott@brent.gov.uk

**10 Supporting People accommodation based services and floating support services - update report 95 - 98**

Current contracts for young people based accommodation services and floating support services expire on 23 October 2011. This report requests authority to extend existing contracts for period(s) of up to three months from 24<sup>th</sup> of October 2011 to enable Officers to further investigate representations from tendering organisations.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor R Moher  
**Contact Officer:** Alison Elliott, Director of Adults Social Services  
Tel: 020 8937 4230 alison.elliott@brent.gov.uk

## 11 Annual complaints report 2010/11

99 - 112

This report provides an overview of complaints received and investigated by the Council under the Corporate Complaints procedure and by the Local Government Ombudsman.

**Ward Affected:**

All Wards

**Lead Member:** Councillor John

**Contact Officer:** Ann Young, Corporate

Complaints Team

Tel: 020 8937 1040 ann.young@brent.gov.uk

## 12 Applications for NNDR discretionary rate relief

113 -  
124

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. This report includes applications received for discretionary rate relief since the Executive Committee last considered such applications in May 2011.

**Ward Affected:**

All Wards

**Lead Member:** Councillor Butt

**Contact Officer:** Richard Vallis, Revenue and Benefits

Tel: 020 8937 1503 richard.vallis@brent.gov.uk

## 13 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.

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

**Children and Families reports - none**

## 15 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 finances or business affairs of any particular person (including the authority holding that information)”.

Appendix 4, Item 12 - Applications for NNDR Discretionary rate relief

**Date of the next meeting: Monday, 14 November 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

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE EXECUTIVE Monday, 19 September 2011 at 7.00 pm

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

ALSO PRESENT: Councillors Hashmi, Hunter, Lorber and McLennan

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

Councillor Powney declared an interest in the item relating to Brent's response to High Speed 2 consultation as a member of West London Waste Authority.

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

RESOLVED:-

that the minutes of the previous meeting held on 17 August 2011 be approved as an accurate record of the meeting.

#### 3. **Order of business**

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

#### 4. **Petitions - school crossing patrols**

The Executive had before them details of four petitions in support of the retention of school crossing patrols in various locations around the borough. Present at the meeting in support of two of the petitions were Councillor Lorber (Leader of the Opposition) and Mr George Burn. The petitions were in response to a consultation exercise that had taken place earlier in the year and the report from the Director of Environment and Neighbourhood Services explained that the proposals now before members were significantly different from those originally proposed.

Councillor Lorber presented the petitions entitled 'Save Brent's Lollipops' supporting the retention of school crossings in the borough in particular in the Sudbury area and in the vicinity of Convent of Jesus and Mary Infants, Park Avenue and High Road Willesden. Councillor Lorber stated that for parents, safety was paramount. Over the years the council had worked hard to reduce the number of accidents and to remove school crossing patrols would turn the clock back. He felt that the revised proposals set out in the report, namely to ensure that priority sites continued to be covered but to reduce the number through natural wastage, re-assigning staff from lower priority sites, were insupportable and questioned the basis for the risk

evaluation statistics which he felt did not take into account all the risk factors in a location. He referred to Harrow Road and Sudbury School which appeared to have been omitted. Councillor Lorber also felt that contrary to indications in the report, infant schools did require patrols as frequently one adult was in charge of a number of children all walking to school. He felt that the Executive were not being presented with a solution that ensured safety.

Mr George Burn addressed the meeting in support of a petition objecting to proposed changes to school crossing patrols. He stated that he did not represent any particular group but through informal conversations had established that there were concerns over the proposals and the manner in which they had been introduced. He welcomed the revised proposals which did not involve a unilateral withdrawal, would allow greater consultation with schools and was pleased that the council had listened to concerns raised. Mr Burn stated that some schools said they were not consulted and parents were very upset at the plans for withdrawal. If schools were to contribute financially they would need a reasonable lead in time. Mr Burn said it was well understood that the council was under financial pressure but there was still a requirement of changes to be made fairly. He applauded attempts to use criteria to establish risk, for example, whether a pelican crossing was in the vicinity, and felt that each area needed to be considered as a whole taking into account how busy the road was in rush hour or limits on visibility. Mr Burn felt that the cost of providing crossing patrols was relatively small and that more work was required to ensure that each location was fairly assessed.

In response, Councillor John referred to the need for the council to identify approximately £100M savings over four years hence the need for change but nonetheless she thanked presenters for their contributions.

## **5. Review of school crossing patrol service**

The report from the Director of Environment and Neighbourhood Services explained that the School Crossing Patrol (SCP) service was a discretionary one and the council currently provided one of the largest services in London. Since the SCP service was first provided by the council many physical measures have been introduced around school entrances to improve road safety. However, unlike most other council services, there has been no fundamental review to determine whether or not the service should continue to be provided and, if so, the extent to which the service should be provided. Following a review and consultation, a set of proposals had been developed and were recommended for adoption. At the heart of the proposals was the use of a model to assess where priority should be given to providing a SCP. A threshold has been set above which priority would be given to providing cover. Over time, as a result of natural staff wastage, provision at lower priority sites would be discontinued unless alternative arrangements were agreed with schools. The report explained that consultation on an early set of proposals took place earlier in the year and that following consideration of the feedback from the consultation, the proposals, whilst still now involving adoption of a risk evaluation model, were significantly different from those originally proposed.

Councillor J Moher (Lead Member, Highways and Transportation) in introducing the report, acknowledged the concerns raised by petitioners earlier in the meeting. Regarding the consultation process he stated that it had been deferred to allow more time to consider the feedback. Councillor Moher advised that a task group



comprising lead members and officers had met on a number of occasions and reviewed each site, refining criteria and making difficult choices with a view to reducing the number of patrol sites. However, it was now being recommended that no patrols be withdrawn at this stage and that schools be asked to share costs. Councillor Moher accepted that some schools would not have the resources and would need time to make alternative arrangements. He assured that the council would continue to mitigate risks through technical, physical measures and transport proposals.

Councillor John moved the recommendations in the report which were agreed and again thanked Mr Burn for his contribution.

RESOLVED:-

- (i) that it be agreed not to proceed with the proposed withdrawal of School Crossing Patrol officers at this time;
- (ii) that the Director of Environment and Neighbourhood Services, together with the Director of Children and Families, undertake a detailed consultation with schools, including governors, encouraging them to contribute voluntarily to the costs of the service and further promoting the importance of road safety education in schools;
- (iii) that the risk evaluation matrix, as set out in Section 4.2 in the report from the Director, based on rates of vehicular and pedestrian traffic flows, additional risk factors and evaluation of mitigation, and the safety ranking of sites implied by that matrix, be adopted;
- (iv) that this matrix be used to prioritise the deployment of school crossing patrol officers at such time when there is natural turnover of staff within the service, ensuring that sites with a higher risk assessment (with an adjusted score greater than  $1 \times 10^6$ ) are prioritised for cover;
- (v) that the prioritisation of risk mitigation measures at school crossing patrol sites, particularly the introduction of speed reduction interventions and controlled crossings that will continue to reduce the adjusted risk scores of sites, be noted.

**6. Authority to renew grant funding for the Brent Citizens Advice Bureau and Brent Community Law Centre**

The joint report from the Directors of Regeneration and Major Projects and Adult Social Services sought authority to renew grant funding for a period of six months for Brent Citizens Advice Bureau and the Brent Community Law Centre Limited. The renewal of grant funding for a six month period would allow for the convergence of funding streams from the council to Brent Citizens Advice Bureau and the convergence of timelines between the funding bodies.

RESOLVED:-

- (i) that the grant for the Brent Citizens Advice Bureau be renewed for a further 6 months from 1 October 2011, to conclude 31 March 2012;

- (ii) that the grant for the Brent Community Law Centre Limited be renewed for a further 6 months from 1 October 2011, to conclude 31 March 2012.

## **7. The South Kilburn Regeneration Programme**

The report from the Director of Regeneration and Major Projects summarised the progress made on the regeneration of South Kilburn, and set out four main processes for approval for continuing the momentum established by the Council over the past two years for the regeneration of the area. Councillor Crane (Lead Member, Regeneration and Major Projects) stated that good progress was being made on all the projects in the area with applications due to be made for planning permission in late 2011 and in 2012, tower blocks to be demolished in 2013 and properties due to be compulsorily purchased. He drew attention to the proposal to withdraw long term lettings for one bedroom units earmarked for demolition to help manage the decanting process. Councillor Arnold (Lead Member, Children and Families and ward councillor) welcomed the progress being made but referred to concerns being raised by residents over inconvenience caused by utilities work in the area which Councillor Crane agreed to take up.

### **RESOLVED:-**

- (i) that the progress made on the South Kilburn Regeneration project as set out in the report be noted;
- (ii) that the Director of Regeneration and Major Projects be authorised to seek the Secretary of State's consent to the disposal and redevelopment of phase 2 sites on the estate for the purposes of Ground 10A of Schedule 2 of the Housing Act 1985, to enable the Council to apply for a court order to obtain vacant possession of residential dwellings let under secure tenancies, Section 32 of the Housing Act 1985 to dispose of housing land, Section 19 of the Housing Act for appropriation of all housing land within Phase 1b and Phase 2 of the South Kilburn Regeneration project for planning purposes and under the necessary Act (if applicable) to dispose of non housing land (all blocks and phases earmarked for redevelopment are listed in Appendix 2);
- (iii) that the Director of Regeneration and Major Projects be authorised to appropriate all land comprised within Phase 1b and Phase 2 of the South Kilburn Regeneration project to planning purposes when it is no longer required for the purposes for which it is held prior to appropriation subject in respect of land held for housing purposes to the consent of the Secretary of State under Section 19 of the Housing Act 1985;
- (iv) that the making of compulsory purchase orders (CPOs) to acquire (a) all interests and rights in the properties listed in Appendix 1 and comprising the land shown edged red on the plans in Appendix 1 (the CPO Land) and (b) any new rights in the CPO Land which may be required under section 13 of the Local Government (Miscellaneous Provisions) Act 1976, notably Bronte House, Fielding House, Wordsworth House, Masefield House, Durham Court and Gloucester House, be authorised;

- (v) that the Director of Regeneration and Major Projects be authorised to cease long term lettings and authorise the service of demolition notices and the suspension of tenants' Rights to Buy applications in relation to secure tenancies across the estate on all one bedroom properties that have been identified to be demolished as part of the South Kilburn Regeneration Programme and continue to prioritise all new development site lettings in South Kilburn to tenants within sites on the next phase of development (all blocks and phases earmarked for redevelopment are listed in Appendix 2 of the report);
- (vi) that the Director of Regeneration and Major Projects be authorised to cease all long term lettings in blocks earmarked for redevelopment within five years of their scheduled demolition date (all blocks and phases earmarked for redevelopment are listed in Appendix 2 of this report);
- (vii) that the CPOs, once made, be submitted to the Secretary of State for confirmation and that at the same time, the council seek to acquire the land by private negotiated treaty on such terms as may be agreed by the Director of Finance and Corporate Services;
- (viii) that demolition notices be served and the tenants' Rights to Buy in relation to secure tenancies at Masefield House, Wordsworth House, Durham Court and Gloucester House which are all on the South Kilburn estate, be suspended and that the Director of Regeneration and Major Projects be authorised to issue all and any notices required to be issued in connection with such demolition.
- (ix) that the following be authorised: -
  - (a) the submissions of the CPOs, once made in respect of the CPO Land, to the Secretary of State for confirmation whilst at the same time seeking to acquire the CPO land by private negotiated treaty on such terms as may be agreed by the Director of Regeneration and Major Projects;
  - (b) the Director of Regeneration and Major Projects to enter into agreements and make undertakings on behalf of the Council with the holders of interests in the CPO Land or parties otherwise affected by the Scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPOs and including the offering back of any part of the CPO Land not required by the Council after the completion of the development or the acquisition of rights over the CPO Land in place of freehold acquisition, where such agreements are appropriate;
  - (c) the making of one or more general vesting declarations or service of Notices to Treat and Notices of Entry (as appropriate) pursuant to the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 respectively should the CPOs be confirmed by the Secretary of State;
  - (d) the serving of all requisite notices on the holders of the CPO Land relating to the making and confirmation of the CPOs;

- (e) the Director of Regeneration and Major Projects to remove from the CPOs in respect of any plot (or interest therein) no longer required to be acquired compulsorily for the scheme to proceed and to amend the interests scheduled in the CPOs (if so advised) and to alter the nature of the proposed acquisition from an acquisition of existing property interests to an acquisition of new rights (if so advised);
- (f) the Director of Regeneration and Major Projects within the defined boundary of the CPO Land, to acquire land and/or new rights by agreement either in advance of the confirmation of compulsory purchase powers, if so advised, or following the confirmation of compulsory powers by the Secretary of State;
- (g) the Director of Regeneration and Major Projects, if so advised, to seek to acquire for the Council by agreement any interest in land wholly or partly within the limits of the CPO Land for which a blight notice has been validly served.

## **8. LDF - Wembley Area Action Plan Public Consultation**

Having adopted the Core Strategy of the Local Development Framework (LDF) in July 2010 and the Site Specific Allocation DPD in July 2011, it was now proposed to produce a Wembley Area Action Plan as agreed in November 2010. Councillor Crane (Lead Member, Regeneration and Major Projects) in introducing the report drew attention to the process for producing the Plan. The report set out a draft vision and objectives for Wembley and proposed an initial public consultation on the key issues and options for the area to commence in late 2011/12 for adoption in mid 2013.

RESOLVED:

- (i) that the proposals for processing the Area Action Plan to adoption, and the Issues and Options for the proposed public consultation commencing on 27 September be agreed;
- (ii) that the Assistant Director, Planning and Development be authorised to make further editorial changes to the Issues and Options consultation document prior to finally issuing it for public consultation.

## **9. Brent's response to the HS2 consultation**

The joint report from the Directors of Regeneration and Major Projects and Environment and Neighbourhood Services provided an explanation of the current proposals for a new High Speed rail link to Birmingham, with particular reference to the implications for the Borough of the proposed interchange at Old Oak Common. Councillor Crane (Lead Member, Regeneration and Major Projects) referred to the likely significant impacts, both negative and positive, upon regeneration in the Borough especially in Harlesden, Kensal and Willesden areas. In relation to the tunnel (25-40 meters deep) Councillor Crane advised that the council had asked for evidence of any concerns from similar developments. Councillor Crane also referred to the impact on Willesden Junction and Wembley Central stations emphasising a wish for these not to be downgraded.

The Assistant Director, Planning and Development referred to discussions taking place on alternative locations for the ventilation and construction shaft currently earmarked for the Queens Park area.

RESOLVED:

that the response submitted to the secretary of state for transport in July 2011, as set out in paragraph 3.24 of the report from Directors of Regeneration and Major Projects and Environment and Neighbourhood Services, be endorsed.

*Councillor Powney declared an interest in the item relating to Brent's response to high speed 2 consultation as a member of the West London Waste Authority.*

**10. Proposed Changes to Articles of Association for Brent Housing Partnership**

The Executive received a report which informed of changes required to the constitution of Brent Housing Partnership (BHP), the arms-length management organisation who managed the local authority's housing stock, and the reasons for those changes in respect of board membership. It sought members' approval to change the Articles of Association in light of those changes.

RESOLVED:

- (i) that the following clause be inserted into BHP's Articles as paragraph 16(1)(d):

“PROVIDED THAT all Independent Board Members will retire from office on expiry or termination of the Management Agreement dated 1st October 2002 or such earlier date as the Council may determine by notice to the Company Secretary”

- (ii) that BHP will not advertise their Tenant Board Member vacancy until the governance review, due to commence in September 2011, has been concluded.

**11. Authority to invite tenders for Highways Maintenance Works**

The report from the Director of Environment and Neighbourhood Services set out the contractual situation regarding the council's management of Highways Maintenance. It proposed an effective seven month extension of the existing arrangements in order to maximise potential benefits from the emerging collaborative contract procurement across London and accordingly requested authority to award framework agreements as required by Contract Standing Order No 88.

RESOLVED:-

- (i) that the report which identified opportunities for collaborative procurement and improved service provision in the future, be noted;

- (ii) that an exemption from standing orders for the procurement of interim Highway Maintenance Framework Agreements on the basis of good operational reasons as set out in Section 3 of the report be agreed and the establishment of these Framework Agreements as listed in paragraph 3.2 of the report be approved;
- (iii) that the appointment to the Highways Maintenance Framework Agreements of the contractors listed in Appendix 1 from 1 August 2012 until 31 March 2013 be approved.

## **12. A review of Fairer Contributions Policy for Adult Social Services**

Following consultation with service users, the report from the Director of Adult Social Services recommended the adoption of a revised policy, namely the Brent Council's Fairer Contributions Policy [the 'policy'] which would ensure that practice in Brent was in line with Department of Health's Guidance. Councillor R Moher (Lead Member, Adults and Health) reminded the Executive that in the past the council had not charged for day centres and these would now be brought into the policy. The changes would be phased in gradually. Members noted the revised Equalities Impact Assessment that had been circulated in advance of the meeting.

RESOLVED:-

- (i) that the Fairer Contributions Policy (attached at Appendix A to the report from the Director of Adult Social Services) be adopted;
- (ii) that it be agreed that the new policy should begin to be implemented from 1 October 2011.

## **13. Outcomes of the consultation into the closure of Knowles House Site**

Councillor R Moher (Lead Member, Adults and Health) introduced the report from the Director of Adult Social Services on the Knowles House site which included Knowles House residential home, the Westbrook Community Day Centre and also a nursery. As the facilities did not meet the Care Quality Commission current quality standards and the running costs were considerable, a consultation on the possible closure of Knowles House was instigated. Councillor Moher outlined the consultation process which was from 18 April to the 9 July 2011 and was considered to be thorough. It was being recommended to close the site and the Executive noted that there were currently 12 permanent residents and six temporary residents at Knowles House residential home. Some care would be provided through the voluntary sector and carers and relatives would also assist. Councillor R Moher drew members' to the Equalities Impact Assessment attached to the report.

RESOLVED:

that the closure of the Knowles house site, and the re-provision of care for both Knowles House Residents and Westbrook Day service attendees be undertaken by agreed and appropriate approved independent and voluntary sector providers, as near to family and friends as is possible.

**14. Authority to agree changes to the Taxicard scheme in Brent from October 2011**

The report from the Director of Adult Social Services provided an overview of the Taxicard scheme; a summary of the changes implemented in Brent in January 2010 to reduce a forecast overspend in 2010/11; the funding changes implemented by London Councils to make the funding arrangements for the Taxicard scheme sustainable in the medium term; a summary of the consultation on options for the scheme in Brent, and the options the council could implement now that the consultation had been completed. Councillor R Moher (Lead Member, Adults and Health) advised that the recommended Option three proposed a revised set of proposals that reflected the outcome of the consultation and budget pressures. Councillor Moher advised that the scheme would be closely monitored given the aim of maximising benefit to scheme members.

RESOLVED:-

- (i) that Option 3 be implemented from 1 October 2011 in order to manage demand in the future and focus the scheme on those with the highest needs. This option was focused on the following changes:
  - (a) introduction of a mobility assessment to replace the current GP assessment for people who do not automatically qualify for a Taxicard
  - (b) a reduced trip limit of 48 as the standard with provision to extend the number of trips based on clear criteria related to the mobility assessment, wider need and available circle of support
  - (c) re-introducing double swiping and continuing to allow 'roll overs' to ensure that Taxicard members have control over their allocation and can use it to meet their individual needs.
- (ii) that authority be delegated to the Director of Adult Social Care in consultation with the Director of Finance and Corporate Services, to adjust the trip level if the monthly monitoring data from London Councils indicates there will be an overspend in 2011/12.

**15. Preventing youth offending - overview and scrutiny task group**

The Executive received the report which set out the findings and recommendations of the Preventing Youth Offending Task Group, presented for approval. The Children and Young People Overview and Scrutiny Committee had endorsed these at its meeting of 12 July 2011. Councillor Arnold (Lead Member, Children and Families) paid tribute to the work of the task group and drew attention to the recommendations for a comprehensive prevention strategy and which also referred to work that was already taking place. Earlier intervention was a cost effective approach and work continued with children's centres and also schools to reduce the risk of future offending. The strategy was based on 'Think Family' and 'Think Schools'. Councillor Arnold also referred to employment and housing challenges and to the recent riots that had occurred in town centres around the country which she felt had changed the climate, increasing the likelihood of youth offending.

Councillor Hunter, member of the task group, welcomed the recommendations and expressed the wish that the report would be used to make a real difference.

RESOLVED:-

- (i) that the approach and findings of the task group be endorsed;
- (ii) that the recommendations of the task group be passed to the One Council Programme Board to be addressed within the new project focusing on early intervention and services to children.

**16. Joint Procurement of Knowledge Management Software (Legal Services)**

The report from the Director of Legal and Procurement concerned the purchase of on-line legal resources for use by Legal Services. It described a proposal to procure a framework or frameworks for use by an association of London Boroughs known as the London Boroughs Legal Alliance (LBLA). It was proposed that Brent take the lead in the procurement. The report then requested approval for an exemption from the usual Brent tendering requirements for the reasons set out in the report. The Executive noted that the costs would be met from existing resources and would allow access to up to date data and increase efficiency.

RESOLVED:-

- (i) that the proposal for Brent to act as lead authority for a collaborative procurement (with other members of the London Boroughs Legal Alliance) of a framework or frameworks for the procurement of on-line legal resources be noted.
- (ii) that tenders need not be sought for the collaborative procurement described in paragraph 2.1 of the report for reasons connected with the protection of exclusive rights, as described in paragraphs 3.6 – 3.10 of the report from the Director of Legal and Procurement, in accordance with Contract Standing Order 86(e)(i).

**17. Private Hire Framework - WLA**

The report from the Director of Finance and Corporate Services explained that Brent Council was participating in the West London Alliance Transport Efficiency Programme in collaboration with the London Boroughs of Barnet, Ealing and Hounslow with the potential for wider collaboration over the next few years with other future partner organisations including London Boroughs, the NHS, Transport for London and other relevant public sector providers. The Programme sought to deliver savings in the cost of transport provision for participating partners, whilst maintaining or improving service standards, through a wide range of collaborative initiatives including the procurement of a single framework for the provision of contracted passenger transport services for the carriage of vulnerable adults, children/young people with Special Educational Needs (SEN) children, disabled people, patients and other authorised individuals. The Framework would operate for a period of four years and would commence in April 2012. The report requested approval to invite tenders for the framework, as required by Standing Orders 88 and 89.



Councillor Butt (Lead Member, Resources) stated that the Framework was expected to provide savings through greater economies of scale, and more efficient operating arrangements than the current single borough arrangements.

RESOLVED:-

- (i) that the pre-tender considerations and the criteria to be used to evaluate tenders, as set out in paragraph 7.1 of the report, be approved;
- (ii) that officers invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in the decision above.

#### **18. Request authority to tender the Insurance Contracts**

Councillor Butt (Lead Member, Children and Families) introduced this report which concerned the future provision of the Council's Insurance Services contracts. The report requested approval to invite tenders in respect of the proposed Insurance Services contracts to start 1 April 2012, as required by Contract Standing Orders 88 and 89. The Director of Finance and Corporate Services advised that the time extension would allow further exploration of markets.

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

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

RESOLVED:-

- (i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for the Council's Insurance Services as set out in paragraph 3.10 of the report from the Director of Finance and Corporate Services;
- (ii) that approval be given to officers to invite of expressions of interest, agree shortlists, invite tenders in respect of the Council's Insurance Services contracts and evaluate them in accordance with the approved evaluation criteria referred to in (i) above;
- (iii) that approval be given to the extension of the current insurance services contract with Zurich Municipal for a period of six months.

#### **19. Performance and Finance review - quarter 1**

The joint report from the Directors of Strategy, Partnerships and Improvement and Finance and Corporate Services summarised the council's budget position and performance in relation to the delivery of the Borough Plan, Our Brent Our Future 2010-2014. The Director of Finance and Corporate Services stated that the overspend was approximately £1.3M but there was no room for complacency. He referred to the primary causes which included pressures on Special Educational Needs budgets and placement costs. Should compensatory savings not be

identified the council would have to call on its reserves however he hoped this could be avoided. Councillor Crane called for further discussion on public health and targets to reduce obesity.

RESOLVED:-

- (i) that the Finance and Performance information contained in the report be noted and that remedial actions as necessary be agreed;
- (ii) that the 2010-11 budget virements contained in the report be agreed.

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

None.

The meeting ended at 8.00 pm

A JOHN  
Chair

## **Petition**

The following e-petition has been signed by more than 50 people who live or work in the borough:


### **Petition – reverse street cleansing cuts**

We the undersigned petition the council to reverse the decision to cut street sweeping services and to retain the employment of properly trained street sweepers.

The proposed cuts in street cleaning will mean most residential streets will only be cleaned once a week (previously three times a week) and a reduced service on other streets including limits on weekend work. The ending of the seasonal leaf service will result in hazardous conditions for pedestrians as leaves rot and will open the council to compensation claims for injuries. Cuts in street cleaning will coincide with the introduction of fortnightly residual rubbish collections creating potential health and safety problems caused by excess litter.

Petitioner: Martin Francis

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	<p><b>Executive</b> 17 October 2011</p> <p><b>Report from the Directors of Environment and Neighbourhood Services and Strategy, Performance and Improvement</b></p>
Wards Affected: All	
<p><b>Adoption of the Council's Green Charter</b></p>	

## 1.0 Summary

1.1 Brent Council's Corporate Strategy, 'Brent Our Future 2010 - 2014' says that the Council will develop a Green Charter, 'setting out how we can work together to protect our environment'. A draft Green Charter was circulated between 29 June and 04 August 2011 for consultation and the outcome of this consultation is set out in this report. As a result, a revised version of the Charter is attached in Appendix 1. The Executive is asked to adopt this version of the Charter and to ask officers to implement the actions in their departmental performance improvement plans. An annual monitoring report will be prepared outlining progress in implementing the Green Charter.

## 2.0 Recommendations

2.1 The Executive is asked to

- i) adopt the Green Charter
- ii) ask officers to implement the Charter's actions through departmental performance improvements plans, and
- iii) agree that an annual Green Charter progress report is published.

## 3.0 Details

3.1 Aims  
The Council is seeking to protect the environment, to improve the use of environmental resources, to reduce the environmental impacts in the borough particularly of waste, carbon emissions and energy, greenhouse gases, water usage and more sustainable transport, encourage sustainable construction and to operate more environmentally sustainable. Obviously in order to achieve this broad aim support is needed from local residents, businesses,

the local community and voluntary groups, other organisations from the public sector and suppliers etc.

- 3.2 The Green Charter sets out the Council's commitments over the next few years, the support it is providing to local residents and lists the types of sustainable behaviour it is encouraging residents to adopt. It also sets out how the Council will work with the people who live, work or study in the borough in order to improve the local environment. The Council encourages residents to live more sustainable lives and suggests ways in which residents can make small changes in the way they live.

The Council is seeking to improve the use of environmental resources and to reduce the environmental impacts in the borough particularly of waste, carbon emissions and energy, greenhouse gases, water usage and more sustainable transport. Obviously in order to achieve this broad aim requires the support from local residents, businesses, local community and voluntary groups and from the public sector The Green Charter sets out what the Council is committed to do over the next few years, what support it is providing to local residents and lists the types of behaviour it is encouraging residents to adopt.

#### **4.0 Strategic Context**

- 4.1 The Council recognises that it needs to reduce its impact on the environment, to reduce its carbon emissions and to work with everyone who lives, works or studies in the borough in order to improve and protect the local environment. It also wishes to help others to mitigate and adapt to future climate change and to deal with severe weather events such as drought, heat waves, flooding etc.
- 4.2 As well as the Council wishing to reduce its own environmental impacts and to operate more sustainably when delivering its services, it also recognises the need to take steps to meet national and London-wide carbon reduction targets. This is one of the reasons why it has set itself a target of reducing its own carbon emissions by 25% by April 2014.
- 4.3 Although much has already been achieved through, for example, existing strategies and policies, the Council's commitment to implement ISO 14001 environmental management systems, the adoption of a Carbon Management Strategy and Implementation Plan, implementing the Council's Travel Plan, the installation of photo-voltaic panels on the Town Hall roof, a decrease in the amount of energy used in Council buildings and the construction of the Civic Centre to the exacting BREEAM 'Outstanding' standard, there is still a great deal more which needs to be done.
- 4.4 The Council is keen to support local residents, business, voluntary groups, community organisations and other public services in helping them to use less energy, to tackle fuel poverty and promote affordable warmth, to operate more sustainably and for residents to lead more sustainable lifestyles. The Council's measures to support residents and local organisations are included in the Green Charter in Appendix 1. The Charter also includes suggestions

as to how residents may live more sustainably. Every Council department has contributed and included activities that are either planned or currently undertaken that either are or will be contributing to achieving this Charter e.g. the Planning Service has revised their Sustainable Development Checklist and Building Control is implementing the Code for Sustainable Homes. Other Council commitments included are:

- Seeking to ensure that Brent recycles 60% of its waste by 2014
- Investigating cutting the Council's carbon emissions by at least 25% by 2014.
- Converted the controlled parking zones into a 'Polluter Pays' scheme.
- Persuading public transport providers such as TfL and train operators to improve the environment in and around areas of their control.
- Meeting regularly with water utilities' companies to enable better liaison with the public during pipe renewal work and to seek long-term solutions to flooding and other water related problems.
- Continuing the long standing policy of protecting public parks and open spaces.
- Making Brent a Fairtrade borough.

4.5 Brent Council also has a number of policies and strategies in place which are in line with the aims of the Green Charter and these are listed in the Charter.

4.6 The Council's new Civic Centre which will open in 2013 aims to reduce 40% of the Council's CO2 emissions. The Council will move out of 14 properties and this will obviously result in significant savings in energy bills.

## **5.0 Consultation**

5.1 Consultation took place from 29 June 2011 to 4 August 2011. The consultation process, length and activity was planned in conjunction with the Brent Consultation Team in order to follow best practice. The consultation methodology was approved by the Consultation Board. The consultation explained why we are consulting and how we planned to take people's views into account.

5.2 In order to take as many people's views into account as possible, it was decided not to use a questionnaire but, as the content was very wide ranging, to invite comments to be submitted either verbally or in writing or by phone. Presentations were made at all the Area Consultative Forums and this was an opportunity for residents to meet Council officers in person. At the end of the presentations sample questions were provided for those residents who prefer a more formal approach to consultations.

5.3 In order to involve the widest spectrum of the community, the consultation was advertised widely. The draft Green Charter was available to download from Brent Council's website and it was on the Council's Consultation tracker inviting people to feedback online, via letter or in writing. The Brent Magazine ran an article on the Green Charter and it was also on the Sustainable Brent social media website and on the 'Wembley Matters' blog. Letters and/or emails were sent to the Brent Citizens' Panel, local environmental

organisations, together with copies of the draft Green Charter and a summary asking for their comments and feedback. A variety of local organisations considered the draft Green Charter and provided feedback some of which was incorporated in the revised Green Charter attached as Appendix 1.

## **6.0 Results**

6.1 Two pie charts in Appendix 2 show the results in percentage by subject heading. In total, 174 comments were received from the following:

- Barnhill Conservation Group
- Brent Campaign Against Climate Change
- Brent Citizens' Panel
- Brent Fairtrade Network
- Brent Friends of the Earth
- Brent Green Party
- Brent Sustainability Forum
- Council Officers
- Harlesden Town Team
- Individual Residents
- Queens Park Residents Association
- Streetwatchers
- Transition Willesden

6.2 Analysing the data showed, that the largest number of comments from local organisations concerned topics under the heading 'Sustainable Development'. Most comments were on future development and sustainable construction. The second highest number of replies was under the heading of 'Sustainable Land Use and Wildlife' and 'Lower Waste', which reflects the type of organisations represented (environmental in nature).

6.3 Most comments received by individuals were under the heading of 'Lower Waste' and many welcomed the new Waste Strategy for Brent. This was followed by 'Sustainable Transport and Streets'. One concern raised by several respondents is that the introduction of CPZ car parking may result in an increase of individuals concreting over their front gardens.

## **7.0 Next Steps**

7.1 As a result of these comments, parts of the Green Charter have been amended and relevant council officers have been made aware of the issues and comments that the consultation highlighted. The recommended revised version of the Green Charter is attached as Appendix 1.

## **8.0 Financial Implications**



8.1 The Green Charter does not make any additional financial commitments on the Council and all the measures included in the Charter will be implemented using existing Council budgets.

## **9.0 Legal Implications**

9.1 The Council has power under section 2 of the Local Government Act 2000 to do anything which it considers likely to promote the environmental well-being of its area. In exercising this power the Council is required to have regard to its Corporate Strategy, Our Future 2010 - 2014'.

9.2 The Council has a legal obligation to participate in the Carbon Reduction Commitment Energy Efficiency Scheme (CRC) and to ensure the transparent display in public buildings of Display Energy Certificates. The Council will be seeking to minimise its financial payments under the CRC.

## **10.0 Diversity Implications**

10.1 Brent is a place of contrasts. It is characterised by a sharp divide between the relative affluence of the northern wards and high levels of social and economic deprivation in areas south of the North Circular Road. Brent's population is growing and changing. Brent is the most one of only two local authorities serving a population where the majority are from ethnic minorities. 54.4% of Brent residents are from black and minority ethnic communities. These groups comprise of established Indian, Black Caribbean, Black African and Irish communities as well as emerging Eastern European, Somali, Turkish, Hispanic and Portuguese communities.

10.2 The environment affects everyone in terms of climate change, particularly those who are physically vulnerable – the elderly and the young – as they will be exposed to greater temperature extremes and potentially new or increased threats of disease.

10.3 Climate change is predicted to be felt most acutely in areas of the world where communities are less able to adapt. These areas include countries in sub-Saharan Africa, Bangladesh, India, Indonesia, and Australia. A number of residents have strong ties with these nations.

10.4 Brent is defined and enriched by the diversity of its population and this unique quality is celebrated locally. The Equality Impact Assessment demonstrates that the Green Charter is applicable to the whole population and aims to meet the needs of a diverse population. The Council is committed to working with local communities and recognises the value and diversity of local residents. This Green Charter will enable residents to be informed about the Council's environmental agenda and enable all residents to do their bit.

## **11.00 Environmental Implications**

- 11.1 One of the overall recommendations is to reduce the Councils CO2 emissions and this will have a positive effect on the environment. Reducing CO2 emissions (one of the main green house gasses which contribute to global warming) will help mitigate the effect of climate change at both a local and global level. It is expected that the environment will benefit in the long term by the Council taking this action.
- 11.2 Adapting to Climate Change will ensure that the council is prepared for the effects of predicted extreme weather events. By making the necessary preparations the Council will ensure its key services and the borough's infrastructure are not compromised.
- 11.3 The Council's commitment to protect and enhance the environment is a positive step and it is hoped that others on the borough will work in partnership to this end.

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

- 12.1 There are no specific staffing/accommodation implications of the proposals included in the Green Charter.

**Appendix 1** - Revised version of the Green Charter

**Appendix 2** - Green Charter Consultation Pie Chart

### **Background Papers**

Draft Green Charter for consultation

### **Contact Officers**

Sue Harper  
Director of Environment & Neighbourhood Services

Phil Newby  
Director, Strategy, Partnership and Improvement

Michael Read  
Assistant Director - Environment & Protection

Marion Hofmann  
Environmental Projects & Policy Officer

**Sue Harper, Director of Environment & Neighbourhood Services**

**Phil Newby, Director, Strategy, Partnership and Improvement**

## Foreword

This is Brent Council's 'Green Charter', written in consultation with local residents and other stakeholders, with the aim of reducing the council's impact on the environment and helping residents reduce theirs.

Making Brent a greener borough needs to be done collectively with our partners, people who live, work and study here, public and private sectors and voluntary groups and I would like to acknowledge the contribution already being made by schools, voluntary and faith groups as well as individuals.

Everything we do, whether at work, at home or travelling has an environmental impact. As a council, we need to have policies in place to reduce that impact as much as we can and to create a better vision for the future. This Green Charter brings together all the work the council is doing to improve, enhance and protect the environment and asks those who live, work or study in Brent, to be more sustainable in their way of life. It also makes suggestions how this can be achieved.

This charter sets out how the council takes the environment into account in all of its work and sets out a vision of how residents and the council can work together. In this way we can best respond fully to the challenge of climate change and reduce our carbon footprint.

Cllr James Powney

## Introduction

The Green Charter sets out what the council does to improve the environment when delivering its services. The charter also provides suggestions on what people can do who live, work or study in the borough.

Brent Council has made some ground-breaking commitments. It was an early signatory to the Nottingham Declaration on Climate Change and produced London's first ever borough-wide climate change strategy and Action Plan.

2010 saw the introduction of the new Household Waste Strategy, with its aim to increase household waste recycling and composting to 60 per cent by 2014.

In April 2011, we introduced an emission-based resident parking permit charging regime and the electric vehicle infrastructure is beginning to take shape with the first two "PodPoint" electric vehicle charging points installed in Wembley and Harlesden.

In 2013 Brent Council will have completed its new civic centre, which will be the greenest public building in Britain. On its own, this will make Brent Council an exemplar local authority and a flagship borough. The combined heat and power (CHP) facility the civic centre will use could potentially be used as a district heating system for Wembley in the future.

The council's Carbon Management Strategy and Action Plan is on target to deliver a saving of 25 per cent in council emissions by 2014.

As a contributor to the Carbon Reduction Commitment Energy Efficiency Scheme, the council continues to calculate its carbon baseline and to provide energy data on all council offices and schools, helping us to be more aware of where we need to cut our energy costs.

As well as these obvious areas of work, we are committed to reducing our carbon footprint in all our activities. All service plans reflect our environmental aims. The number of departments becoming ISO14001 certified is growing and this helps ensure that our work is carried out in as environmentally friendly ways as possible. Whilst we are setting our policies, aims and initiatives high, we are asking the community to do their bit in their personal and work life.

We can assist and provide resources, information and to give practical tips on how to save energy and be more self sufficient. You could grow your own vegetables, set up solar panels on your roof, volunteer, decide to use public transport twice a week or some other personal action. Whatever it is, we hope that you find this information useful and that it inspires you to continue the good work that is already taking place in this part of North West London.

## The Green Charter

What the council will do	How we help the public	What we ask you to do
<p><b>Reduce carbon dioxide emissions</b></p> <p>The council aims to reduce its CO2 reductions by 25 per cent in council emissions by 2014 and encourage and support schools to adopt a similar target.</p> <p>The council has a Carbon reduction commitment and is monitoring and reporting its energy use and carbon emissions in line with the national CRC EES (Carbon Reduction Commitment Energy Efficiency Scheme).</p> <p>The council undertakes energy efficiency upgrades to its buildings based on the Council's Energy Strategy's hierarchy of principles: 'Be Lean, Be Clean, Be Green'. The aim is to reduce the energy used in each building to its absolute minimum by using simple controls and passive features (Be Lean).</p> <p>Behaviour change is encouraged and monitored. This includes simple actions by staff and site managers and the use of efficient heating, ventilation and air-conditioning (HVAC) equipment (Be Clean) and by complying with the Be Lean/Be Clean checklists.</p> <p>The council uses internal communication channels to encourage all staff to turn off lights, computer screens and IT equipment when not in use. Use energy monitoring technology and carry out regular energy audits</p> <p>These type of actions enabled Gwenneth Rickus building's Display Energy Certificate (DEC) rating to be</p>	<p>The council funds and supports Energy Solutions (North West London) Ltd to provide advice on energy saving, renewable energy, insulation advice and obtaining funds from the Feed in Tariff.</p> <p>A Scrutiny Committee Task Group on Fuel Poverty was set up and recommends that Brent Council, with partners, develop an affordable warmth strategy for Brent to enable the borough to develop a coherent and focussed plan to tackle fuel poverty within existing resources.</p> <p>Provide energy monitoring devices for people to borrow from libraries.</p> <p>Publish information on the council's website about saving energy and combating the effects of climate change.</p> <p>Work with schools to assist them to reduce energy.</p> <p>Work with businesses to be more energy efficient. This includes invitations to free carbon reduction events and offers of free energy checks.</p>	<p>Turn off lights and appliances when not in use. When buying new appliances, buy the most energy efficient. Find out about the energy efficiency of your own home.</p> <p>Fit energy saving light bulbs.</p> <p>Reduce heating by at least one degree to save energy costs.</p> <p>Use energy efficient fittings and appliances.</p> <p>Install insulation in lofts and cavity walls.</p> <p>Take advantage of the government's Feed In Tariff. This means you will be paid for any electricity you create that can go to the National Grid.</p> <p>Plant trees and other large plants to naturally cool the air and provide shade.</p> <p>Refurbish your home to the best practice standards - draught proofing; double-glazing.</p> <p>Join the Brent Green Champions Network for residents.</p> <p>Complete the Sustainable Business and Resident Climate Change pledges.</p>

<p>reduced from an E to B.</p> <p>The council uses alternative sources of renewable energy such as solar panels and continuously analyses the council's use of energy and the new civic centre will be the greenest public building in the UK.</p> <p>The council implements the borough's climate change strategy and action plan which was launched in December 2009 and its environmental policy, which was updated in October 2009</p> <p>Some schools are investigating taking advantage of the government's Feed In Tariff and the council is also making enquiries.</p> <p>The council created sustainable Business and Resident Climate Change pledges for residents and businesses to pledge to.</p> <p>As part of its contract maintenance programme, the council's street lighting contractor has begun to remove the old fluorescent bulbs from street signs and ministry posts, which tend to be lit 24 hours a day, replacing them with photo-cells that only come on as and when are necessary, thus reducing carbon emissions.</p> <p>Since the publication of the first air quality action plan in 2005 the council has effectively controlled pollution using measures such as the control of dust from</p>		<p>Set up your own Green Champions Network at your place of work.</p>
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construction, placing stringent controls on industrial operations to ensure they do not pollute the air, and limiting exposure to poor air quality by planning and nuisance controls.

However, the concentrations of two key pollutants - nitrogen dioxide and particulate matter- remain above national standards in certain areas. We refer to these areas as Air Quality Management Areas. Pollution here is more difficult to tackle because they are associated with traffic emissions, often on roads outside the council's direct control.

Maintain its internal Green Champions network with updates/awareness raising schemes for staff

The councils IT department is working on the introduction of 'Oneprint'. This is a managed print service which uses multi-functional devices (MFDs) to print, scan and photocopy to ensure that printing across the organisation becomes more efficient.

In the coming years, council officer will no longer have desktop PCs but something called thin client technology. These paperback book-sized devices have a much lower power consumption and a longer shelf life.

<p><b>Lower Waste</b></p> <p>Implement sustainable household waste management. This incorporates:</p> <p>Reducing the amount of household waste generated by residents by using the national waste hierarchy of</p> <p>Reduce – Reuse – Recycle - Dispose</p> <p>Implementing the new waste strategy will mean the council will reuse, recycle and compost 40 per cent of household waste by 2011/12, rising to 50 per cent by 2014/15 and aiming to divert 60 per cent of waste from landfill by 2014 /15.</p> <p>Recycle 95 per cent of green waste from parks.</p> <p>Prosecute those who litter and fly-tip</p> <p>The council has phased out paper towels and is replacing cloth towels with hand dryers.</p> <p>Our internal recycling scheme is compulsory and waste bins are centrally located and nobody has a bin under their desk.</p> <p>Send unwanted and out-of-date IT equipment to a local re-use scheme.</p> <p>Toner cartridges are recycled internally via the council's facilities management service.</p> <p>Have in place an internal communication plan to</p>	<p>Introduce a new and improved waste collection service for all residents in Brent from autumn 2011 designed to:</p> <ul style="list-style-type: none"> <li>- increase the range of materials accepted for recycling</li> <li>- expand and improve the food waste collection service</li> <li>- expand the recycling service to include all suitable blocks of flats</li> </ul> <p>Communicate effectively to ensure residents understand the purpose and operation of the new waste collection service.</p> <p>Continue to provide a Christmas tree recycling service.</p> <p>Increase the amount of items reused in Brent, whether through charity shops, re-use schemes or recycling.</p> <p>Provide a Streetwatcher scheme including events, training, days out</p> <p>Make home compost bins available to residents.</p> <p>Increase residents' awareness of the amount of food waste that is thrown away.</p> <p>Promote the Mailing Preference Service and encourage people to return unwanted</p>	<p>Take full advantage of the new waste collection service from autumn 2011. There will be a high profile campaign explaining the changes.</p> <p>Use the new waste bins effectively.</p> <p>Get a subsidised home compost bin and use it for uncooked compostable food and garden waste and buy and cook only food that you need.</p> <p>Recycling more and press shops to accept back excess packaging that is recyclable.</p> <p>There was an increase in numbers of Streetwatchers in Brent, to 229. The work of these residents is vital to maintaining the cleanliness of the borough, as they act as the eyes and ears of the council as they go about their daily lives. Consider joining them.</p> <p>Report fly tippers</p> <p>Take part in clean up days and campaigns.</p> <p>Brent Council, in partnership with Community Payback (the London Probation Service) and other partners, such as the police, residents groups and volunteers, participated in 41 projects associated with improving local environmental quality. These ranged from rubbish clearing, graffiti removal, painting rooms in communal parts of buildings, overgrown</p>
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<p>increase the council's own recycling levels.</p>	<p>junk mail to the sender.</p> <p>The council offers to collect up to five bulky items of household waste free of charge up to three times a year.</p> <p>Increase awareness and use of the Reuse and Recycling Centre at Abbey Road.</p> <p>Provide an effective network of recycling bins in public places located across the borough.</p>	<p>vegetation removal, garden clearances and tidying up children playground areas. To get involved check our website for different initiatives.</p> <p>Sign up to the Mailing Preference Service and return junk mail to the sender where possible with a request to be removed from the mailing list.</p> <p>Call 0845 703 4599 to register for the Mailing Preference Service</p> <p>Choose products with less packaging.</p> <p>Avoid disposable products such a plastic or paper cups/cutlery, paper towels etc</p> <p>Consider using 'real' nappies rather than disposable ones.</p> <p>Take items suitable for reuse to the Reuse and Recycling Centre.</p> <p>Use internet exchange forums.</p> <p>Donate to a charity shop.</p> <p>Recycle and compost more.</p> <p>Use the Reuse and Recycling Centre to reuse and recycle even more materials.</p> <p>Recycle during your daily commute or other activities that you carry out away from home.</p>
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### Sustainable Development and Regeneration

The council uses the new placemaking guide aims to achieve a safe, attractive, accessible and inclusive environment by setting out public realm policy and design guidelines and specifications for materials, street furniture and the layout of streets and spaces that fall within the control of the council.

Sustainable development is promoted by planning for mixed use development in growth areas where there is good public transport provision. We will ensure new development is accompanied by supporting facilities such as school places, open space and community facilities.

The council reduces the carbon footprint of new development by requiring high levels of energy efficiency and renewables beyond current building regulation standards, particularly in growth areas.

Achieve exemplar low carbon schemes, such as promoting combined heat and power district heat networks in Wembley and South Kilburn.

Reduce waste from demolition and construction by requiring all development to comply with the ICE demolition protocol and set targets for reuse and recycling.

Reduce the risk of flooding by steering development away from areas at risk and ensure new development includes measures to minimise rainwater runoff such as green roofs and permeable paving.

The council's Planning Service provides planning advice to residents and the private sector. Its aim is to reduce the carbon footprint of any development but has particularly stringent requirements for new developments in growth areas.

Provide guidance on sustainable design and construction in our householders' guide.

Publish our sustainability appraisal on new plans and policies so you can see how we have considered a project's environmental, social and economic impacts.

Consider the wider environment when making changes to your property.

Ensure your home is well insulated.

Install heating controls that allow you to control the temperature in different parts of your home.

Install low energy lighting.

Take steps to save water and collect rainwater where possible.

Use environmentally friendly materials.

Try not to pave over your front garden, but if you do remember that at least 1/2 of your front garden must be retained with soft landscaping and you should consider using a permeable surface and encouraging biodiversity.

<b>Sustainable Transport and Streets</b>		
<p>The council encourages low carbon modes of transport to reduce emissions, reducing the need to travel.</p> <p>The council has recognised that for more people to walk and cycle around the borough, they need to feel confident doing so, for which it is necessary to design safer streets. To improve the walking and public realm, Brent has set about making areas look, feel and actually be safe. Work has been undertaken in areas such as Wembley, Kilburn Streets for People and Queensbury Parade. In the Kilburn Streets for People initiative, for example, in addition to wholesale improvements to the urban realm, wider benefits have included:</p> <ul style="list-style-type: none"> <li>• 10 new car club bays;</li> <li>• 166 trees planted;</li> <li>• 26 cycle stands installed;</li> <li>• 27 'white light' emitting lamp columns installed;</li> <li>• 5% of parking spaces in the area removed.</li> </ul> <p>Deliver car parking permits on a polluter pays principle.</p>	<p>The council will pay £200 to residents who surrender their parking permit and get rid of their car.</p> <p>Provide electric car infrastructure by providing electric vehicle charging points such as the two PodPoint electric vehicle charging points installed in the council's public car parks at Wembley Central (Elm Rd/St.John's Rd and Harlesden (Wendover Rd).</p> <p>Assist and support school travel plans.</p> <p>Assist with business travel plans.</p> <p>Make it easy to travel in a way that is sustainable, safe and efficient, whatever this entails.</p> <p>Improve air quality and health outcomes by emissions based permit parking, where high-emission cars pay more. Encourage organisations to work with the council to create their own travel plan.</p> <p>Provide new facilities such as cycle parking.</p> <p>Consult residents and businesses on improving the Grand Union Canal environment around Alperton.</p>	<p>Walk children to school or share cars on the school-run.</p> <p>Walk to the shops instead of driving.</p> <p>Take advantage of the cycle training and try out cycling in the borough.</p> <p>Use the Grand Union Canal Walk and the Capital Ring.</p> <p>Take advantage of Brent's extensive public transport network to get around.</p> <p>Try out car clubs and consider not using a car. Consider an electric car or one with lower emissions.</p> <p>Report fly-tipping and illegal disposal of industrial / commercial waste to the council.</p> <p>Please do not drop litter in the street – use bins provided or take rubbish home</p>

<p>The council provides an Animal Welfare Service that will educate, encourage and enforce responsible animal/dog ownership.</p>	<p>Plan to continue to deliver free cycle training for Brent's residents for three years.</p> <p>Promote car clubs.</p> <p>Publish travel advice on the council's website.</p> <p>Improve the public realm to make walking a more attractive option.</p> <p>In partnership with The Mayhew Animal Home provide free neutering for bull breeds and low cost neutering for all other breeds, to prevent over population of dogs. .Provide free poop scoops to encourage dog owners to clean up after their dogs.</p> <p>To undertake regular patrols of known hot spot dog fouling areas and educate dog owners and where necessary enforce fixed penalty notices.</p> <p>To provide free "reward" packs to those owners "caught" clearing up after their dogs.</p> <p>Work in partnership with the Neighbourhood Services (Parks) to provide educational events in Parks throughout Brent on responsible animal/dog ownership.</p>	<p>Be a responsible pet owner which means: As a dog owner, to always clean up after your dog.</p> <p>To become our eyes and ears – to report those dog owners not cleaning up after their dogs. To ensure that you seek advice from the Animal Welfare Service BEFORE obtaining a dog to ensure you know your responsibilities.</p>
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<p><b>Sustainable food &amp; purchasing</b></p> <p>The council explores the issue of food growing in Brent as part of the allotment strategy development process. Public consultation on the draft strategy is expected to take place in the spring of 2012.</p> <p>The council implemented the Wellbeing and Healthy Living strategy.</p> <p>The council supports the Brent Fairtrade Network by providing premises for meetings. It has set up a Scrutiny Committee Task Group to assist the Brent Fairtrade Network in its work.</p> <p>The council has produced a food sustainability checklist and only buys Fairtrade tea, coffee, milk, sugar, fruit for council meetings and events.</p> <p>Commit to provide and improve allotments or other food growing projects, including a survey on the use of allotments.</p> <p>The council only purchases peat free products.</p>	<p>The council offers evening cooking lessons classes via BACES in order to enable residents to learn basic skills in this area.</p> <p>The council provides allotments to residents and local groups.</p> <p>Promote the farmers' market events.</p> <p>Promote Fairtrade events throughout the borough.</p> <p>Provide information on healthy living via the council's website.</p> <p>Provide information sessions on growing your own food in an urban setting through the Brent Sustainability Forum.</p>	<p>Eat freshly prepared fruit and vegetables that are local and seasonal and where possible organic. Reduce food waste.</p> <p>Buy Fairtrade goods such as tea, coffee, sugar, wine, bananas and cotton.</p> <p>Try to avoid highly processed, heavily packaged ready meals.</p> <p>Consider growing your own food.</p> <p>Think about shopping at a farmers' market now and again.</p> <p>Consider sustainability when buying food (food miles, how was it reared etc).</p> <p>Buy peat-free products. Peat acts as a carbon sink and is a non renewable resource.</p>
<p><b>Sustainable Water</b></p> <p>The Council considers flood risks for any infrastructure, building or transportation work.</p>	<p>Reduce flood risk by when planning new buildings.</p>	<p>If covered, consider turning your front garden into a garden with plants.</p>

Consider water conservation and water management in all areas of the council's services.

When planning new buildings, incorporate SUDS (sustainable urban drainage systems) whenever possible.

Use tap water in meetings instead of bottles. Using water more efficiently in buildings and in the products we buy, tackling local flooding and watercourse pollution.

Reduce flood risk by keeping urban areas green and by using plants in parks that are drought resistant.

Reduce flood risks which will have direct and indirect economic benefits.

The council replaced bottled water dispensers with mains water in public areas of council offices.

Use tap water instead of bottles.

Fit water saving fittings for taps, showers and toilets.

Consider taking showers instead of baths.

Collect rainwater by installing a water butt.

Grow drought resistant plants in your garden.

Consider fitting a water meter to gain control over water usage.

<p><b>Sustainable land use and wildlife</b></p> <p>The council preserves and enhances Brent's existing parks and open spaces and aims to increase these as opportunities become available.</p> <p>Support and fund the work of the Welsh Harp environmental education centre.</p> <p>Make sure the planning system protects and enhances open spaces and biodiversity and does all it can to protect and promote trees and woodland and promoting wildlife.</p> <p>The council conserves and enhances biodiversity.</p> <p>Protect our SSSI sites (Sites of Special Scientific Interest) at Welsh Harp, and our local nature reserves such as Fryent Park.</p> <p>Create wildlife corridors where possible (e.g. Fryent Park to Roe Green Park and along railway lines).</p> <p>Brent Council is a member of the Pesticide Action Network and has reduced its own pesticide use to a bare minimum.</p>	<p>Greater biodiversity and open spaces contribute to improved environmental quality and wellbeing.</p> <p>The council's parks add to improved air quality for residents both locally and globally.</p> <p>Parks provide walking routes for local journeys.</p> <p>Brent in Bloom is an annual competition that gives local people the opportunity to show off their gardening skills and aims to make the borough more attractive.</p>	<p>Erect bird, bat and bumblebee boxes to increase biodiversity.</p> <p>Keep grass long and sow wild flower seeds to increase biodiversity.</p> <p>Grow plants that attract wildlife into your garden or on your balcony to increase biodiversity.</p> <p>Return land use from hard-standing such as slabs and concrete to natural vegetation, lawns or bark chips to encourage a balanced eco-system.</p> <p>Consider creating ponds and wet areas in gardens and the creation of wild flower chains for pollination and insect habitat. See <a href="http://www.riverofflowers.org">http://www.riverofflowers.org</a> .</p> <p>Reduce the use of pesticides, preferably stop using them altogether.</p> <p>Take part in Brent in Bloom</p>
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## Brent Council Links

The following council strategies and action plans have been used to compile the Green Charter

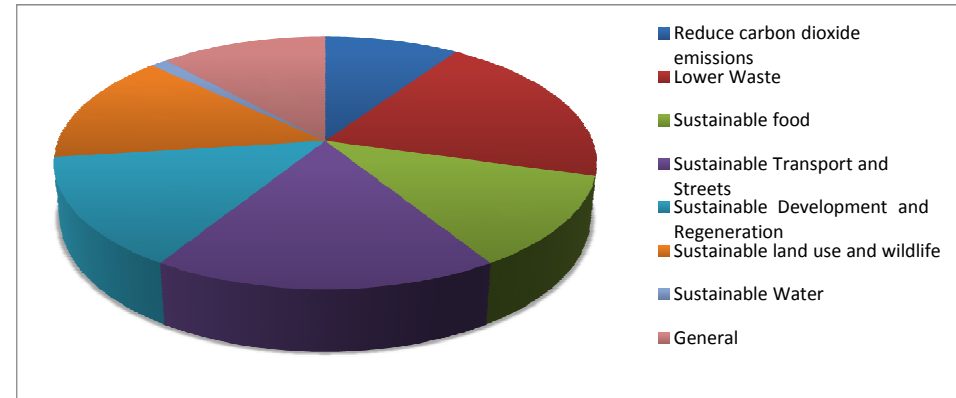
- Air Quality Action Plan 2005-2010
- Brent - Our Future 2010-2014 corporate strategy , One Borough, One Community, One Council
- Brent Biodiversity Action Plan 2007 and Biodiversity Action Reporting System
- Brent's Health and Wellbeing Strategy 2008 - 2018
- Brent Regeneration Strategy 2010-2030 draft
- Carbon Management Strategy 2010-1014
- Climate Change Strategy and Action Plan 2009
- Corporate Environmental Policy Statement 2009
- Consultation and Engagement Strategy 2006
- Council Travel Plan 2009
- Cultural Strategy 2010 - 2015
- Household Waste Policy Strategy 2010 – 2014
- Joint Commissioning Strategy - Short Breaks and Preventative Services for Disabled Children and Young People 2009 - 2011
- IT Strategy 2010-13
- Inspiring Brent - Brent Council's Action Plan for the London 2012 Games (2010)
- Local Development Framework Core Strategy 2010-2026
- Library Strategy 2008-2012
- Parks Strategy 2010-2015
- Shaping the Future of Housing in Brent, Housing Strategy 2009 - 2014
- Strategy for Sport & Physical Activity in Brent 2010-2015
- Transport Local Implementation Plan 2011-2014



**Green Charter Consultation (29 June - 4 August 2011) Results**

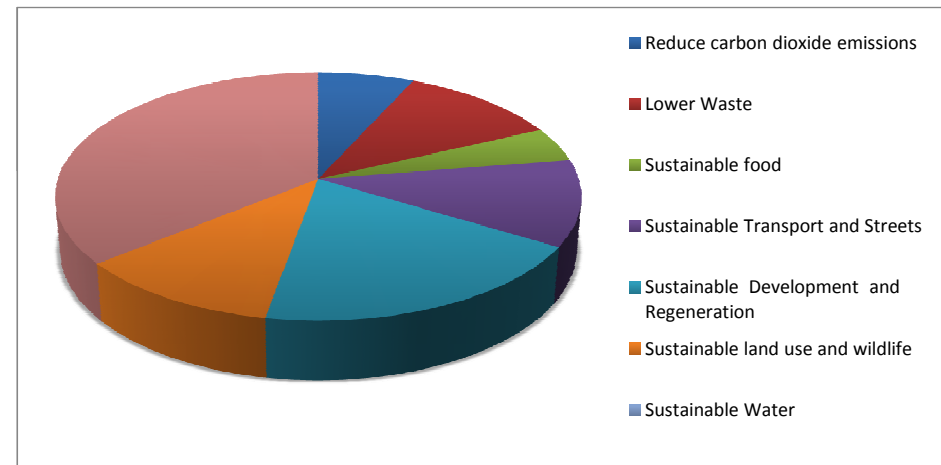
**Analysis - individuals - Replies in percentage per subject heading**

Reduce carbon dioxide emissions	9%
Lower Waste	20%
Sustainable food	12%
Sustainable Transport and Streets	18%
Sustainable Development and Regeneration	14%
Sustainable land use and wildlife	14%
Sustainable Water	1%
General	12%




**Analysis - Local groups - Replies in percentage per subject heading**

Reduce carbon dioxide emissions	7%
Lower Waste	11%
Sustainable food	4%
Sustainable Transport and Streets	11%
Sustainable Development and Regeneration	19%
Sustainable land use and wildlife	11%
Sustainable Water	0%
General	36%



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	<p style="text-align: center;"><b>Executive</b> 17 October 2011</p> <p style="text-align: center;"><b>Report from the Director of Regeneration and Major Projects</b></p>
For Action	Wards affected: Kilburn
<p style="text-align: center;"><b>South Kilburn Regeneration: Authority to Tender Contract For A Decentralised Energy System</b></p>	

## 1.0 Summary

- 1.1 This report concerns the proposed procurement of a decentralised energy system as part of the regeneration of South Kilburn. This report seeks Executive's approval to invite tenders in respect of a decentralised energy system as required by Contract Standing Orders 88 and 89.

## 2.0 Recommendations

- 2.1 The Executive to give approval to the pre-tender considerations and criteria to be used to evaluate tenders as set out in paragraph 3.7 of the report.
- 2.2 The Executive to give approval to Officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in 2.1 above.

## 3.0 Detail

- 3.1 As part of the regeneration of South Kilburn, the installation of a district heat network has always been considered. The Mayor of London favours this decentralised energy approach and will seek its provision when applications in South Kilburn are referred to him. A district heat network will enable new developments in South Kilburn to achieve Code for Sustainable Homes Level 4 and potentially provide energy service to users at a lower cost. Subsequently, all the approved new developments in South Kilburn are required by planning Section 106 Agreements to connect to the district heat network. The procurement exercise set out below is in part to answer the technical and financial questions inherent in a complex energy scheme. If the risks of the proposed scheme outweigh the benefits, or the scheme is simply not viable, Officers will recommend that the Council does not proceed. Officers will only be

in a position to make a clear recommendation once tenders are evaluated as part of a procurement process. If it is the case that the Council does not proceed, alternative energy efficiency measures will be sought for the Executive's consideration.

- 3.2 A decentralised energy scheme involves hot water being pumped from an energy centre where heat will be generated by a district-wide combined heat and power (CHP) plant which generates electricity whilst also capturing usable heat that is produced in this process. To meet heating demand in winter, centralised boilers will be installed in the energy centre. The pipe carries this heated water through each building which is fitted with a heat exchanger that allows taking the heat from the network. Each property drawing heat from the heat pipe is metered for heat consumption (for hot water and central heating) and will pay for this heat accordingly. As part of the decentralised energy supply scheme, an energy supply company (ESCo) will be formed to deal with billing and collection of payments for heat supply and to install, maintain and manage the boiler system and heat network. Under the scheme as envisaged that the ESCOs will be operated by an outside company.
- 3.3 Officers hope to achieve all the following outcomes, but will report back on any potential trade-offs in achieving such objectives:
  - a) Lower energy costs for residents
  - b) That the district heating solution is no more costly than individual block solutions
  - c) Significant CO<sub>2</sub> savings
  - d) Delivery and risks taken by energy companies and not by the Council or its partner developers
  - e) Be better placed to meet higher Sustainable Code Levels in the future
  - f) A technically sound and reliable energy centre
- 3.4 The Executive on 18 July 2011 agreed to authorise Officers to take preparatory steps with a view to procuring an EU compliant contract with a prospective energy supplier to bring forward this decentralised energy system for South Kilburn.
- 3.5 Subsequently, on 30 July 2011, a Prior Information Notice was published in the Official Journal of the European Union (OJEU) to alert potential bidders. In order to enable Officers to explain the scheme in more detail, understand what level of investment that providers would commit to the proposed schemes and to ensure the scheme can be progressed in a way which is acceptable to the market, a market engagement meeting is scheduled to be held at the GLA on 6 October 2011.
- 3.6 At the Executive on 18 July, Officers indicated an intention to seek Executive authority to invite tenders and approve the pre-tender considerations and the criteria to be used to evaluate tenders if a positive response was received from the market. So far twenty one companies have expressed interest in attending the market engagement meeting. This suggests a positive response to any tender exercise. As there are many suppliers within the market and it is not

feasible to issue an Invitation to Tender to each, Officers therefore anticipate a two-stage tendering process (restricted procedure) in which the Council invites interested suppliers to undergo a pre-qualification assessment. Pre-qualification responses are evaluated and Officers intend to invite a minimum of six companies to tender.

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

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>	
(i)	The nature of the service	Design, Installation, Operation and Maintenance of the decentralised energy system in South Kilburn	
(ii)	The estimated value	£10m - £15m	
(iii)	The contract term	40 years with a 25 year break clause	
(iv)	The tender procedure to be adopted	Restricted procedure	
(v)	The procurement timetable	<b>Indicative dates are:</b>	
		<b>Milestone</b>	<b>Date</b>
		PIN published	30 July 2011
		Market Engagement meeting	06 October 2011
		Executive approval to tender	17 October 2011
		OJEU Notice published and adverts placed	04 Nov 2011
		Expressions of Interest returned	28 Dec 2011
		Shortlist drawn up in accordance with the Council's approved criteria	25 January 2012
		Issue Invitation to Tender (ITT)	01 February 2012
		Deadline for tender submissions	03 April 2012
		Panel evaluation, interviews and panel decision	01 May 2012
		Executive decision for contract award	25 June 2012
		10 day standstill period ends	6 July 2012
Contract start date	30 July 2012		
(vi)	The evaluation criteria and process.	Shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines namely the pre qualification questionnaire and thereby meeting the Council's financial standing requirements, technical capacity and technical expertise. The panel will evaluate the tenders against the following criteria	

Ref.	Requirement	Response
		a) Cost proposal including capital contribution from supplier (and commitment to renew infrastructure on timely basis) b) Customer heat price c) Risk allocation matrix d) Provision of customer services e) Proposed CO <sub>2</sub> reduction profile f) Level of heat losses g) Approach to Penalties for the Council not delivering sufficient units per year h) Commercial benefits if use exceeds projected demand i) Design and build quality j) Project management k) Approach to maintaining hot water/energy supply l) Partnership approach  A fuller explanation of the above criteria is detailed in paragraph 3.8 below
(vii)	Any business risks associated with entering the contract.	The following business risks are considered to be associated with entering into the proposed contract: <ul style="list-style-type: none"> <li>▪ Demand guarantee (insufficient demand associated with building delays)</li> <li>▪ Customer credit risk</li> <li>▪ Complexity of contract (various elements which are design, build, service, maintenance).</li> </ul>
(viii)	The Council's Best Value duties.	The project will be advertised in OJEU. The evaluation criteria will encourage higher capital contribution from suppliers, lower customer heat price and better customer services through open competition thus providing value for money for the council.
(ix)	Any staffing implications, including TUPE and pensions	None specific
(x)	The relevant financial, legal and other considerations	See Sections 4 and 5

### Evaluation Criteria

3.8 To be eligible to participate at the Invitation to Tender (ITT) stage, applicants should have already expressed an interest, submitted a Pre-Qualification Questionnaire and been formally advised by the Council that their organisations have passed the Pre-Qualification stage and are invited to submit a tender directly. The evaluation criteria which will be applied specifically to the contract are:

- a) Cost proposal including capital contribution from supplier (and commitment to renew infrastructure on timely basis)

- b) Customer heat price (lower than the retail price)
- c) Risk allocation matrix (i.e. will they deal with bad debts)
- d) Provision of customer services (experience, billing and quality)
- e) Proposed CO<sub>2</sub> reduction profile
- f) Level of heat losses
- g) Approach to Penalties for the Council not delivering sufficient units per year
- h) Commercial benefits if use exceeds projected demand
- i) Design and build quality (e.g. maintain flexibility of fuel supply/minimise disruption during construction and pipe laying)
- j) Project management (deliver on time/budget)
- k) Approach to Maintaining hot water/energy supply (continuity of supply with ESCo)
- l) Partnership approach (willingness to explore other innovative solutions e.g. retrofitting to existing stock, expanding network geographically)

#### **4.0 Financial Implications**

- 4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 89.
- 4.2 It is anticipated that the cost of this Project will be funded from the third party contributions via section 106 money and the contractor's own fund.
- 4.3 The GLA's Decentralised Energy Project Delivery Unit (DEPDU) funded by the EU will provide technical advice on specifications, delivery phasing plan and heads of terms up to the ITT stage. Then Officers will appoint consultants to provide technical support, commercial and financial analysis and programme management at the ITT stage. Any costs associated with such appointments (around £30k) will be met from a number of funding sources such as the New Homes Bonus.
- 4.4 If after evaluation of the ESCo bidders interest, progression with this project is not deemed financially viable and being too risky, the Council would look for alternative energy solutions that could help deliver a similar package of energy and customer heating benefits.

##### Value of contract

- 4.5 It is likely that the contract value will be between £10m and £15m. This is not additional money that will need to be found because the costs of alternative heat, insulation and renewables required on individual blocks to achieve the same Sustainable Code Level is similar to provide a decentralised energy centre.

##### How it will be financed

- 4.6 Currently developers pay approximately £5,000 to move from Code for Sustainable Homes Level 3 to level 4. Much of these costs are contained in improving insulation, air tightness etc. It is possible to get to the same Code

Level 4 by provision of a decentralised energy centre at similar cost and reduce the building fabric cost set out above. The Council will therefore collect the difference either through S106 Planning Obligations or by reducing the price of land sold to its framework partners. Noting that the land value is higher because the build cost requirements from the developer would be lower.

## **5.0 Legal Implications**

- 5.1 The estimated value of the decentralise energy system is higher than the EU threshold for a Public Works Concession Contract and its establishment is therefore governed by the application of the Public Contracts Regulations 2006 (the EU Regulations) as they apply to such contracts.
- 5.2 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 89.
- 5.3 Once the tendering process is undertaken, Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and, if appropriate, recommending award.
- 5.4 In accordance with the EU Regulations, the Council will observe the requirements of the mandatory minimum 10 calendar standstill period before the contract is awarded.
- 5.5 Separate contracts for connecting to the decentralise energy system will be entered between the selected tenderer and the individual developers.
- 5.6 The selected tenderer will be required by the Council's contract to offer to each residential and non-residential occupier a standard Heat Supply Contract, which will include the following:
  - Flexible Heat Tariffs
  - Standard conditions of Service , including the compensation payable in the event of a failure to supply heat
  - Market Price Comparator
  - Vulnerable Customer Policy (residential only)
- 5.7 Where the Council is the landlord of secure tenants, the Council has repairing obligations under section 11 of the Landlord and Tenant Act 1985. Where the Council is the landlord and has let accommodation pursuant to secure tenancies, the Council has an implied obligation by statute to keep in repair and proper working order the installations in the dwelling-house for water, gas and electricity and for sanitation and also to keep in repair and proper working order the installations in the dwelling-house for space heating and water. Where the Council has granted leases under the Right to Buy provisions for a term of longer than seven years, there are no repairing obligations implied by statute and the repairing obligations regarding the provision of heating will be set out in the respective leases between the Council as freeholder and the leaseholders.



## **6.0 Diversity Implications**

- 6.1 South Kilburn is a designated New Deal for Communities area and as such all interventions are specifically targeted at those people who suffer disadvantage in society. South Kilburn Neighbourhood Trust has a Race & Equality strategy, and through its widening participation theme seeks to find ways of involving and engaging with all local residents and particularly those who traditionally are 'hard to reach'. There has been and will continue to be widespread consultation and community engagement as proposals for the physical regeneration of the area are developed and delivered.
- 6.2 At a project level, each South Kilburn Neighbourhood Trust sponsored and supported project is subject to a full and independent appraisal undertaken by a panel of local residents and relevant Officers. Part of the appraisal process is to test each activity against the Partnership's Race & Equality strategy to ensure full compliance. In line with the Council's Equality standards, all expenditure is monitored against equalities indicators on a regular basis.
- 6.3 The decentralised energy system will provide heat and hot water to all new developments in South Kilburn regardless who lives there. Customer heat price (lower than the retail price) and provision of customer services (experience, billing and quality) will be parts of the criteria to select the energy service company (ESCo) to deliver the DE project.
- 6.4 In general terms, disabled, black and ethnic minority groups are over represented in social housing. Any system that can provide improved energy bills and services could therefore impact more positively on these groups. New energy system can be sometimes perplexing to elderly residents and those with disabilities. Officers will ensure that the new energy system will be explained to residents. The housing associations, who will let the properties, have agreed to help residents when they move in and provide a clear explanation about the new energy supply, how to operate it and understand the billing system. The Council will also ensure that and heat billing is clear and available in different formats such as Braille, and a helpline service is available,

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

- 7.1 There are no specific staffing or accommodation implications associated with the proposals contained within this report.

### **Contact Officer**

Joyce Ip  
Regeneration and Major Projects  
020 8937 2274  
joyce@brent.gov.uk

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

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## Impact Needs/Requirement Assessment Completion Form

Department: Regeneration and Major Projects	Person Responsible: Ian Hamilton
Service Area: New Initiatives Team	Timescale for Equality Impact Assessment : 17 <sup>th</sup> October 2011 Executive
Date: 27 <sup>th</sup> September 2011	Completion date: 27 September 2011
Name of service/policy/procedure/project etc: South Kilburn Regeneration: Authority to Tender Contract For A Decentralised Energy System	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input type="checkbox"/> Retrospective <input checked="" type="checkbox"/>	Adverse impact 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 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 arranging the review: N/A	Person responsible for publishing results of Equality Impact Assessment: N/A
Person responsible for monitoring: Joyce Ip	Date results due to be published and where: N/A
Signed:	Date: N/A

## 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?

South Kilburn Regeneration: Authority to Tender Contract For A Decentralised Energy System

### 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

A decentralised energy (DE) scheme involves hot water being pumped from an energy centre where heat will be generated by a district-wide combined heat and power (CHP) plant which generates electricity whilst also capturing usable heat that is produced in this process. To meet heating demand in winter, centralised boilers will be installed in the energy centre. The pipe carries this heated water through each building which is fitted with a heat exchanger that allows taking the heat from the network. Each property drawing heat from the heat pipe is metered for heat consumption (for hot water and central heating) and will pay for this heat accordingly. As part of the decentralised energy supply scheme, an energy supply company (ESCO) will be formed to deal with billing and collection of payments for heat supply and to install, maintain and manage the boiler system and heat network. Under the scheme as envisaged that the ESCOs will be operated by an outside company.

The decentralised energy system aims to

- a) Provide lower energy costs for residents
- b) Ensure that the district heating solution is no more costly than individual block solutions
- c) Make significant CO<sub>2</sub> savings
- d) Ensure delivery and risks taken by energy companies and not by the Council or its partner developers
- e) Be better placed to meet higher Sustainable Code Levels in the future
- f) Be a technically sound and reliable energy centre

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

The council's Equality and Diversity Policy statement makes reference to the importance of ensuring that the services that we provide meet the needs of the community. The policy seeks to ensure that everyone has equal access to services, regardless of their race, heritage, gender, religious or non religious belief, nationality, family background, age, disability or sexuality. Services must be relevant, responsive and sensitive, and the council must be perceived as equitable in its provision of services by its service users, partners and the wider community.

The decentralised energy system will provide heat and hot water to all new developments in South Kilburn regardless who lives there. Customer heat price (lower than the retail price) and provision of customer services (experience, billing and quality) will be parts of the criteria to select the energy service company (ESCO) to deliver the DE project.

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

There is no evidence that the delivery of the proposed decentralised energy system would adversely impact on certain groups of people, and on the contrary would provide a number of benefits to new and existing residents.

In general terms, disabled and black and ethnic minority groups are over represented in social housing. Any system that can provide improved energy bills and services could therefore impact more positively on these groups.

### 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 you judgement separately (by race, gender and disability etc).

The South Kilburn regeneration Programme has been in inception since 2004 and aims to deliver the mutual improvement objectives in the Housing Strategy and the Regeneration Strategy to improve housing, community facilities, improvements in attainment and social cohesion. The Council confirms its general judgement through analysis of the 2001 Census, which gives a breakdown of ethnic background and disability by tenure. The Council carries out home visits on the tenants moving into new developments and this confirms the analysis 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)

## Impact Needs/Requirement Assessment Completion Form

None identified.

### 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?

When the planning applications were submitted for Cambridge, Ely and Wells Courts, Wood House, Hicks Bolton and the Roundabout sites, the proposal for the installation of a decentralised energy system was consulted as part of the formal planning consultation process. The DE proposal was also presented to the South Kilburn Neighbourhood Trust which consists of housing associations, local resident representatives and Brent Housing Partnership. The GLA has also been consulted on the prospect of a decentralised energy system in South Kilburn as part of a heat mapping study funded by the GLA. Subsequently, the GLA's Decentralised Energy Project Delivery Unit (DEPDU) funded by the EU will support Brent with DE technical advice on specifications and delivery phasing plan.

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

The results of the planning consultation can be found in Planning Committee reports.

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

No, but the tenants would like assurance that the disabled and elderly tenants have a system that is simple to use and that water and electricity charges are explained simply.

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

The Council will ensure that in any procurement exercise, any new energy system will be explained to residents. The housing associations, who will let the properties, have agreed to help residents when they move in and provide a clear explanation about the new energy supply, how to operate it and understand the billing system. The Council will also ensure that and heat billing is clear and available in different formats such as Braille, and a helpline service is available,

### 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?

n/a

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

n/a

### 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.

A number of aspects of the South Kilburn Programme are monitored by the Planning Service's Annual Monitoring Report, which is published yearly and provides information on completions and building standards. Progress on the programme itself is monitored by the Capital Portfolio Office's Project Management Initiation documents, and progress on the Programme is reported monthly to the South Kilburn Programme Board.

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

The South Kilburn Programme is positively delivering new high quality homes and community facilities for new and existing residents of South Kilburn, and the proposed decentralised energy system enables new developments in South Kilburn to achieve Code for Sustainable Homes Level 4, otherwise the planning consents would not be granted. All the approved new developments in South Kilburn are required by planning Section 106 Agreements to connect to the district heat network. Findings of this Equalities Impact Assessment support the procurement of the decentralised energy system.

The Council will build safeguards for more vulnerable tenants into the procurement process.

Should you:

## Impact Needs/Requirement Assessment Completion Form

1. Take any immediate action? No
2. Develop equality objectives and targets based on the conclusions? No
3. Carry out further research? No

### 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?

n/a

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

Signed by the manager undertaking the assessment:

Full name (in capitals please): DAVE CARROLL


Date: 27 September 2011

Service Area and position in the council: Head of New Initiatives Team, Regeneration and Major Projects

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

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

*An online version of this form is available on the Corporate Diversity Team website.*

	<p><b>Executive</b> 17 October 2011</p> <p><b>Report from the Director of Regeneration &amp; Major Projects</b></p>
Wards affected: ALL	
<p><b>Community Infrastructure Levy &amp; S106 Planning Obligations</b></p>	

## 1.0 Summary

This report explains the rationale and approach to the proposal for the Council to charge a Community Infrastructure Levy in respect of development across Brent and concurrent and related changes to planning obligations required by the Council under Section 106 agreements. The changing legislative backdrop to the proposed movement away from the use of S106 Planning Obligations to fund strategic infrastructure and towards the introduction of a Brent Community Infrastructure Levy is explained. The Community Infrastructure Levy will help deliver the infrastructure and investment needed to support the Council's adopted Local Development Framework growth strategy, however a careful balance must be struck between the desirability of funding infrastructure through the Community Infrastructure Levy and the potential impact of the Community Infrastructure Levy on the economic viability of development.

## 2.0 Recommendations

- 2.1 The Executive to give approval to the Director of Regeneration & Major Projects to formally consult on the Preliminary Draft Community Infrastructure Levy Charging Schedule.
- 2.2 The Executive to give approval to the Director of Regeneration & Major Projects to formally consult on the S106 Planning Obligations Supplementary Planning Document.
- 2.3 The Executive to note proposals to increase member and community involvement in the spending of monies secured through S106 Planning Obligations and the Community Infrastructure Levy, and locate internal management arrangements for expenditure on infrastructure to support major projects and growth within the New Initiatives Team.

### **3.0 Moving from S106 to CIL**

3.1 The use of Planning Obligations (S106 agreements), essentially legal agreements between the council and developers that are negotiated through the planning application system, is well known. Their purpose is to mitigate the negative impact of developments or provide new infrastructure created as a result of it. New roads or school buildings are examples. The council has standardised much of the S106 process so that a developer pays a payment related to the number of homes developed. The Government now requires councils to go further with this idea and levy a straight per square metre charge on all development over a given size (100m<sup>2</sup>).

3.2 The new system of regulations will restrict S106 use to site related matters, which are usually relatively minor matters such as access roads, and by 2014, any payment mechanism will have to be through the use of the Community Infrastructure Levy (CIL). The real choice for the council is over timing of implementation. That said, the new CIL offers significant benefits to the council and is recommended by officers to Executive for the following reasons:

- Some developments do not currently pay any S106 but would pay CIL
- The council is likely to increase the amount of infrastructure funding it secures overall
- The council has much more freedom in how it spends CIL, whereas in the past S106 payments have had many restrictions, making expenditure more difficult
- Developers will be clearer about what they have to pay under CIL and this transparency will speed up the planning and development process

3.3 There are some other features of CIL that are also worth bearing in mind:

- A meaningful proportion of CIL must be spent and determined locally, although the regulations do not specify what this should be or what process should be used to determine what is local
- CIL can be varied by area or by type of development but councils are recommended to keep the system as simple as possible
- Education, Health (C2), Affordable Housing, public swimming pools and public transport stations are usually excluded from making any payment
- All payments are made on the net increase of floor space and there is a set formula for timing of payments
- The Mayor of London's CIL charges (proposed on all development in the borough at £35 per m<sup>2</sup> of development) are paid first.

#### **Brent's current S106 system**

3.4 Section 106 agreements (S106) are legal agreements between local authorities and developers, which are usually linked to planning permissions. S106 agreements are drawn up when it is considered any requirements to mitigate the pressure and negative impacts of a development cannot be dealt



with through conditions in the planning permission. New developments place additional pressure on the existing social, physical and economic infrastructure in the surrounding area and, under S106 agreements, planning obligations aim to balance the extra pressure from development, with improvements to the surrounding area, in order to mitigate adverse effects of the development and ensure the development makes a positive contribution to the local area. S106 agreements are not only enforceable against persons entering into the obligation but also against any persons deriving title from those persons, and usually take the form of a legal charge on the land such that they transfer automatically with any change in ownership.

3.5 In 2007 the council adopted a Supplementary Planning Document (SPD) setting out a standardised approach to securing S106 Planning Obligations across the borough. The SPD established a clear formula for calculating a standard charge in respect of certain infrastructure requirements and specifically covers contributions for Education and Training, Transport, Open Space, Sport and where relevant Air Quality. On applications where:

- an additional residential unit is created, £3,000 per additional bedroom is sought (with a 20% discount for affordable housing if supported by the council);
- an increase of over 500sqm in commercial floor space (B1/B2/B8), £25 per sq metre is sought
- No standard charge is applied to other proposed planning uses, albeit relevant contributions are negotiated on a case by case basis.

3.6 The council has successfully secured developer contributions for infrastructure through S106 and over the last year has negotiated 113 agreements and completed 79, securing obligations worth over £8 million in contributions, affordable housing, sustainability, renewables, open spaces and training schemes amongst others. Brent currently holds £13.7m and have secured a further £31.7m which has yet to be triggered. The money currently held is allocated through the agreements entered into in the following way:

- £6.8m is standard charge (Local infrastructure e.g. transport, education, open space)
- £2.2m is only for Transportation
- £1.28m is only for Education
- £0.63m is only for Sports
- £0.58m is only for Parks

Public Art, Environmental Health, Landscape and Housing each have under £0.2m.

The rest is for a combination of service areas, such as Parks and Landscape or Transportation and Parks.

3.7 Annual turnover equates to receipts of approximately £4-5m and spend of £3-5m. The money sits in a separate interest bearing account currently managed through Planning. Most S106 agreements have indexation clauses that protect the value of contributions not yet drawn down.

3.8 Spending of S106 monies has been managed through Planning, although the way monies have been apportioned to projects and works has largely been left to spending services e.g. Transport, Parks and Education. Regular reports on S106 spend used to be made to the Environment Committee, and latterly through Capital spending items through Executive. With a more flexible approach through the use of the standard charge, and the adoption in support of the LDF Core Strategy of an Infrastructure and Investment Framework to support the Council's growth strategy, greater scope has been provided in the ways S106 funding can be used to secure more difficult to achieve items, due to clearer prioritisation of how and where money should be spent, easier S106 pooling arrangements, and use of S106 monies as the council's contribution to a wider funding pot.

#### **4.0 Community Infrastructure Levy**

4.1 The Community Infrastructure Levy (CIL) is a new system of securing developer contributions from planning permissions. The Planning Act 2008 confers the power to charge CIL on certain bodies, known as charging authorities. Local Planning Authorities are the charging authorities for their own areas, however the Mayor of London is a charging authority for Greater London in addition to the Local Planning Authorities. CIL came into statutory force through the CIL Regulations on the 6<sup>th</sup> April 2010.

4.2 CIL is a planning charge on new development that is expressed as a cost per net additional square metre of floorspace, set at the time planning permission is granted and paid upon the commencement of development. Almost all development is expected to contribute to CIL but there are exemptions and reliefs for:

- Minor development (defined as under 100sqm, save where an additional residential unit is created)
- Developments used by charities for charitable purposes
- Affordable Housing

CIL Regulations also allow a charging authority to grant discretionary relief from liability to pay CIL in respect of a chargeable development on proven economic viability grounds.

4.3 A charging authority must apply monies secured through CIL to fund infrastructure to support the development of its area, which is broadly defined as including:

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities,
- (f) open spaces, and

CIL may also be used to fund infrastructure outside a charging authority's area where to do so would support the development of its area, which may help better enable strategic partnerships on infrastructure delivery between neighbouring authorities.

4.4 Brent's Infrastructure & Investment Framework (I&IF) was adopted in May 2009 and sets out the major infrastructure needs of the growth areas and other areas in the borough that require social and transport infrastructure to support growth. This framework indicates global infrastructure costs of development across the borough of just over £286m. Possible funding sources of almost £259m were identified, including an estimate that £110m (or just under 40% of the total costs) could be secured through S106 Agreements. In preparing for the introduction of CIL and in light of reductions and anticipated reductions in public sector capital expenditure, for example education, Officers are currently updating the I&IF. Global infrastructure costs now stand at £406m, with significant pressure on school places requiring greater capital spend on education and driving the bulk of the uplift verses the 2008/09 infrastructure cost figures. Funding sources have fallen in this period, due to the withdrawal of Building Schools for the Future and the reduction in other government capital spending programmes, and therefore the infrastructure investment funding gap has widened.

4.5 A charging authority may apply CIL to administrative expenses incurred in connection with CIL. In relation to a charging authority which collects CIL charged by itself, administrative charges shall not exceed 5% of the total amount of CIL collected. In relation to a collecting authority which collects CIL on behalf of a charging authority (for example London Boroughs who collect the Mayoral CIL), administrative charges shall not exceed 4% of the total amount of CIL collected.

## **5.0 Mayoral Community Infrastructure Levy**

5.1 The Mayor proposes to introduce a new Londonwide Community Infrastructure Levy that is intended to raise £300 million towards the delivery of Crossrail. Consultation on the Mayoral CIL Draft Charging Schedule closed in early July 2011. The levy will apply to development across Greater London and, as above, will be charged on the net additional floorspace of developments of new building of 100sqm or greater, with exemptions and reliefs for charities, health, education and affordable housing. The Mayor intends to charge CIL at the different rates in each of the London Boroughs on the basis that they can expect both transport and economic benefits from Crossrail. The proposed rates are listed below and Brent is zoned at a charging rate of £35 per m<sup>2</sup>.

5.3 The Council considers that the proposed Mayoral CIL presents a number of challenges to development in the borough and has responded to the consultation on the Mayoral CIL Draft Charging Schedule. The next step in the process for setting the Mayoral CIL will be the holding of a public examination, expected to take place in the late autumn of this year. In setting the council's CIL, the council has had regard to the possible impact of the Mayor of London's CIL even though the level will only be determined after examination.

## **6.0 Brent Community Infrastructure Levy**

6.1 The Community Infrastructure Levy is now the government's preferred vehicle for the collection of pooled development contributions to fund infrastructure. The CIL Regulations place limitations on the use of S106 Planning Obligations such that a planning obligation may now only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

On the local adoption of the levy, or nationally after a transitional period of four years, that is 6th April 2014, CIL regulations will also restrict the local use of S106 planning obligations for pooled contributions towards items that may be funded via the levy. Pooled contributions may then only be sought from up to five separate planning obligations for an item of infrastructure that is not locally intended to be funded by the levy. The limit of five applies as well to types of general infrastructure contributions, such as education and transport. The introduction of CIL will therefore undermine the continuation of the council's current use of S106 agreements and approach to pooling S106 contributions through the standard charge to deliver infrastructure.

### ***Local Decisions on Spending CIL***

6.2 The Department for Communities and Local Government have, vaguely, indicated that a 'meaningful proportion' of CIL spending should be decided locally. The council's consultation programme is to go to Area Forums to canvass ideas about how this could work. While the idea of local decisions on CIL spending is laudable, some issues arise. The aim of CIL funding is to support identified infrastructure provision. If local decision makers agreed expenditure on other matters, the council may be at risk of challenge. If the council for example needs CIL funding for a new school for which it has a statutory duty, should decisions be made at more local levels that may divert spending to a different use? Spending on a local school is also local spending but the government implies that there is some distinction between local and council decision making. There are clearly a number of accountability and practical issues to be resolved. It would appear that most authorities are looking at some form of top-slicing of the total revenues from CIL and, in a similar way to ward working, devolving down decision making for that element.

6.3 The matter of local spending is proposed to form part of the council's consultation process but this is not a matter that needs to be resolved immediately. It will not impede the forward process, which is to establish whether the proposed CIL charges are fair and allow development to come forward in the borough. The exact process of local decision making can be debated and firmed up as the lengthy process to get to an adopted CIL charging schedule continues.

6.4 The recent restructuring and the establishment of the new Regeneration & Major Projects Department, with a clear focus on project delivery, means that

whilst the management of the S106 and CIL system will remain located within Planning, the spend side around infrastructure in support of major projects and the Council's five growth areas is proposed to be undertaken through the New Initiatives Team.

### ***Brent's Preliminary Draft CIL Charging Schedule***

- 6.5 The move to Brent CIL will involve statutory consultation of the principles underpinning the scheme and the charging schedule. Brent are required to:
- Prepare and publish a document known as the "charging schedule" which will set out the rates of CIL which will apply in the authority's area. This will involve consultation and independent examination
  - Apply the CIL revenue it receives to funding infrastructure to support the development of its area, and;
  - Report to the local community on the amount of CIL revenue collected, spent and retained each year.
- 6.6 In deciding and setting CIL rates, Brent are required to strike an appropriate balance between the desirability of funding infrastructure from CIL and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area, using appropriate available evidence to inform the draft charging schedule. Brent will be expected to provide evidence at the CIL Examination in Public that the proposed CIL rate would not put at serious risk overall development of the area and to this effect BNP Paribas were appointed to undertake a CIL viability assessment of the impacts of the proposed introduction of CIL on the economic viability of development in the borough. An Executive Summary of the BNP Paribas CIL Viability Assessment is attached as Appendix 1 and the full report is available as a background paper to this report. The financial model has tested the viability of a range of different CIL rates across a sample of sites in different areas within the borough, considers recent completed schemes and planning permissions in the borough, and has been used to inform the council's policy approach and the setting of the CIL rates set out in Brent's Preliminary Draft Charging Schedule.
- 6.7 The BNP Paribas study tests the ability of developments across the borough to yield contributions to infrastructure requirements through CIL. The study uses a standard development valuation methodology that compares residual land values of a range of developments to the sites' current use values, plus a margin to incentivise landowners to release sites for development. The value of potential development schemes is estimated, cost, financing, fees, CIL and profit deducted, and due regard given to policy requirements that residential development contribute towards affordable housing provision. If a development incorporating a given level of CIL generates a higher value than the current use value, plus an appropriate landowner's margin, then it can be judged that the proposed level of CIL will be viable.
- 6.8 The report tests a series of development scenarios and in the main the imposition of CIL is not considered a critical factor in determining whether a scheme is viable or not, with the relationship between scheme value, costs

and existing use value benchmarks being far more important. The report considers that the majority of development schemes should be able to absorb the following CIL rates, inclusive of the Mayoral CIL of £35 per square metre:

	Inclusive of Mayoral CIL	Exclusive of Mayoral CIL
Residential	£200-£300	£165-£265
Hotel	Up to £320	Up to £285
Student Accommodation	£300-£350	£265-£315
Office	£81-£147	£46-£112
Retail	£66-£341	£31-£306
Industrial & Warehousing	Zero	Zero
Community	Zero	Zero

The results of the viability analysis therefore indicate a degree of variation in viability of development in terms of use classes and officers support the report's recommendation that different CIL rates be set for different use classes.

6.9 In setting CIL rates, charging authorities must strike a balance between the need to raise funds to provide the infrastructure to ensure development is sustainable on the one hand, and the potential impact of CIL on the economic viability of development on the other. Setting very high CIL rates on development may on the surface be appealing in raising revenue to contribute to the social, physical and economic infrastructure requirements in an area, however in reality may simply deter development and therefore deliver less infrastructure than a lower rate. Conversely, whilst setting very low CIL rates may offer some encouragement to development, without sufficient infrastructure to support that growth such development could place a heavy and unsustainable burden on existing infrastructure. Officers have therefore considered the findings and recommendations of the BNP Paribas Viability Assessment within the wider context of how the Council's development and growth strategy, as set out in the adopted Local Development Framework, is to be delivered, and the role that CIL has to play within that strategy. Officers have also carried out informal consultation with neighbouring borough to get a feel for what proposed CIL rates can be expected to come forward across West London. Brent's Preliminary Draft Charging Schedule is attached as Appendix 2 and proposes the following CIL rates. The CIL rates are expressed exclusive of Mayoral CIL and are considered to be at levels that can help support the infrastructure and investment required to support growth, without endangering the economic viability of development within the borough, and can be seen to be in line with the BNP Paribas study recommendations and broadly fall within the lower to middle of the ranges set out as able to be viably absorbed by the majority of developments:

- Hotel (Use Class C1), Residential (Use Classes C3 & C4), Residential Institutions except hospitals (Use Class C2) and all Sui Generis uses except Student Accommodation = £200 per square metre;
- Student Accommodation Sui Generis use = £300 per square metre
- Office (Use Class B1a) = £40 per square metre;

- Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants & Cafes (Use Class A3), Drinking Establishments (Use Class A4), Hot Food Takeaways (Use Class A5) = £80 per square metre
- Assembly and Leisure, excluding public swimming pools, (Use Class D2) = £5 per square metre;
- Light Industry and Research & Development (Use Class B1b&c), General Industrial (Use Class B2), Storage & Distribution (Use Class B8), Health, Education, public libraries, museums, public halls and places of worship (Use Class D1a-h)), Hospitals, public swimming pools and public transport stations. = Zero charge.

6.10 Executive are recommended to approval formal consultation on the Preliminary Draft CIL Schedule, which is scheduled to commence at the end of October and close in the middle of December. After consideration of comment and any amendments, Full Council will be required to approve the publication and submittal to the Secretary of State of the Draft CIL Charging Schedule. An Examination in Public will follow. Presuming there are no difficulties or delays in the process, the CIL Charging Schedule could then be adopted by Full Council in the autumn of 2012.

### ***Consultation Strategy***

6.11 A charging authority which proposes to issue a charging schedule must first prepare a preliminary draft charging schedule for consultation. Apart from consulting the Mayor for London the charging authority must also invite representations on the preliminary draft from persons who are resident or carrying on business in its area and at its discretion voluntary bodies and bodies which represent the interests of persons carrying on business in the charging authority's area.

6.12 The Regulations do not prescribe the length of the consultation period. It is considered that six weeks would be an appropriate period in order to ensure that local communities and stakeholders have sufficient opportunity to make their view known. It is for the charging authority to decide how best to undertake the consultation exercise

6.13 The charging authority must take into account any representations made before it publishes a draft of the charging schedule which represents its firm proposals for CIL. A period of at least four weeks is given for representations to be made. The charging authority must then appoint a person to examine the draft charging schedule. The person appointed must be independent of the charging authority and is likely to be one of the Government's Planning Inspectors. Any person who has made representations can request to be heard at the examination.

6.14 It is proposed that Brent's consultation for the adoption of its CIL should be similar to that of its other Development Plan Documents in line with the council's Statement for Community Involvement. It is proposed that the consultation will take place in the following forms:

- Statutory consultees – will be consulted by email, and where appropriate hard copies will be sent out to consultees.
- Local press – Details of the consultation dates and proposed events to be placed within local newspapers to ensure that all residents are aware of the proposals.
- Leafleting and letters – to be sent to relevant individuals and organisations on the Brent’s Local Development Framework database - including neighbouring boroughs, developers, agents, other statutory consultees and service providers.
- Residents and local people – will be approached at Area Consultative Forums. Details of the Charging Schedule proposals will be available at One Stop Shops and libraries.
- Landowners, developers, local businesses and key stakeholders – will be approached via letter, using the Local Development Framework database.
- Mayor of London – consultation letters to be sent to the Mayor of London and Officers to ensure that the Mayor is involved in the process from the first instance.
- Website - The Preliminary Draft Charging Schedule and background evidence including the Infrastructure Investment Framework and Viability Assessment to be published on the council’s Community Infrastructure Levy webpage, to be given prominence on the Planning Service webpage during the consultation. Weblinks to be distributed to all consultees.
- Hard copies – to be placed in all libraries and One Stop Shops across the borough.
- Area Consultative Forums – presentations to be given in September and October to the local forums in order to provide comments on the Preliminary Charging Schedule and identify local priorities in line with proposals in the Localism Bill for a meaningful proportion of CIL to be handed over to the local community. Events to be held at both rounds of consultation.
- Brent Magazine – Details of CIL to be included within the Brent Magazine.

If an address is supplied from consultees at the Preliminary Draft Charging Schedule consultation stage, the council will notify those parties once the Preliminary Draft Charging Schedule is published prior to submission to the Secretary of State for examination. Any individual making representations will also be made aware that they may request the right to be heard by the Inspector at the Examination in Public.

The recommendations of the person examining the draft charging schedule are binding on the charging authority

## **7. Revised S106 Planning Obligations SPD**

- 7.1 In parallel with the introduction of Brent CIL, the Council will need to review the approach taken towards S106 Planning Obligations. The revised S106 Planning Obligations SPD, attached as Appendix 3, sets out the principles for when, where and what form planning obligations will be required by the Council for development in light of the CIL Regulations and proposed introduction of Brent CIL.



7.2 S106 obligations will only be used where the identified pressure from a proposed development cannot effectively be dealt with by conditions and the infrastructure requirement is not covered by CIL. Standard charge will therefore be removed from S106, which will now focus on these mitigations:

- Affordable Housing – including definitions, off site provisions and in-lieu contributions
  - Sustainability, Code for Sustainability Homes, BREEAM
  - Onsite renewable / carbon reduction provision, off site contributions.
  - Permit Free
  - Training provision / notification.
  - Repaving the footway adjoining the development.
  - Travel Plan, including fees and fines.
  - Community Access agreements
  - New Streets
- 
- Other obligations such as: public access / community agreements, public rights of way; community or affordable workshop space; servicing agreements; CCTV; highways improvements, adoption of new highways (S38 /S278 agreements); listed building improvements; allowance of future connection of the site to any Decentralised Heat / Energy network (in areas with a proposed DHE Network); contributions for loss of D1 space (Policy CP23); contributions for significant under provision of amenity space; join and adhere to the Considerate Contractors scheme.

7.3 Executive are recommended to approval formal consultation on the Draft S106 Planning Obligations SPD, which is scheduled to commence at the end of October and close in the middle of December. After consideration of comment and any amendments, and a successful CIL Examination, the S106 Planning Obligations SPD could be adopted by Full Council in the autumn of 2012.

## **8.0 Financial Implications**

8.1 The present arrangements for the handling and banking of S106 money has been agreed by Finance & Resources and is subject to regular audit, the most recent audit being 2010/11. Non-payments, although not a significant problem, are now handled through the Sundry Debt Recovery Team.

8.2 It is standard practise with most agreements that sums due are index linked to ensure that they do not diminish in value over time. Funds are generally drawn down once triggers on agreements are reached, e.g. 'upon completion of the first 50 dwellings'. Most S106 agreements are prepared by Legal Services and the costs of preparation recovered from the applicants.

### **Estimated CIL receipts vs. Current S106 receipts**

8.3 Members should be very clear that CIL is a different system and that it is not intended to replicate S106 collection. The council must set a rate that meets its infrastructure requirements and continue to bring forward viable

development. Officers have set CIL rates with this in mind. However we have then projected receipt of both so that members could get an idea of the likely outcomes. It is indeed the case that S106 and CIL will be broadly similar on larger scale mixed sites. This is not a surprise because it means that both CIL and S106 are set at rates that have not or will not hamper development. Officers have also calculated the likely annual CIL take against S106. It is predicted that this will be slightly higher than overall s106 annual sums mainly because CIL will be applied to a wider range of development sites and CIL will be applied to developments at a smaller scale than S106. The key principle that Members must have in mind is that CIL provides a reasonable sum for infrastructure without hindering development proposals. The intention is not to set CIL at a maximum - indeed any CIL sum that is too high will prevent development and add nothing to the overall fund.

### ***Reimbursement of expenditure incurred and repayment of loans***

- 8.4 Charging authorities may not borrow on the strength of getting future CIL revenue to pay for a piece of infrastructure early, however CIL Regulation 60 covers circumstances where a charging authority can apply CIL to reimburse expenditure already incurred on infrastructure. Where a charging authority, other than the Mayor, has borrowed money for the purposes of funding infrastructure, it may apply CIL to repay that money, and any interest, if the conditions set out in Regulation 60 paragraphs (4), (5) and (6) apply:

(4) Condition 1 is that the charging authority has collected CIL, or CIL has been collected on its behalf, for at least one full financial year before the date on which CIL is to be applied to repay the money.

(5) Condition 2 is that the total amount to be applied in any one financial year does not exceed the relevant percentage of CIL collected by or on behalf of the charging authority in the preceding financial year.

(6) For the purposes of paragraph (5), the relevant percentage is such percentage as the Secretary of State may direct or, in the absence of a direction, zero per cent.

Secretary of State direction as to the limiting percentage of CIL collected in the preceding financial year, to which a charging authority can apply CIL to reimburse expenditure already incurred on infrastructure, must be made in respect of authorities generally. Therefore any opportunities for a charging authority to frontload infrastructure delivery to help unlock development are limited by central government policy on the matter.

### ***Payment and Non-Payment of CIL***

- 8.5 Part 8 of the CIL Regulations covers CIL administration, including payment arrangements. CIL Regulation 69B (as amended March 2011) sets out requirements for a charging authority to allow persons liable to pay CIL by instalments. The charging authority must publish an instalment policy on its website that states:

(a) the date on which it takes effect, which must be no earlier than the day after the instalment policy is published on the website;

- (b) the number of instalment payments;
- (c) the amount or proportion of CIL payable in any instalment;
- (d) the time (to be calculated from the date the development is commenced) that the first instalment payment is due, and the time that any subsequent instalment payments are due; and
- (e) any minimum amount of CIL below which CIL may not be paid by instalment.

CIL Regulation 70 applies in what is considered to be analogous to most normal cases dealt with under current S106 arrangements, whereby a planning permission is granted for a chargeable development and liability for CIL accepted. Here, CIL is payable in accordance with the charging authority instalment policy save in the case:

- 1) where the charging authority has no instalment policy, when CIL is payable in full at the end of the period of 60 days beginning with the intended commencement date of the development
- 2) where CIL is charged by both a London Borough Council and the Mayor of London and, whilst the London Borough Council has no instalment policy, the Mayor of London has an instalment policy, when CIL is payable in accordance with the Mayor of London's instalment policy.

CIL Regulation 71 applies where nobody assumes liability for CIL and here payment is due in full upon commencement of development.

- 8.6 CIL Regulation 73 allows a charging authority, under certain conditions, to accept one or more land payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development.
- 8.7 Part 9 of the CIL Regulations covers CIL enforcement and measures that a charging authority can take against non-payment of CIL. A number of surcharges can be applied where CIL is legitimately chargeable but liability not accepted or payment not received. Late interest is chargeable at 2.5% above the BoE base rate from the due date of payment.
- 8.8 CIL Regulations 89 through 94 cover Stop Notices, which are not provided for under current S106 arrangements. Stop Notices can be used by a charging authority to require development activity to cease in instances of non-payment of CIL, under certain conditions. Contravention of a Stop Notice is an offence, conviction of which is liable to a fine of up to £20,000.

## **9.0 Legal Implications**

- 9.1 The Community Infrastructure Levy (CIL) is a new planning charge that came into force on 6 April 2010. It allows local authorities to raise funds through a tariff based approach from developers undertaking new building projects in their area. The money can be used to fund a wide range of infrastructure that is needed as a result of development. It applies to most new buildings and charges are based on the size and type of new development. If it decided to levy CIL then the Council as charging authority will have to prepare and

publish a charging schedule. Details of this are contained in this report to which the Director of Legal and Procurement has had an input.

The charging schedule will sit within the Local Development Framework but will not form part of the statutory development plan nor will it require inclusion within the Local Development Scheme.

The Council will still be able to ask for a S106 obligation but limited as explained in paragraph 7.2 of this report.

## **10.0 Diversity Implications**

10.1 Most S106 agreements are directly linked to planning policy requirements that have been the subject of public consultation and examination, and an equalities impact assessment. The planning strategy for Brent (London Plan and the LDF) reflects the needs of the borough's diverse community.

10.2 An Impact Needs / Requirement Assessment has been undertaken and is attached available as a background paper to this report..

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

Introducing CIL is expected to require neither more nor less staff.

### **Background Papers**

BNP Paribas Viability Assessment 280911  
Impact Needs / Requirement Assessment 280911

### **Contact Officers**

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# **Community Infrastructure Levy: Viability Study**

Prepared for  
London Borough of Brent

September 2011

# 1 Executive Summary

- 1.1 This report tests the ability of a range of development types throughout the London Borough of Brent to yield contributions to infrastructure requirements through a Community Infrastructure Levy ('CIL'). For residential development, due regard has also been given to the Borough's policy requirement that such developments should contribute towards the provision of affordable housing.

## Methodology

- 1.2 The study methodology compares the residual land values of a range of generic developments to the sites' current use values, plus a margin to incentivise landowners to release their sites for development. If a development incorporating a given level of CIL generates a higher value than the current use value (plus appropriate landowner's margin), then it can be judged that the proposed level of CIL will be viable.
- 1.3 The study utilises the residual land value method of calculating the value of each development. This method is used by developers when determining how much to bid for land and involves calculating the value of the completed scheme and deducting development costs (construction, fees, finance and CIL) and developer's profit. The residual amount is the sum left after these costs have been deducted from the value of the development, and equates to the amount that a developer would normally pay for the site.
- 1.4 The housing and commercial property markets are inherently cyclical and the Council is testing its proposed rates of CIL at a time when values have fallen slightly below their peak. We have controlled for this factor by running a series of sensitivity analyses which inflate sales values in real terms by 10% and 25%. This analysis will enable the Council to determine levels of CIL that might become viable both in today's terms but also whether a system of indexation should be applied to the CIL rates (providing this is permissible within the regulations).

## Key findings

- 1.5 The key findings of the study are as follows:
- The results of this study are reflective of current market conditions, which are likely to improve over the medium term. It is therefore important that the Council keeps the viability situation under review so that levels of CIL can be adjusted to reflect any future improvements. It might be possible to achieve through indexation, using a combination of changes in house prices (as measured by the Land Registry House Price Index) and build costs (as measured by BCIS or other appropriate index).
  - A majority of **residential schemes** should be able to absorb a CIL rate of up to £300 per sq m, including the Mayoral CIL of £35 per sq m. However, our results indicate that a CIL of this level would prevent some developments at the margins of viability from coming forward. We therefore recommend a lower starting rate of around £200 per sq m, exclusive of the Mayor CIL.
  - Our appraisals indicate that student housing schemes could comfortably accommodate a CIL of around £300 per sq metre (exclusive of the Mayoral CIL).
  - Hotel developments could accommodate a CIL of up to a maximum of £320 per sq metre. We would suggest a starting rate of £200 per sq metre to allow a buffer and for the Mayoral CIL.

- **Office developments** range in value, with rents typically between £21 per sq ft (or £215 per sq m) to £22 per sq ft (£269 per sq m). Our appraisals indicate that a CIL of up to £147 per sq m could be levied based on the upper end of the rental range, but this would result in many office developments that attract lower rents from coming forward. Given that there are no other significant planning obligations that could be 'flexed' to absorb viability issues on lower value schemes, we recommend that the Council sets a CIL for offices at the lower end of the range. This would suggest a maximum CIL of around £40 per sq m, exclusive of the Mayoral CIL after allowing a margin to absorb site specific viability issues.
- Values generated by **Retail developments** vary between high street and small retail developments and retail parks, with the latter attracting higher rents and generating higher capital values. At the lower end of the range, our results indicate that a maximum CIL of £83 per sq m could be achieved. However, schemes with slightly higher rents could absorb a CIL of £138 per sq m. Balancing the two ends of the range and considering the risk to lower value schemes of a higher rate, a CIL of £80 plus Mayoral CIL appears reasonable and should have a limited impact on viability.
- D1 uses often do not generate sufficient income streams to cover their costs. Consequently, they require some form of subsidy to operate. This type of facility is very unlikely to be built by the private sector. We therefore suggest that a nil rate of CIL be set for D1 uses. In contrast, D2 uses (excluding public swimming pools) frequently generate positive land values and a model CIL of £5 exclusive of the Mayor CIL could be secured.
- Our appraisals of developments of **industrial and warehousing** floorspace (including use classes B1b & c, B2 and B8) indicate that these uses are unlikely to generate positive residual land values. Even when positive land values are achieved, they fall short of existing use values. We recommend that zero rates are set for these use classes, although it is unlikely that development would come forward in any case.

## 7 Conclusions and recommendations

- 7.1 The results of our analysis indicate a degree of variation in viability of development in terms of use classes. In light of these variations, two options are available to the Council under the CIL regulations. Firstly, the Council could set a single CIL rate across the Borough, having regard to the least viable use classes and least viable locations. This option would suggest the adoption of the 'lowest common denominator', with sites that could have provided a greater contribution towards infrastructure requirements not doing so. Secondly, the Council has the option of setting different rates for different use classes. The results of our study point firmly towards the second option as our recommended route.
- 7.2 We have also referred to the results of development appraisals as being highly dependent upon the inputs, which will vary significantly between individual developments. In the main, the imposition of CIL is not a critical factor in determining whether a scheme is viable or not (with the relationship between scheme value, costs and existing use value benchmarks being far more important). This is evidenced by the very marginal differences between the 'pre' and 'post' CIL residential appraisals shown in the table in Section 6.
- 7.3 Given CIL's nature as a fixed tariff, it is important that the Council selects rates that are not on the limit of viability. This is particularly important for commercial floorspace, where the Council does not have the ability to 'flex' other planning obligations to absorb site-specific viability issues. In contrast, the Council could in principle set higher rates for residential schemes as the level of affordable housing could be adjusted in the case of marginally viable schemes. However, this approach runs the risk of frustrating one of the Council's other key objectives of delivering affordable housing. Consequently, sensitive CIL rate setting for residential schemes is also vital.
- 7.4 Our core recommendations on levels of CIL are therefore summarised as follows:
- The results of this study are reflective of current market conditions, which are likely to improve over the medium term. It is therefore important that the Council keeps the viability situation under review so that levels of CIL can be adjusted to reflect any future improvements. This could be achieved through indexation, using a combination of changes in house prices (as measured by the Land Registry House Price Index) and build costs (as measured by BCIS or other appropriate index).
  - A majority of **residential schemes** should be able to absorb a CIL rate of up to £300 per sq m, including the Mayoral CIL of £35 per sq m. However, our results indicate that a CIL of this level would prevent some developments at the margins of viability from coming forward. We therefore recommend a lower starting rate of around £200 per sq m, plus the Mayoral CIL.
  - Our appraisals indicate that student housing schemes could comfortably accommodate a CIL of around £300 per sq metre (exclusive of the Mayoral CIL).
  - Hotel developments could accommodate a CIL of up to a maximum of £320 per sq metre. We would suggest a starting rate of £200 per sq metre to allow a buffer and the Mayoral CIL.



- **Office developments** range in value, with rents typically around £21 per sq ft to £22 per sq ft. Our appraisals indicate that a CIL of up to £147 per sq m could be levied, but this would result in many office developments that attract lower rents from coming forward. Given that there are no other significant planning obligations that could be 'flexed' to absorb viability issues on lower value schemes, we recommend that the Council sets a CIL for offices that strikes a balance between the upper and lower end of the rental range. This would suggest a maximum CIL of up to £110 per sq m, or £40 after allowing a margin to absorb site specific viability issues, plus the Mayoral CIL.
- Values generated by **Retail developments** vary between high street and small retail developments and retail parks, with the latter attracting higher rents and generating higher capital values. At the lower end of the range, our results indicate that a maximum CIL of £66 per sq m could be achieved. However, the viable levels of CIL increase very steeply with modest increases in rents (from £21 to £23 per sq ft) to £341 per sq m. In arriving at a balance between the two ends of the range, the Council might consider adopting a CIL of £80 per sq m plus the Mayoral CIL.
- Our appraisals of developments of **industrial and warehousing floorspace** indicate that these uses are unlikely to generate positive residual land values. Even when positive land values are achieved, they fall short of existing use values. We recommend that zero rates are set for these use classes, although it is unlikely that development would come forward in any case.

For residential schemes, the application of CIL of £200 per sq m does not appear to be a critical factor in determining whether or not a scheme is viable. Some schemes would be unviable even if a zero CIL were adopted. We therefore recommend that the Council pays limited regard to these sites. However, the Council should also consider the potential CIL that could be secured from other viable sites when determining an appropriate balance between revenue maximisation and viability.

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# Preliminary Draft Community Infrastructure Levy

## September 2011

### Introduction

The Community Infrastructure Levy (CIL) is a new system of securing developer contributions from planning permissions which local authorities are empowered, but not required, to charge on new development in their area. The levy can be used to support growth and sustainable development

CIL is a charge on new development, expressed as a cost per squared metre, set at the time planning permission is granted and paid on commencement of the development, or in accordance with an installment policy adopted by the Local Authority. In London CIL can be set by the local authority and by the Mayor of London. CIL is applied to all development resulting in a net increase of 100 sqm of floorspace, however affordable housing and developments by charities for charitable purposes are exempt from CIL. The Community Infrastructure Levy Regulations were brought into force on the 6 April 2010.

Developers and the Council will be given far clearer guidance on the levels of infrastructure contributions that are required from the outset, enabling developers to better consider this in any development appraisals. The Council will be able to use anticipated CIL receipts to better plan and deliver capital infrastructure improvements.

A 'meaningful' proportion of CIL will be passed down from the Council to local communities to spend as a way to make sure communities benefit from development in their area and support their involvement in the ways their area grows.

Regulations state that after a transition period leading up to 2014, all existing S106 tariff arrangements must cease operating, and S106 can only be used for site specific matters. Consequently, CIL will be the only way for local authorities to obtain general monetary contributions from developers towards the cost of providing large-scale community infrastructure.

Under Regulation 12 of the Community Infrastructure Levy Regulations 2010, there is no set format for a CIL Charging Schedule, but it must include:

- The name of the charging authority
- The rates (set in pounds per square metre) at which the CIL is to be charged
- Where a charging authority sets different rates for particular parts of its area or types of development, a map identifying the location and boundaries of the different charging zones reproduced from, or based upon, an Ordnance Survey map showing National Grid lines and reference numbers and including an explanation of any symbol or notation which it uses
- An explanation of how the amount to be charged for each development will be calculated.

# London Borough of Brent's Preliminary Draft Community Infrastructure Levy (CIL) Charging Schedule

## CHARGING SCHEDULE

The London Borough of Brent is a charging authority for the purposes of Part 11 of the Planning Act 2008. Brent is proposing to charge the Community Infrastructure Levy in respect of development across all of the London Borough of Brent at the following rates relative to the proposed land use (expressed as pounds per square metre).

The amount to be charged for each development will be calculated in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010. For the purposes of the formulae in paragraph 5 of regulation 40 (set out in Annex 1), the relevant rate (R) is the Rate for each charging zone shown below for each specific use.

This Schedule has been issued, approved and published in accordance with Part 11 of the Planning Act 2008 and the Community Infrastructure Regulations 2010.

### **Proposed Community Infrastructure Levy**

Hotel (Use Class C1), Residential (Use Classes C3 & C4), Residential Institutions except hospitals (Use Class C2) and all Sui Generis uses except Student Accommodation = £200.00 per square metre;

Student Accommodation Sui Generis use = £300.00 per square metre

Office (Use Class B1a) = £40.00 per square metre;

Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants & Cafes (Use Class A3), Drinking Establishments (Use Class A4), Hot Food Takeaways (Use Class A5) = £80.00 per square metre

Assembly and Leisure, excluding public swimming pools, (Use Class D2) = £5.00 per square metre;

Light Industry and Research & Development (Use Class B1b&c), General Industrial (Use Class B2), Storage & Distribution (Use Class B8), Health, Education, public libraries, museums, public halls and places of worship (Use Class D1a-h)), Hospitals, public swimming pools and public transport stations. = Zero charge.

The above charge will apply across all of Brent, in addition to any Mayoral CIL

CIL applies to the gross internal area of the net increase in development (Regulation 14).

***Extract from the Community Infrastructure Levy Regulations 2010, as amended***

**CHARGEABLE AMOUNT - Regulation 40**

Calculation of chargeable amount

- (1) The collecting authority must calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with this regulation.
- (2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.
- (3) But where that amount is less than £50 the chargeable amount is deemed to be zero.
- (4) The relevant rates are the rates at which CIL is chargeable in respect of the chargeable development taken from the charging schedules which are in effect—
  - (a) at the time planning permission first permits the chargeable development; and
  - (b) in the area in which the chargeable development will be situated.
- (5) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula—

$$\frac{R \times A \times I_p}{I_c}$$

where—

A = the deemed net area chargeable at rate R;

I<sub>p</sub> = the index figure for the year in which planning permission was granted; and

$I_c$  = the index figure for the year in which the charging schedule containing rate R took effect.

- (6) The value of A in paragraph (5) must be calculated by applying the following formula—

$$\frac{C_R \times (C - E)}{C}$$

where—

$C_R$  = the gross internal area of the part of the chargeable development chargeable at rate R, less an amount equal to the aggregate of the gross internal area of all buildings (excluding any new build) on completion of the chargeable development which —

(a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use;

(b) will be part of the chargeable development upon completion; and

(c) will be chargeable at rate R.

C = the gross internal area of the chargeable development; and

E = an amount equal to the aggregate of the gross internal areas of all buildings which—

(a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; and

(b) are to be demolished before completion of the chargeable development.

- (7) The index referred to in paragraph (5) is the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors; and the figure for a given year is the figure for 1st November of the preceding year.

- (8) But in the event that the All-in Tender Price Index ceases to be published, the index referred to in paragraph (5) is the retail prices index; and the figure for a given year is the figure for November of the preceding year.

- (9) Where the collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish—

(a) the gross internal area of a building situated on the relevant land; or

- (b) whether a building situated on the relevant land is in lawful use, the collecting authority may deem the gross internal area of the building to be zero.
- (10) For the purposes of this regulation a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.
- (11) In this regulation “building” does not include—
  - (a) a building into which people do not normally go;
  - (b) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery; or
  - (c) a building for which planning permission was granted for a limited period.
- (12) In this regulation “new build” means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings.

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# S106 Planning Obligations

## Supplementary Planning Document



**Consultation Version: October 2011**

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London Borough of Brent

Planning Obligations Supplementary Planning Document

**Summary**

Within the Planning system, the regulatory framework for both Planning Policy and more specifically Planning Obligations, policy has changed considerably with the introduction of the Planning Act 2008 and the Community Infrastructure Levy Regulations (CIL) in 2010. Traditional S106's have been pared back to the 3 key principles in Circular 2005/05 which has left S106 obligations focusing primarily on the direct impact of proposed new development.

This indicates a clear governmental shift away from standard charges and tariffs as CIL offers local authorities a more appropriate option for securing contributions toward infrastructure to support growth.

This SPD proposes to replace the previous S106 Planning Obligations SPD, which included a standard charge, with a policy document focused on the direct impacts of planning applications.

## Planning Obligations Supplementary Planning Document

### Planning Obligations (s106)

Section 106 agreements (s106) are legal agreements between local authorities and developers, which are usually linked to planning permissions. These are also known as planning gain, planning benefits, community benefits or planning obligations. S106 agreements are used when there is a requirement to mitigate the pressure of a development and the negative impacts of a development can not be dealt with through conditions in the planning permission.

New developments place additional pressure on the existing social, physical and economic infrastructure in the local area. Planning obligations aim to balance the extra pressure from developments with improvements to the infrastructure in the local area, in order to mitigate adverse effects of the development. CIL will secure contributions towards strategic infrastructure to support growth, while s106 will secure Affordable Housing and other site specific mitigation. The obligations must relate to the development and be acceptable in planning terms, which the SPD will provide.

### Scope of the draft

This document has been developed as part of London Borough of Brent (LBB) Local Development Framework (LDF). The Town and Country Planning Local Development Framework Regulations 2008 requires local authorities to go through an independent examination of their Development Plan Documents, and the council has already adopted its two higher level policy Development Plans, including the Core Strategy, adopted 2010, and the Site Specific Allocations, adopted 2011. The council is also progressing with its Community Infrastructure Levy Charging Schedule in parallel to this document.

This Supplementary Planning Document forms part of the lower level policy which, once adopted, will be part of the Local Development Framework and will a material consideration. However, as the document is supplementary to stronger policy, it is not required to go through an independent examination although it is required to go through a period of consultation.

## The Policy background

### Purpose of the Supplementary Planning Document (SPD)

LBB has existing planning guidance in the form of the adopted Core Strategy, and adopted s106 Planning Obligations SPD. The later will be replaced by this document. The SPD will clearly set out the principles for when, where and what form planning obligations may be required by the Council for a variety of developments.

The SPD will follow central government policy guidance in the form of circular CIL regulations 122 and 123, Circular 05/05, The London Plan, LBB Core Strategy and Best Practice guides published by the Department for Communities and Local Government.

Section 106 of the Town and Country Planning Act 1990 enables a local planning authority to enter into a legal agreement with a developer to secure a planning obligation. The SPD will be reviewed annually as part of the monitoring of Council Planning Policies and CIL

The SPD will be material consideration when determining appropriate planning applications and referred to as such. Moreover, this SPD should be read with the draft Policy CP15 within the LDF Core Strategies and supporting text.

3 of the 5 original tests, detailed below, have now been made statutory, namely:

- (i) necessary to make the proposal development acceptable in planning terms;
- (ii) directly related to the proposed development;
- (iii) fairly and reasonable related in scale and kind to the proposed development; and

S106 will now focus on these mitigations:

- Affordable Housing – including definitions, off site provisions and in-lieu contributions
- Sustainability, Code for Sustainability Homes, BREEAM
- Onsite renewable / carbon reduction provision, off site contributions.
- Permit Free
- Training provision / notification.
- Repaving the footway adjoining the development.
- Travel Plan, including fees and fines.
- Community Access agreements
- New Streets.

## **Standard Heads of Terms:**

For all Major Developments, Brent is proposing a revised S106 SPD in conjunction with CIL, which would remove all standard charges and would focus on:

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance

- Prior to a Material Start, inform in writing Brent in 2 Work (or any successor) of the projected amount of construction jobs and training spaces. During construction target 1:10 of the projected amount of construction jobs to Brent residents and for every 1:100 jobs provide paid training for a previously unemployed Brent resident or Brent school leaver for a 6 month period.
- Prior to any Occupation, repaving the footway adjoining the development to a standard comparable to the rest of the pavement, unless the Council has confirmed in writing this is not required.
- Prior to any Occupation, submit gain approvals for and adhere to a Travel Plan, including fees and fines.
- Street Tree) planting along public frontage.
- Affordable Housing – Normally affordable housing provision will be required on sites which have the capacity to provide 10 or more homes and be defined and delivered at an appropriate level, tenure and unit size mix that contributes towards the wide range of borough household needs. Normally affordable housing provision will be required on-site, but in exceptional circumstances may be provided off site or through cash in lieu contributions.
- Sustainability - submission and compliance with the Council's Sustainability check-list ensuring a minimum of 50% score is achieved. Compliance with appropriate Code for Sustainable Homes/ BREEAM, standards in line with current policy. Adherence to the Demolition Protocol, with compensation should it not be delivered.
- An appropriate reduction in the sites carbon emissions through onsite renewable generation, which has no detrimental effect on local Air Quality.
- Join and adhere to the Considerate Contractors scheme.

To ensure consistency and to provide developers with an outline of what is expected in terms of obligations, Standard Heads of Terms have been established which will be provided to developers at the earliest point to agree prior to committee. The Heads of Terms will form an integral part of any report that may go before a planning committee and be the basic points of any agreement.

### **Replacement facilities**

Where planning permission is sought for the redevelopment of any sporting facilities, community space, allotment, public open space or other public space, where the development is acceptable, planning obligations will be sought to

enhance and expand other facilities to ensure an acceptable level of provision remains. (Brent CP18 & CP23)

The following is a non-exhaustive list of potential obligations that may be required by particular developments.

**Other obligations may include:**

- Public access / Community agreements, public rights of way
- Community or Affordable Workshop space
- Servicing agreements
- CCTV
- Highways improvements, adoption of new highways (S38 /S278 agreements)
- Listed building improvements
- Remove new residents' rights to parking permits
- Allowance of future connection of the site to any Decentralised Heat / Energy Network (in areas with a proposed DHE Network)
- Compensatory measures for loss of D1 space (Policy CP23)
- Compensatory measures for significant under provision of amenity space

**Stakeholder involvement**

It is envisaged local residents, stakeholders and the wider public can make comments when a planning application is submitted in the way they currently can. They may identify particular pressure or areas for mitigation and the Council will consider any identified pressure or issues to see if using s106 planning obligations are an appropriate response. During the consultation process for this SPD proactive steps, in line with the Statement of Community Involvement, will be taken to draw in other stakeholders into the process.

## **Appendix 1: Reasoning & Justification**

Payment of the Council's legal and other professional costs is an accepted obligation to ensure the Council's costs in preparing and executing the agreement are cover by the applicant not borne by the wider Council.

Brent's and the Mayor's Policies for Employment, CP1,CP3 and CP7 respectively, support the requirement of new developments to support local employment and training opportunities. Construction places a heavy impact upon the local environment and offers a clear entry level opportunity for training and employment for local residents. As failure to provide the obligation can not be reverse by a court, a financial penalty is sought for non compliance.

Footways adjoining the development are the principle area directly impacted by the pressure of new development, with residents and users daily using them. Footways are often damaged during construction changes in building lines. Unless accepted by the Council that the current standard of the footway is

acceptable. It is fair and reasonable to accept the development to pay for its repair to a level comparable to the rest of the street. (Brent CP14).

Travel Plans enable developments to reduce their impact on the road and pollution (Brent CP19) and promote public transportation (Brent CP14). As failure to provide the obligation can not be reversed by a court, a financial penalty is sought for non-compliance.

Street trees support improved air quality (CP19), place making (CP5) and

Affordable Housing – Affordable housing includes social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market (PPS3 Annex B). Brent normally requires affordable housing provision on sites which have the capacity to provide 10 or more homes (London Plan 3.13A).

Brent plans for the provision of at least 22,000 additional homes between 2007 and 2026 and has set an overall target that 50% of new homes should be affordable (Brent CP2)). At least 25% of new homes should be family sized accommodation of 3 bedrooms or more (CP2). Brent seeks to maintain and provide a balanced housing stock by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs (CP21).

Brent will seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes and negotiations on sites will take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements (London Plan 3.12).

Brent's and the Mayor's Policies for Sustainability CP3 and CP19 and LP5.2, LP5.3, LP5.7 respectively, support the requirement of new developments to support a better environment, with carbon reduction and consideration and mitigation for the environmental impacts of development.. As failure to provide the obligation can not be reversed by a court, a financial penalty is sought for non-compliance.

### **Local Infrastructure Improvements CIL**

## **Policy support**

### **Circular 05/05 Planning Obligations**

This is discussed in the main body of the SPD, particularly paragraphs B25-36.

### **Planning Policy Statement 1: Delivering Sustainable Development (PPS1)**



PPS1 states that “Planning shapes the places where people live and work and the country we live in. Good planning ensures that we get the right development, in the right place and at the right time. Paragraph 3 states that sustainable development is the core principle underpinning planning. Paragraph 5 goes on to indicate how planning should facilitate and promote sustainable and inclusive patterns of urban and rural development. This SPD seeks to ensure the principles outlined in PPS1 are secured and sustainable positive developments are achieved.

### **The London Plan**

The London Plan, which was adopted in July 2011 details the Mayor’s strategic strategy for Greater London and sets out an integrated social, economic and environmental framework for the future development of London over the next 15-25 years.

Within the plan, Policies 8.2 covers the requirement for Planning Obligations noting Affordable Housing, Crossrail and Transportation contributions as high on the list of priorities. In addition, measures to mitigate climate change, educations and skills, healthcare, child care and small shops are noted as other priorities across London.

### **Core Strategy CP19**

Supporting text for Core Strategy CP19 states that Code Level and/or BREEAM performance will form part of S106 agreement to ensure the required performance level throughout the lifetime of the development, including verification by post construction performance certificate.

### **Core Strategy CP15**

Core Strategy policy CP15 refers to the council’s Infrastructure Investment Framework, which sets out the overall requirements for growth in the borough up to 2026. The Infrastructure Investment Framework also sets out the wider requirements for the borough’s growth, and was updated to form the evidence base for the draft Community Infrastructure Levy Charging Schedule (2011). The Infrastructure Investment Framework is required to be updated by the council under policy CP15, and whilst growth is likely to occur outside of the Growth Areas, it is expected that the majority of change is to happen within Wembley, South Kilburn, Alperon, Burnt Oak/Colindale, North Circular Road, Park Road and Church End.

Core Strategy policy CP15 states that before granting planning permission for major proposals, the council will have to be satisfied that the infrastructure requirements arising from the scheme will be met by the time it is needed, and contributions will be sought from development giving rise to the need for new infrastructure. Whilst the Infrastructure Investment Framework contains the majority of infrastructure required, there will be some infrastructure requirements that are specific to sites which will not be covered by the Infrastructure Investment Framework, which will be covered by S106 contributions.





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**Executive**  
17 October 2011

## **Report from the Director of Adult Social Services**

Wards affected:  
ALL

### **Commissioning Adult Carer Services**

#### **1.0 Summary**

- 1.1 A report was approved by the Executive on 15<sup>th</sup> February 2011 to extend the s.75 Partnership Agreement with NHS Brent for the period 2011 – 2013. In addition, approval was given to enter into contracts on a one (1) year basis for the provision of adult respite carer services by way of an exemption from the tendering requirements of Contract Standing Orders.
- 1.2. This report sets out proposals to integrate Adult, Children and Families and NHS Brent/GP Clinical Commissioning Group for the procurement of services to carers. We recommend a joint framework agreement for the provision of respite and support services to carers of children with disabilities and for carers of adults with disabilities and long term health conditions.
- 1.3 This report asks the Executive for approval to extend the existing adult carer respite services contracts with the incumbent providers for a further eight (8) months from 1<sup>st</sup> April 2012 to 30<sup>th</sup> November 2012 to allow further development of the proposal in paragraph 1.2, and to agree that they need not be tendered and/or quotations sought in accordance with usual Contract Standing Order requirements, for reasons set out in paragraphs 3.7 – 3.11 of this report.

#### **2.0 Recommendations**

- 2.1 The Executive to give approval to an exemption in accordance with Contract Standing Order 84(a) from the usual tendering requirements of Standing Orders to extend the carer services contracts (Adult Social Care) for eight (8)

months on the basis of good operational and financial reasons as set out in paragraph 3.7-3.11 of this report.

- 2.2 The Executive to give approval to the eight (8) month extension of the carer services contracts with the providers referred to in paragraph 4.3.
- 2.3 The Executive to give approval for Adult Social Care and Children & Families department to undertake a wide ranging joint review of carer services in consultation with NHS Brent and carers to identify the type of services needed to support carers into the future that provides quality, value for money and take account of the impending changes in Health and the development of GP Consortia commissioning arrangements.
- 2.4 The Executive to note Officers' intentions to develop a joint framework agreement following the review of services, with anticipated call-off under the framework from May 2012.
- 2.5. The Executive to give approval for the Children and Families Department to integrate their procurement into this joint framework agreement

### **3.0 Detail**

#### **Background**

- 3.1 There are over 23,000 unpaid carers in Brent, some providing substantial levels of care per week. These carers provide care and support to older people, adults with disabilities, those with mental ill health, learning disabilities and substance misuse issues and children with disabilities. The Council has duties under legislation (Carers Recognition and Services) Act 1995, Carers and Disabled Children Act 2000 & Carers (Equal Opportunities) Act 2004) to assess the needs of carers providing substantial and regular care and has powers to provide support and services to meet eligible needs.
- 3.2 In 15 February 2011 the Executive gave approval to award contracts to incumbent providers of carer services from 1<sup>st</sup> April 2011 to 31 March 2012 and agreed that they need not be tendered and/or quotations sought in accordance with usual Contract Standing order requirements on the basis of good operational and financial reasons.
- 3.3 The Council has entered into a pooled budget arrangement to commission joint services for carers from the period 2009 to 2011, under a partnership arrangement (the "s.75 Agreement") with NHS Brent, established pursuant to s.75 National Health Service Act 2006. The Executive agreed to this arrangement on 26 May 2009. This s.75 Agreement was extended for a further two years (to 31 March 2013) by the Executive on 15 February 2011.
- 3.4 Children and Families have responsibilities to support parent carers of children with disabilities under Children and Carer legislation. They currently have a spot purchase arrangement in place to provide respite ("short breaks") support to parent carers of children with disabilities in the home. On 14<sup>th</sup> March 2011 the Executive gave the Children and Families department approval to invite tenders to establish a multiple provider framework

agreement for their service requirements with an anticipated call-off under the framework being after 3<sup>rd</sup> October 2011. The timetable detailed within the above mentioned Executive was indicative we therefore seek approval to participate in this joint framework agreement. Please note procurement, legal and the Children and Families Department are currently formalising the interim spot purchasing arrangement for short term.

- 3.5 NHS Brent also supports carers of adults and children who meet the NHS continuing care criteria, providing breaks to carers in order for them to continue in their caring role. It also provides core support to Brent Carers Centre.
- 3.6 On 15 December 2010 the Government published a White Paper – *Equity and Excellence: Liberating the NHS*, which sets out proposals for groups of GPs to commission NHS services for their local communities. Primary Care Trusts will cease to exist from April 2013 and GP practices will be members of either an authorised clinical commissioning group, or a ‘shadow’ commissioning group and will have a duty to promote integrated health and social care around the needs of service users and carers.

Extending Contracts to incumbent providers“**Good Operational and Financial Reasons**”

- 3.7 Considering the impending changes to commissioning in health and the pooled budget arrangement ending 31 March 2013, officers recommend that by extending contracts to the incumbent providers of services for a further eight (8) months will ensure, in the short term, consistency of service and maintain the range of services currently being delivered to support carers. An extension of the existing arrangements will also provide officers from Adult Social Care and Children & Families the additional time needed to plan more effectively longer term to develop and jointly procure quality, effective respite and support services and solutions for carers into the future.
- 3.9 Opportunities exist for services to be more closely co-ordinated offering carers a ‘one stop shop’, hub or network model where organisations contracted and involved in supporting carers can provide a seamless network of referral; guidance and support around access to health, leisure and work; general information and advice; and direct care and support services. This model will also enable services to be provided in a personalised way and promote personal budgets for carers through the joint framework agreement by prescribing the responsibilities agencies have to provide services through direct payments.
- 3.10 It has become clear to Officers in order to achieve improved efficiencies, deliver respite and support services that provide better value for money more time is needed to:
  - 3.10.1 Carry out market testing.
  - 3.10.2 Undertake a joint commissioning review in partnership with NHS Brent /GP Clinical Commissioning Groups and in consultation with carers to determine the shape of future services needed and undertake an equality impact assessment.

- 3.10.3 Carry out a full consultation with service users and service providers to explain the impact and implications of tendering in order to minimise disruption and distress of any future tendering exercise
- 3.10.4 External market development for the formation of a joint framework agreement.
- 3.10.5 Develop a Joint framework agreement with the intention of Adult, Children and Families Departments and NHS Brent/GP Clinical Commissioning Group being able to call off from the framework on or after 1 May 2012.
- 3.10.5.1 A framework agreement is an agreement for a set number of years (maximum 4 years) under which specific contracts for particular services can be 'called-off' at any time within the period. There can be a number of approved suppliers under a framework agreement the council could contract with to procure carer services.
- 3.10.5.2 The benefits of developing a joint framework agreement will allow the council to access a wider range of providers delivering carer support; joint spend will attract a higher number of potential providers offer more competitive rates and reduce costs in tendering process.
- 3.10.5.3 Officers intend to go out to advert to seek expressions of interest in December 2011. Officers will therefore be submitting another report seeking Executive approval on the criteria at the end of November 2011.

3.11 The incumbent providers (providing services to carers of adults with disabilities) and care agencies providing spot purchased short break services for parent carers of disabled children have satisfied officers that they have the expertise to deliver these services and are regularly monitored. All organisations providing respite care are registered with the Care Quality Commission, and where organisations are providing information and advice they have the Commission for Legal Service quality marks.

#### 4.0 Financial Implications

4.1 There is a pooled budget arrangement in place until 31 March 2013 with NHS Brent subject to finances being available. The Council and NHS Brent have reduced contributions to the pooled budget by 5% year on year as part of the Council and NHS Brent efficiency savings programme. Details of the budget taking account of these reductions for this financial year and the year after are listed below.

4.2

Financial year	LA contribution £	NHS Brent Contribution £	Pooled Budget £
2011/2012	566,913	195,000	761,913
2012/2013	538,567	185,250	723,817



- 4.3 There are currently eight organisations contracted to provide respite and support services to carers of adults with disabilities and long term health conditions the contract values are detailed below:

<b>Provider</b>	<b>Service</b>	<b>Annual Contract Value</b>
Crossroads West London (formally Brent Crossroads)	Respite at home OP/PD & long term health conditions	149,943
Friends of African Caribbean Carers & Sufferers of Dementia	Respite at Home dementia	106,168
Asian People Disability Alliance	Respite/Befriending Service	90,343
National Autistic Society	Respite at Home includes service	92,085
Brent Carers Centre	Range of services including Info/Advice young carers /counselling training	180,183
Elders Voice	Respite Day Care - & Pilot outreach service	56,196
Harrow Helpline	Carers Emergency Support	28,000
St Luke's Hospice	Supporting Carers caring for someone at End of life	38,000
Help Somalia Foundation	Identifying & Supporting Carers to access support	10,000
<b>Total</b>		<b>750,918</b>

- 4.4 The Children & Families spend on Care at Home support for 2010-11 was £694,809.

## 5.0 Legal Implications

5.1 The Council, being a contracting authority, has to comply with legislation which includes the EU Treaty Principles; the Public Contract Regulations 2006 and 2009 (as amended) ("the EU Regulations") in addition to the Council's published Financial Regulations and Contract Standing Orders in terms of awarding contracts. The provision of adult respite care and support services is deemed Part B services for the purposes of the EU Regulations and as such is not subject to the full application (save that there must be a technical specification contained in the contract documents and on award of contract the contracting authority must issue a Contract Award Notice in the OJEU). Part B services are however, required to be adequately advertised so as to ensure there is sufficient competition; in addition, Part B services are subject to the overriding EU Treaty principles of equality of treatment, fairness and transparency in the award process. Therefore, a contracting authority that makes a direct award of a Part B contract without adequately advertising the contract will be in breach of the EU Treaty principles.

- 5.2 Members are aware that the Executive on 15<sup>th</sup> February 2011 gave its approval for the award of the current 8 respite care and support contracts to be awarded to the incumbent providers for a period of one year from 1 April 2011 to 31 March 2012. However, for reasons highlighted in the body of the report officers are seeking an extension to those contracts for another eight (8) month period, which they feel will enable proper consultation with stakeholders and allow sufficient time to establish a joint framework agreement with the Council's Children and Families department and NHS Brent.
- 5.3 In looking at Contract Standing Order requirements, the total value of the proposed contracts with the providers identified at Para. 4.3 above must be considered in the aggregate, taking into account the current contract period and any period of extension. The aggregate value of the proposed contracts is £750,918 classified as High Value Contracts under Contract Standing Orders, requiring a tendering exercise to be undertaken. Therefore, there is a risk to the council in extending the existing suite of respite support services contracts from other providers in the market capable of delivering the services due to the lack of competition. However, it is for Members to weigh up the potential for challenge against the need for officers to carry out proper consultation with stakeholders and health services, which Officers state will form the basis of the services specification when the new framework is put out to public tender.
- 5.4 Once the consultation process has been undertaken and concluded Officers intend to report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken and will then seek approval to go out to tender the inter-departmental framework agreement for respite care and support services for children and adult carers.

## **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 because the same services will continue. Services will be available to all eligible carers following an assessment of need under Fair Access to Care Services criteria at critical and substantial levels. There are also a number of organisations providing cultural specific services.
- 6.2 An equality impact assessment in accordance with the Equality Act 2010 will be undertaken to assess the likely impact of any future proposals to change respite and support services to carers before implementation.

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

- 7.1 These services are currently provided by voluntary organisations and there are no implications for Council staff arising from this report.

## **Background Papers**

### **Contact Officers**


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	<p style="text-align: center;"><b>Executive</b> 17 October 2011</p> <p style="text-align: center;"><b>Report from the Director of Adult Social Services</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p><b>Young People Accommodation Based Services and Floating Support Services - Update Report regarding Award of Framework Contracts</b></p>	

## 1.0 Summary

- 1.1 Following a meeting of the Executive on 17 August 2011 when authority was given to appoint organisations to two frameworks for young people housing support services as required by Contract Standing Order 88, Officers have received representations from tendering organisations regarding the process.
- 1.2 Current contracts for young people based accommodation services and floating support services expire on 23 October 2011. In view of matters identified in paragraph 1.1 above, this report requests authority to extend existing contracts for period(s) of up to three months from 24<sup>th</sup> of October 2011 to enable Officers to further investigate representations from tendering organisations.

## 2.0 Recommendations

- 2.1 That the Executive approve a short extension of existing contracts for young people based accommodation services and floating support services with De Paul Trust, Catch 22, St Christopher's Fellowship, Coram Housing and Support Services, Brent Housing Partnership and Centre Point for period(s) of up to three months from 24<sup>th</sup> of October 2011.

## 3.0 Background and Detail

- 3.1 The Executive on 15<sup>th</sup> June 2009 gave authority to tender framework agreements for young people and teenage parents. A subsequent report to the Executive on 15<sup>th</sup> November 2010 approved the recommendation to continue the procurement process for two young persons ("YP") framework agreements, the Supporting People Young People Accommodation based Support Services Framework Agreement ("Framework 1") and the Supporting

People Young People Floating Support Services Framework Agreement (“Framework 2”). At that time, the Executive agreed not to proceed with the procurement of framework agreements for the provision of services to teenage parents which had originally been part of the same procurement.

- 3.2 Subsequently a report was submitted to the Executive on 17 August when authority was given to appoint organisations to Framework 1 and Framework 2 as required by Contract Standing Order 88, Further, authority was also given to award of call-off contracts from those frameworks. The organisations for which authority was obtained for appointment to the frameworks and call off contracts are as set out below.

Table 1 – Framework 1

<b>Organisations appointed to Framework 1, Lots 1&amp;2 (accommodation based services)</b>	<b>Organisation to be awarded an initial call-off contract for Lot 1</b>	<b>Organisation to be awarded an initial call-off contract for Lot 2</b>
1. Supplier G - Coram (Thomas Coram Foundation for Children) of 49 Mecklenburgh Square, London WC1N	Coram Thomas Coram Foundation for Children of 49 Mecklenburgh Square, London WC1N	De Paul UK of 291-299 Borough High Street, London SE1 1JG
2. Supplier F – De Paul UK of 291-299 Borough High Street, London SE1 1JG		
3. Supplier A – Lookahead Housing and Care of 1 Derry Street, London W8 5HY		

Table 2 – Framework 2

<b>Organisations appointed to Framework 2 (floating support services)</b>	<b>Organisation to be awarded an initial call-off contract for Framework 2</b>
1. Supplier A – Lookahead Housing and Care of 1 Derry Street, London W8 5HY	Coram (Thomas Coram Foundation for Children) of 49 Mecklenburgh Square, London WC1N
2. Supplier G – Coram (Thomas Coram Foundation for Children) of 49 Mecklenburgh Square, London WC1N	
3. Supplier F – De Paul UK of 291-299 Borough High Street, London SE1 1JG	

<p>4 .Supplier C – Brent Housing Partnership of Chancel House, Neasden Lane, NW10</p>	
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3.3 Following the Executive meeting on 17 August, the Council wrote to tenderers advising of the outcome of the evaluation and of the Council’s intention to proceed with the appointment to the frameworks and call off contracts. Subsequently Officers received correspondence from 3 organisations regarding the outcome of the tender process . Officers are currently involved in investigating the process and whilst this process is on-going, wish to extend existing contracts for young people based accommodation services and floating support services. It is expected that such investigations will be concluded within a limited period, but Officers seek an extension for period(s) of up to three months from 24<sup>th</sup> of October 2011 to enable the investigation to take place and thereafter to ensure appropriate implementation of services.

**4.0 Financial Implications**

4.1 None

**5.0 Legal Implications**

5.1 As detailed in the report to the Executive of 17 August, the estimated value of both the Framework 1 and 2 exceeds the Public Contracts Regulations 2006 (the “EU Regulations”) threshold for Services. The provision of Supporting People Services are Part B Services for the purposes of the EU Regulations and as such are subject to partial application only of the EU Regulations; such as the requirement for non-discrimination in the technical specification and notification of the contract award to the EU Publications Office. The EU Regulations do not therefore determine the procurement process to be followed although the overriding principles of EU law (equality of treatment, fairness and transparency in the award process) continue to apply in relation to the award of the Frameworks.

5.2 The recommendation to extend contracts contained in the report is to enable a thorough investigation of the process. Such investigation is consistent with ensuring the overriding principles of EU law are observed with regard to equality of treatment and fairness and transparency in the award process.

**Background Papers**

- Executive report 9th October 2006 Title: Supporting People Contracts
- Executive report 15<sup>th</sup> June 2009 Title: Authority to tender for young people and teenage parent supporting people accommodation based service and floating support services

- Executive report 15<sup>th</sup> November 2010 Title: Young People and Teenage Parent Accommodation and Floating Support Services
- Executive report 17<sup>th</sup> August 2011 Title: Award of Framework Contracts for the Procurement and Management of Young People Accommodation Based Services and Floating Support Services


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	<p><b>Executive</b> 17 October 2011</p> <p><b>Report from the Director of Strategy, Partnerships and Improvement</b></p>
<p>Wards Affected: ALL</p>	
<p><b>Annual Complaints Report 2010/2011</b></p>	

**1.0 Summary**

1.1 This report provides an overview of complaints received and investigated by the Council under the Corporate Complaints procedure and by the Local Government Ombudsman. Depending on their nature, some adults' and children's social care complaints come under the corporate procedure while others are subject to separate procedures governed by legislation. Complaints that were dealt with under the separate statutory procedures are the subject of the two further annual reports attached as appendices A and B.

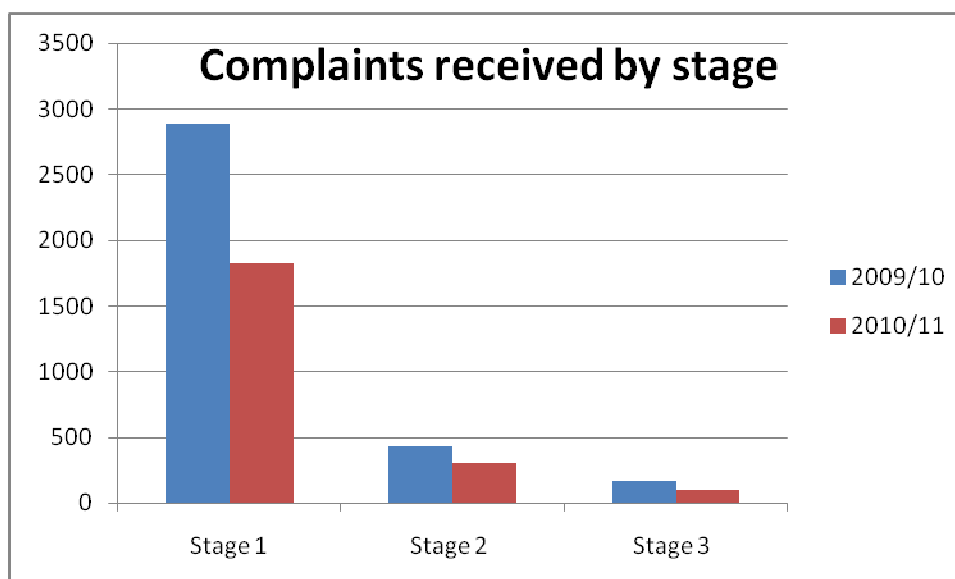
**1.2 Headlines**

- Complaints received fell by 36% compared with 2009/10
- Stage 2 and 3 complaints fell by 28% and 42% respectively
- In only 6% of Ombudsman investigations were we asked to take any action to resolve the complaint. This compares with a London average of 21% and a national average of 27%.
- Compensation paid went down from £158k to £95k which represents a 40% reduction compared with last year

**2.0 Recommendations**

2.1 This report is for information only.

### 3.0 Complaints considered under the Corporate Complaints procedure



3.1 Table 1 - Complaints received broken down by stage and service area

	Stage 1		Stage 2		Stage 3		Total	
	09/10	10/11	09/10	10/11	09/10	10/11	09/10	10/11
Housing	257	239	81	44	37	30	375	313
Community Care	40	13	2	2	3	1	45	16
BHP	848	672	181	143	55	40	1084	855
Rev & Bens	826	263	70	47	30	3	926	313
E & NS	690	405	83	46	35	15	808	466
C & F	168	170	10	6	4	3	182	179
CCE*	55*	19	4*	2	1*	1	60*	22
Regeneration & Major Projects	N/A	48	N/A	19	N/A	4	N/A	71
<b>Total</b>	<b>2884</b>	<b>1829</b>	<b>431</b>	<b>309</b>	<b>167</b>	<b>97</b>	<b>3482</b>	<b>2235</b>

\* CCE – Customer & Community Engagement - complaints in connection with the One Stop Shop/Contact Centre are included under this heading.

3.2 The volume of stage 1 complaints fell by 36% in comparison with 2009/10. There were significant reductions in Revenues & Benefits, E & NS and BHP. Historically these services account for two-thirds and of the Council's complaints. The most notable reduction was in the Revenues & Benefits division where volumes fell by 70%. The improvements to the benefits service relating to processing times and customer services which took effect in 2010 are likely to have been a significant factor.

3.3 BHP complaints fell by 21% percent. This figure is partly down to an improved repairs appointment system introduced during the year.

3.4 E&NS complaints fell by over 30% (once the impact of Planning complaints being transferred to Regeneration is taken into account). Much of the reduction relates to Streetcare and sports services which according to the department is due to more effective working with and monitoring of contractors .

### 3.5 Escalated complaints

The volume of Stage 2 and 3 complaints fell by 28% and 42% respectively. Of particular note was the 46% reduction in Housing stage 2 complaints and the 90% reduction in Revenues & Benefits stage 3 complaints. The low level of escalated complaints represents a significant efficiency saving in terms of management time and associated costs and highlights how effective the Council now is at investigating and resolving matters at the earliest stage.

### 3.6 What was the outcome of investigations?

Table 2 - Percentage of complaints that were fully or partly upheld

	Stage 1		Stage 2		Stage 3	
	2009/10	2010/11	2009/10	2010/11	2009/10	2010/11
Housing	21	24	24	34	32	27
Community Care	33	91	33	0	39	100
BHP	69	60	66	66	45	18
Rev & Bens	49	45	45	31	62	26
E & NS	50	53	45	47	5	7
Regeneration & Major Projects	N/A	10	N/A	19	N/A	25
C & F	57	63	50	40	50	50

3.7 The relatively high percentage of complaints fully or partly upheld at stage 1 is a healthy indication of departments' willingness to recognise faults within their respective services. The stage 2 & 3 figures need to be seen in the context of the low numbers involved. For example the outcomes at stage 3 in relation to Children & Families and Community Care represent only 4 complaints.

### 3.8 How quickly did we reply to complaints?

The Council has a target of replying to 85% of all complaints within the relevant timescale. The table below shows the percentage of complaints responded to within target at stages 1 & 2. The relatively small numbers of complaints dealt with at Stage 3 make comparison between service areas of limited value and have therefore not been included.

Table 3 - Percentage of responses completed on time

	Stage 1 Within 15 working days		Stage 2 Within 20 working days	
	2009/10	2010/11	2009/10	2010/11
Housing	74	77	64	66
Community Care	50	37	100	0
BHP	94	94	86	90
Revenues and Benefits	84	94	76	92
E&NS	79	76	68	81
Children & Families	60	78	31	40
Regen & Major Projects	n/a	65	n/a	67
CCE	95	100	100	100

3.9 BHP's performance continued to be impressive, especially when bearing in mind the large volume of complaints dealt with. Revenues & Benefits performance improved significantly although this should be seen in the context of the greatly reduced numbers they had to investigate.

### **3.10 Complaints made to the Local Government Ombudsman**

3.11 The Ombudsman accepted 79 complaints for investigation, 5 more than the previous year. A further 37 were referred back to the Council to be dealt with under our complaints procedure.

3.12 Continuing the trend of recent years, just over 30% came within BHP's remit and in the main were repairs or estate management related. Environment & Neighbourhood Services accounted for 25% (Streetcare, Environmental Health & Parking Enforcement) with the remainder made up by Planning and Revenues & Benefits. Investigations relating to Children & Families and Adult Social Care are covered in the appendices attached to this report.

### **3.13 What did the Ombudsman decide?**

3.14 The Ombudsman made 72 decisions in connection with complaints they investigated. In only 4 cases (6% of all decisions) was the Council asked to take some form of action in order to resolve the complaint. These are known as *local settlements*. In the remaining 68 cases the Ombudsman decided either that the Council had done nothing wrong or had remedied the matter before the complaint reached them or that the issue was outside of their remit.

3.15 Brent achieved the lowest local settlement rate of any London Borough and one of the lowest figures nationally. The London average was 21% with our immediate neighbours – Barnet, Ealing and Harrow – scoring 25%, 28% and 20% respectively. Nationally, the local settlement average was 27%. The only Councils to achieve lower local settlement rates than Brent's were district or rural borough Councils who were the subject of very few Ombudsman investigations. The Ombudsman's results help demonstrate the effectiveness of our positive approach to accepting, investigating and being prepared to resolve issues in-house so far as possible.

3.16 One local settlement related to a fraud investigation carried out by Audit & Investigation. The Ombudsman criticised the Council for the time it took to inform the alleged fraudster that we were not going to prosecute. One complaint concerned a parking ticket where the Council agreed to waive the charge when new evidence was brought to light through the Ombudsman investigation. One related to adult social care and concerned a delay in providing aids and adaptations to a disabled person and the other concerned a Children & Families complaint about funding additional training for the carers of a disabled child.

### **3.17 What did we pay out in compensation?**

The total amount paid in compensation was just over £95k which represents a reduction of 40% in comparison with 2009/10. Children & Families and adult social care accounted for most of the reduction.

3.18 The Council's policy on compensation is closely modelled on guidance provided by the Ombudsman. Compensation is normally awarded in respect of complaints where upon investigation it is found that the Council's incorrect actions or failure to act or delay in acting has resulted in the person being seriously affected. For example the person may have incurred costs and/or suffered financial hardship

because of our mistake or they may have experienced significant distress and inconvenience.

3.19 Compensation awarded in appropriate complaints makes good business sense for the Council because it reduces the likelihood of a complaint escalating and therefore avoids the cost and reputational damage associated with escalated complaints and the intervention of the Ombudsman.

3.20 Table 4 - Compensation paid in connection with complaints investigated

Compensation	Year	Stage 1	Stage 2	Stage 3	Ombudsman	Total
Housing	2009/10	1,470	4,818	8,880	350	15,518
	2010/11	3,035	7,550	2,085	850	13,520
Comm Care	2009/10	24,673	1,500	0	500	25,273
	2010/11	11,000	0	0	0	11,000
BHP	2009/10	26,558	15,010	7,360	170	49,098
	2010/11	25,026	16,056	10,370	50	51,452
Rev & Bens	2009/10	7,594	6,360	5,399	350	19,703
	2010/11	2,235	3,222	1,700	50	7,207
E & NS	2009/10	535	955	400	0	1,890
	2010/11	185	655	600	0	1,440
C & F	2009/10	23,538	20,472	0	0	44,010
	2010/11	6,532	3,500	500	0	10,532
CCE (OSS)	2009/10	610	275	212	0	1097
	2010/11	170	0	0	0	170
Total All services	2009/10	84,978	49,390	22,251	1,370	157,989
	2010/11	48,183	30,983	15,255	950	95,371

3.21 **Service improvements arising from complaints**

3.22 Complaints provide a valuable window on service delivery and a number of service improvements were identified during the year. Examples include:

- Children & Families have introduced more robust procedures to flag up when the professional qualifications of contract social workers are due to lapse
- Liaison meetings were introduced between Streetcare and Transportation to aid more joined up working
- Procedures were introduced to ensure that Hillside Housing Trust tenants were able to access the housing transfers system
- Procedures relating to street trading enforcement were reviewed to improve the clarity of information provided to the public

3.23 **Developments in complaint handling**

*Impact of Council restructure*

3.24 As part of the restructure that took effect from August 2010, complaints staff with the exception of BHP are now managed by the Corporate Complaints Manager. This has enabled a more consistent and corporate approach to complaints management to be established and has contributed to the improvements in the complaints service highlighted in this report.

*Developments in the Local Government Ombudsman service*

3.25 The Health Act 2009 extended the LGO's powers to investigate complaints about privately arranged and funded adult social care. These powers came into effect in

October 2010. The Council is not directly involved in these complaints because it is the care provider and *not* the Council that is the subject of the investigation. The Council has however been working with the Ombudsman to disseminate information to the known care provider organisations within the borough.

The Ombudsman was due to take over responsibility for the investigation of complaints about state schools with effect from September 2011. This proposal has now been scrapped as part of the Localism bill.

*Placing the onus on the customer to explain why a further review of their complaint should be carried out*

3.26 In the past we have agreed to escalate a complaint – even when there was no apparent basis for undertaking a further investigation. This sometimes resulted in a time consuming and costly review being carried out the result of which was a response largely reiterating the findings from the earlier investigation.

3.27 A revised approach and supporting procedure was piloted in BHP with effect from December 2010 which places the onus on the customer to explain *why* they disagree with the findings from the earlier investigation and *what* they consider remains to be investigated. Based on the customer's comments the departmental complaints manager determines whether or not a further investigation will be carried out. The pilot proved effective in terms of reducing the number of escalated complaints and was rolled out to the rest of the Council in June 2011

### 3.28 **Priorities for 2011/12**

*Preparing to move to a streamlined two -stage complaints procedure from April 2012*

3.29 The undertaking to move to a slimmed down two stage complaints procedure was set out in last year's annual report and will be a key priority for the complaints service. A revised process is quicker and simpler for the customer and more cost effective for the Council. Haringey, Islington and Camden have already introduced a two stage process. The marked reduction in complaint volumes generally, and escalated complaints in particular, places the Council in a strong position to remove a stage. A project plan has been developed and is in the process of being implemented by the Corporate Complaints Manager together with the support of colleagues.

*Improving the effectiveness of complaint training*

3.31 E-learning packages will be developed to enable staff across the Council to learn the basics of good complaint handling and resolution without having to attend one of the half day class based courses. In addition a more sophisticated post-course evaluation process will be introduced to help identify the tangible benefits that attending one of the training course has had on the individual and the Council as a whole. A training programme specifically for One Stop Shop and Contact Centre staff will be delivered during the year. This will be focused on enhancing the ability of staff to resolve complaints at the first point of contact.

*Future Customer Services Project*

3.32 The Corporate Complaints Manager is a member of the project implementation group and will be working with colleagues to ensure that the new service is geared up to resolve as many issues as possible at the first point of contact, thereby avoiding the need to record the issue as a complaint.

3.33 *Improving our procedures for recording and implementing service improvements arising from complaints*

Procedures will be put in place to help establish a consistent approach across the Council to the recording and implementation of service improvements that have been identified through complaint investigations.

**4.0 Financial Implications**

4.1 The corporate complaints procedure remains a relatively quick, cheap and effective way of resolving grievances, avoiding time-consuming investigations by the Local Government Ombudsman or court proceedings with their attendant high costs.

**5.0 Legal Implications**

5.1 There are no legal implications arising from this report.

**6.0 Diversity Implications**

6.1 The Council's complaints procedure covers all areas of the Council's service delivery and is available to everyone who lives in, works in or visits the Borough and all service users. Historically the Council has been weak in collecting diversity information from complainants. A customer satisfaction/diversity electronic survey has been introduced which should result in an increase in diversity information. The Complaints Manager is also working with the Diversity Team to explore other methods that can be introduced for capturing this information.

**7.0 Staffing Implications**

7.1 There are none at present but complaints handling arrangements will be reviewed in conjunction with the implementation of the two stage complaints procedure.

**Background Papers**

Local Government Ombudsman's Annual Review 2010/11  
Adult Social Care complaints Annual Report  
Children & Families Complaints Annual report

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## Appendix A

### CHILDREN AND FAMILIES - ANNUAL COMPLAINTS REPORT 2010/11

1. The Children Act 1989 and supporting regulations require the Council to produce an annual report on complaints received about statutory children's social care services.
2. This report provides a summary of the number and type of complaints made, response rates, escalation rates, investigation outcomes and service improvements arising from issues highlighted in complaints. Comparative statistical data is also included.
3. Approximately 46% of all Children & Families stage one complaints fell within the statutory children's social care services complaints procedure. Of these three were escalated to stage 2 and one to stage 3. The remaining 54% were dealt with under the Corporate Complaints procedure.
4. Approximately 11% of complaints were made by children and young people. Of the rest most were made by parents, with small numbers made by foster carers, guardians, or other carers.
5. **The number of stage 1 complaints received** remained the same as the previous year [170]. Numbers of complaints in most services remained fairly steady but there were:
  - **fewer complaints about adult education services** – possibly the result of improved exam administration arrangements and telephone answering systems
  - **a significant increase of over 150% in complaints about school admissions** - reflecting the lack of capacity in schools and the department being unable to meet parents' expectations of securing a school place promptly and of choice.
6. **78% of stage 1 complaints were answered on time**, which was a significant improvement on the figure of 61% for 2009/10 and is closer to the corporate target of 85%. Managers within social care have been instrumental in achieving this improvement and are now generally meeting the very short statutory timescale of 10 working days.
7. **Six stage 2 complaints were registered** - three each about social care and education functions. This is a significant decrease in numbers compared to previous years [10 in 2009/10 and 22 in 2008/09] and is an indication of the thoroughness of stage 1 responses. Another reason behind the low levels of escalation concerns the proactive approach taken where a complainant asks to escalate their complaint. Officers offer to meet with the complainant in order to clarify their remaining concerns and ascertain whether they can be resolved without the need for a further investigation. This approach has saved complainants and the Council the considerable costs and delay associated with a further investigation.
8. **Five stage 2 complaints were closed** of which one was fully upheld [delay in finding a school place], one partly upheld [social care services] and three not upheld.
9. **The escalation rate from stage 1 to stage 2 was 3%** - well within the corporate target of 15%
10. **Three stage 3 complaints were received** - the same as in 2009/10. They related to services for a young disabled person about to transfer to adult services, the monitoring of the provision of special educational needs for a child, and to GSCC registration arrangements in respect of an agency social worker.



**11. Reasons given by the complainant for requesting escalation to stage 3 were:**

- failure or delay in providing the desired outcome,
- the department's actions or decision was incorrect, and
- dissatisfaction with the quality of the stage 2 investigation.

**12. There were four main service improvements** arising from complaint investigations during the year, shown below. Managers are also requested to ensure that specific case actions are followed up and learning points from complaints are fed back to staff either individually, or via team meetings, as appropriate.

- Learning points were identified for all social care managers [and Human Resources] to strengthen monitoring of GSCC registration arrangements in respect of agency social workers
- A new process/guidance document was introduced for staff when they are unable to reach agreement with the parent/carer about how a care package for a disabled child should be delivered dissatisfaction with the quality of the stage 2 investigation
- A new protocol was produced to ensure that a school is meeting the requirements of a child's special education needs (SEN) statement in cases when parental concerns are not being resolved through the school's complaints procedure
- A review was undertaken of processes for dealing with in-term school admissions. This comprised rewording letters sent to parents, sending referrals to the education welfare and alternative education services, better liaison with schools, training/information for the admissions and school assessment centre staff.

**13. Compensation** totalling £10,532 was awarded. The equivalent figure in 2009/10 was £44k. Compensation is considered in line with the Ombudsman's remedies guidance. Examples of why compensation was awarded in 2010/11 include:

- reimbursement of savings for two young people previously in care
- distress and time and trouble for having to escalate a complaint about SEN provision
- back-dated payments for a special guardianship allowance
- reimbursement of financial support for a young person leaving care
- compensation for missed schooling and distress and time and trouble

**14. Training for staff** focussed mainly on timeliness of responses but is now moving into improving the quality of complaint investigations and responses. Key complaint issues are also discussed. Training was also provided to foster carers to ensure that they understood the relevant procedures and could support looked after children who wished to make representations or complaints.

**15. Ombudsman cases** – A total of 8 cases were decided by the Ombudsman. Only one case resulted in a local settlement and concerned an ongoing dispute about the funding of additional training for the carers of a disabled child. 6 cases were recorded as outside jurisdiction and one as Ombudsman's discretion.

**Statistical Data & Information 2010/11**

**Table 1 - Numbers of Complaints Received**

	Stage 1		Stage 2			Stage 3		
<b>10/11</b>	09/10	08/09	10/11	09/10	08/09	10/11	09/10	08/09
170	169	150	6	10	22	3	3	6

**Table 2 - Types of Complaint – Stage 1**

	10/11	09/10	08/09
Children in care/ leaving care services	36	36	61
Localities (social care referrals and assessment)	36	32	
Disabled children social care services	10	10	20
Other social care support services including child protection and youth offending	10	10	2
Placements (fostering and adoption services}	5	8	4
Early Intervention and children's centres	4	7	7
School admissions	36	14	11
Adult education service	17	30	24
Special educational needs	4	3	3
Other education services including youth services	9	8	7
Services no longer part of C&F	3	11	11
Total	170	169	150

**Table 3 - Percentage of Complaints Responded to within Timescales**

Stage 1 Corporate 15 working days: Statutory 10 working days  
 Stage 2 Corporate 20 working days: Statutory 25 working days  
 Stage 3 Corporate 30 working days: Statutory 50 working days

Stage 1			Stage 2			Stage 3		
10/11	09/10	08/09	10/11	09/10	08/09	10/11	09/10	08/09
78%	61%	62%	40%	29%	75%	0%	50%	n/a

**Table 4 - Escalation Rates - Council target = 20%**

Just 3% of stage 1 complaints ended up escalating to Stage 2. The relatively high percentage escalated from Stage 2 to 3 should be seen in the context of the very low number of complaints involved.

Stage 1 to Stage 2				Stage 2 to Stage 3			
10/11	09/10	08/09	07/08	10/11	09/10	08/09	07/08
3%	6%	15%	18%	50%	30%	27%	32%

**Table 5 - Outcomes of Closed Complaints**

In percentage terms, 63% of stage 1 complaints were upheld or partly upheld – slightly higher than in previous years (average 58%). At stage 2 the percentage upheld or partly upheld was lower (40%) than previous years and at stage 3 slightly higher at 50%, but it should be noted that the actual numbers of stage 2 and 3 complaints are very small.

Out come	Stage 1			Stage 2			Stage 3		
	10/11	09/10	08/09	10/11	09/10	08/09	10/11	09/10	08/09
Not Upheld	56	71	57	3	4	4	1	2	4
Partially Upheld	43	43	28	1	6	8	1	2	1
Fully Upheld	51	50	46	1	4	4			1
*Not Pursued	4	2	13		1	1	1		
Total closed	154	166	131	5	15	17	3	4	6

\* includes some complaints resolved by action of Senior Manager / progressed straight to Stage 2

**Table 6 - Children and Young People - Equalities Information**

Two thirds of all complaints in 2010/11 were made by females. It has not been possible to provide ethnicity monitoring information for all complainants but details for the fairly small numbers of young people, generally in the 15-24 age range, who made complaints are given below.

Ethnicity of Child or Young Person	2010/11	2009/10	2008/09
Asian or Asian British	6%	6%	
Black or Black British	50%	69%	75%
Black African	11%	6%	
Mixed/Black and White or Mixed/Other	11%	13%	
White/British	6%	6%	8%
White/Irish	-		8%
White/Other	6%		8%

### Children and Young People - Advocacy

Children and young people receiving or requesting social care services are entitled to independent and confidential advocacy support. The Complaints Team explains about advocacy to all young people wishing to make complaints and provide a leaflet.

During 2010/11 18 young people made complaints about social care services and five were supported by advocates. All the young persons' complaints were resolved at stage 1.

### Information for Children, Young People and their Families

A new Comments, Complaints and Compliments leaflet was introduced during the year to encourage a more open dialogue with families receiving social care involvement and services. Information about the corporate procedure is available on the Brent Council website.

**Gillian Burrows**  
**Children & Families Complaints Manager**

## ADULT SOCIAL CARE – ANNUAL COMPLAINTS REPORT 2010/11

Various pieces of legislation prescribe how complaints relating to adult social care services should be managed. The legislation also requires the Council to produce an annual report covering social care complaints.

1. This report provides a summary of the number and type of complaints made during the year, response and escalation rates, and the outcomes and service improvements from complaints. Where applicable, comparisons are made with previous years.
2. The Housing & Community Care Complaint Manager is responsible for managing the day to day handling of complaints in accordance with the regulations.
3. The ability to resolve some matters informally within a working day and without recording a formal report is welcome both for the customer and the Council. Within the complaints service we were able to resolve 13 complaints at an early stage. The complaints manager is working with the One Stop Service with the aim of increasing the number of potential complaints resolved at the first point of contact.
4. The introduction in 2009 of a one stage adult social care process has enabled us to adopt an approach taken to managing corporate complaints which centres on undertaking a high quality investigation applying a suitable remedy where necessary. The relevant service manager has responsibility for the investigation and for identifying and implementing service improvements arising from complaints.
5. The number of Statutory Complaints received in the year was 127, which was higher than the previous year (84) however this still remains well below the complaint figures prior to the implementation of the new procedure in April 2009. The main increase in complaints was within the Care Management Review and Access and Assessment teams. This increase was due to a number of complainants disputing the decisions around care packages and poor communication with clients.
6. The number of Corporate Complaints received in the year was 13 - 8 more than the previous year. These mainly concerned applications for Blue Badges.
7. Two corporate complaints reached stage 2. One concerned the blue badge process and one concerned placing a charge on a property for community care charges. Both of these complaints were not upheld. One corporate complaint reached stage 3 and concerned placing a charge on a property and was not upheld.
8. The percentage of complaint responses within timescales was 52%, which represents a 6% improvement on the previous year. Performance in relation to statutory complaints is difficult to measure because the investigation timescale can range from 10 working days to 6 months depending on the complexity and nature of the complaint. This year has seen a change of emphasis in the investigation of complaints in that service managers have taken responsibility for investigations relating to their service area. In the past the investigation had been carried out by the complaint manager or external investigator.
9. As part of the Adult Social Care transformation, there have been a number of vacancies at managerial level during the year which has impacted on performance. Within the new structures of Adult Social Care complaint handling has been built into the role of the Team Managers and as these posts are filled we expect to see an improvement in our performance in responding to complaints.

10. 11 stage 1 corporate complaints were determined. It was concluded that there had been some fault on the part of the department in 10 of these investigations, mainly around the delay in processing Blue Badge applications. No fault was found in respect of the stage 2 and 3 complaints investigated.

11. Of the 97 statutory complaints determined some fault was found in 38% of cases, down from 52% the previous year. The main areas where complaints were upheld were around communication with clients, assessments and reduction in packages, conduct of staff, and delay in services.

**12. Ombudsman Cases** - The Local Government Ombudsman determined 11 complaints about Adult Social Care. Of these 6 complaints were referred back to the Council to be investigated within our own complaint procedure. 4 cases were closed at the Ombudsman's discretion, all these cases had been through the council's own complaint procedure and they were satisfied with the outcome of our investigation. In one case the Ombudsman asked the council to take some action in order to resolve a complaint. This was a challenging case concerning delay in the assessment and provision of equipment.

**13. A number of service improvements** arising from complaint investigations have been identified during the year as shown below.

- Improvements have been made in the recording of decisions taken by the Quality Assurance Meeting, which reviews and agrees changes to care packages, and their communication to staff and service users
- A number of complaints have arisen from incorrect data being used in assessments and we are presently reviewing how we can improve the flow of information from Frameworki, the adult social care database, to Abacus, the finance database
- A number of complaints highlighted staff attitudes towards clients, as a result customer care training will be given for all Adult social care staff during 2011/12
- As a result of issues that arose in a number of residential care charges related complaints an agreement was reached with Legal Services for them to become actively involved at an early stage

**14. A total of £11k was awarded** in respect of complaints where the investigation concluded that the council had been at fault. The previous year's figure was £25k. Reasons for awards included:-

- reimbursement of funding on a care placement
- No explanation being provided to the service user concerning how a charge was arrived at
- poor handling of a request for the supply of aids and adaptations
- delay in dealing with applications for care support

**15. Training** has been focussed on managers who are now responsible for investigating complaints. The training is very hands on and is focussed on equipping managers with the skills required to undertake a professional complaint investigation. The complaint team has provided training courses, attended team meetings and provided one to one support.

**16. Commissioning** – The complaints service is working with the Adult Social Care commissioning team, to ensure that all the contracts tendered reflect the requirement for social care providers to manage complaints to the level expected by the Council.

## Statistical Data & Information Adult Social Care 2010/11

**Table 1 - Numbers of Complaints Received**

	10/11	09/10
Statutory Complaints	127	84
Corporate Complaints:		
Stage 1	13	5
Stage 2	2	3
Stage 3	1	2

**Table 2 – Service Areas to which Complaints related**

	10/11	09/10
Access and Assessment	39	21
Brent Mental Health Service	9	11
Care Management Review	61	22
Community Care Finance	5	12
Commissioning / Contractor	9	9
Learning Disability Team	14	14
Other	3	0
Total	140	89


**Table 3 - Outcomes of complaint investigations**

In percentage terms, 38% of adult social care statutory complaints were upheld or partly upheld – less than last year when the figure was 52%. Of the corporate complaints 91% were upheld or partly upheld these were due to delays in dealing with blue badge applications at the beginning of the year, but the problems were quickly alleviated. Both corporate stage 2 and stage 3 complaints were not upheld.

	Statutory Complaint	Corporate complaints		
		Stage 1	Stage 2	Stage 3
Fully upheld	13	5		
Partially upheld	24	5		
Not upheld	54	1	2	1
Withdrawn	6			
Total	97	11	2	1

For further information contact Martin Beasley, Complaints Manager, Housing & Community Care

PHIL NEWBY  
Director of Strategy, Partnership and Improvement

	<p style="text-align: center;"><b>Executive</b> 17 October 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>National Non-Domestic Rate Relief</b></p>	

## 1.0 Summary

- 1.1 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 (NDR) liability in whole or in part on the grounds of hardship.
- 1.2 This report includes applications received for discretionary rate relief since the Executive Committee last considered such applications in May 2011. In addition 2 applications for hardship relief have been received.
- 1.3 Applications have also been received for rate relief from businesses who suffered as a result of the riots/disturbances that occurred during the week of 5 August 2011. These are detailed in Appendix 5.

## 2.0 Recommendations

- 2.1 Members are requested to agree the discretionary rate relief applications in Appendices 2 and 3, and to reject the hardship applications in Appendix 4.
- 2.2 Members are asked to note the information provided in Appendix 5 regarding relief granted to businesses who suffered from the riots.

## 3.0 Details

- 3.1 Details of the Council's discretion to grant rate relief to charities, registered community amateur sports clubs and non-profit making organisations are contained in the financial and legal implications sections (4 and 6).
- 3.2 Appendix 1 sets out the criteria and factors to consider for applications for NDR relief from Charities and non-profit making organisations. This was agreed by the Executive in February 2008.

- 3.3 Appendix 2 lists new applications from local charities that meet the criteria. It also shows the cost to the Council if 100% discretionary relief is awarded, which is the Council's normal policy.
- 3.4 Appendix 3 lists new applications from non local charities that meet the criteria. It also shows the cost to the Council if 25% discretionary relief is awarded, which is the Council's normal policy.
- 3.5 Appendix 4 details applications for hardship relief.
- 3.6 Appendix 5 details the provisions for providing rate relief to businesses who suffered as a result of the August disturbances.
- 3.7 The criteria for awarding discretionary rate relief focuses on ensuring that the arrangements are consistent with corporate policies and relief is directed to those organisations providing a recognised valued service to the residents of Brent. Further detail is set out in Appendix 1. Any relief granted in 2011/12 will be for a three-year period which follows the policy previously agreed by the Executive.
- 3.8 Charities and registered community amateur sports clubs are entitled to 80% mandatory rate relief and the council has discretion to grant additional relief up to the 100% maximum.
- 3.9 Non-profit making organisations do not receive any mandatory relief, but the Council has the discretion to grant rate relief up to the 100% maximum.

### **Hardship Relief**

- 3.10 When considering applications under section 49 of the Local Government Finance Act 1988 for relief on the grounds of hardship, members need to consider whether hardship will be caused if the payments due are not reduced or remitted and, if so, whether it would be reasonable to reduce or remit liability having regard to the interests of its Council Tax payers, as they will be funding 25% of any relief granted. Note that where hardship is awarded to businesses as a result of the August 2011 riots there is no cost to the Council, the government fully meeting the cost of relief.
- 3.11 Local authorities tend to use this power very sparingly. If relief under this section was readily granted this could place an unreasonable burden on council tax payers.
- 3.12 There is no definition of the meaning of hardship in this context. Guidance indicates that all circumstances, not just financial circumstances, should be taken into account in considering whether payment would cause hardship. So, for example, illness, injury or old age may be relevant in determining whether hardship will be suffered by a taxpayer who is a private individual.



- 3.13 Members may wish to consider a policy of only granting hardship relief in exceptional circumstances, for example severe illness, injury, old age, or other personal circumstances, rather than on financial circumstances only

## **4.0 Financial Implications**

### **4.1 Discretionary Rate Relief**

- 4.1.1 Charities and registered community amateur sports clubs receive 80% mandatory rate relief, for which there is no cost to the Council. The Council has the discretion to grant additional relief up to the 100% maximum, but has to bear 75% of the cost of this from the Discretionary Relief Budget.
- 4.1.2 Non-profit making organisations do not receive any mandatory relief, but the Council has the discretion to grant rate relief up to the 100% maximum. The Council has to bear 25% of the cost of any relief granted.
- 4.1.3 The Council, where it has decided to grant relief, has followed a general guideline of granting 100% of the discretionary element to local charities and 25% of the discretionary element to non-local charities.
- 4.1.4 It has also granted 25% of the whole amount requested (which is entirely discretionary) to non-profit making organisations. This general policy was endorsed for continuation by the Executive in February 2008.
- 4.1.5 The total 2011/12 budget available for discretionary spending is £91,000. £94,187 has already been committed in respect of applications approved and entitlement to relief for 2011/12. If Members agree relief as set out in Appendices 2 and 3, it would result in a further spend of £1,198.12 for 2011/12, this would bring the total spend for 2011/12 to £95,385.12. Whilst this is an overspend of £4,385 the final figure for 2011/12 may well be further adjusted to reflect new applications received during the financial year as well as any adjustments to liability, e.g., vacations, reductions in rateable value.

### **4.2 Financial Implications – Hardship Rate Relief**

- 4.2.1 The Council bears 25% of the cost of any hardship relief granted. The remaining 75% is offset against the National Pool. However where relief is granted to businesses who suffered hardship as a result of the August 2011 disturbances then the full cost of relief is met by central government
- 4.2.2 There is no specific budget for hardship relief. The cost of any relief granted would have to be met by local Council Tax payers and from the budget for discretionary charity relief. In the past, hardship applications have generally been rejected.

## **5.0 Staffing Implications**

- 5.1 None

## **6.0 Legal Implications - Discretionary Rate Relief**

6.1.1 Under the Local Government Finance Act 1988, charities are only liable to pay 20% of the NNDR that would otherwise be payable where a property is used wholly or mainly for charitable purposes. This award amounts to 80% mandatory relief of the full amount due. For the purposes of the Act, a charity is an organisation or trust established for charitable purposes, whether or not it is registered with the Charity Commission. Under the Local Government Act 2003, registered Community Amateur Sports Clubs also now qualify for 80% mandatory relief.

6.1.2 The Council has discretion to grant relief of up to 100% of the amount otherwise due to charities, Community Amateur Sports Clubs, and non-profit making organisations meeting criteria set out in the legislation. These criteria cover those whose objects are concerned with philanthropy, religion, education, social welfare, science, literature, the fine arts, or recreation.

Guidance has been issued in respect of the exercise of this discretion and authorities are advised to have readily understood policies for deciding whether or not to grant relief and for determining the amount of relief. Further details of the Brent policy are shown in Appendix 1.

6.1.3 The Non-Domestic Rating (Discretionary Relief) Regulations 1989 allow Brent to grant the relief for a fixed period. One year's notice is required of any decision to revoke or vary the amount of relief granted, if in the case of a variation, it would result in the amount of rates increasing. The notice must take effect at the end of the financial year.

6.1.4 The legal advice is that the operation of blanket decisions to refuse relief across the board might be ultra vires and that each case should be considered on its merits.

## **6.2 Legal Implications - Hardship Rate Relief**

6.2.1 Under Section 49 of the Local Government Finance Act 1988, the Council can reduce or remit any amount a person is liable to pay by way of NNDR, if it is satisfied that the ratepayer would otherwise sustain hardship and if it is reasonable to do so having regard to the interests of Council Tax payers. Council Tax payers are affected by decisions under this section because 25% of the cost of exercising this power has to be funded by the Council (apart from where relief is awarded due to the August 2011 riots).

6.2.2 Case law relating to similar provision in earlier legislation indicates that this discretion should be exercised on the basis of adequate financial information from applicants for relief to enable the Council to assess the capacity of the ratepayer to pay the amounts due.

6.2.3 Government guidance indicates that exercise of discretion in favour of a ratepayer should be exceptional and identifies a number of factors to be taken

into consideration in exercising this discretion. The guidance also states that while it would not be proper for the authority to have a blanket policy, as all applicants should be considered on their merits, however, rules may be adopted for the consideration of hardship issues.

## **7.0 Diversity Implications**

7.1 Applications have been received from a wide variety of diverse charities and organisations, and an Impact Needs Analysis Requirement Assessment (INRA) has been carried out on the eligibility criteria. All ratepayers receive information with the annual rate bill informing them of the availability of discretionary and hardship rate relief. Ratepayers who have previously applied for relief are sent annual discretionary application forms. Details of all the applicants are shown in the Appendices.

## **8.0 Background Information**

8.1 Report to Executive 11<sup>th</sup> February 2008 – National Non-Domestic Relief and Hardship Relief

## **9.0 Contact Officers**

9.1 Paula Buckley, Head of Client Team - Brent House, Tel. 020 8937 1532

9.2 Richard Vallis, Revenues Client Manager – Brent House, Tel 020 8937 1503

CLIVE HEAPHY  
Director of Finance and Corporate Resources

**ELIGIBILITY CRITERIA FOR APPLICATIONS FOR NNDR DISCRETIONARY RELIEF FOR CHARITIES & FROM NON PROFIT MAKING ORGANISATIONS**

**Introduction**

The following details the criteria against which the Local Authority will consider applications from non profit making organisations. In each case the individual merits of the case will be considered.

- (a) Eligibility criteria**
- (b) Factors to be taken into account**
- (c) Parts of the process.**

**(a) Eligibility Criteria**

- The applicant must be a charity or exempt from registration as a charity, a non-profit making organisation or registered community amateur sports club (CASC).
- All or part of the property must be occupied for the purpose of one or more institutions or other organisations which are not established or conducted for profit and whose main objects are charitable or otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts; or
- The property must be wholly or mainly used for the purposes of recreation, and all or part of it is occupied for the purposes of a club, society or other organisation not established or conducted for profit.

**(b) Factors to be taken into account**

The London Borough of Brent is keen to ensure that any relief awarded is justified and directed to those organisations making a valuable contribution to the well-being of local residents. The following factors will therefore be considered:

- a. The organisation should provide facilities that indirectly relieve the authority of the need to do so, or enhance or supplement those that it does provide
- b. The organisation should provide training or education for its members, with schemes for particular groups to develop skills
- c. It should have facilities provided by self-help or grant aid. Use of self-help and / or grant aid is an indicator that the club is more deserving of relief
- d. The organisation should be able to demonstrate a major local contribution.
- e. The organisation should have a clear policy on equal opportunity.
- f. There should be policies on freedom of access and membership.

- g. It should be clear as to which members of the community benefit from the work of the organisation.
- h. Membership should be open to all sections of the community and the majority of members should be Brent residents
- i. If there is a licensed bar as part of the premises, this must not be the principle activity undertaken and should be a minor function in relation to the services provided by the organisation.
- j. The organisation must be properly run and be able to produce a copy of their constitution and fully audited accounts.
- k. The organisation must not have any unauthorised indebtedness to the London Borough of Brent, including rate arrears. Rates are due and payable until a claim for discretionary rate relief is heard

### **(c) Parts of the process**

#### **No Right of Appeal**

Once the application has been processed, the ratepayer will be notified in writing of the decision. As this is a discretionary power there is no formal appeal process against the Council's decision. However, we will re-consider our decision in the light of any additional points made. If the application is successful and the organisation is awarded discretionary rate relief, it will be applied to the account and an amended bill will be issued.

#### **Notification of Change of Circumstances**

Rate payers are required to notify any change of circumstances which may have an impact on the award of discretionary rate relief.

#### **Duration of award**

The current policy awards relief for one year only and the applicant has to reapply on an annual basis.

The new policy will award relief for a period of two years if the application is made in 2008/09 and for three years if made in 2009/10. However, a confirmation will be required from the successful applicants that the conditions on which relief was previously awarded still apply to their organisation. This will help ensure that the Council's rate records remain accurate.

#### **Withdrawal of relief**

One years notice has to be given by the Council for the withdrawal of relief

#### **Unlawful activities**

Should an applicant in receipt of discretionary rate relief be found guilty of unlawful activities for whatever reason, entitlement will be forfeited from the date of conviction.

	Type of Charitable/Non-Profit Making Organisation	Current Policy
		Discretionary Relief Limited to
1	Local charities meeting required conditions (80% mandatory relief will apply)	<b>20% (100% of remaining liability)</b>
2	Local Non-profit-making organisations (not entitled to mandatory relief)	<b>25%</b>
3	Premises occupied by a Community Amateur Sports Club registered with HM Revenue & Customs. (80% mandatory relief will apply)	<b>20% (100% of remaining liability)</b>
4	Non-Local charities (80% mandatory relief will apply)	<b>25% (of remaining liability)</b>
5	Voluntary Aided Schools (80% mandatory relief will apply)	<b>20% (100% of remaining liability)</b>
6	Foundation Schools (80% mandatory relief will apply)	<b>20% (100% of remaining liability)</b>
7	All empty properties	<b>NIL</b>
8	Offices and Shops	<b>NIL</b>
9	An organisation which is considered by officers to be improperly run, for what ever reason, including unauthorised indebtedness.	<b>NIL</b>
10	The organisation or facility does <b>not</b> primarily benefit residents of Brent.	<b>NIL</b>
11	Registered Social Landlords (as defined and registered by the Housing Corporation). This includes Abbeyfield, Almshouse, Co-operative, Co-ownership, Hostel, Letting / Hostel, or YMCA.	<b>Nil</b>
12	Organisations in receipt of 80% mandatory relief where local exceptional circumstances are deemed to apply.	<b>Up to 20% (100% of remaining liability)</b>

## LOCAL CHARITIES

Financial year: 2011-12

	<b>100% Relief to be awarded</b>	<b>2011-12 Charge</b>	<b>Bill net of statutory relief</b>	<b>Cost to Brent at 75%</b>
	<b><u>New Applications</u></b>			
32898894	St Lukes Hospice (store, Kenton Road, Harrow)	£3817.57	£763.51	£572.63
32918854	Centre for Peaceful Solutions (18 Chamberlayne Road from 1/7/2011)	£1950.86	£390.17	£292.63
<b>Total</b>		<b>£5768.43</b>	<b>£1153.68</b>	<b>£865.26</b>

## NON-LOCAL CHARITIES

Financial year: 2011-12

Non-Local Charities (25% relief awarded)		2011-12 Charge	Bill net of statutory relief	25% relief awarded	Cost to Brent at 75%
	<b><u>New Applications</u></b>				
32905242	Skills Active Forward uk-international (199 Church Road)	£2085.68	£417.14	£104.27	£78.21
3291603X	Brent Samaritans (9a Walm Lane, from 9/5/2011)	£6790.76	£1358.15	£339.54	£254.65
<b>Total</b>		<b>£8876.44</b>	<b>£1775.29</b>	<b>£443.81</b>	<b>£332.86</b>



## **APPENDIX 5 – Rate Relief for Businesses affected by August 2011 London Riots/Disturbances**

Although the area of Brent was relatively unaffected by the disturbances/riots that affected other parts of the country there were a small number of businesses who suffered damage, loss of stock, etc. The government announced a series of packages to help businesses and communities, included in these measures were help with Business Rates. This is in the form of hardship relief; however instead of councils bearing 25% of the cost of relief (and government the remaining 75%) the government will bear the full cost. In effect there is no cost to the Council of granting relief to businesses who can show hardship due to the disturbances.

A small number of businesses were identified as suffering directly from the riots, i.e., experienced damage and/or loss of stock, and these were invited to apply for relief. A few businesses applied and the following criteria were taken into consideration when deciding entitlement:-

- Physical damage to the premises
- Loss of stock
- Closure of the business,
- Resultant drop in takings, etc.

The businesses listed below experienced all of the above, though to differing degrees, and have been awarded relief for the periods stated:-

<b>Account reference</b>	<b>Ratepayer name</b>	<b>Period of relief</b>	<b>Amount of relief</b>
32920025	Hallmark Marketing Ltd	3 months	£1,961.71
32900085	Dubai Jewellers	1 month	£387.90

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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