



Executive

Monday, 14 November 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

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The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item	Page
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1	Declarations of personal and prejudicial interests	
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Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

2	Minutes of the previous meeting	1 - 6
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3	Matters arising (if any)	
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4	Deputations (if any)	
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Environment and Neighbourhood Services reports

5	Dog Control Orders	7 - 22
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This report proposes the introduction of Dog Control Orders in Brent's parks and open spaces. These would be made under Section 55 of the Clean Neighbourhoods and Environment Act 2005. Public consultation was undertaken between 7 February and 3 May 2011 and a summary is included within paragraphs 3.10 and 3.11.

Ward Affected:
All Wards

Lead Member: Councillor Powney
Contact Officer: Neil Davies, Sports and Parks,
Paul Hutchinson, Sports and Parks
Tel: 202 8937 2517, Tel: 020 8937 5724
neil.davies@brent.gov.uk,
paul.hutchinson@brent.gov.uk

Regeneration and Major Projects reports

6	Crest Academies: Award of Design and Build Contract to Rebuild the Crest Girls' and Crest Boys' Academies	23 - 42
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This report seeks authority to award the Design and Build Contract to completely rebuild the Crest Girls' and Crest Boys' Academies. The report outlines the project background and the procurement process undertaken. It also seeks approval to enter into a Development Agreement with the Academies' sponsors and approval to submit the Final Business Case to Partnerships for Schools in order to subsequently award the Design and Build contract.

Ward Affected:
Dollis Hill

Lead Member: Councillor Crane
Contact Officer: Richard Barrett, Property and Asset Management, Cheryl Painting, Property and Asset Management
Tel: 020 8937 1334, Tel: 020 8937 3227
richard.barrett@brent.gov.uk,
cheryl.painting@brent.gov.uk

7 Willesden Green Redevelopment Project

TF

This report summarises the procurement process undertaken by the Council to procure a developer partner to redevelop the Willesden Green Library Centre site and requests delegation to the Director of Regeneration and Major Projects in consultation with the Director of Legal and Procurement to award and enter into a Development Agreement with the preferred developer partner.

Ward Affected:
All Wards

Lead Member: Councillor Crane
Contact Officer: Abigail Stratford, Major Projects
Tel: 02 8937 1026
abigail.stratford@brent.gov.uk

Central Reports

8 Programme Athena - Phase I - Human Resources and Payroll

43 - 50

This report concerns the transfer of the Council's HR and payroll system from a Logica based system onto an Oracle IT platform. This report requests approval to participate in a collaborative procurement with 5 other London boroughs to establish a framework agreement for Oracle 12 Joint Service Implementation. The recommendations in this report are part of a London-wide project, Project Athena, which is supported by Capital Ambition, aimed at looking at increased integration of back-office systems and processes across London boroughs.

Ward Affected:
All Wards

Lead Member: Councillor Butt
Contact Officer: Clive Heaphy, Director of Finance and Corporate Services
Tel: 020 8937 1424 clive.heaphy@brent.gov.uk

Children and Families reports

9 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.

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

11 Exclusion of Press and Public

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

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

APPENDICES: Crest Academies: Award of Design and Build Contract to Rebuild the Crest Girls' and Crest Boys' Academies
(report above refers)

Date of the next meeting: Monday, 12 December 2011



Please remember to **SWITCH OFF** your mobile phone during the meeting.

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



LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Monday, 17 October 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

APOLOGIES: Councillors

ALSO PRESENT: Councillors Al-Ebadi, Harrison, Hashmi and McLennan

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

None made.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 19 September 2011 be approved as an accurate record of the meeting.

3. **Petition - reverse the street cleansing cuts**

Mr Martin Francis, speaking on behalf of Brent Fight Back, addressed the Executive in connection with a petition signed by local residents asking the council to reverse the decision taken at a previous meeting to cut street sweeping services. He was concerned that some streets would only be cleaned once a week which he considered was potentially hazardous for pedestrians. Mr Francis referred also to the reduction in the seasonal service and the leaves which uncollected would make the pavements slippery increasing the chances of insurance claims. He mentioned progress on negotiations with the street cleansing contractor which should provide an opportunity for additional profits. Mr Francis cautioned against the accumulation of litter which would tarnish the perception of the borough. He urged the council to reverse the cuts.

Councillor John (Chair, Leader of the Council) thanked Mr Francis for his contribution and suggested that he make representations to central government for additional funding.

RESOLVED:

that the petition be received and noted.

4. **Deputation - Green Charter**

Mr Brian Orr (Chair, Brent Green Party) addressed the Executive in connection with the report from the Director of Environment and Neighbourhood Services which asked the Executive to adopt a Green Charter, revised following consultation earlier in the year. He expressed support for the concept of an agreement but felt the Charter should be more ambitious. Mr Orr referred to the challenges facing local government and felt the Charter should contain a clear statement of why residents should take climate change seriously, for example, the unsustainable demands being placed on the planet and the excess size of Brent's carbon footprint. Mr Orr stated that people were more likely to change their lifestyles if they understood the reasons why they needed to so do. He recommended that the Charter should match the urgency of the times and should be referred back for a more ambitious document.

Viv Stein (Brent Campaign against Climate Change) referred to electoral promises for a Green Charter and the need for significant reductions in carbon emissions to avoid the world becoming uninhabitable within current lifetimes. She felt the council needed to have a strong policy with measurable outcomes and drew a comparison with LB Camden's draft environmental sustainability plan which was a more comprehensive document and contained the target of reducing carbon emissions by 40% by 2020. Ms Stein reminded the Executive that in the previous year the decision had been taken to delete posts of staff working on projects designed to tackle climate change, previously funded by the Performance Renewal Grant and assurances had been given that work would continue. This area of work was now covered by a part time member of staff and as such Ms Stein felt insufficient resources were being committed.

The Chair thanked Ms Stein for her contribution.

5. **Green Charter**

Councillor Powney (Lead Member, Environment and Neighbourhoods) introduced the report from the Director of Environment and Neighbourhood Services which set out the outcome of consultation conducted between 29 June and 4 August 2011 and presented a revised version of the Green Charter attached as Appendix 1. The Executive was asked to adopt the Charter and to ask officers to implement the actions in their departmental performance improvement plans. Councillor Powney referred to the deputations received earlier in meeting from Brian Orr (Green Party) and Viv Stein (Brent Campaign against Climate Change) and agreed with the need to raise awareness. The new initiatives would reduce emissions by 20% and the new waste management arrangements would cut emissions by half. Consequently he felt that as a service provider the council was making a positive contribution. Councillor Powney stated that the Green Charter was part of a package which also included the Development Framework's Core Strategy which made additional demands and also work with other parties. He also referred to the extensive consultation that had been carried out. Councillor Powney commended the recommendations in the report to the meeting.

Councillor Arnold (Lead Member, Children and Families) drew members' attention to work taking place with partners particularly schools who were one of the main sources of carbon emissions. Training would be embedded in the curriculum.

The Chair on behalf of the Executive thanked the members of the public present for attending.

RESOLVED:-

- (i) that the Green Charter be adopted;
- (ii) that officers implement the Charter's actions through departmental performance improvements plans;
- (iii) that an annual Green Charter progress report be published.

6. South Kilburn Regeneration Programme: criteria for selecting a partner to deliver the decentralised energy system

The report from the Director of Regeneration and Major Projects concerned the proposed procurement of a decentralised energy system as part of the regeneration of South Kilburn. The report sought the Executive's approval to invite tenders in respect of a decentralised energy system as required by Contract Standing Orders 88 and 89. Councillor Crane (Lead Member, Regeneration and Major Projects) welcomed the opportunity this would provide for lower energy costs and increased efficiency.

RESOLVED:-

- (i) that approval be given to the pre-tender considerations and criteria to be used to evaluate tenders as set out in paragraph 3.7 of the report from the Director of Regeneration and Major Projects;
- (ii) that approval be given to the invite of tenders and their evaluation in accordance with the approved evaluation criteria referred to in (i) above.

7. The Community Infrastructure Levy and S106 obligations

The report from the Director of Regeneration and Major Projects explained 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 Community Infrastructure Levy would help deliver the infrastructure and investment needed to support the Council's adopted Local Development Framework growth strategy. Councillor Crane (Lead Member, Regeneration and Major Projects) welcomed the opportunity to review Section 106 planning obligations and for a transparent charging system advising that consultation would be taking place on a Preliminary Draft CIL Schedule. Implementation was scheduled to be after April 2014.

RESOLVED:

- (i) that approval be given to the Director of Regeneration and Major Projects formally consulting on the Preliminary Draft Community Infrastructure Levy Charging Schedule;

- (ii) that approval be given to the Director of Regeneration and Major Projects formally consulting on the S106 Planning Obligations Supplementary Planning Document;
- (iii) that the 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 be noted.

8. **Commissioning Carer Services**

Councillor R Moher (Lead Member, Adults and Health) reminded the Executive that a report was approved on 15 February 2011 extending 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 year basis for the provision of adult respite carer services by way of an exemption from the tendering requirements of Contract Standing Orders. Councillor Moher reported that changes in the health field now presented a further opportunity for improvements and the report before members set out proposals to integrate Adults, Children and Families and NHS Brent/GP Clinical Commissioning Group for the procurement of services to carers with a recommendation for 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. Councillor Moher made reference to the risks outlined in the report in extending the existing suite of respite support services contracts to other providers in the market which needed to be balanced against the need for officers to carry out proper consultation with stakeholders and health services, which would form the basis of the services specification when the new framework was put out to public tender. An exemption from standing orders was required to allow more time for market testing.

Councillor Moher commended the recommendations in the report to the Executive.

RESOLVED:-

- (i) that approval be given 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 months on the basis of good operational and financial reasons as set out in paragraph 3.7-3.11 of the report from the Director of Adult Social Services;
- (ii) that approval be given to the eight month extension of the carer services contracts with the providers referred to in paragraph 4.3 of the report;
- (iii) that approval be given for the Adult Social Care and Children and Families departments 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;

- (iv) that officers' intentions to develop a joint framework agreement following the review of services, with anticipated call-off under the framework from May 2012 be noted;
- (v) that approval be given for the Children and Families Department integrating their procurement into the joint framework agreement.

9. **Supporting people accommodation based services and floating support services - update report**

The report from the Director of Adult Social Services advised the Executive that following the decision 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. The current contracts for young people based accommodation services and floating support services were due to expire on 23 October 2011 and Councillor R Moher (Lead Member, Adults and Health) reported that in view of the representations received authority was now being sought to extend existing contracts for periods of up to three months from 24 October 2011 to allow more time for the objections to be explored.

RESOLVED:-

that approval be given to 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 periods of up to three months from 24 October 2011.

10. **Annual complaints report 2010/11**

Councillor John (Chair, Leader of the Council) introduced the report from the Director of Strategy, Partnership and Improvement which provided an overview of complaints received and investigated by the council under the Corporate Complaints procedure and by the Local Government Ombudsman. She referred to the headlines pointing out that complaints received had fallen by 36% compared with 2009/10, in only 6% of Ombudsman investigations had the council been asked to take any action to resolve the complaint and compensation paid had decreased from £158k to £95k.

RESOLVED:-

that the report be noted.

11. **Applications for NNDR discretionary rate relief**

Councillor Butt (Lead Member, Resources) introduced the report on applications for individual National Non-Domestic Rate (NNDR) rate relief which the council has the discretion to award to charities or non-profit making bodies and also to individuals on the grounds of hardship. The report from the Director of Corporate Services included applications received for discretionary rate relief since the Executive last considered such applications in May 2011, two applications for hardship relief and

applications had 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.

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

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

RESOLVED:-

- (i) that agreement be given to the discretionary rate relief applications in Appendices 2 and 3, and to reject the hardship applications in Appendix 4 of the report from the Director of Finance and Corporate Services;
- (ii) that the information provided in Appendix 5 of the report regarding relief granted to businesses who suffered from the riots be noted.

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

None.

The meeting ended at 7.30 pm

A JOHN
Chair



Executive
14 November 2011

**Report from the Director of
Environment and Neighbourhood
Services**

Wards Affected:
All

Dog Control Orders in parks and open spaces

1 Summary

- 1.1 This report proposes the introduction of Dog Control Orders in Brent's parks and open spaces. These would be made under Section 55 of the Clean Neighbourhoods and Environment Act 2005.
- 1.2 Public consultation was undertaken between 7 February and 3 May 2011 and a summary is included within paragraphs 3.10 and 3.11

2 Recommendations

That the Executive:

- 2.1 Agree the introduction of the Dog Control Orders in parks and open spaces as set out in paragraphs 3.4 to 3.7

3 Details

- 3.1 Brent Council has for a number of years encouraged and promoted responsible dog ownership. Most dog owners act in a responsible way e.g. clearing up dog mess, keeping dogs under control and away from children's playgrounds etc. However a small proportion of dog owners do not act responsibly and this has negative impacts on other park users.
- 3.2 By approving the Dog Control Orders identified Council officers will have the powers to fine those dog owners who are in breach of the orders, although the focus will be on educating and informing such owners. This will be facilitated

through a communications campaign which will include attending a series of roadshows to be organised by the Animal Welfare team.

3.3 Implementing the proposed Control Orders will not discriminate against dogs or dog owners but instead will balance the interests of those in charge of dogs with the interests of other users of parks who may be affected by the activities of dogs. Consideration has been given to the need for people, in particular children, to have access to dog free areas and areas where dogs are kept under strict control. Consideration has also been given to the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions. The proposed measures are in no way seeking to disadvantage dog walkers; rather they aim to facilitate safe dog walking in appropriate open spaces within the borough. It is estimated that dogs will still be able to be walked “off lead” in over 90% of available green space in Brent.

3.4 The Dog Control Orders will cover:

- The maximum number of dogs which may be taken onto land:
- Areas where dogs would be excluded
- Areas where dogs are to be kept on leads.

3.5 **The maximum number of dogs which may be taken onto Brent’s parks and open spaces**

The Dog Control Orders will restrict the maximum number of dogs to be controlled by one person to six. It will be an offence for one person to be in charge of more than six dogs in any of the borough’s parks or open spaces.

3.6 **Areas where dogs would be excluded in Brent’s parks and open spaces**

The Dog Control Orders designate a number of areas where dogs are not permitted at any time. This applies to all playgrounds, multi-use games areas, tennis courts, netball courts and bowling greens. It will be an offence for anyone in charge of a dog to take the dog onto, or permit the dog to enter, or to remain in such designated areas. This does not apply to registered blind people, deaf people or other people with disabilities who make use of trained assistance dogs.

Areas where dogs are to be kept on leads in Brent’s parks and open spaces

3.7 The Dog Control Orders designate areas where dogs must be kept on a lead. These include all 32 of the smaller/pocket parks listed in Appendix 1, areas containing flower beds, walled gardens and other such areas where the walking of dogs ‘off lead’ is deemed inappropriate. This does not apply to registered blind people, deaf people or other people with disabilities who make use of trained assistance dogs.

3.8 Queen’s Park is included in the Orders. Queen’s Park is geographically within the London Borough of Brent, but is owned and managed by the Corporation of London. The inclusion has been agreed with the Corporation of London at their request and this agreement covers any subsequent revision of the Orders e.g. the maximum numbers of dogs that may be taken onto land.

- 3.9 Dog Control Orders complement other legislation relating to dogs, for example the Fouling of Land by Dogs (Land Specified in London Borough of Brent) Order 2007.
- 3.10 Public consultation occurred in two stages. An initial consultation response between 7 February 2011 and 5 April 2011 was partially initiated by an article in the local press which had not been generated from the Council's communications team. Respondents to this article were advised of the forthcoming formal consultation which took place through Brent Council's online Consultation Tracker and ran from 29 March 2011 to 3 May 2011. This was publicised in the Brent Magazine and through a press release. All consultation documentation, including the consultation summary report, is available online via the Brent Consultation Tracker.
- 3.11 In total 132 responses were received from non-dog walkers, dog walkers and from professional dog walkers. Some of the key points were:
- General support that dogs should be excluded from children's playgrounds, bowling greens and tennis courts etc.
 - Many park users and dog owners would agree that dog walkers should be restricted to a maximum of six dogs, though there is also support for the limit to be four dogs.
 - Rules need to be as clear as practicable in relation to any areas where there are restrictions on dog walking or keeping dogs on leads.
 - Problems are mainly due to a minority of irresponsible dog owners.
 - Dog owners value the physical, mental and social exercise that owning and walking a dog is perceived to provide to dogs and themselves
- 3.12 Officers will undertake a review of these Orders after 12 months, particularly in relation to the maximum number of dogs which may be walked by one person in Brent's parks and open spaces.
- 3.13 The Orders will also apply to any new playgrounds, multi-use games areas, tennis courts, netball courts and bowling greens.
- 3.14 **Enforcement**
As stated in paragraph 3.2 the emphasis of the Orders will be educational. However, the Council will have the powers to impose on the spot fines and relevant training has been provided for officers. Park wardens, grounds maintenance team leaders and supervisors, and animal welfare officers will be empowered to enforce the Orders. A Fixed Penalty Notice Book will be available for the purpose of issuing fines. If payment is not made on the spot, a copy can be sent to the address of the offender. The level of fines would currently be £75, reduced to £50 if paid within 14 days. Police Community Support Officers also have powers to issue fixed penalty notices under Dog Control Orders and will be notified if the implementation is approved.

4 Financial Implications

- 4.1 The preparation of the Orders has been undertaken, and if agreed, they will be implemented using existing Council budgets and existing Council officers to enforce the orders. Responsible dog ownership in parks is considered to have a positive financial implication to the Council and to society; conversely irresponsible dog ownership increases the costs of keeping parks clean. As stated in paragraph 3.2 the focus is to educate dog owners about responsible dog ownership rather than issuing fines. As such, officers do not believe that the introduction of these orders will generate a significant level of income.

5 Legal Implications

- 5.1 It is proposed that the Council should introduce Dog Control Orders in parks as set out in paragraphs 3.4 to 3.7 of the Report to the Executive. The power permitting Dog Control Orders to be made is pursuant to Section 55 of Clean Neighbourhoods and Environment Act 2005 (“the 2005 Act”). The section states:

*Dogs
Chapter 1
Controls on Dogs
Dog control orders
55 Power to make dog control orders*

(1) A primary or secondary authority may in accordance with this Chapter make an order providing for an offence or offences relating to the control of dogs in respect of any land in its area to which this Chapter applies.

(2) An order under subsection (1) is to be known as a “dog control order”.

(3) For the purposes of this Chapter an offence relates to the control of dogs if it relates to one of the following matters —

(a) fouling of land by dogs and the removal of dog faeces;

(b) the keeping of dogs on leads;

(c) the exclusion of dogs from land;

(d) the number of dogs which a person may take on to any land.

(4) An offence provided for in a dog control order must be an offence which is prescribed for the purposes of this section by regulations made by the appropriate person.

- 5.2 Only Primary or Secondary authorities may make Dog Control Orders. Section 58(1) (c) of the 2005 Act defines a “primary authority,” to include “a London Borough Council”. London Borough of Brent is therefore permitted to make such an Order[s].

- 5.3 Section 55(3) provides for four potential types of Orders and the Report sets out that the Council seeks to utilise three of the four namely:-

- (i) the maximum number of dogs [Section 55(3)(d)]

- (ii) areas where dogs would be excluded [Section 55(3)(c)]
- (iii) areas where dogs will be kept on leads Section 55(3)(b)]

Therefore all three proposals contained in paragraphs 3.4-3 are permitted by virtue of Section 55(3) as set out above.

- 5.4 At the moment a variety of statutory provisions are used by the council to promote responsible dog ownership. These include the Dogs Act 1871 and the Dangerous Dogs Act 1989. Some of these provisions are quite old, difficult for residents to abide by and in some cases Magistrates to understand and/or apply. Further some of the older statutory provisions do not adequately address some of the current problems in this area.
- 5.5 The proposal for London Borough of Brent to introduce Dog Control Orders will provide a more effective and transparent way of encouraging, promoting and if need be enforcing responsible dog ownership within the borough.
- 5.6 As indicated in the Report to the Executive dated 14th November 2011, Section 2(1) of the Local Government Act 2000 (the 2000 Act) provides local authorities the power to do anything which they consider is to achieve one or more of the following objects-
- (a) the promotion or improvement of the economic well-being of their area;
 - (b) the promotion or improvement of the social well-being of their area, and
 - (c) the promotion or improvement of the environmental well-being of their area.
- 5.7 Section 2(2) of the 2000 Act goes on to state that the power conferred in Subsection (1) above, may be exercised in relation to or for the benefit of –
- (a) the whole or any part of a local authority's area, or
 - (b) all or any persons resident or present in a local authority's area
- 5.8 It is therefore submitted that the introduction of the proposed Dog Control Orders to London Borough of Brent will satisfy Section 2(1) (b) and (c) namely, the promotion or improvement of the social well-being and environmental well-being of the borough and its residents.

6 Diversity Implications

- 6.1 An Equality Impact Assessment was undertaken and is included at Appendix 2. No differential impact was identified except for possible economic impacts on professional dog walkers; and the clients of professional dog walkers. Clients of professional dog walkers are often economically active people who are employed elsewhere, but could include other dog owners who are disabled. Moreover the view of officers is that the proposals will enhance the use of parks and of some sports facilities for many people and will reduce environmental problems. The Dog Control Orders do not apply to trained assistance dogs and so disabled, blind and deaf dog owners with such dogs would not be affected.

7 Environmental Implications

- 7.1 The introduction of the Dog Control Orders is expected to enhance responsible dog ownership. It is expected that the specified recreational and sporting areas from which dogs will be excluded will be cleaner. Smaller parks and other specified areas where dogs are to be kept on leads should enhance the enjoyment of visits by other park users. Similarly, problems with large groups of dogs in parks should be reduced.

Background Papers

Appendix 1 - Location of areas where dogs are to be kept on a lead.

Appendix 2 - Equality Impact Assessment: Dog Control Orders.

Contact Officers

Sue Harper
Director of Environment and Neighbourhood Services

Neil Davies
Strategy and Service Development Manager, Sports and Parks

Appendix 1: Parks and Open Spaces where dogs are to be kept on leads

Parks and Open Spaces	Whole Space / Part
Barham Park	Walled Garden
Brondesbury Villas	Whole
Cambridge Square	Whole
Chalk Hill Linear Park	Whole
Chalkhill Water Garden	Whole
Chapter Road	Whole
Crouch Road	Whole
De Havilland Park	Whole
Dudden Hill	Whole
Furness Road	Whole
Gladstone Park	Walled garden
Goldsmith Lane	Whole
Grange Museum Wildlife Park	Whole
Kimberley Road	Whole
King Edward VII Sports Ground	Entrance and cricket wicket
King Edward VII Wembley	Flower gardens
Kingsbury Green	Whole
Mapesbury Dell	Whole
Milton Avenue	Whole
Northwick Park	Cricket wicket
Preston Park	Cricket wicket
Queens Park	Whole
Roe Green	Walled garden
Roundwood Park	Entrance and Flower Gardens
Roundwood Road	Whole
Springfield Park	Whole
St. Mary's Road	Whole
The Compass	Whole
The Shrine	Whole
Vale Farm	Cricket wicket
Village Way	Whole
Villiers Road	Whole

The orders will also apply to any future or proposed Parks and open spaces where deemed appropriate

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Impact Needs/Requirement Assessment Completion Form

Department: Environment and Neighbourhood Services	Person Responsible: Neil Davies
Service Area: Sports and Parks	Timescale for Equality Impact Assessment : October 2011
Date: 19.10.2011(revised)	Completion date: 19.10.2011
Name of service/policy/procedure/project etc: Dog Control Orders: Brent Council parks and open spaces	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact: Minor: see detail Not found: Generally no adverse impact. Found: Generally positive impact. Service/policy/procedure/project etc, amended to stop or reduce adverse impact No <input checked="" type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input type="checkbox"/> On some employed people.	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 checked="" type="checkbox"/> No <input type="checkbox"/>	7. Professional Dog Walkers; clients of professional dog walkers. Yes 8. Dogs. Yes
Person responsible for arranging the review: Leslie Williams / Paul Hutchinson / Neil Davies	Person responsible for publishing results of Equality Impact Assessment: Neil Davies
Person responsible for monitoring: Neil Davies	Date results due to be published and where: As appendix 2 to Executive Committee report for 14.11.2011
Signed: L.R.Williams	Date: 19 October 2011

Impact Needs/Requirement Assessment Completion Form

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

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

Dog Control Orders: Brent Council Parks and Open Spaces

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

Brent Council understands that responsible dog walkers are important users of our parks and open spaces and play a prominent role in keeping our parks safe and well used. We fully understand our duties under the Clean Neighbourhoods and Environment Act and will always seek to implement measures that we consider 'necessary and proportionate' and suited to the needs of our customers.

At the same time, the walking and exercise of dogs in parks can sometimes affect the use of parks by other park users. These users include walkers, joggers, those participating in formal and informal sport, young children and those seeking relaxation. The Dog Control Orders aim to enable all users to enjoy the Borough's parks and increase the level of usage. For example, the annual Park Surveys indicated that one of the barriers to use is the fear of packs of dogs and of dog fouling.

What is changing?

A new procedure known as Dog Control Orders is to be introduced. Existing measures will remain in place unless they are replaced by a Dog Control Order.

Brent Council Parks Service proposes to introduce three types of Dog Control Order:

(a) The maximum number of dogs which may be taken onto Brent's parks and open spaces

The Orders will restrict the maximum number of dogs to be controlled by one person to six. It will be an offence for one person to be in charge of more than six dogs in any of the Boroughs Parks or Open Spaces.

(b) Areas where dogs would be excluded

The Orders designate areas where dogs are not permitted at any time. This applies to all playgrounds, multi-use games areas, tennis and netball courts and bowling greens. It will be an offence for anyone in charge of a dog to take the dog onto, or permit the dog to enter, or to remain in such designated areas. This does not apply to registered blind people, deaf people or other people with disabilities who make use of trained assistance dogs.

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(c) Areas where dogs are to be kept on leads

The Council has designated areas where dogs must be kept on a lead. These include all of its smaller/pocket parks, areas containing flower beds, walled gardens and other such areas where the walking of dogs 'off lead' is deemed inappropriate. (See site list). This does not apply to registered blind people, deaf people or other people with disabilities who make use of trained assistance dogs.

Note: Brent Council views these proposals as reasonable and are in no way seeking to disadvantage either dogs and/or dog walkers. Rather the proposed Orders are sensible measures to facilitate safe dog walking in what we deem appropriate places/open spaces within the borough. It is estimated that dogs can still be walked 'off lead' in over 90% of the green space available in Brent.

Has much changed?

The majority of parks and open spaces will have no change to the current measures in place. Generally, the changes will be to:

- introduce greater control of dogs in more sensitive areas namely sports areas, some of our smaller/pocket parks, and three areas of high amenity value. See list of areas.
- limit the number of dogs walked by any one person to six.
- exclude dogs from all children's playgrounds, multi-use games areas, bowling greens, tennis and netball courts.

Dog Control Orders are being introduced by other London Boroughs and by local authorities outside of London. At least 15 other London Boroughs have or are introducing Dog Control Orders or are investigating their introduction. Details may differ between Boroughs.

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

This policy is consistent with the Council's aim to ensure that the services we provide are relevant to the needs of all sections of the communities. There may be some minor negative affects on some individuals but outweighed by positive affects on the same groups. Some employed people, (small businesses, employed, employees, clients employed elsewhere) and some others may be negatively economically affected by the reduction in the maximum number of dogs that can be walked but this can be considered as an economic externality that is not currently priced – while the proposals will lead to social, environmental and economic benefits to others. Officers are of the view that the benefits to many will outweigh any adverse impact.

The proposals are expected to have a generally neutral impact on dogs.

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?

Each Dog Control Order is considered in turn. Note that each of the proposals is expected to have generally neutral impact on dogs.

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Areas where dogs would be excluded:

This proposal will apply to a large number of locations (playgrounds, multi-use games areas, tennis and netball courts and bowling greens, (these are areas currently covered by our existing byelaws) but generally to only a small proportion of each park or open space. Other dog walking routes will be readily available. This will therefore have only a very minor adverse impact on groups that could be expected to be negatively impacted: for example the elderly and disabled. There will also be an exemption for registered blind people, deaf people or other people with disabilities who make use of trained assistance dogs. Positive impacts are expected for all groups of people.

Areas where dogs are to be kept on leads:

This proposal will apply in smaller parks and in areas such as gardens containing flower beds and walled gardens. This will therefore have only a minor adverse impact on groups that could be expected to be negatively impacted: for example the elderly and disabled. However, some people who would previously have walked a dog in designated small parks may need to walk or travel to a larger park elsewhere if they want to walk dogs off the lead. There will also be an exemption for registered blind people, deaf people or other people with disabilities who make use of trained assistance dogs. Positive impacts are expected for all groups of people.

Limiting to six the maximum number of dogs which may be taken onto land and controlled by one person:

This proposal is expected to have a negative economic impact on employed dog walkers, on their clients employed elsewhere; and on clients who are disabled or elderly. The proposals could possibly make the service provided by some dog walkers unviable and/or increase the prices charged to clients. However, the current situation, where there is no limit to the number of dogs walked by dog walkers means that negative impacts on the environment (e.g. uncollected faeces) and on the enjoyment of other people using parks are effectively market externalities (i.e. some people receive the benefits of a 'free' service while the environment, other Council tax payers and park users pick up their costs). The proposals are expected to benefit most other park users.

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

The evidence that has been used to make this judgement is from several sources. Firstly, a considered but subjective analysis of each part of the proposal in comparison with groups of people (and dogs) who may be affected; and secondly the results of consultation. The summary of the consultation is presented below:

Consultation Summary

Consultation was undertaken in two parts. A pre-consultation ran between 7 February and 5 April 2011, albeit a number of responses were based on aspects of a media report which contained some inaccuracies. Respondents were advised of the forthcoming formal consultation and this second part of the consultation was available through Brent Council's online Consultation Tracker and ran from 29 March to 3 May 2011.

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The pre-consultation resulted in 66 responses. Some respondents may have submitted more than one response; while some stated that they were representing more than their own view. These responses were analysed by considering the themes and points raised, which approximated to 341 specific comments. The distinction between comments on exclusion of dogs in some sensitive areas of parks and keeping dogs on leads was blurred. Responses were received from non-dog walkers, dog walkers and from professional dog walkers. The formal consultation was facilitated via an electronic questionnaire on the Brent Council Consultation Tracker with paper copies available on request. It was open to all Brent residents and other interested parties. However, the number of responses was lower (40) than that for the pre-consultation (66). Some respondents may also have commented during the pre-consultation period. Respondents were not asked to identify whether or not they were dog walkers, professional dog walkers, clients of dog walkers, or non-dog owning / walking park users. Many did however identify their interest in their comments.

Summary of key points raised by respondents

- There was general support that dogs should be excluded from children's playgrounds, bowling greens and tennis courts.
- There was mixed support, for and against, that dogs should be kept on leads in sports areas, some smaller pocket parks and areas of high amenity value.
- There were a wide range of views on limiting the numbers of dogs that can be walked by a single person to six.
- Residents and park users need to be kept informed when the Dog Control Orders are introduced.
- Some sports have particular problems with shared-use of pitch space. Fenced play areas, tennis courts etc. are specifically covered by the new proposals; but cricket wickets are also vulnerable. Rugby was cited during the consultation due to contact of players and children with the ground. However, it may not be practicable to exclude dogs from all such sports areas: policy and guidance needs to be clear on whether sports pitches are included in any restrictions.
- Rules need to be as clear as practicable in relation to any areas where there are restrictions on dog walking or keeping dogs on leads.
- Guidance should be produced in plain English and should avoid the use of the acronym 'MUGA' or even 'Multi Use Games Area'.
- A wide range of dog related legislation already exists. The new Dog Control Orders will contribute to responsible dog ownership in parks. The council should bear in mind that a wide range of park users (dog owners and non-dog owners) are of the view that the council is not enforcing the existing legislation; and that this will be made more difficult with reductions in Warden Services. Respondents asked if there will be more training for grounds staff and officers.
- Many park users and dog owners would agree that dog walkers should be restricted to a maximum of six dogs, though there is also support for the limit to be four dogs. The legislation allows for specifying the maximum number of dogs walked together by one dog walker, rather than the maximum number of dogs walked together, which may be different. The above view is not shared by professional dog walkers and their clients, who would prefer no stated limit. In introducing the limit, the Council should be mindful that there will be an economic effect on a small number of professionals; however, there is a view that a proportion of these are using Brent's parks following limits to the maximum number of dogs implemented by other London boroughs.
- Numerous comments referred to individual parks. A local press report, not originating from the Council, had given the impression that there could be a requirement that dogs would need to be kept on leads throughout Gladstone Park. Respondents to the consultation raised much opposition to keeping dogs on leads at Gladstone Park; and indicated that while some areas should be dog free, that in the other areas of the 'Pleasure Grounds' of the Park that it could be practical for dogs to be walked off the

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lead. The only areas where dogs will be required to be kept on leads will be the Walled Garden. Dogs will be excluded from the playgrounds, multi-use games areas, tennis courts and bowling greens. But dogs will be able to be walked off the lead throughout the large majority of Gladstone Park.

- At King Edward VII Park (Willesden) comments tended to the view that dogs should be kept on leads.

Recommendations The consultation process informed the final version of the proposed Dog Control Orders and of their implementation. Changes included the addition of King Edward VII Park (Willesden) to the list of areas where dogs are to be required to be kept on leads; the need to communicate the Dog Control Orders when they are introduced; and that a review be held after one year of the maximum number of dogs that can be walked by one person.

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)

As far as is practical the proposals include exemptions for blind people, deaf people or other people with disabilities who make use of trained assistance dogs. The effect on employment (employed people; and their employed clients) has been considered above. The proposals are expected to have a generally neutral impact on dogs.

It is not possible to consult directly with dogs that may be affected. However, the proposals are considered to be at least neutral to their welfare, and possibly positive. There was some concern by some consultees that the opportunities for dogs to be exercised may be restricted as part of the proposals. However, while dogs will be excluded from some areas of park and sport facilities, large areas of parks will remain available for dog walking.

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

The proposals have also been discussed with officers from other Councils; and with Government Departments as appropriate.

The limit to 6 dogs follows guidelines provided by the Kennel Club.

External consultation was undertaken via the Brent Council Consultation Tracker and a summary is provided as part of the evidence (see 5 above).

It is not possible to consult directly with dogs that may be affected.

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

The consultation summary will be on the Consultation Tracker.

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

Press reports prior to the formal consultation suggested that some people (and dogs) would be affected; however, the original press report was inaccurate in several respects.

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be

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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 view of Council officers, and of many consultees (including some dog owners) was that the proposals were reasonable and did not unduly restrict the walking of dogs or people. A few changes were made to the proposals as a result of the consultation. Moreover, the view of officers is that the proposals will enhance the use of parks and some sport facilities for many people and groups of people, and will also reduce environmental problems.

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

The minor negative impacts (see sections above) can be justified. Where there are negative impacts; there are alternative routes, parks or arrangements available for dogs and dog owners. In general, the positive impacts out-weigh the negative impacts.

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

The proposals are expected to enhance some play, sport and other areas of parks which should make them more inviting to park / sports users.

13. What is the justification for taking these measures?

The Dog Control Orders enable more control, primarily aimed at reducing anti-social behaviour, damage to sensitive areas (e.g. flower beds) and reducing dog-fouling on sports and parks; and control of large groups of dogs. Responsible dog walking is already the norm by most dog owners: these proposals are primarily aimed at the minority, irresponsible use of park and sport facilities.

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.

Monitoring proposals will consist of a review by officers after the first full year of implementation. Contact: Neil Davies.

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

Recommendations

- The Dog Control Orders should be implemented. The implementation should be backed up by a communication campaign to address some of the points raised during the consultation process.
- The communication campaign should comprise a presence at six roadshows organised by the Animal Welfare team, liaison with Brent BARK forum, updates in the Brent Magazine and posters on park noticeboards. The campaign should prioritise the use of plain English and avoid acronyms wherever possible.
- Issues identified during the consultation relating to dog fouling in public open spaces are covered under the Clean Neighbourhoods and Environment Act 2005 (section 55.) Allotment sites, sports pitches and cemeteries are all covered by the act in addition to parks and the importance of responsible dog ownership should be stressed as part of the communication campaign.

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1. Take any immediate action? No
2. Develop equality objectives and targets based on the conclusions? No
3. Carry out further research? Review after one year the maximum number of dogs that can be walked by one person (see section 5, above).

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

See (15) above.

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

Within existing budget: officer time.

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):

LESLIE WILLIAMS

Date: 19 October 2011

Service Area and position in the council:


Strategy and Service Development Officer, Sports and Parks, Environment and Neighbourhood Services

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

Neil Davies, Strategy and Service Development Team, Sports Service.

Paul Hutchinson, Sports and Parks Service

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

	<p style="text-align: center;">Executive 14 November 2011</p> <p style="text-align: center;">Report from the Director of Regeneration and Major Projects</p>
<p style="text-align: right;">Wards affected: Dollis Hill Ward</p>	
<p style="text-align: center;">Authority to Award the Design and Build Contract to Rebuild the Crest Girls' and Crest Boys' Academies</p>	

***Appendices 1, 2 and 4 are "Not for publication"**

1.0 Summary

- 1.1 This report seeks authority to award the Design and Build Contract to completely rebuild the Crest Girls' and Crest Boys' Academies. The report outlines the project background and the procurement process undertaken. It also seeks approval to enter into a Development Agreement with the Academies' sponsors and approval to submit the Final Business Case to Partnerships for Schools in order to subsequently award the Design and Build contract.

2.0 Recommendations

The Executive is recommended to:

- 2.1 Approve the draft Final Business Case (FBC) for the rebuild of the Crest Girls' and Crest Boys' Academies in the form annexed as Appendix 1 and delegate to the Director of Regeneration and Major Projects in consultation with the Director of Finance and Corporate Services authority to approve the FBC and to submit it to Partnerships for Schools (PFS).
- 2.2 Award the Design and Build Contract to Wates Construction Ltd for the rebuild of the Crest Girls' and Crest Boys' Academies subject to approval of

the FBC from PfS and the Council entering into a Development Agreement with the Sponsor.

- 2.3 Approve the Council entering into a Development Agreement in connection with the rebuild of the Crest Girls' and Crest Boys' Academies with the Sponsor.
- 2.4 Note the financial implications for the Council (as detailed in paragraphs 4.1 – 4.13 and Appendices 3 and 4).
- 2.5 Note the arrangements for project management and technical advice for this project (as detailed in paragraphs 3.6 – 3.8).
- 2.6 Note the risks attached to this project and the strategy outlined for managing risk (as detailed in paragraphs 3.34 – 3.36).
- 2.7 Note Officers' intention to appoint Wates Construction Ltd to undertake additional works outside of the Design and Build Contract (as detailed in paragraph 3.37).

3.0 Detail

Project Background

- 3.1 This is a single procurement project of the Crest Girls' and Crest Boys' Academies; two separate Academies sharing one site in the Dollis Hill ward. The Crest Girls' and Crest Boys' Academies (the Academies) were formerly the John Kelly Boys and John Kelly Girls Technology Colleges before becoming academies in September 2009 (see minutes of Executive meeting of June 2009 for further details). The existing Academies buildings are in very poor condition and have exceeded their lifespan. This project, funded by the Governments Academies Programme through Partnerships for Schools (PfS) will see both Academies totally rebuilt on the existing site whilst the current Academies remain in operation.
- 3.2 In February 2010 the Executive gave approval to a number of recommendations for this project, including the submission of the Outline Business Case (OBC) to PfS. A technical amendment report was required in April 2011 as the minutes of the February meeting had not recorded decisions on all recommendations. This report will outline the progress made to action those recommendations prior to the submission of this report and will highlight any areas where the recommendation was implemented differently to that originally envisaged.
- 3.3. Since February 2010 officers have completed the following instructions from the Executive committee:
 - Submitted and gained approval to the OBC from PfS
 - Undertaken the procurement of a design and build contractor in line with the PfS Contractors' Framework (see paragraphs 3.12 – 3.19 for further detail).

- The Director of Regeneration and Major Projects has appointed the Selected Panel Member (note that the February 2010 Executive delegated this to the Director of Children & Families but it was accepted by the Executive in April 2011 that due to the change in departmental responsibility the Director of Regeneration and Major Projects was the appropriate Officer) (see paragraphs 3.20-3.21 for further detail).
- The procurement of consultants to assist with this project was undertaken and this is detailed below as the approach taken slightly altered from the approach outlined in the report to the February 2010 Executive. Members should be satisfied that the project is well supported by external consultants and LBB staff in accordance with their instructions (see paragraph 3.7 for further detail).

3.4 Since approval of the Outline Business Case (OBC) in March 2010 and commencement of the procurement process, this project has undergone two funding reviews by Central Government. The first took place during July/August 2010 (at the same time that Brent's Building Schools for the Future programme was cancelled) when the project was reviewed in terms of whether it could proceed at all. A delegation from Brent met with Ministers and although the outcome was that the project could proceed with the allocated funding it did cause a delay which will be outlined further below in table 2 in paragraph 3.5 showing the overall programme. A further Government efficiencies review took place in December 2010 and the project budget decreased by 3.4% (£1.6million) whilst out to tender in January 2011.

3.5 The project programme has changed from the programme issued at OBC and detailed in the report to the Executive in February 2010, partially as a result of delays described above and partially because the OBC was based on a control scheme which gave a three phase construction programme with completion of the first Academy in March 2012, final building completion in January 2014 and the completion of all external works by April 2014. This was based on an award of contract in March 2011. This was not deemed possible to achieve after the process and project reviews which took place between May-August 2010 and after the Preliminary Invitations to Tender (PITT) phase of the project had to be re-run. The current programme accepted by the Crest Project Board following Invitation to Tender (ITT) evaluation indicates that the award of contract could take place in December 2011 with both Academies completed in April 2014. This was considered to be an achievable and realistic programme with minimal disruption to the Academies during a single phase construction. Table 1 below outlines the key project dates showing both the planned date in the OBC and the actual date of completion/date planned in FBC. A number of additional milestones are shown indicating the cause of delay:

Table 1

Milestone	Date Planned in OBC	Actual/Date Planned in FBC
OBC approved	10 March 2010	10 March 2010
PITT issued	18 March 2010	
PfS review of PITT and Technical Adviser (PM/TA) appointment process		May 2010
New PM/TA tenders returned		7 July 2010
Government confirmed project approved to proceed after review		6 August 2010
Appointment of new PM/TA		16 September 2010
PITT re-issued		19 October 2010
ITT issued	16 April 2010	29 November 2010
Selected Panel Member announced	6 September 2010	12 April 2011
Planning Application Submitted	19 October 2010	29 June 2011
Planning Committee	February 2011	28 September 2011
Planning Decision Notice Issued	7 February 2011	19 October 2011
Executive Approval to award contract	February 2011	14 November 2011
Approval of Final Business Case by PfS	28 February 2011	23 November 2011
Enter into Development Agreement and Award Design and Build Contract	7 March 2011	5 December 2011
Start Works on Site	21 March 2011	17 December 2011
Completion of Building phase 1 (practical completion of boys school)	March 2012	n/a
Completion of Building phase 2 (Joint 6 th form and part of girls school)	February 2013	n/a
Completion of Building phase 3 (final build completion)	January 2014	April 2014 (all Academies buildings completed together)
Complete demolition and construction of external works	April 2014	December 2014

Arrangements for Project Management, Technical Advice and Project Governance

- 3.6 In February 2010 the Executive agreed there were good financial and operational reasons to appoint an Overall Project Manager without seeking quotes in accordance with Council Standing Orders. This was implemented but for a limited period only (with supervision by a Council Officer). In September 2010, client Project Management began being undertaken solely

by Council Officers; this reflected the Council's general position on the employment of consultants. Internal re-organisation meant that this project transferred from the Children and Families Department to the Regeneration and Major Projects Department. This new team has remained with the project since September 2010 and is proposed to continue to deliver the project.

- 3.7 In February 2010 the Executive agreed to the appointment of Technical Advisers from the Council's Property Framework. This was started in March 2010 after approval of the OBC however in May 2010 after advice from PfS in relation to the first PITT process a new team of Technical Advisers was procured from the PfS Framework of Consultants. Tenders were returned for Technical Advisory/Project Management Services (TA/PM) in July 2010. Due to the Government review of the project in August 2010, the appointment of the TA/PM was delayed until September 2010 when this appointment was approved under delegated powers by the Director of Children and Families. The appointment is made against a scope of works which is set out by PfS and lasts until project completion so the Council can be satisfied that the required roles to complete this project are being fulfilled.
- 3.8 The Local Authority is the accountable body and contracting authority for this project but it is required to work closely with the Academies and their sponsor E-ACT. This is to ensure that the project meets the requirements of the education brief. This collaborative approach is employed at project team and governance level. The Crest Project Board is chaired by E-ACT and attended by the Directors of Regeneration and Major Projects and Children and Families as well as members of the project team and Principals and Governors from both Academies. The role of the Project Board is to monitor the delivery of the project against programme, budget and quality and to resolve issues that cannot be resolved at project team level. The Local Authority is ultimately responsible for the project though and this cannot be devolved to the Project Board. It is therefore proposed that this project will also report to the Council's Capital Portfolio Board.

Delivery of Additional School Places

- 3.9 The rebuilt Academies will provide a total of 2050 school places for students aged 11-18. There will be 900 places for the Crest Girls' Academy, 750 places for the Crest Boys' Academy and 400 places in the joint girls and boys sixth form.
- 3.10 The total number of 2050 school places represents an increase of 300 places or one form of entry per academy. This was approved by the Executive in June 2009 when a report was presented with the outcome of the consultation on the statutory proposals to discontinue the John Kelly Technology Colleges. The report set out the need for the additional forms of entry and the local authority's statutory duty to provide school places for every child resident in the borough. At the time of that report it was anticipated that the first of the new school places would become available in September 2012 but expansion was linked to the availability of the new buildings and additional school places will not now be available until April 2014.

- 3.11 The opening of the secondary provision at Ark Academy from September 2010 has created an additional 900 Y7-Y11 school places in Brent. It is forecast that the current pressure on primary school places will lead to a pressure for secondary school places from September 2013 onwards. Hence, the availability of an additional form of entry at each of the Crest Academies by September 2014 will help to meet future demand.

Procurement Process

- 3.12 The Outline Business Case (OBC) was approved on 10 March 2010 and the procurement of contractors from the PfS Contractors' Framework began shortly afterwards. The procurement process was delayed due to three key factors: discrepancies with the appointment of TA/PM and subsequent re-tender, discrepancies with the Preliminary Invitation to Tender (PITT) process requiring re-issue and delay to the project due to review by Central Government (these dates are outlined in table 1).
- 3.13 As outlined above the Council has now procured a TA/PM from the PfS National Framework. The Council re-issued the PITT in October 2010 and submissions were returned. Following the PITT re-issue the project has progressed on time and the procurement process is outlined below. The Council's Procurement Unit has supervised the procurement process of the PM/TA, re-issue of the PITT and the subsequent ITT.

Preliminary Invitation to Tender

- 3.14 The PITT was issued to all twelve Framework Panel Members on 19 October 2010. PITT submissions were received from six Panel Members: Balfour Beatty Construction Ltd, Rydon Construction Ltd, Kier Education, BAM Construction Ltd, Wates Construction Ltd and Willmott Dixon Construction Ltd, on or before the deadline on 2nd November 2010.
- 3.15 All of the bids were evaluated by representatives from E-ACT, Brent Council, the Academies, and Turner and Townsend (Technical Advisors). Consensus scoring was undertaken on 8 November 2010 against the published evaluation matrix, with weightings as follows:
- Part A – Design Management – 40%
 - Part B – Delivery Works – 40%
 - Part C – Handover – 10%
 - Part D – Pricing – 10%

- 3.16 After consensus scoring (chaired by the Council's Procurement Unit), four Panel Members were invited to clarification interviews held on 15 November 2010 after which the original consensus scores were confirmed. Both the short-listed and unsuccessful panel members were informed of the outcome and offered formal feedback. ITTs were then issued to the following two short-listed panel members: BAM Construction Ltd and Wates Construction Ltd.

Invitation to Tender

- 3.17 ITT documents were sent to both panel members on 29th November 2010. Thereafter a series of nine clarification/engagement meetings were held between 6 December 2010 and 28 February 2011 where both teams met with the Sponsor, Brent Council, Academies and technical representatives. During this process the response to the ITT was developed by the panel members and information clarified by the client/technical advisory team. During the ITT period, formal Requests For Information (RFIs) and clarifications were recorded on the electronic portal and managed by the Project Manager. Responses were provided to all RFIs in a timely manner and further LA clarifications were issued to both bidders where necessary. Unless information was commercially sensitive, all responses to requests for information were shared with both bidders. Final compliant bid submissions were received on Thursday 10 March 2011.
- 3.18 Both of the bids were evaluated by representatives from E-ACT, Brent Council, the Academies, and Turner and Townsend (Technical Advisors). Consensus scoring was undertaken on 28 March 2011 (chaired by a Council Procurement officer) against the published evaluation matrix with weightings as follows:
- Part A – Design Management – 60%
 - Part B – Delivery – 20%
 - Part C – Handover – 10%
 - Part D – Pricing – 10%
- 3.19 Both tender submissions were of a high standard. The outcome of the ITT evaluation is detailed in Appendix 2. Wates Construction Ltd scored highest against the published criteria, its proposal was considered affordable and it was therefore appointed as the Selected Panel Member.

Selected Panel Member

- 3.20 Following evaluation, the Selected Panel Member (SPM) – Wates Construction Ltd was appointed under delegated authority by the Director of Regeneration and Major Projects. Both panel members were informed by emailed letter of the decision on 12 April 2011. BAM Construction Limited attended a full feedback session on Thursday 21 April 2011 where all elements of the design and engagement process were discussed. Wates Construction Limited did not take up the offer of formal feedback.
- 3.21 The formal SPM letter was issued to Wates Construction Limited on 21 April 2011. Subsequent minor revisions were requested and agreed and a revised letter sent. A signed Selected Panel Member letter was received by LBB on 11 May 2011. Since the announcement of the SPM the client and project team have worked closely to more fully develop the designs, co-ordinate stakeholder engagement, develop and submit the planning application and progress contract documentation.

Final Business Case

- 3.22 As part of the procurement process, it is necessary for the Council to submit a Final Business Case (FBC) to PfS for approval. Officers have worked closely with the PfS Project Director on the content of the FBC and a draft FBC has now been submitted for peer review to PfS. A copy of the draft FBC (and appendices) is attached to this report as Appendix 1.
- 3.23 The FBC states that the Local Authority is ready to enter into a Design and Build Contract with Wates Construction Ltd and a Development Agreement with E-ACT. It details the procurement process undertaken and provides information on the interface with other contracts such as ICT hardware procurement undertaken by E-ACT. The FBC provides a detailed programme of work and a breakdown of the contract sum confirming that the project is both deliverable and affordable.
- 3.24 The FBC also includes a statement of support from the Academies Sponsor E-ACT who has confirmed that the Sponsor has been fully involved in the work to develop these detailed designs, has signed off the designs and confirms that they support the Education Brief developed for the Academies. In accordance with the Terms of Reference of the Crest Project Board the draft FBC has also been issued to Project Board members for their agreement prior to submission to PfS.
- 3.25 Due to the programme timetable and the wish to award the contract in December 2011 in order to complete the Academies by April 2014 (Easter school holidays), Members are asked at this stage to approve the draft FBC attached as Appendix 1. It may be that certain changes to the draft FBC are requested by PfS as part of the peer review process and therefore Members are also asked to delegated authority to the Director of Regeneration and Major Projects in consultation with the Director of Finance and Corporate Services to approve the final FBC and to submit it to PfS.

Planning Approval and Consultation

- 3.26 A planning application was submitted for the scheme on 29 June 2011 following both pre-application advice from the Planning Service and pre-application consultation with local residents. Both processes are detailed in the planning application but Members can be assured that this was an extensive process of engagement both with the public and statutory bodies.
- 3.27 The application was referred to the Greater London Authority (GLA) and a number of additional and/or revised planning conditions were recommended as a result. A number of amendments were required to the scheme in order to comply with the new London Plan which had not been in effect when the planning application was submitted. The changes focus on access and sustainability issues and include the provision of a green roof, contributions to Transport for London for bus stop and bus capacity enhancements, extensive covered cycle parking and additional electric car charging points. There is also a requirement to respond to Environmental Agency requirements on selection of external hard landscaping materials and surface water drainage

strategy. These changes attract additional costs which are detailed further in paragraph 4.2 of the Financial Implications section and Appendix 3. The pre-application advice from LBB Planning Service and indeed advice after the application was submitted indicated that the application did not need to be referred to the GLA, therefore the costs associated with these late and necessary scheme revisions will need to be borne by the Council outside the designated project budget but from the Council's agreed capital allocation for this project. The majority of costs associated with general revisions to the scheme in order to achieve planning approval have been met by the Contractor. This is in line with the provisions of the D&B Contract.

- 3.28 On 28 September 2011 the Planning Committee delegated authority to the Head of Area Planning to approve the application as recommended subject to additional conditions. The GLA then provided the outcome of the second stage report on 17 October 2011 and the Planning Service then issued the Planning Decision Notice on 19 October 2011.
- 3.29 There is a residual risk of Judicial Review of the planning decision which the Council accepted the liability for in the OBC. Members are reminded that authority to award the contract is sought and if provided would be implemented before the period in which an application for a judicial review could take place had expired (see paragraph 5.7 for further detail).

Design and Build Contract

- 3.30 The Executive is recommended to award the Design & Build Contract to Wates Construction Ltd subject to final approval of FBC from PfS and the Council entering into a Development Agreement with the Sponsor. As PfS approval of the FBC is required and the Development Agreement signed before the contract can be entered into, Members are asked to approve the Council entering into a Development Agreement and delegate authority to the Director of Regeneration and Major Projects in consultation with the Director of Finance and Corporate Services to finalise the FBC (if required) in order to enact the award of contract.
- 3.31 Details on the Design & Build Contract are provided in the Legal Implications section of this report (paragraphs 5.2-5.6). At the time of drafting this report the contract documentation is being finalised for issue to PfS Commercial division for their review and approval of any derogations to the standard form. It is expected that approval will be forthcoming.
- 3.32 The Design & Build Contract sum is detailed in paragraph 4.2 of the Financial Implications section of this report.
- 3.33 Members should note that the Council proposes to increase the contract sum over that funded by PfS by way of fixed sum contribution for the following:
- Scheme revisions required for the GLA (see paragraph 3.27 for further detail)
 - A specific revision requested by the Planning Service to re-locate the sports pitches (as a risk mitigation measure due to the proximity of the pitches to the boundaries)

- Works in connection with the telecom mast re-location. The latter is additional work specific to this contract due to the presence of a number of telecom masts on the existing Academies buildings. The Local Authority is expected by PfS to provide an unencumbered site to the contractor and the costs attached to re-locating these telecom masts onto the new buildings (as the least risk option for project delivery rather than remove them) is a project specific cost. The Council intends to recover all costs associated with telecom masts from third parties and this is detailed further in paragraph 4.10 of the financial implications section.

Risk Management

- 3.34 A comprehensive risk register has been developed and is provided as an appendix in the draft FBC which is Appendix 1 of this report. The risk register was developed and agreed in a formal risk workshop held on 7 September 2011 which was attended by the Crest Project Board including PfS and representatives from Wates Construction Ltd. The risk register has subsequently been updated by the project team to reflect changes in risk profiles of items as continuing project work has either reduced or closed the risk.
- 3.35 The top ten risks to the project are currently:
1. Coordination between the programmes in relation to increased risk attached to ICT, based on appropriate access by the ICT Provider
 2. Loss of continuity of education provision (standards and attainment)
 3. ICT interface between infrastructure and hardware procurement doesn't work or is unreliable
 4. Risk of Judicial Review of planning approval
 5. FF&E budget will not provide level of quality required
 6. Discovery of further asbestos on site
 7. Staff non-acceptance of learning spaces and FF&E in spaces
 8. Construction programme phasing of scheme not deliverable/ impacts on continuity of education. Buildings not opening on time
 9. Risk of call-in of Executive award of contract
 10. The project does not fund the aspirations of the sponsor, the academies and the LA
- 3.36 In respect of risk mitigation, each risk has a management strategy/mitigation process identified in the risk register as well as an action owner and review date. Risks will be monitored against review dates and/or in regular meetings at both project team and governance level. At project team level risk management will be a regular item on the Design User Group agenda and will continue after the contract is awarded in monthly progress meetings. Key risks and issues are highlighted by the LBB Project Manager to the Project Board in monthly meetings. The project contingency budget will be used to cover the cost of any risks should they materialise and have a mitigation cost. Members are asked to note this approach to risk management.

Additional works outside of the Design and Build Contract.

3.37 Members are asked to note Officers intention to appoint Wates Construction Ltd to undertake additional works outside of the Design and Build Contract. This contract covers urgent repairs to drainage on the site some of which must be completed before the enabling works phase of the Design and Build Contract (planned to commence on 17 December 2011 as a result of the recommendations in this report) to avoid either any delay to the contract and/or any disruption to the Academies. Delays to the contract as a result of the condition of existing drainage would significantly compromise the whole delivery of the Academies programme on time. As such works are so intrinsically related to the Design and Build Contract, Officers have obtained an exemption from the Director of Finance and Corporate Services from the usual requirement to seek three quotes for this low value contract as there are good operational and financial reasons for awarding such contract to Wates Construction Ltd.

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.

4.2 The value of this works contract will be £37,323,456. This includes the D&B Contract sum (as funded by PfS) plus the Council's additional contribution of £272,378.

4.3 The funding for the project is paid to the Local Authority from Partnerships for Schools as shown below in table 2:

Table 2

Funding Element	Funding (£)
D & B Contract Sum	£37,051,078
ICT Hardware	£2,675,500
Project Support	£300,000
Total funding allocation	£40,026,578
VAT on ICT Hardware (at prevailing rate at 1 st February 2011)	£535,100

Project Support funding of £300k has already been paid to the Council and the remainder of the funding will be paid in quarterly instalments based on the cashflow phasing schedule provided to PfS in the FBC. The cashflow phasing schedule identifies quarterly payments in line with the contractors milestone payments for the D&B Contract.

4.4 Funding for ICT Hardware (plus VAT on ICT Hardware) is paid to the Council in quarterly instalments as above however the ICT Hardware will be procured by E-ACT who will invoice the Council for reimbursement accordingly.

- 4.5 At OBC the original funding for this project from PfS was £41,627,577. In January 2011 as a result of a national efficiencies exercise a reduction of £1,601,000 was applied to the Crest project. The way in which this reduction was attributed to the D&B Contract and ICT Hardware elements of the budget was agreed with E-ACT and is reflected in table 2 in 4.3 above.
- 4.6 No further reductions in funding are anticipated. Members may wish to note that as one of the last Academies to be approved through the Academies Programme, the Crest Academies project is considered to be well funded in comparison to current Government school funding programmes.
- 4.7 In February 2010 the Executive approved the use of £1.6million from the Councils main capital programme for project support for Crest. At that time it was expected that a significant proportion of that budget would be spent on technical advisory and project management services. Members are asked to note that the project has remained within this £1.6m budget despite it now covering the following:
- Technical advice and project management (including internal resources)
 - Legal costs
 - Surveys
 - Communications and consultation costs
 - Additional contributions to the D&B Contract sum (as detailed in paragraph 3.33)
 - Separate contracts for emergency drainage repairs and off-site highway works, plus contributions to TfL for bus stop enhancements (as detailed in paragraphs 3.37 and 4.8).
 - All costs associated with telecom mast re-location (as detailed in paragraph 3.33 and 4.10)
 - Project contingency (to be used to address risks and unforeseen events)

All capital costs for the project are contained within the total funding available from the Council and PfS (£300k project support funding outlined in 4.3 above). See Appendix 3 for further details.

- 4.8 As the contracting authority the Council carries the risk of cost overruns; therefore officers will ensure that any potential additional costs are managed appropriately through the established project management framework. The Council's capital contribution outlined above includes a small client project contingency to address such risks and unforeseen events should they occur. Members are asked to note that the Council's contribution to the project was reduced to £1.6 million from the £5 million originally in the capital programme as a result of a decision made in the February 2010 Executive committee. That decision was made in the context of the relevant paragraphs in the report which highlighted that "potentially there could be a further call on the £5 million." For information, the Council has subsequently reduced the amount in the capital programme for Crest to £2.735 million. See further detail in Appendix 4.

- 4.9 The expenditure of project funding (including contingency) is approved by the Assistant Director for Property and Asset Management or Director of Regeneration and Major Projects accordingly. It is also reviewed monthly by the Crest Project Board and it is expected that the Council's Capital Portfolio Board will also review this project in monthly meetings.
- 4.10 Costs associated with the telecom mast relocation are shown in the council's budget (as a worst case scenario) but officers intend to recover these costs from others to ensure there is no financial impact to the council. For clarity, the cost shown in 4.2 above is the cost of additional work Wates Construction Ltd will complete as part of the D&B contract to physically accommodate the masts on the roof of one of the new buildings. This will be recovered from the telecoms operators (under the terms of agreements to lease). There are also costs for professional fees and legal costs which will be recovered from E-ACT (from existing rental income from telecom operators). At the start of the project to relocate the telecom masts (November 2010) the Council confirmed to PFS that it would underwrite any costs associated with the actions required. At that time, those costs were estimated to be up to £750k. The Council has now reduced these costs to a total of approximately £150k and has agreements to recover all of these costs to ensure there is no financial impact to the council.
- 4.11 In addition it is anticipated that the costs of the bus stop enhancements required by TfL (planning condition) and off-site highways works which are currently profiled in the council's budget will be recovered by Section 106 contributions from the Dollis Hill Estate residential development. Off-site highways works will be undertaken as a separate contract with the LBB Highways department.
- 4.12 The separate contract with Wates Construction Limited to undertake urgent drainage repair will be funded from the council's capital contribution.
- 4.13 There are also revenue implications for this project. There is an estimated requirement of £100k to cover general revenue costs to completion of the project; approximately £50k during 2011-12 and £50k between 2012-2015. This will be met by the existing Regeneration and Major Projects revenue budget. There is also a potential revenue requirement from April 2014 to meet the requirements of the Transport for London planning condition to implement bus capacity enhancements should the bus capacity assessment (to be undertaken by December 2011) identify a shortfall in capacity. Officers will appoint a planning consultant to assist in the discharge of this planning condition; responsibility for which falls directly to the Council. If required, the estimated cost of the bus capacity enhancements is a maximum of £55k per annum for three years (2014-2017); a total commitment of £165k. The Council will need to absorb this revenue cost in core budgets from April 2014 onwards should it be required.

5.0 Legal Implications

- 5.1 The Council is the registered proprietor of the freehold of the Crest Academies site with ownership being vested in the Council's name on 1st

September 2009 under education legislation following the closure of the Foundation Schools forming the John Kelly Technology Colleges. When the two schools became the Crest Academies on 1st September 2009 Brent Council granted E-ACT a 4 year lease of the existing school buildings pending completion of the development of the new Crest Academies buildings.

Design and Build Contract

- 5.2 The Design and Build Contract is being procured using a national framework agreement set up by PfS. The Public Procurement Regulations 2006 allow public bodies to set up framework agreements and prescribe rules and controls for their procurement.
- 5.3 Contracts can be called off under such framework agreements without the need for them to be separately advertised and procured through a full EU process. However, the call off process is itself quite heavily regulated. The Legal & Procurement Department has been involved in advising officers throughout on adherence to the rules contained in the Regulations and on the rules of the process established by PfS.
- 5.4 The call off contract is also subject to the Council's own Standing Orders in respect of High Value contracts and Brent's Financial Regulations. The Council's Contract Standing Orders state that no formal tendering procedures apply where contracts are called off under a Framework Agreement established by another contracting authority, where call off under the Framework Agreement is recommended by the relevant Chief Officer. However, this is subject to the Director of Legal & Procurement advising that participation in the Framework Agreement is legally permissible and approval to participate in the Framework being obtained from the Director of Finance and Corporate Resources. The Director of Legal & Procurement has confirmed that participation in the PfS Contractors' framework is legally permissible.
- 5.5 On 15 February 2010, the Executive gave its approval to the procurement route for the Academies and to the criteria to be used to shortlist tenderers and evaluate tenders. The same Executive meeting further authorised the Director of Children and Families Services, in consultation with the Borough Solicitor, to agree the selection of the selected panel member for the Design and Build Contract following evaluation of tenders. Having considered all relevant matters, the Director made the decision to appoint Wates Construction Ltd as Selected Panel Member on 12 April 2011. Following further liaison with Wates Construction Ltd, Officers now seek approval to award the Design and Build Contract subject to approval of the FBC and the signing of a Development Agreement with the sponsor, E-ACT.
- 5.6 The Design and Build Contract is a template PfS document on standard terms. Officers and representatives from Wates Construction Ltd have met to discuss minor derogations from the template contract to reflect project specific elements. There has been agreement between the parties that

certain derogations are required and the council will seek PfS consent to all such derogations.

- 5.7 As detailed at paragraphs 3.28 and 3.29, the Planning Service issued a Planning Decision Notice on 19 October 2011 and in view of the intended date of award of the Design and Build Contract there is a residual risk of judicial review of the Planning Decision Notice. This is because judicial review proceedings may potentially be commenced within 3 months of the date of such Notice. The council has previously accepted such residual risk of judicial review of the planning decision in the OBC. Officers have not to date received notice of any intended judicial review proceedings.
- 5.8 Because of its financial implications and community significance, approval of the FBC is a Key Decision and should normally be for the Executive. However, as the FBC is still in draft and further comments are awaited from PfS as part of the peer review process, taking the FBC to a later Executive would delay submission of the final FBC to PfS and subsequent approval of the FBC. Until the FBC is approved, the council is unable to award the Design and Build Contract therefore a delay to the commencement on site would occur. Accordingly, the Executive is asked in the recommendations in this report to approve the draft FBC and to delegate to the Director of Regeneration and Major Projects, in consultation with the Director of Corporate Finance authority to approve the FBC for onward submission to Partnership for Schools (PfS).
- 5.9 In addition to the Design and Build contract, Officers wish to award a contract to Wates Construction Ltd in respect of urgent repairs to drainage on the site some of which must be completed before the enabling works under the Design and Build Contract. Such contract is classed as a Low Value Contract and would ordinarily require Officers to seek at least three quotes. As detailed at paragraph 3.37, given the nature of the works is so closely related to the main Design and Build Contract, the Director of Finance and Corporate Services has granted an exemption from such requirement pursuant to Contract Standing order 84 (b).

Development Agreement

- 5.10 The Development Agreement to be entered into by the Council and E-ACT provides for the grant of 125 year lease to E-ACT. It is a template PfS document on standard terms which provides for the Crest Academies to occupy the existing buildings and temporary classrooms on the Crest Academies site during the development phase and decant to the new Academies buildings on a phased basis.
- 5.11 From practical completion of the phases the Crest Academies will occupy the new Academies buildings on an occupational licence until the expiry of the defects liability period. On issue of the Final Certificate the Council will grant E-ACT the Academy Lease a 125 year lease at a peppercorn rent.
- 5.12 The two Telecom consortia comprising the operators of the existing six installations on the existing buildings will enter into agreements for lease with

the Council in respect of two new joint telecom installations to be constructed on the roof of the new Boys' Academy building. The Assistant Director for Property and Asset Management will enter into these Agreements for Lease under his delegated authority. The two telecom leases which provide for the payment of commercial rents will be granted to the consortia on the completion of the new telecom installations and the surrender of the existing installations. E-ACT will become the landlord of the telecom consortia on completion of the Academies Lease.

- 5.13 There will in addition be a lease granted to the electricity undertaking of the new electricity substation to be constructed as part of the development.

6.0 Diversity Implications

- 6.1 An Equality Impact Assessment of the rebuilding of Crest Academies has been undertaken in consultation with the Council's Diversity Team and is attached as Appendix 5.
- 6.2 The Equality Impact Assessment indicates that there is no adverse impact as a result of the rebuilding of the Crest Girls' and Crest Boys' Academies.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 No LBB staffing/accommodation implications for the immediate purpose of this report.

Background Papers

Project files

Executive Reports

- C&F-09/10-001 Discontinuance of John Kelly Boys' Technology College and John Kelly Girls' Technology College and their replacement by the Crest Boys' Academy and the Crest Girls' Academy (June 2009)
- C&F-09/10-004 New Accommodation for John Kelly Boys' Technology College and John Kelly Girls' Technology College to be replaced by the Crest Boys Academy and the Crest Girls' Academy (July 2009)
- C&F-09/10-017 Crest Academies: the next steps including procurement and submission of Outline Business Case (February 2010)
- April 2011 Technical Amendment report

Appendices

1. Draft FBC (and all appendices including risk register) - Not for publication
2. ITT Evaluation Summary - Not for publication

3. Summary breakdown of Council's capital contribution
4. Additional Council's Capital Contribution - Not for publication
5. Equality Impact Assessment

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Executive Committee Report - 14 November 2011

Authority to Award Design and Build Contract to Rebuild the Crest Girls' and Crest Boys' Academies


Appendix 3

Summary of Council's Capital Contribution and Overall Project Support Funding

The table below outlines the total amount of project support funding agreed for Crest Academies. It includes £300k already received from PfS for project support and the Council's agreed contribution of £1.6 million. It provides further detail to the descriptions provided in the Financial Implications section of the main report and identifies the project contingency. All other project costs are contained within the PfS D&B contract sum and ICT hardware budget which are identified separately in paragraph 4.3 of the main report.

	Total Capital Cost (£)	Total Capital Budget (£)
Funding		
Agreed LBB Capital Funding		1,600,000
Received PfS Project Support Funding		300,000
GRAND TOTAL		1,900,000
Summary of Costs		
Total External Support (e.g. technical advisors)	685,632	
Total Internal Staff	298,705	
Total Internal Departments (e.g. legal services)	151,348	
Total Non Staff Costs (e.g. communications)	39,600	
Total Surveys and Other Costs	104,288	
Total Separate Contracts (e.g. off-site highways works and drainage)	197,000	
Additional contribution/Increase to D&B Contract Sum	272,378	
GRAND TOTAL	1,748,951	
Balance / Project Contingency		151,049

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	Executive 14 November 2011 Report from the Director of Finance and Corporate Services
Wards Affected: [ALL]	
Project Athena – Phase 1 – Human Resources and Payroll	

1.0 Summary

- 1.1 This report concerns the transfer of the Council's HR and payroll system from a Logica based system onto an Oracle IT platform. This report requests approval to participate in a collaborative procurement with 5 other London boroughs to establish a framework agreement for Oracle 12 Joint Service Implementation. The recommendations in this report are part of a London-wide project, Project Athena, which is supported by Capital Ambition, aimed at looking at increased integration of back-office systems and processes across London boroughs.

2.0 Recommendations

- 2.1 The Executive to give approval for the council to participate in a collaborative procurement exercise leading to the establishment of a framework agreement for Oracle 12 Joint Service Implementation..
- 2.2 The Executive to give approval to the collaborative procurement exercise detailed in 2.1 above being exempted from the normal requirements of Brent's Contract Standing Orders in accordance with Contract Standing Orders 85(c) and 84(a) on the basis that there are good financial and operational reasons as set out in the report below.

3.0 Detail

- 3.1 This report seeks approval from Members to complete a procurement exercise that will result in Brent transferring from its current Logica based HR/payroll system to an Oracle based HR/payroll system.
- 3.2 The Council's current contract for the Logica based system runs out in October 2012. Whilst theoretically it would be possible to renew the

existing agreement, in practice the system is not widely used in local government and it is unlikely that Logica would put resources into upgrading the system. The current system has limited capacity to provide the council with functionality that is expected of a modern system including high degrees of self-service and good quality information. The result is that the council retains inefficient HR processes which impact on the number of staff required in the People and Development Service Unit and means that significant numbers of staff are required throughout the organisation to carry out business support functions that are needed because of manual processes. It also makes it very difficult for the council to carry out effective workforce planning and management at a time of significant change as a result of budget reductions.

- 3.3 The council has recently rolled out the Oracle financial system across the council and there is a good business case to consolidate all the council's main back office systems on the one IT platform. In addition, work is being carried out on a London-wide basis to develop a co-ordinated approach to use and upgrade of back-office systems.
- 3.4 This cross-London project is managed through the One-Oracle Group – which is part of a wider project looking at integration of back office systems called Project Athena. The One-Oracle Group formed a Joint Services Procurement Group (JSPG) to explore the potential of approaching the market as a partnership, rather than as individual local authorities. Capital Ambition supported this initiative and has provided funding to the lead partners (Havering, Lambeth and Lewisham) to set up a procurement exercise that will result in a contract framework (the “Framework”) for all One Oracle members to access. The Framework will contain ‘Lots’ for procuring systems integration, the services of a Data Hosting service (remote data centre), and Support and Maintenance of the systems.
- 3.5 The aim of this co-ordinated work is to:
 - a. enable the councils involved in upgrading to the new version of Oracle (version 12) – or moving onto Oracle HR/Payroll for the first time - to procure support for that upgrade on a joint basis. Funding to support the procurement process has been provided by Capital Ambition which reduces the overall procurement costs. In addition, by procuring support for the procurement collectively, there is an expectation that economies of scale will reduce the cost of bids.
 - b. allow councils to share the hosting of the hardware needed to support the system. This means that individual councils will not have to incur costs maintaining and upgrading the hardware although there will be costs in paying for hosting;
 - c. provide long term resilience to changes in the IT required to run the system by ensuring that any costs involved will be shared with others using the system;

- d. provide options in the longer term to look at closer integration of back office processes leading potentially to the sharing of services between councils which have adopted the same IT platform.

3.6 The initial cost of implementation of the new system is estimated at £1.9m of which £1.4m is estimated to be external costs and £500k would be internal implementation costs. The benefits from the project included in the business case are as follows:

- a. savings from staffing reductions within the People and Development Service Unit estimated at £368k per annum (amounting to £1.840m over a 5 year period);
- b. savings in other parts of the organisation from more efficient process of up to £799k per annum (£3.995m over a 5 year period);
- c. increased automation of process and reduced paper helping the council to take full advantage of the opportunities for modern ways of working provided by the move into the Civic Centre;
- d. cleansing of data as part of this project enabling the move to a Brent core contract for staff which will ensure improved consistency of terms and conditions;
- e. improved people management, including more consistency in processes, better workforce planning, and better management information;
- f. improved sharing of information with other authorities for benchmarking and other purposes.

3.7 The proposed tender is to establish a framework agreement for Oracle 12 Joint Service Implementation. The Framework will be split into 3 lots namely:

- Lot 1 (Systems Integration and new functionality)
- Lot 2 (Systems Housing Solutions)
- Lot 3 (Software support and maintenance for Oracle E-Business Suite)

A single organisation will be appointed to each lot. The Framework will be for a period of 4 years although individual call-off contracts may last for longer. Once the Framework is established, eligible authorities (including Brent) will be entitled to call-off those lots they require. Currently, Officers consider that Brent will need to call off Lot 1 on the letting of the Framework. This will involve the engagement of a Systems integrator to assist the Council to install and configure a completely new HR/payroll system based on an Oracle platform. The move from one system to another is complex and requires the support of external experts to ensure that the implementation is effective, including ensuring that business process changes, staff training and data cleansing are all effective. The implementation will require considerable commitment from internal and external resources to guarantee a successful and sustainable project outcome.

- 3.8 The procurement exercise is being led by the London Borough of Lambeth but there are five other active partner boroughs (Lewisham, Croydon, Barking & Dagenham and Havering). Brent has been involved in the planning for the procurement exercise since it joined the One Oracle Group. To express commitment to the procurement approach, Officers have signed a Memorandum of Understanding that links the objectives of Project Athena with the ambitions of the One Oracle Group.
- 3.9 Whilst Lambeth is the lead authority for the procurement, the development of the technical specification, the Pre-Qualification Questionnaire (PQQ), the setting of evaluation criteria (these will be based on a 50/50 price/quality split) and the Invitation to Tender (ITT) is being done on a collaborative basis with input from all members of the One Oracle Group. It is proposed that assessment of PQQs and the evaluation of bids for each lot will be carried out by a joint panel of officers from the One Oracle Group. Once the Framework has been established, individual authorities will have the option to call-off the Framework for the lots they consider appropriate.
- 3.10 A restricted procurement process is being used to procure the Framework. The timetable for this procurement assumes award of the Framework in February 2012. As detailed in paragraph 3.7, currently Officers consider that Brent will need to call off a contract under Lot 1 on the letting of the Framework which will involve the engagement of a Systems integrator to assist the Council to install and configure a completely new HR/payroll system based on an Oracle platform. This would require mobilisation of the implementation phase from April 2012. There will be testing of the new system from August 2012 with a Go Live date of October 2012. Officers would in due course seek Executive approval to award such call-off contract.
- 3.11 There are significant risks associated with the project that will be managed as part of the project implementation. These are as follows:

Risk	Mitigating action
There is a risk to the security of data held in shared data centres, particularly those located in the United States where the government can request access to any data that is held in a data centre (regardless of where it is located) that is managed by a US based company or any company that has significant market presence in the USA.	<ol style="list-style-type: none"> 1. Monitoring of the risk during the procurement process. 2. Assessment of risk versus benefits prior to letting the contract. 3. Fall back option that the council continues to host the system in its own data centres.
Failure to implement Oracle HR before the Logica contract expires will result in additional contract	<ol style="list-style-type: none"> 1. Effective project management of both procurement and implementation phases

extension costs.	<ol style="list-style-type: none"> 2. Ensuring sufficient⁵ project resource to deliver the project on time. 3. Discussions to be held with Logica about implications of potential contract extension
Ensuring continued senior commitment and leadership in a difficult changing environment as differing priorities may emerge within partner authorities impacting project deliverables.	<ol style="list-style-type: none"> 1. Project Athena governance arrangements across London 2. One Council Programme project governance arrangements in Brent
Possible disengagement with the project by operational teams through nervousness of shared services and lack of trust in management.	<ol style="list-style-type: none"> 1. Involvement of employees during the design and build phase 2. Proactive communications with stakeholders as part of a change management programme.
Estimates of costs and savings in the business case are not achieved	<ol style="list-style-type: none"> 1. The estimates of costs and savings are based on an assessment by external consultants of similar projects and an assessment of the current position within Brent 2. The business case will be updated at each stage of the project to ensure that the assumptions used in the business case still apply 3. Measures will be put in place to capture savings from this project, including those directly within the People and Development Services Unit and those arising from efficiency savings in other parts of the organisation.

3.12 As detailed in paragraphs 3.5 and 3.6, Officers consider that there are good financial and operational reasons to participate in the collaborative procurement of the Framework. It has been agreed by the One Oracle Group that Lambeth will lead on the procurement. There are some differences between Lambeth's and Brent's Contract Standing Orders and Financial Regulations. As Lambeth are leading on the procurement however, Officers consider that there are good financial and operational reasons why Lambeth's Contract Standing Orders and Financial Regulations rather than Brent's should be used. As a result approval is sought for the collaborative procurement to be exempt from the normal requirements of Brent's Contract Standing Orders and Financial Regulations.

3.13 Once evaluation of tenders has concluded, Officers would intend reporting the proposed award of the Framework to the Executive and also seeking approval to the award of any call-off contracts from the Framework. Taking part in the collaborative procurement will not

however impose any commitment to potential tenderers that Brent will enter into any call-off contracts under the Framework.

4.0 Financial Implications

- 4.1 The application of the Council's Contract Standing Orders and EU Regulations to this Framework is set out in the Legal Implications Section below.
- 4.2 The cost of leading the procurement process for the Framework is being met by monies received from Capital Ambition. Costs incurred by Brent in participating in the procurement process will be met within existing budgets.
- 4.3 As detailed in paragraph 3.7, currently Officers consider that Brent will need to call off a contract under Lot 1 on the letting of the Framework which will involve the engagement of a Systems integrator to assist the Council to install and configure a completely new HR/payroll system based on an Oracle platform. The estimated value of this contract is £1.481m.
- 4.4 The total costs of implementation are estimated at £1.887m after taking account of costs already allowed for within council budgets. Most of these costs will be incurred during 2012/13.
- 4.5 The business case for this project includes savings of £368k per annum within the People and Development Services Unit and up to £799k per annum through efficiencies in other parts of the organisation. The payback period for investment in this project is therefore estimated at 2 years.
- 4.6 The up-front cost will be met through invest to save funds in a similar way to other One Council projects. The costs will be paid back from net project savings. Once costs have been repaid, savings will contribute toward addressing the council's budget gap.

5.0 Legal Implications

- 5.1 Approval is sought for the Council to participate in a collaborative procurement leading to the establishment of a framework agreement. Whilst Lambeth is leading on the procurement, Brent will have the right to make call-offs over the lifetime of the Framework.
- 5.2 The framework is being procured by means of a collaborative procurement exercise. Under Contract Standing Orders 85(c) such collaborative procurements need to be tendered in accordance with Brent Standing Orders and Financial Regulations, unless the Executive grants an exemption in accordance with Standing Order 84(a). A request for an exemption under Standing Order 84(a) can be approved by the Executive where there are good operational and / or financial

reasons, and these reasons are set out in paragraphs 3.5 and 3.6 above.

- 5.3 The estimated value of the Framework over its lifetime is higher than the EU threshold for Services under the Public Contracts Regulations 2006 (“the EU Regulations”). As computer and related services are classed as Part A Services under the EU Regulations, the Framework must be procured fully in accordance with such legislation, to include advertising the framework agreement in the Official Journal of the European Union. The EU Regulations also ensure that the duration of a framework is required to be up to 4 years.
- 5.4 Following the evaluation of tenders, Officers will report back to the Executive explaining the process undertaken regarding the proposal to appoint one organisation to each of the three lots under the Framework. Officers will also report to the Executive in accordance with Contract Standing Order 86(d) seeking authority to award any call-off contracts from the Framework.
- 5.5 At the current time, Officers have not made any firm decisions as to what contracts will be called off from the Framework and therefore it is not possible to advise whether the Transfer of Undertaking (Protection of Employment) Regulations 2006 (“TUPE”) are likely to apply. Members are however referred to Section 7 below for further details of possible staffing / employment implications.

6.0 Diversity Implications

- 6.1 This project will provide HR online self-service to all Council staff. HR self-service forms part of the New Ways of Working (“NWW”) objective and is therefore being discussed in forums relating to the new civic centre move. Issues such as access to IT equipment will be address in the NWW forum.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 This service is currently provided by HR and payroll back office transactional staff and it is anticipated that staff numbers will be reduced in these areas. This will also reduce the demand for office space.
- 7.2 Full staffing implications are not known at this stage and will be largely dependent on what lots the council decides to call-off from the framework. It is likely however that this project will utilise ‘cloud’ technology that will be hosted, managed and maintained remotely. There could therefore be some impact on the Council’s ITU support staff. The proposed system will require some ITU staff to be trained in Oracle Release 12 systems.

8.0 Background Papers

8.1 Project Overview – Policy Group

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