



## Executive

**Monday 14 January 2013 at 7.00 pm**

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

### Membership:

#### Lead Member Councillors:

#### Portfolio

Butt (Chair)	Leader/Lead Member for Corporate Strategy & Policy Co-ordination
R Moher (Vice-Chair)	Deputy Leader/Lead Member for Finance and Corporate Resources
Arnold	Lead Member for Children and Families
Beswick	Lead Member for Crime and Public Safety
Crane	Lead Member for Regeneration and Major Projects
Hirani	Lead Member for Adults and Health
Jones	Lead Member for Customers and Citizens
Long	Lead Member for Housing
J Moher	Lead Member for Highways and Transportation
Powney	Lead Member for Environment and Neighbourhoods

**For further information contact:** Anne Reid, Principal Democratic Services Officer  
020 8937 1359, [anne.reid@brent.gov.uk](mailto:anne.reid@brent.gov.uk)

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**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

**Item** **Page**

**1 Declarations of personal and prejudicial interests**

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

**2 Minutes of the previous meeting** 1 - 10

**3 Matters arising**

**Adult and Social Care reports**

**4 Authority for the Director of Regeneration and Major Projects and Director of Adult Social Services to jointly award supporting people contracts** 11 - 16

This report requests that the Executive delegates authority for the Director of Regeneration & Major Projects and the Director of Adult Social Services in consultation with the Leader and Lead Members to award six (6) call-off contracts from the Supporting People Framework.

**Ward Affected:**  
All Wards

**Lead Member:** Councillors Hirani and Long  
**Contact Officer:** Alison Elliott, Director of Adult Social Services  
Tel: 020 8937 4230 [alison.elliott@brent.gov.uk](mailto:alison.elliott@brent.gov.uk)

**5 Blue Badge Scheme** 17 - 40

This paper provides: an overview of the Blue Badge scheme and its enforcement; the recent national changes to the Blue Badge scheme; the proposed changes to the administration of Blue Badges in Brent, and the proposed changes to enforcement in Brent.

**Ward Affected:**  
All Wards

**Lead Member:** Councillors Hirani and J Moher  
**Contact Officer:** Alison Elliott, Director of Adult Social Services, Sue Harper, Director of Environment and Neighbourhood Services  
Tel: 020 8937 4230, Tel: 020 8937 5192  
[alison.elliott@brent.gov.uk](mailto:alison.elliott@brent.gov.uk),  
[sue.harper@brent.gov.uk](mailto:sue.harper@brent.gov.uk)

## Environment and Neighbourhood Services reports

- 6 Green Charter monitoring report** 41 - 66

The Executive adopted the Council's Green Charter in January 2012. This report updates the Executive on the council's progress since then.

**Ward Affected:**  
All Wards

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

## Regeneration and Major Projects reports

- 7 School Expansion (Secondary) Programme 2012-16** 67 - 90

In August 2012 the Executive approved the strategy for a primary school expansion programme 2012-16. This report sets out the strategy for meeting the projected shortfall of secondary school places in Brent from September 2014. It also includes an update on meeting the demand for SEN provision.

**Ward Affected:**  
All Wards

**Lead Member:** Councillors Arnold and Crane  
**Contact Officer:** Richard Barrett, Property and Asset Management  
Tel: 020 8937 1334 richard.barrett@brent.gov.uk

- 8 Authority to allocate Main Capital Programme Funding for the expansion of Vicar's Green Primary School** 91 - 106

This report requests Executive approval to Brent Council providing funding to the London Borough of Ealing for the expansion of Vicar's Green Primary school by 1 form of entry. 15 out of the 30 places in the new form of entry are expected to be taken up by Brent children. Accordingly, a consultation will commence in January 2013 to expand the catchment area for admissions to include Brent residential areas.

**Ward Affected:**  
Alperton

**Lead Member:** Councillors Arnold and Crane  
**Contact Officer:** Richard Barrett, Property and Asset Management  
Tel: 020 8937 1334 richard.barrett@brent.gov.uk

## Central Reports

- 9 London Living Wage** 107 - 116

This report sets out recommendations for the Council to pursue implementation of becoming an accredited London Living Wage (LLW) organisation. It sets out the policy context and reasons for this

commitment. It also explains the necessary caveats and conditions the Council will need to apply in order to protect the integrity of its' financial position.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Butt  
**Contact Officer:** Phil Newby, Director of Strategy, Partnerships and Improvement  
Tel: 020 8937 1032 phil.newby@brent.gov.uk

## 10 Brent Working with Families Strategy

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The Working with Families project aims to fundamentally improve the way that Brent Council and its partners identify and deliver services to the borough's most vulnerable families. Underpinned by the national Troubled Families Programme, the project recognises that families and agencies can realise significant benefits from changing the way that services are delivered to families with complex needs. These benefits can only be achieved as a result of a whole systems change, a significant shift in attitude and approach, including a shift to a family focus, and genuine partnership working across agencies.

**Ward Affected:**  
All Wards

**Lead Member:** Councillors Arnold and Butt  
**Contact Officer:** Phil Newby, Director of Strategy, Partnerships and Improvement  
Tel: 020 8937 1032 phil.newby@brent.gov.uk

## 11 Annual Audit Commission Letter

147 -  
150

This report presents the Annual Audit Letter for 2011/12, which was produced by the Audit Commission.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Butt  
**Contact Officer:** Mick Bowden, Deputy Director of Finance  
Tel: 020 8937 1460 mick.bowden@brent.gov.uk

## 12 London Housing Consortium

151 -  
176

This report seeks the Executive's approval that the London Housing Consortium, of which Brent Council is a member, is formalised as a Joint Committee for the purposes of section 101(5) of the Local Government Act 1972, and that Brent Council continues its membership of the London Housing Consortium ("LHC") as a Joint Committee member.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Long  
**Contact Officer:** Fiona Ledden, Director of Legal and Procurement  
Tel: 020 8937 1292 fiona.ledden@brent.gov.uk

## Children and Families reports

### 13 Any Other Urgent Business

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

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

None.

### 15 Exclusion of Press and Public

The following items is not for publication as it relates to the following category of exempt information as specified in the Local Government Act 1972 namely:

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

### 16 Compulsory purchase: property on Northwick Avenue

**Ward Affected:**  
Northwick Park

**Lead Member:** Councillor Crane  
**Contact Officer:** Fiona Ledden, Director of  
Legal and Procurement  
Tel: 020 8937 1292 [fiona.ledden@brent.gov.uk](mailto:fiona.ledden@brent.gov.uk)

**Date of the next meeting: Monday 11 February 2013**



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

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE EXECUTIVE Monday 10 December 2012 at 6.00 pm

PRESENT: Councillor Butt (Chair) and Councillors Arnold, Beswick, Crane, Hirani, Jones, Long and Powney

Also present: Councillors Hashmi, Lorber, CJ Patel, Pavey and Thomas

Apologies for absence were received from: Councillors R Moher and J Moher

1. **Declarations of pecuniary interests**

None made.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 12 November 2012 be approved as an accurate record of the meeting.

3. **Matters arising**

None.

4. **Deputation - Award of Contract for Highway Services**

With the consent of the Executive, George Fraser representing the GMB Trade Union, addressed meeting in connection with the report from the Director of Environment and Neighbourhood Services which requested authority to award a call off contract to deliver highways maintenance and related services from 1 April 2013 to March 2021. He spoke against the proposals which he felt would have an adverse effect on employees some of whom had many years' service with the council. George Fraser questioned the financial basis for aspects of the contract and the justification for outsourcing given the TUPE (Transfer of Undertakings (Protection of Employment) Regulations arrangement and income projections making specific reference to the future of the Sign Shop and whether that was included in the contract. He felt that the savings to be made appeared to disproportionately affect the lower paid and staff had not received adequate assurances of future employment prospects.

The Executive thanked Mr Fraser for his contribution.

5. **Authority to participate in the London Highways Contract for Highway Services**

Councillor Powney (Lead Member, Environment and Neighbourhoods) introduced the report from the Director of Environment and Neighbourhood Services which advised that the current Brent highway framework agreements ended on 31 March 2013 and requested that authority be granted to award a call-off contract to Conway AECOM with total anticipated value of £7.8m per annum to deliver highways maintenance and related services on and around the London Borough of Brent Road Network from 1 April 2013 to 31 March 2021, as required by Contract Standing Order 88. Councillor Powney advised that the proposed contract was a call off from one of the London Highways Alliance Contract (LoHAC) framework agreements, the product of a collaborative procurement which would be accessible to all London Boroughs and Transport for London (TfL). The report also set out the financial savings of £485,000 a year and other benefits associated with the contract.

Referring to the deputation earlier in the evening from George Fraser (GMB) Councillor Powney drew members' attention to the recommendations in the report and to the opportunities that would come from having a common specification to compare prices and achieve savings by challenging contractors. He also referred to the TUPE implications set out in the report and additional payments that may be necessary. Redundancies were not anticipated at this stage. The Director of Environment and Neighbourhood Services clarified that the contract was wider than just highway services currently provided in-house and drew attention to the financial tables in the report which set out the services to be procured and from where savings were expected. The Director stated that many services were already on the framework with better rates through economies of scale, confirmed that redundancies were not expected and the Sign Shop would be included.

The Chair, Councillor Butt (Leader of the Council) assured members of staff present from the Highways Services team that their concerns were being taken seriously, that dialogue with trade unions should continue and time made available for further discussions.

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 adoption of Transport for London's London Highways Alliance Contract as the Council's method of delivery for highways maintenance services from 1 April 2013;
- (ii) that approval be given to the award of a call-off contract with Conway AECOM for core highways maintenance services and improvement schemes as set out in paragraph 4.1 for 8 years for the services listed in paragraph 3.7.2 of the report from the Director of Environment and Neighbourhood Services;



- (iii) that it be acknowledged that the value of the contract for the provision of highways maintenance services is estimated to be circa £62.4m over the duration of the contract;
- (iv) that the Director of Environment and Neighbourhood Services be authorised, in consultation with the Lead Member for Highways and Transportation, to finalise the terms of the call off contract and to agree any additional payment required under the contract to the contractor named above as a result of legal obligations on TUPE and pension protection;
- (v) that the TUPE implications set out in section 7 of the Director's report be noted;
- (vi) that authority be delegated to the Director of Environment and Neighbourhood Services, in consultation with the lead member, to finalise the terms of the call off contract and to agree any additional payment required under the contract to the contractor named above as a result of legal obligations on TUPE and pension protection and more exceptionally, payments that might be made for severance.

#### **6. Fostering Service Annual report - March 2011 - April 2012**

Councillor Arnold (Lead Member, Children and Families) introduced the report which informed the Executive of the work undertaken by the Fostering Service between April 2011 and March 2012. The report provided the Executive with information on the service offered to foster carers and outcomes for children including compliance with the National Minimum Standards. The report also gave an update on the activity of the Fostering Panel and work undertaken to improve the recruitment and retention of foster carers. Councillor Arnold highlighted the improvements to the service which had been significant including the increase in the number of foster carers, reduced expenditure on external fostering provision and focus on improving fostering provision. Councillor Arnold also referred to the statement of purpose which was before the Executive for approval.

RESOLVED:-

- (i) that the contents of both the Fostering Service Annual Report and Regulation 35 Report be noted;
- (ii) that approval be given to the Fostering Service Statement of Purpose 2012-13 appended to the report from the Director of Children and Families.

#### **7. School funding reforms 2013/14**

The report before the Executive advised that following a nationwide consultation the Department for Education had introduced new legislation requiring all local authorities to amend their local Schools Fair Funding Formulae from April 2013. Councillor Arnold (Lead Member, Children and Families) drew attention to the short timescale involved in approving Brent Fair Funding Formula for which the Executive had statutory responsibility following consultation with the Schools Forum. In setting the formula key considerations had been to ensure consistency and minimise turbulence as far as possible. No secondary school would lose more than 1.5% per

pupil. The Director advised that the Schools Forum was in general support of the proposals but at their meeting the previous week had requested that had additional concerns expressed be brought to members' attention. These were circulated separately in advance of the meeting. Councillor Arnold advised that the Funding Formula would be kept under review.

Arnold Meagher (Legal and Procurement) advised that specific equalities issues, such as special educational needs and deprivation, were referred to throughout the report and the Executive would need to give due regard to equal opportunities implications.

The Executive noted the comments and agreed the recommendations in the Director's report.

RESOLVED:-

that approval be given to the following:

- (i) the adoption of Model 2 (Appendix C) as the Fair Funding Formula for Brent Schools for 2013/14 with the impact being closely monitored with the Schools forum over the coming year and reviewed again for the 2014/15 financial year;
- (ii) the level of protection to be used for Special Educational Needs (SEN) as set out in Appendix E of the report from the Director of Children and Families;
- (iii) the transfer of £1m from the High Needs Block to the Schools Block to be distributed via the Income Deprivation Affecting Children Index (IDACI) for Primary Sector and IDACI and Attainment for Secondary Sector, to be used as a proxy for SEN needs between £6k and £12k;
- (iv) the transfer of £500k from the Schools Block to the Early Years Block for SEN in Early Years;
- (v) to switch the deprivation factor in Early Years from using the Index of Multiple Deprivation (IMD) to using IDACI.

## **8. Strategy for Implementing the Two Year Old Early Education and Childcare Free Entitlement**

The report from the Director of Children and Families advised that the government was extending the provision of 15 hours of free early learning and childcare for disadvantaged two year olds (2 YOs) on a statutory basis in two phases. From September 2013 (Phase 1) the government estimated that 20% of this age group will benefit nationally. The scheme will be extended in Phase 2 from 2014 when 40% of 2YOs will benefit.

Councillor Arnold (Lead Member, Children and Families) in commending the report to the Executive stated that the proposals were in line with council objectives particularly the Children and Young People's Plan as well as the One Council Working with Families project and the government's Troubled Families initiative. To meet the anticipated demand for places by September 2013 the council would be

working with private, voluntary and independent nurseries and childminders to achieve improvements that would generate additional places and Councillor Arnold asked the Executive to approve the strategy to implement the September 2013 two year old childcare and early education offer.

RESOLVED

- (i) that approval be given to the strategy to implement the offer of free childcare to two year olds based on eligibility for a free school meal from September 2013;
- (ii) that agreement be given to a further report in the early summer of 2013 updating on progress with the September 2013 offer and the strategy to implement the September 2014 offer;
- (iii) that officers review the current policy for funding full time places in schools, including a full consultation with stakeholders, with a report back to Executive in the autumn of 2013.

**9. Authority to award a framework agreement for the provision of school meals services to Brent schools**

The report from the Director of Children and Families requested authority to award a framework agreement for the provision of school meal services as required by Contract Standing Order No 88. The report summarised the process undertaken in tendering this Framework Agreement and recommended a method for the appointment of contractors to the Framework Agreement. The Lead Member for Children and Families, Councillor Arnold, outlined the tender process which she said had been robust and following which two contractors were being recommended for appointment. Currently, 22 schools had expressed an interest in being part of the joint procurement exercise and calling off their school meal services from the framework agreement when in place.

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 it be noted that there had been amendments to the evaluation criteria approved by the Executive on 23 April 2013 for appointment to the Framework Agreement for the reasons detailed in paragraph 3.8 of the report from the Director of Children and Families;
- (ii) that the procurement process for the Framework Agreement as set out in section 3 of the report from the Director of Children and Families be noted;
- (iii) that the Director of Children and Families be authorised, in consultation with the Director of Legal and Procurement, to approve the award of Framework

Agreement and the appointment of two contractors referred to in the report from the Director of Children and Families onto the Framework Agreement for a period of three years from 4 January 2013 (with the option to extend for up to one year).

## 10. **Cemeteries Strategy**

Councillor Powney (Lead Member, Environment and Neighbourhoods) introduced the report from the Director of Environment and Neighbourhood Services which provided the Executive with an overview of Brent's Cemeteries Strategy. The strategy concerned the four cemeteries owned and managed by Brent Council and would enable the council to provide an inclusive and cost effective service to meet current and future demand for burial. Councillor Powney referred members to the Strategy which he considered to be comprehensive focusing on burial and also treating cemeteries as valuable green spaces. He highlighted the priorities in the action plan appended to the report and objectives which provided for each cemetery to have its own management plan to help investment in the service.

Councillor Hirani (Lead Member, Adults and Health) referred to the absence of a crematorium in the borough acknowledged in the report due to the lack of a suitable location noting that this would be reviewed should a suitable location become available in future with the necessary funding.

RESOLVED:

- (i) that the findings of the strategy be noted and agreement given to its vision to "meet the needs of bereaved people and the wider community within the borough" by
  - conducting the burial and commemoration of the dead of the diverse community in a secure, sustainable and well-maintained environment.
  - offering burial options at a choice of four cemeteries.
  - enabling local communities to access cemeteries as valuable historic green spaces which promote wellbeing, biodiversity, learning and recreation;
- (ii) that the three inter linked objectives which have been formed to deliver the vision of the strategy, as set out in paragraphs 3.19, 3.20 and 3.21 of the report from the Director of Environment and Neighbourhood Services be noted;
- (iii) that the action plan to deliver the strategy (attached as Appendix 2 of the Director's report) be noted;
- (iv) that approval be given to the principle of using Invest to Save funding to increase the availability of burial space.

## 11. **Disposal of the Town Hall**

Councillor Crane (Lead Member, Regeneration and Major Projects) reminded the Executive that with the building of the new Civic Centre, the existing Town Hall site would become surplus to the council's requirements during 2013. Previous reports

to the Executive had outlined that the council needed to maximise the capital receipt for the Town Hall in order to contribute towards the Civic Centre business plan. Councillor Crane outlined the marketing exercise undertaken for the Town Hall which formally started in March 2012, following which five submissions were received. He drew members' attention to the legal implications and the appendix to the report which was not for publication, and made recommendations in respect of the disposal of the Town Hall site to a preferred bidder referred to in the report, or to the reserved bidder, depending on the outcome of negotiations and subject to planning permission.

Appendices to the report were not for publication as they contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:-

- (i) that approval be given to the disposal of the Town Hall site for the sum set out in the confidential Appendix 1 of the report from the Director of Regeneration and Major Project, to the preferred bidder, or depending on how negotiations proceed, agree a sale to the reserve bidder - the second highest bid and that the Director of Regeneration and Major Projects to be authorised to agree the final terms and to complete the disposal;
- (ii) that the Director of Regeneration and Major Projects be authorised, in consultation with the Director of Legal and Procurement, to appropriate the Town Hall site as shown heavily outlined in black on the plan comprised in Appendix 2 for the planning purposes of facilitating the redevelopment of the Town Hall site pursuant to section 122 of the Local Government Act 1972.

## 12. **Public Health Contracts - process for transfer and commissioning intentions for 2013/14**

The joint report from the Directors of Adult Social Services and Strategy, Partnerships and Improvement set out for the Executive plans for the transfer of public health service contracts to the council to ensure service continuity in 2013/14. Councillor Hirani (Lead Member, Adults and Health) stressed that the aim was to ensure continuity and hence the proposal for existing contracts due to expire on the 31 March 2013 to be extended by NHS Brent for at least one year and transferred to the council. Public Health contracts to be re-procured in line with the council's plans for the service and its procurement rules.

Councillor Hirani drew attention to three contracts currently commissioned by NHS Brent that they were recommending be discontinued namely: Central London Community Services - Contraceptive services; Young Addaction - Teenage pregnancy services and sexual health services for young people at the Cobbold Road Centre; and Lonsdale Practice - shared care for opiate users with high levels of need had been provided from the Lonsdale Practice. An assessment of the need and future provision of these services would take place in due course.

RESOLVED:-

- (i) that the approach set out in the joint report from the Directors of Adult Social Services and Strategy, Partnerships and Improvement to the proposed transfer of existing public health contracts be endorsed;
- (ii) that agreement be given to the specific recommendations for each contract set out in the table in Appendix 1 to the Directors' report;
- (iii) that authority be delegated to the Director of Adult Social Services to enter into such contractual or other arrangements as may be required to ensure continuity of relevant services detailed in Appendix 1 for the financial year 2013/14;
- (iv) that it be noted that where it was not possible to pursue the recommendations for each contract set out in the table in Appendix 1 in the manner proposed, officers would report back to the Executive with regard alternative options.

**13. Authority to award contract for temporary agency staff**

The report from the Director of Strategy, Partnerships and Improvement requested authority to award a contract as required by Contract Standing Order No 88. The report summarised the process undertaken in selecting the supplier for the contract and recommended to whom the contract should be awarded.

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 it be noted that the council participated in a collaborative procurement leading to the award of the contract;
- (ii) that approval be given to the award of contract for Temporary Agency Staff to Adecco Group UK and Ireland, for a period of three years from 9 April 2013 plus a possible extension of one further year;
- (iii) that approval be given to an exemption from the usual tendering requirements of Contract Standing Orders and approve the direct award of an interim contract to Comensura Ltd for a period of 3 months from 9 January 2013 for the good financial and/or operational reasons set out in paragraph 3.12 of the report from the Director of Strategy, Partnerships and Improvement.

**14. London Councils Grants Scheme**

Councillor Butt (Chair, Leader of the Council) presented for approval the report which sought agreement to London Councils Grants Committee budget for 2013/14 and the associated reduction in the level of contribution by Brent Council to the London Borough Grants Scheme.

RESOLVED:

that approval be given to the recommended budget for the London Councils Grant Scheme and the contribution of £342,487 to be paid by the Council towards the London Boroughs Grants Scheme for 2013/14.

**15. Collection Fund Surplus/Deficit at 31 March 2013**

The Executive received the annual report which, as part of the Council Tax setting process for 2013/2014, estimated the amount of any surplus or deficit on the Collection Fund as at 31 March 2013.

RESOLVED:-

that agreement be given to agree the calculation of the estimated Collection Fund balance as at the 31 March 2013 as a surplus of £2.34 million.

**16. Performance and Finance review, Quarter 2, 2012/13**

The joint report from the Deputy Director of Finance and Director of Strategy, Partnerships and Improvement provided members with a corporate overview of Finance and Performance information to support informed decision-making and manage performance effectively. The Executive noted that this was last year the report would be presented in this format following a review and were commended to intervene in areas identified as high risk and to challenge officers on a regular basis.

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

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

RESOLVED:

- (i) that the finance and performance information contained in the report from the Director of Strategy, Partnerships and Improvement and the Deputy Director of Finance be noted and remedial actions taken as necessary;
- (ii) that the current and future strategic risks associated with the information provided be noted and remedial actions taken as appropriate;
- (iii) that the budget virements contained within this report be approved;
- (iv) that the write off of bad debts contained within the report be noted.


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

None.

The meeting ended at 6.45 pm

M BUTT  
Chair



	<p style="text-align: center;"><b>Executive</b> 14 January 2013</p> <p style="text-align: center;"><b>Report from the Director of Adult Social Services and Regeneration &amp; Major Projects</b></p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p style="text-align: center;"><b>Delegation of authority for the Director of Regeneration and Major Projects and the Director of Adult Social Services to jointly award supporting people contracts</b></p>	

## 1.0 Summary

- 1.1 This report requests that the Executive delegates authority for the Director of Regeneration & Major Projects and the Director of Adult Social Services in consultation with the Leader and Lead Members to award six (6) call-off contracts from the Supporting People Framework.

## 2.0 Recommendations

- 2.1 That the Executive delegates authority to the Director of Regeneration & Major Projects and the Director of Adult Social Services in consultation with the Leader and Lead Members to award six (6) call-off contracts from the Supporting People Framework for a period of two (2) years followed by discretionary extensions of 1 year plus 1 year (a maximum contract term of four [4] years).

## 3.0 Detail

### **Background**

- 3.1 Supporting People is a national preventative programme administered by local government which aims to enable vulnerable people to live independently in the community through providing housing-related support services. Housing support workers, sheltered housing

managers, women's refuge workers, etc. support vulnerable adults to prevent hospital admissions, evictions, mental ill health, homelessness and anti-social behaviour. The budget is additionally utilised to provide a range of non-statutory welfare services including handyperson, accident prevention, and hospital discharge support. The programme provides support to over 3,500 people at any time, through 62 separate contracts, held across 38 providers. Some of these services are accommodation-based, whilst others are 'floating' in that they operate across locations and are not fixed to tenure types.

- 3.2 Responsibility for the commissioning of services to provide local housing-related support sits with Brent Council's Adult Social Care (ASC) department. Governance of this service area is maintained jointly by the ASC Departmental Management Team and the Supporting People Commissioning Body.
- 3.3 This service area and associated budget are currently subject to the One Council Supporting People Project, which is tasked with delivering further savings of £900k in 2013-14 which is dependent on the successful re-procurement of existing contracts.
- 3.4 On 12<sup>th</sup> November 2012, the Executive authorised the appointment of service providers to a Framework procured by Brent, to enable the re-commissioning of local housing-related support services. The Framework has 4 lots covering different client groups and service types. In addition, the Executive approved the award of 5 contracts for various client groups called off from this Framework for services associated with contracts due to expire on 31<sup>st</sup> January 2013.
- 3.5 A further wave of housing-related support services are associated with contracts due to expire on 31<sup>st</sup> March 2013. To maintain continuous arrangements for these services, a further 6 contracts must be called off the Framework to commence from 1<sup>st</sup> April 2013. These contracts are further described below (wave 2).
- 3.6 Each provider on the Framework is contractually committed to the rates set out in the tender for the Framework. Under the call off procedures set out in the framework, however, providers must have the opportunity to revisit these rates in light of the staffing costs that they will incur as a result of TUPE transfer of staff from the current providers.
- 3.7 It is anticipated that the timetable for contract call off will be as follows:
  - a) Invitation and TUPE information issued to eligible Framework providers: 6<sup>th</sup> December 2012
  - b) Submissions and TUPE prices received from providers: 21<sup>st</sup> December
  - c) Evaluation of TUPE prices completed 21<sup>st</sup> January 2013
  - d) Successful/ unsuccessful letters issued: 21<sup>st</sup> January 2013

e) New contract implementation: 1<sup>st</sup> February – 31<sup>st</sup> March 2013

3.8. A two month period following the issue of successful/ unsuccessful letters is required to implement the new contracts to provide sufficient time for TUPE consultation with staff employed by current providers to be completed. If new contracts do not commence on 1<sup>st</sup> April 2013, officers would need to return to Executive to seek authority to extend existing service arrangements out of contract, which would pose a risk to the Council. To avoid this risk, it is proposed that the Director of Regeneration & Major Projects and the Director of Adult Social Services are granted joint delegated authority to award these contracts.

### **Wave 2 Call - off contracts**

3.9 The 5 contracts to be called off the framework agreement are:

#### **From Lot 1**

- Contract 1: Single Homeless Accommodation-based Support

#### **From Lot 2**

- Contract 2: Single Homeless Floating Support
- Contract 3: Older People Floating Support

#### **From all Framework provider on Lots 1 and 2 who are eligible to provide services for families, teenage parents, and women at risk of domestic violence:**

- Contract 4: Women and Families Accommodation-based & Floating Support

#### **From Lot 4**

- Contract 5: Activities Co-ordination

#### **From all providers on Lot 1 and 2 who are eligible to provide services for older people:**

- Contract 6: Emergency Response

## **4.0 Financial Implications**

4.1 Current contract costs associated with the services to be included in the new contracts are £4.332m per annum. The cost of the new contracts will not be confirmed until TUPE prices have been returned and evaluated. However, to give an indication of the savings that may be delivered, in accordance with Executive report approved on 12<sup>th</sup>

November 2012, TUPE prices received through the call off of Wave 1 contracts are expected to deliver savings of £1.6m against current investment of £4.612m. Therefore, it is anticipated that Wave 2 contracts will also cost less than current investment.

## **5.0 Legal Implications**

- 5.1 These contracts are classified as High Value Contracts under the Council's Contract Standing Orders. As such, Contract Standing Orders requires the award of contracts by the Executive.
- 5.2 The essence of this report is the delegation by the Executive of its usual role in awarding High Value Contracts to the Directors of the two Departments involved in Supporting People contracts. This is due to insufficient time to return to the Executive after the mini-competition process described in section 3, in light of the new contracts needing to start on 1<sup>st</sup> April 2013. Members need to be satisfied that sufficient information has been provided in section 3 in order to justify the delegation.

## **6.0 Diversity Implications**

- 6.1 An Equalities Impact Assessment (EIA) has been undertaken in accordance with the Equality Act 2012. A copy of the EIA is appended to the 12<sup>th</sup> November Executive report requesting authority to award the Supporting People Framework. This EIA has been approved by the Customer and Community Engagement Team.

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

- 7.1 There will be TUPE implications arising from the award of call-off contracts under the Framework Agreements. The assumption is that TUPE is likely to apply to incumbent Provider's staff currently providing services that are included in the tender process. As such, protection will be afforded under the TUPE regulations to such staff where assigned to the service immediately prior to the contract start date and who do not object to transferring, so that they will transfer to the organisation awarded the contract on their existing terms and conditions.

## **8.0 Other Implications**

- 8.1 There are no other known implications that may impact upon the award of this contract.

## **9.0 Background Papers**

9.1 None.


**Contact Officers**

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ALISON ELLIOTT  
Director of Adult Social Services

ANDY DONALD  
Director of Regeneration and Major Projects

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	<p style="text-align: center;"><b>Executive</b> 14 January 2013</p> <p style="text-align: center;"><b>Report from the Director of Adult Social Services and Director of Environment and Neighbourhood Services</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p style="text-align: center;"><b>Authority to implement changes to the Blue Badge scheme (charging and enforcement) in Brent from February 2013</b></p>	

## 1.0 Summary

1.1. This paper provides:

- an overview of the Blue Badge scheme and its enforcement;
- the recent national changes to the Blue Badge scheme;
- the proposed changes to the administration of Blue Badges in Brent, and
- the proposed changes to enforcement in Brent.

## 2.0 Recommendations

2.1 This paper recommends the Executive should:

- Agree to implement a charge for a standard issue Blue Badge in line with national guidance from 1 February 2013;
- Agree the set fee for recovery of enforcement costs and its future inflation indexing as set out in paragraph 6.10.
- Agree to enhance Blue Badge enforcement capacity to ensure that Blue Badge benefits are used only enjoyed by people with a genuine need; and
- Agree to the adoption of a robust enforcement approach.

## 3.0 Overview of the Blue Badge Scheme

- 3.1. The Blue Badge (Disabled Persons' Parking) Scheme was introduced in 1971 under Section 21 of the Chronically Sick and Disabled Persons Act 1970 ('the 1970 Act'). The aim of the scheme is to help disabled people with severe mobility problems to access services, by allowing them to park close to their destination. The scheme allows people to park without charge or time limit in otherwise restricted on-street parking environments, and allows them to park on yellow lines for up to three hours, unless a loading ban is in place.
- 3.2 There are significant benefits to having a Blue Badge. National research shows that 75% of Blue Badge holders would go out less if they didn't have a Blue Badge and 64% would be more reliant on family and friends. The financial benefit of a Blue Badge has been quantified by the Department for Transport (DfT) as between £35 per year for someone who lives in a rural area and rarely uses the badge, to £3,500 per year for someone who lives in London and uses the Blue Badge to travel to work everyday<sup>1</sup>.
- 3.3 The DfT has set out the legislative framework for the scheme. However, there is no statutory legal guidance for the scheme's implementation and the DfT cannot intervene in the case of individual decisions about eligibility. The process is managed by the Local Authority and the badge is issued by the Local Authority where the applicant is resident, but they are able to use it anywhere in the country.
- 3.4 In Brent the scheme has historically been administered by the Chronically Sick and Disabled Persons (CSDP) team in Adult Social Care, but this team transferred to Brent Customer Services in October 2012. The latest report shows that 10,273 people have had a Blue Badge that was issued by Brent. On average the CSDP/BCS team deals with 400 applications a month (for a new badge or a renewal). In an average month:
- 250 of these are eligible without further assessment because they are over the age of 2 and receive Higher Rate Disability Living Allowance (HRDLA), are registered blind or receive a War Pensioners supplement
  - 70 would be agreed based on a desk based assessment which is based on the evidence (usually medical) that the applicant can supply to confirm their mobility problems, and
  - 80 (20%) require a Mobility Assessment to confirm their mobility problems and need. (In some areas, they have used other methods for confirming eligibility including GP letters.)
- 3.5 Whether the person is eligible without further assessment, or required a desk based assessment or mobility assessment, there is currently no charge for a Blue Badge in Brent. Since 1983 (and up until the 1<sup>st</sup> January 2012), Brent, like other Local Authorities, has been able to charge £2 for a Blue Badge, but has chosen not to.

## **4.0 Blue Badge Improvement Scheme**

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<sup>1</sup> Blue Badge Reform Programme, Impact Assessment, DfT



- 4.1. The Blue Badge Improvement Scheme (BBIS) came into effect on 1 January 2012. The main changes it delivers are:
- Processing applications
  - Eligibility
  - Preventing misuse
- 4.2 There is a new national website with a common application form in addition to local arrangements, and there is also a new national badge (which has a cost to the council of £4.60, covering production and postage). All applications still come to the Local Authority for processing and authorisation. After the local authority has processed the application, and confirmed eligibility, they send it to the national centre which will create the badge to national standards before sending it to the Local Authority.
- 4.3 Eligibility will be extended to disabled children between the ages of 2 and 3 with specific medical conditions and providing continuous automatic entitlement to a badge to severely disabled service personnel and veterans who have a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking. There is also provision in the scheme to improve the consistency of access to the scheme, bringing in wider use of mobility assessments and therefore making access more transparent.
- 4.4 However, the biggest changes relate to improving the service: ensuring there are more spaces available to genuine Blue Badge holders by reducing fraud and misuse. This is the primary driver behind the national badge, however, other changes designed to reduce misuse include:
- The national badge which will be harder to forge and will make it easier to spot misuse
  - A national database has been created which will prevent multiple and fraudulent applications and make it easier for people checking badges on the streets to verify a badge
  - Additional powers have been given to the local authority to tackle fraud.
- 4.5 BBIS also recognises the increased costs on Local Authorities and specifically enables Local Authorities to cover their costs more appropriately by raising the maximum charge of Blue Badge (new or renewal) from £2 to £10 per badge for those badges issued after 01.01.12.

## **5.0 Proposed changes to the administration and charging of Blue Badges in Brent**

- 5.1. This paper proposes that the majority of the administration of the Blue Badge scheme in Brent remains the same. Brent:
- already uses a mobility assessment to ensure transparent and consistent access to the scheme
  - currently requires all Blue Badge holders to collect their badge. Under BBIS badges can be sent directly to the individual, however, Brent is proposing that in line with previous recommendations from Brent Council's Audit and Investigation department, the vast majority of people will

continue to come in and collect their badge unless there is an exceptional reason why they cannot.

- 5.2 The main change that is being proposed is that the Executive agree to charge the full amount permissible, currently £10 for badges issued after 1 January 2012 that the Council can charge for issuing the badge.
- 5.3 The charge reflects the additional costs of processing the national blue badge, and the administration costs which Brent has not recovered in the past. It should be noted that there will be no charge imposed for an application for a blue badge, only for those who are successful in their application and when a badge is issued to them. While the cost implications for recipients of a Blue Badge are not underestimated, the proposal to charge is based on the relatively small cost to the holder (£10) in comparison to the significant benefit that a Blue Badge brings for the holder (up to £3,500 in London). Assuming the full cost is charged, it still does not cover the full costs of providing the service.

## **6.0 Proposed changes to enforcement in Brent**

- 6.1 Blue Badge fraud and misuse is a significant problem nationally. It is a problem because it means people who have a genuine disability and a real need for a Blue Badge are often unable to park as the spaces are taken by people who do not need them. There is also a significant impact on parking revenues, which are not collected. The Department for Transport Blue badge scheme statistics 2010/11 and National Fraud Authority estimate that the cost (in lost parking revenue) of Blue Badge fraud and misuse nationally is £46m.
- 6.2 Fraud and misuse of Blue Badges comes in a number of forms:
- Fraud: when someone is using a counterfeit Blue Badge, or a stolen Blue Badge, or an altered Blue Badge, or a deceased person's Blue Badge
  - Misuse: when a genuine Blue Badge holder's Badge is used by another person and the Blue Badge holder is not in the car
- 6.3 Currently, if the Council identifies an instance of fraud, then it is investigated by Audit and Investigation and can be taken forward as a prosecution. If misuse is identified then the badge can be seized by the police, and returned to the genuine badge holder with a warning, but no penalty. If the person who is caught using a fake Blue Badge or misusing a genuine Blue Badge is a Brent Council staff member, then this would be taken forward as a disciplinary matter and possibly a prosecution as well.
- 6.4 In common with the rest of London and the UK there are high levels of Blue Badge abuse in Brent. Over the past 2 years the Council has run Blue Badge 'drives' every two months. On these 'drives' members of the Blue Badge team, Audit and Investigation and Police target particular areas and go out on to the streets to identify fraud and misuse. For example, over four days in 2011 (9/18/24 November and 1 December) 43 vehicles were checked, 20 Parking Charge Notices (PCNs) were issued, 2 cars towed and 12 badges were confiscated. However, this approach, while low cost, is not solving the

problem - regular 'drives' are not proving to be a deterrent. Therefore, this report proposes that the Council has an enhanced capacity to identify Blue Badge fraud and misuse.

6.5 The proposed approach to Blue Badge enforcement has a number of elements:

- Recruitment of an additional Monitoring Officer to act as a full time Blue Badge enforcement officer;
- Enforcement to routinely take place without the presence of an officer from Audit and Investigation;
- Continuation of Audit and Investigation's role in taking forward the subsequent investigations for serious fraud, e.g. staff involvement, stolen badges and any other organised element.

6.6 It is proposed that the Council will increase the identification of all forms of fraud and misuse through the employment of an additional Parking Monitoring Officer (PMO) to focus on Blue Badge fraud. They will work alongside an additional dedicated Civil Enforcement Officer (CEO). The PMO will lead the Blue Badge investigations, with the CEO accompanying to take any appropriate parking control enforcement, such as PCNs or vehicle removal. The new PMO will typically spend four days on patrol and one day in the office following up initial investigations including interviews under caution. This arrangement is expected to increase the number of Blue Badge vehicle checks from around a hundred per annum to several thousand per annum, and consequent increases in PCN issuance and vehicle removals for Blue Badge misuse.

6.7 Currently the Local Authority has three options for enforcement:

1. Where someone using a valid Blue Badge simply park in the wrong place or park for too long a PCN may be issued if appropriate.
2. Where there is Blue Badge misuse a PCN can sometimes be supplemented by vehicle removal.
3. In addition, the Local Authority has wide powers to prosecute a person who allows their Blue Badge to be misused and the person misusing the blue badge. Nationally, the guidance issued in February 2012 identifies the potential criminal sanctions for those found guilty of such abuse. In addition a local authority can withdraw the badge under regulation 9(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, after a relevant conviction or if fraudulently obtained.

6.8 In future, it is intended that any incident of misuse will still incur a PCN for the parking misdemeanour. However, it is also proposed that in all cases of misuse the perpetrator will be notified of the Council's intention to prosecute for the offence under section 21 of the Chronically Sick and Disabled Persons Act 1970 or section 117 of the Road Traffic Regulation Act 1984. Both offences carry a maximum penalty, on conviction, of a £1,000 fine, but the offender will also normally be expected to pay the Council's legal costs on top of any fine. After considering the evidence and any mitigating circumstances, the Parking

Enforcement Service, will take a view as to whether to proceed with a prosecution or agree not to pursue a prosecution provided the administrative costs of the Council are met. It is proposed that a set charge for administrative cost would be set at £100, and that this fee be subject to a RPI increase on 1 April each year (rounded to the nearest pound and using the calculation methodology set out for parking permits in the 19 September 2012 Executive report on parking simplification) with the first increase being on 1 April 2014.

- 6.9 However, if the Parking Enforcement Service decides to proceed with the prosecution of either the offender or the badge holder, the PMO and a social worker would have to submit a short report to a Head of Service, drafted against clear criteria, to approve a prosecution. Furthermore, to ensure that the needs of the most vulnerable are always fully considered it is proposed that a Safeguarding Adults alert is considered when any incident of misuse is evidenced and a Safeguarding Alert is automatically raised after the second and third instances of misuse.
- 6.10 Where a badge holder is successfully prosecuted for misuse or fraudulent use the Council will write, under powers conferred by s2 Regulations 2(3) and 2(4) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended) with notification that the Badge has been withdrawn. A badge can be withdrawn for one successful prosecution of a badge holder or third party of:
- an offence under section 21(4B) of the Chronically Sick and Disabled Persons Act 1970 (this covers misuse of a real badge or use of a fake/altered badge while the vehicle is being driven); or
  - an offence under sections 115 or 117 of the Road Traffic Regulation Act 1984 (this covers misuse of a real badge or use of a fake/altered badge when the vehicle is parked); or
  - dishonesty or deception committed under any other UK legislation in relation to the badge (which takes account of offences under, for example, the Fraud Act 2006, the Theft Act 1968, the Forgery and Counterfeiting Act 1981, etc.).
- 6.11 Where the offence prosecuted was committed by a third party using the holder's badge, the authority needs to demonstrate that the holder knew the third party was using the badge, before it can be withdrawn. If the badge holder wishes to later re-apply for a subsequent badge, serious consideration will be given to the previous withdrawal, but where they are successful they will be required to make payment of the issue fee.

## **8.0 Financial Implications**

### ***Proposed changes to the administration of the Blue Badge Scheme***

- 8.1 Fixed cost per application that has to be paid to get a national blue badge: £4.60 per badge. This equates to £22k based on a static numbers of badges being issued.

The council received via a specific grant an amount of £22k to cover this, which is currently being held corporately, but it has been agreed that this

funding is to be transferred over to Adult Social Services to cover the cost of the applications.

### ***Proposed changes to enforcement***

- 8.2 The costs of the new enforcement arrangement would be 116k p.a. (set out in appendix A). The intention is for the bulk of new case work to be dealt with by the parking service, hence there will be limited impact upon the Audit and Investigations Team.
- 8.3 The income generated from this scheme is difficult to estimate, but would be made up of additional parking enforcement revenue plus receipt of costs set out in paragraph 6.10 above. The data from another London authority, that operates using a different model, over a 12 month period, resulted in £28k income (gross) from additional PCN issuance / vehicle removal release fees. Reducing this by about a third to take account of typical PCN collection and vehicle release rates gives £20k net.
- 8.4 Additionally, taking account of 100 cases in which the badge holder pays the fee described at 6.10, plus awarded and paid costs for any cases the result in a successful prosecution gives a further 10k net of receipts. It should be noted that costs are subject to VAT deductions.
- 8.5 The income would be £48k from the £10 charge which would be used to fund the enforcement costs falling to the parking service. Thus the total net receipts are estimated at £78k
- 8.6 The net cost is estimated at £38k which is being funded from within existing resources.

## **9.0 Legal Implications**

- 9.1 Section 21 Chronology Sick and Disabled Person Act 1970 requires that Local Authority make available badges, in the prescribed form, for motor vehicles driven by, or used for the carriage of, disabled persons. The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011 [the '2011 regulations'] came into force on the 01.01.12 advising Local Authorities on the steps to adopt to ensure effective enforcement of the Blue Badge scheme.
- 9.2 In addition, the 2011 regulations set out the revised proscribed form of the badge. In practice this will mean agreeing that these badges are prepared nationally by the Blue Badge Improvement Service. The Council, in common with every local authority in England, has already agreed that this agency can take over the arrangements for making the badges once the local authority has confirmed an individual is eligible. The 2011 regulations make provision for an increase in the amount a local authority could seek to recover from an applicant from £2 to £10 from the 1<sup>st</sup> of January 2012. This is a flat charge and there is no provision under the 2011 Regulations to seek to recover the

true cost to the authority of administering the scheme. Nor is it expected under the Regulations that any application of the full charge would be subject to a means test or waived in exceptional circumstances.

- 9.3 The changes introduced by the 2011 Regulations were implemented following detailed consultation by the Department for Transport nationally on the proposed changes to the regime. The consultation report is published at: <http://assets.dft.gov.uk/consultations/dft-2011-20/blue-badge-consultation-response.pdf>. In addition the Local Authority has raised the proposed changes to how the scheme would be administered in relevant service user forums within Brent, e.g. the Pensioners Forum and Disabled Persons Forum. Feedback from those forums has been broadly supportive of the changes, particularly the implementation of more effective enforcement. Those present at the forum were, however, opposed to the implementation of a charge for the scheme.
- 9.4 It is noted that the Council propose to vastly increase the use of enforcement for misuse of a blue badge. Guidance issued by the Department for Transport encourages this more robust approach to enforcement. Further it should be noted the issuing of a PCN for the parking violation does not prohibit a prosecution for the offences associated with the misuse of the blue badge even when they arise from the same facts.
- 9.5 Furthermore, it is noted that this proposal adds a requirement that, prior to any prosecution, the Director for Adult Social Care reviews the case to consider the impact on the individual. In addition a safeguarding alert will automatically be generated. Neither of these measures is required by the statutory regime nor under the non-statutory guidance issued to assist Local Authorities manage the Blue Badge Scheme. They will however ensure that the Council's other statutory duties to vulnerable individuals are fulfilled.
- 9.6 In addition to the legal implications set out above Members should also take into consideration the public sector duty at s.149 of the Equality Act 2010 when deciding whether to adopt the proposed changes.

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

Members must know and understand the legal duties in relation to the public sector equality duty and consciously apply the law to the facts when considering and reaching decisions where equality issues arise. These are set out in more detail below.

## **10.0 Diversity Implications**

- 10.1 Section 149 Equality Act 2010 requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a "protected characteristic" and those who do not share that protected characteristic.

A “protected characteristic” is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;(including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

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

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

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

Having due regard to “fostering good relations” involves having due regard to the need to tackle prejudice and promote understanding. Members should be aware that the duty is not to achieve the objectives or take the steps set out in s.149. Rather, the duty on public authorities is to bring these important objectives relating to discrimination into consideration when carrying out its public functions (which includes the functions relating to provision under the Chronologically Sick and Disabled Persons Act 1970).

“*Due regard*” means the regard that is appropriate in all the particular circumstances in which the authority is carrying out its functions. There must be a proper regard for the goals set out in s.149. At the same time, Members must also pay regard to any countervailing factors, which it is proper and reasonable for them to consider. Budgetary pressures, economics and practical factors will often be important. The weight of these countervailing factors in the decision making process is a matter for members in the first instance.

10.2 Members are respectfully asked to consider the Equality Impact Assessment at appendix B.

10.3 The changes which would be introduced, namely the imposition of a £10 charge for those who are issued with a Blue Badge and more robust enforcement for misuse/fraud, will have a very small impact on those with the protected characteristics. The introduction of a £10 charge for the new Blue Badges from the BBIS will only have a financial impact on those with disabilities, as only disabled people with mobility problems are eligible for the

Scheme. However, in the majority of cases the £10 is only payable every 3 years when the Blue Badge is renewed, and the badge permits free parking and access to restricted areas which would otherwise cost hundreds and occasionally thousands of pounds. Primarily the impact of these changes will have a positive effect. The scheme will be more sustainable in the long-term and will ensure more consistency in assessing eligibility and enforcement.

The implementation by the Council of a charge, if adopted, will solely fall on those with protected characteristics. The attached figures show a slightly higher proportion of woman hold a badge. The proportion of BAME Blue Badge holders almost exactly matches the population of Brent and, of course all have a disability in order to qualify for a badge. However the adverse impact will be low as the charge is set at £10 and would only apply each time a badge is issued (in the majority of cases this will be every three years), and will be more than offset by the financial benefits that accrue to badge holders. Implementing a charge will however enable the Council to recover some of the cost to it of administering the scheme and therefore ensure that the limited resources of the council should be targeted at those in the most need. In addition careful consideration has been given to ensure the proposal reduces the adverse impact on those with disabilities and the elderly by ensuring that the scheme is redesigned to better meet the concerns of those who responded to the national consultation and the objectives set out in s149 Equality Act, for example, by ensuring that those with a disability are able to access goods and services more easily.

The intention to offset the increased cost of enforcement with an increase in prosecutions will also have a positive impact on those using the badge, for the reasons set out earlier in this report, it should also assist to dispel wide spread conception that the scheme is abused and thereby foster good relations between those who have a protected characteristic (disability) and those who do not in line with the duty under s149 EA. It should be noted that many drivers misusing badges are often family members or carers that have no disability. However, in any case of prosecution or badge withdrawal in respect of a blue badge holder, measures to minimise any adverse impact for those from protected characteristics, include the requirement to refer automatically any second or subsequent misuse of a badge to the safeguarding team or the arrangements to ensure that prosecutions will only proceed against a vulnerable person once the matter has been reviewed by the Director for Adult Social Care.

Finally any remaining adverse impact experienced as a result of the likely increase in prosecutions by those from protected characteristics could be mitigated by those individual's not misusing the scheme. Therefore whilst it is not possible to eradicate any adverse impact, it is proportionate and necessary to have in place an effective enforcement regime to ensure that the Blue Badge scheme operates successfully in Brent.



**Background Papers**

Blue Badge Reform Programme: Impact Assessment 07/12/10  
Blue Badge Scheme Local Authority Guidance: February 2012

**Contact Officers**

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## Appendix A – parking enforcement costs

Item	£000's
In-house Parking Monitoring officer + on-costs + indirect staff costs (e.g. training, support, protective clothing, in-field computing etc)	50
Civil Enforcement Officer (from parking contractor)	30
Vehicle removal capacity & storage	20
Admin & overheads (e.g. complaint processing, postage costs etc)	15
Legal disbursements (summonses etc)	1
<b>Total</b>	<b>116</b>

## Appendix B – parking enforcement costs

### Brent Council Equality Analysis Form

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b> Environment and Neighbourhood Services  <b>Service Area:</b> Safer Streets	<b>Person Responsible:</b> Name: Christopher Taylor Title: Project Delivery Officer Contact No: (020) 8937 5159 Signed: <i>Christopher Taylor</i>
<b>Name of policy:</b> Blue Badge Scheme (charging and enforcement)	<b>Date analysis started:</b> 06 December 2012  <b>Completion date:</b> 10 December 2012  <b>Review date:</b>
<b>Is the policy:</b>  New <input type="checkbox"/> Old <input checked="" type="checkbox"/>	<b>Auditing Details:</b> Name: Title: Date: Contact No: Signed:
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Andrew Clarke Title: Senior Contracts Manager Date: Contact No: (020) 8937 5454 Signed:	<b>Decision Maker:</b> Name individual /group/meeting/ committee: Name: David Thrall Title: Head of Service Date: Contact No: (020) 8937 5454 Signed:

<p><b>2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?</b>                  Please refer to stage 2 of the guidance.</p> <p>The Blue Badge Scheme helps disabled people with severe mobility problems to access services, by allowing them to park close to their destination. The scheme allows them to park in otherwise restricted areas, whilst displaying a blue badge in the vehicle.</p> <p>Blue Badge fraud and misuse is a significant problem nationally. By abusing the scheme, people who have a genuine disability and a real need for a Blue Badge are often unable to park as the spaces are taken by people who do not need them. There is also a significant impact on parking revenues, which are not collected.</p> <p>The aim of the policy change is to tackle fraud and misuse within the scheme and improve the service we deliver to our customers. This will be achieved by:</p> <ul style="list-style-type: none"> <li>- joining the national Blue Badge Improvement Scheme (BBIS) which produces a new type of badge that is difficult to forge;</li> </ul>
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- implementing the Blue Badge enforcement project to ensure that Blue Badge bays are used only by people with a genuine need;
- the implementation of a robust prosecution policy.

Making use of the BBIS will incur additional costs and it is proposed to charge £10 for the issuing of Blue Badges, which is the maximum amount permissible. The generated income will be used to fund a post dedicated to enforcing the scheme.

### **3. Describe how the policy will impact on all of the protected groups:**

#### **Disability**

The introduction of a £10 charge for the new Blue Badges from the BBIS will only have a financial impact on those with disabilities, as only disabled people with mobility problems are eligible for the Scheme. However, in the majority of cases the £10 is only payable every 3 years when the Blue Badge is renewed. Various options are proposed for making the payment of £10. These include paying by card over the phone, paying online and paying at a number of shops that offer PayPoint (where the customer can pay with cash).

The increase in enforcement will only negatively impact those who are misusing the system who are either not disabled or have a disability that does not warrant the benefits that a blue badge brings; and the increase in enforcement will have an overall positive impact on those genuinely disabled customers who are part of the scheme.

#### **Age**

Data on Blue Badge holders shows that over 60% of holders are over the age of 65. The impact on the elderly Blue Badge holders will be as above under “disability”. Elderly residents are also less inclined to pay for services online, but the option to pay in cash at various PayPoint locations is also proposed. There are no additional identified impacts due to age.

#### **Sex**

Data on Blue Badge holders shows that over 57% of holders are female. The impact on the female Blue Badge holders will be as above under “disability”. There are no additional identified impacts due to sex.

#### **Race**

Data on Blue Badge holders shows that over 64% of holders are from black, Asian and other ethnic groups, and this is similar to the BAME make up of the local community. The impact on these Blue Badge holders will be as described above under “disability”. According to Mosaic data, a higher percentage of residents with an Asian background have no direct payment bank account, but the option to pay in cash at various PayPoint locations is also proposed. There are no additional identified impacts due to race.

#### **Gender re-assignment**

No identified impact.

#### **Marriage and civil partnership**

No identified impact.

#### **Pregnancy and maternity**

No identified impact.

**Religion**

No identified impact.

**Sexual Orientation**

No identified impact.

**Please give details of the evidence you have used:**

The data used has been collected from current Blue Badge holders.

<b>Ethnicity</b>	<b>Total</b>	<b>%</b>
Asian or Asian British	3642	35.50
Black or Black British	1688	16.45
Mixed	93	0.91
Not Stated	785	7.65
Other Ethnic Groups	369	3.60
White	3541	34.51
Blank	142	1.38
<b>Total</b>	<b>10260</b>	

<b>Sub-Ethnicity</b>	<b>Total</b>	<b>%</b>
Sub Ethnicity		
African	463	4.51
Any other group	330	3.22
Bangladeshi	36	0.35
Black and Asian	1	0.01
Black and White	8	0.08
Black British	157	1.53
British	1982	19.32
British Asian	166	1.62
Caribbean	743	7.24
Caribbean Asian	6	0.06
Chinese	26	0.25
Chinese and White	2	0.02
Did not wish to reply	30	0.29
East African Asian	116	1.13
Filipino	11	0.11
Form not completed	778	7.58
Indian	1709	16.66
Irish	525	5.12
Irish Traveller	7	0.07
Mixed Asian	12	0.12
Mixed Black	3	0.03
Mixed white	12	0.12
Other Asian, Asian unspecified	1164	11.35
Other Black, Black unspecified	318	3.10

Other mixed, mixed unspecified	26	0.25
Other white, white unspecified	1010	9.84
Pakistani	420	4.09
Vietnamese	1	0.01
White and Asian	23	0.22
White and Black African	19	0.19
White and Black Caribbean	14	0.14
Blank	142	1.38
<b>Total</b>	<b>10260</b>	

<b>Age</b>	<b>Total</b>	<b>%</b>
0 - 17	345	3.36
18 - 64	3726	36.32
65 +	6189	60.32
<b>Total</b>	<b>10260</b>	

<b>Gender</b>	<b>Total</b>	<b>%</b>
Female	5886	57.37
Male	4306	41.97
Blank	68	0.66
<b>Total</b>	<b>10260</b>	

**Mosaic Public Sector 2009 Grand Index (updated November 2010)**

- Data on internet use and preference to pay with cash

**4. Describe how the policy will impact on the Council's duty to have due regard to the need to:**

**(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;**

The Blue Badge Scheme, is a national scheme aimed at ensuring that those with mobility issues are not discriminated through access to the wider community and services. The proposed changes are to ensure that the scheme is managed more effectively through robust enforcement, to ensure that it is not misused. It is not deemed that this more robust enforcement of the scheme will indirectly discriminate any other protected groups.

**(b) Advance equality of opportunity;**

The proposed enforcement changes will not affect the eligibility criteria for the scheme, only those who are abusing it (i.e those who are not eligible). It is also deemed that the issuance fee of £10 (every 3 years for the majority of cases) is not so high as to deter those in need of the scheme from applying.

Through more robust enforcement of the scheme, those who are entitled to use it will enjoy better mobility and access to the wider community and services as a consequence of better availability of disabled parking space which are less likely to be taken by able-bodied drivers.

**(c) Foster good relations**

It is deemed that the increase in enforcement will also have a positive benefit for those entitled to use the badge. For the reasons set out earlier, it should assist to dispel the wide spread conception that the scheme is abused and thereby foster good relations between those who have a protected characteristic (disability) and those who do not, in line with the duty under s149 of the Equality Act 2010.

**5. What engagement activity did you carry out as part of your assessment?  
Please refer to stage 3 of the guidance.**



**i. Who did you engage with?**

Information for this assessment was obtained from Brent's Reablement and Safeguarding Service. No further engagement was necessary as sufficient information was obtained to assess the likely impact of the policy change.

**ii.**

**What methods did you use?**

See above

**iii. What did you find out?**

See above

**iv. How have you used the information gathered?**

To inform this EIA

**v. How has it affected your policy?**

It has confirmed that the policy will have a positive impact on groups with protected characteristics.

**6. Have you have identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigate against this impact.**

See below.

**Disability, Age, Sex, Race**

*Financial impact*

The introduction of a £10 charge for new Blue Badges will have a financial impact on those with disabilities, as only disabled people with mobility problems are eligible for the Scheme. However, the charge is only payable once every three years (for the majority of cases), at the time the Blue Badge is renewed, and £10 over 3 years is not deemed to be a particularly significant payment. In fact, use of a Blue Badge can potentially save a customer up to £3,500 a year in parking fees for someone who lives in London and uses the Blue Badge to travel to work everyday (see Executive Report).

According to Mosaic data on the Brent population, those with disabilities and the elderly are less inclined to pay for services online. There is also a higher percentage of residents with an Asian background that have no direct payment bank account. However the option of paying the £10 fee in cash via PayPoint is proposed which offers convenience to the customer as there are many PayPoint locations throughout the borough (mainly in local shops).

The £10 fee will only be charged for the issuing of Blue Badges, so there is no charge for the application process itself and unsuccessful applicants will not incur a cost. The money raised through this £10 charge will be used to pay for an officer dedicated to enforcing the Blue Badge Scheme, which will in fact have an overall positive impact on those with genuine disabilities who use the scheme.

*Enforcement*

The proposed increase in enforcement will have a positive impact on those with disabilities who use the scheme, as a crack-down on fraud and misuse will mean that more disabled parking bays are available to Blue Badge holders. The enforcement proposal includes measures to minimize any adverse impact resulting from the increased prosecutions for those from protected characteristics, by use of Safeguarding alerts. Furthermore, prosecutions will only proceed against a vulnerable person once the matter has been reviewed by the Director for Adult Social Care.

**Please give details of the evidence you have used:**

Data used is in section 3 above.

**7. Analysis summary**

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age	✓		
Disability	✓		
Gender re-assignment			✓
Marriage and civil partnership			✓
Pregnancy and maternity			✓
Race	✓		
Religion or belief			✓
Sex	✓		
Sexual orientation			✓

## 8. The Findings of your Analysis

Please complete whichever of the following sections is appropriate (one only). Please refer to stage 4 of the guidance.

### No major change

*Your analysis demonstrates that:*

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

*Please document below the reasons for your conclusion and the information that you used to make this decision.*

The proposed policy changes are lawful. The proposal to charge £10 for issuing a Blue Badge is permissible under the Blue Badge Improvement Scheme. The provisions for enforcing the scheme are laid out in the:

- Chronically Sick and Disabled Persons Act 1970
- Road Traffic Regulation Act 1984
- Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
- Road Traffic Regulation Act 1984
- Fraud Act 2006

The proposals do not discriminate against any protected group. In fact, the proposals will result in an improvement to a scheme aimed solely at improving the lives of those with a mobility disability. Tackling fraud and abuse of the system will help foster good relations with those who use the scheme. The £10 charge (every 3 years for the majority of cases) is not deemed to be excessive and monies collected will be used towards enforcing the scheme. Various payment options will also be available to account for the various needs of the customer.

The analysis shows that the proposed changes will have an overall positive impact on the identified protected groups.

**Adjust the policy**

*This may involve making changes to the policy to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential adverse effect on a particular protected group(s).*

*Remember that it is lawful under the Equality Act to treat people differently in some circumstances, where there is a need for it. It is both lawful and a requirement of the public sector equality duty to consider if there is a need to treat disabled people differently, including more favourable treatment where necessary.*

*If you have identified mitigating measures that would remove a negative impact, please detail those measures below.*

*Please document below the reasons for your conclusion, the information that you used to make this decision and how you plan to adjust the policy.*

Not applicable.

**Continue the policy**

*This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not amount to unlawfully discrimination, either direct or indirect discrimination.*

*In cases where you believe discrimination is not unlawful because it is objectively justified, it is particularly important that you record what the objective justification is for continuing the policy, and how you reached this decision.*

*Explain the countervailing factors that outweigh any adverse effects on equality as set out above:*

Not applicable.

*Please document below the reasons for your conclusion and the information that you used to make this decision:*

Not applicable.

**Stop and remove the policy**

*If there are adverse effects that are not justified and cannot be mitigated, and if the policy is not justified by countervailing factors, you should consider stopping the policy altogether. If a policy shows unlawful discrimination it must be removed or changed.*

*Please document below the reasons for your conclusion and the information that you used to make this decision.*

Not applicable.

**9. Monitoring and review**

Please provide details of how you intend to monitor the policy in the future. Please refer to stage 7 of the guidance.

Equalities data on Blue Badge holders is already held by the Council. We will continue to gather this information and it will be used for future occasional reviewing exercises, to analyse the impact of the proposed changes on those who use the scheme. Disabled groups will also be occasionally asked if they feel that the increase in enforcement has improved the availability of disabled parking spaces and has had a positive impact on the scheme.

**10. Action plan and outcomes**

At Brent, we want to make sure that our equality monitoring and analysis results in positive outcomes for our colleagues and customers.

Use the table below to record any actions we plan to take to address inequality, barriers or opportunities identified in this analysis.

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome

**Please forward to the Corporate Diversity Team for auditing**

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**Executive**  
14 January 2013

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

Wards Affected: ALL

### **Green Charter Annual Monitoring Report**

#### **1. SUMMARY**

- 1.1 The Executive adopted the Council's Green Charter in January 2012. This report updates the Executive on the council's progress since then.
- 1.2 All that one does, whether at work, at home or travelling, has an environmental impact. The council has policies in place to reduce that impact as much as possible and to create a better vision for the future. The Green Charter brings together all the work that the council is doing to improve, enhance and protect the environment, to help respond to the challenge of climate change and reduce its carbon footprint.
- 1.3 The Charter also asks those who live, work or study in Brent to be more environmentally responsible in their daily lives. This report monitors only the progress made by Brent Council as there is limited baseline data collected to monitor progress made by residents. Progress made by both the Council and residents will be presented in the next report.
- 1.4 There are seven areas of focus in the Green Charter. These are:
  - Reduce carbon dioxide emissions
  - Lower waste
  - Sustainable development and regeneration
  - Sustainable transport and streets
  - Sustainable food and purchasing
  - Sustainable water
  - Sustainable land use and wildlife.
- 1.5 The report identifies that the Green Charter is broadly implemented by Officers and that there is progress in all seven areas of work. There is, however, room for improvement over the next year.
- 1.6 Highlights include the Brent Civic Centre BREEAM Outstanding rating; the successful implementation of the new waste strategy and improved residential waste and recycling scheme; and ITU initiatives that have led to staff having a reduced environmental impact.

## **2. RECOMMENDATIONS**

Members are advised to note the contents of the Green Charter monitoring report in Appendix A.

## **3. DETAILS**

3.1 The Council seeks to operate in a more environmentally sustainable manner. This involves focusing on reducing carbon dioxide emissions and waste production; developing and regenerating the borough in a sustainable way; encouraging and enabling the use of sustainable transport and the purchasing of sustainable products; using water more sustainably; and treating land and wildlife in a more sustainable manner, in order to protect the local environment. To ensure this broad aim is on target, the internal work done is monitored and reported on annually via Brent's Green Charter monitoring report (Appendix A). This report provides an overview of that document.

3.2 Please refer to The Green Charter Action Plan, Appendix A, for further information relating to the updates below.

### **3.3 Carbon Dioxide emissions reduction**

3.3.1 A key highlight is that emissions in Council buildings were reduced by 15% from 2009/10 to 2011/12. This has been broadly done through upgrading and stream-lining IT systems, building rationalisation and a staff behaviour change programme. Further reductions are expected to be achieved from additional building rationalisation and from the completion of and move to the BREEAM Outstanding rated new Brent Civic Centre.

3.3.2 Despite the imminent move to the BREEAM Outstanding Civic Centre, there is still much more to be done for the Council to further reduce its energy use and carbon emissions and to ensure that the new building performs to its optimum level. Behaviour change will be a key aspect of this and a new programme for the Civic Centre is currently being drafted. More work is also to be done on furthering the borough's Climate Change Strategy and the council's Air Quality Action Plan.

3.3.3 The introduction of the Carbon Reduction Commitment Energy Efficiency Scheme meant that the Council is required to pay a levy of £12 per tonne of CO<sub>2</sub> emitted. This is likely to increase to £16 per tonne by 2015. In 2011/12 the total cost to the Council including schools was £279K. However from 2014/15 schools will no longer have to pay this levy. Reducing CO<sub>2</sub> will save the Council money from both the purchase of the energy used and the payment of the levy.

3.3.4 The introduction of the vehicle emission based charging scheme in 2011 will help to reduce carbon emission and improve local air quality.

3.3.5 The overall RAG status for carbon dioxide emissions reduction is Amber.

### **3.4 Lowering Waste**

3.4.1 A new, improved waste collection service for street level properties and blocks of flats was introduced in Brent in October 2011. This has resulted in an increase of 13% in recycling performance, from 34% in September 2011 to 47% in September 2012. As part of the



successful bid to DCLG communal food waste collections will be introduced in suitable blocks of flats. A new recycling service for flats above shops will also be introduced. A new One Council Project, Improving Waste Management Performance, focusing on reducing waste sent to landfill, which includes a programme of targeted face to face engagement with residents living in low participation areas, is being implemented.

3.4.2 More work is needed to communicate the internal office recycling scheme to staff and encourage greater participation. There is some confusion as the internal scheme is different to that for residents; it is hoped that the two schemes can be better streamlined when setting up a waste and recycling scheme for the Civic Centre.

3.4.3 The overall RAG status for lowering waste is Green.

### 3.5 Sustainable Development and Regeneration

3.5.1 Significant achievements include Brent's Civic Centre receiving BREEAM Outstanding and two schools being extended at BREEAM Excellent level. Seven proposals for non-residential schemes approved by the council's Planning Department were rated as Excellent and a further three were scored as Very Good. Thirteen residential schemes were rated as Code for Sustainable Homes (CSH) 4 and six as CSH3. Policy development has progressed over the past year; for example, Wembley Area (a key growth area) Action Plan (part of the Local Development Framework) has been drafted, and is currently under consultation. Energy efficiency improvements were made to existing council housing stock during 2011/12. There were:

- 54 homes had single glazed windows replaced with new double glazed windows
- 45 homes benefited from additional loft or flat roof insulation
- 16 homes had cavity wall insulation installed
- 32 homes were fitted with a new, efficient condensing boiler.

3.5.2 More could be done to encourage the reduction of waste from developments, and to implement measures that will reduce the risk of flooding.

3.5.3 The overall RAG status for sustainable development and regeneration is Amber.

### 3.6 Sustainable Transport and Streets

3.6.1 The introduction of vehicles emission based charging scheme for parking permits in April 2011 rewards environmentally responsible behaviour and is designed to encourage residents to consider the impact their vehicle makes to climate change and local air quality. At the same time the Council also introduced an 'all zone' permit for car club vehicles which enables car club users to park in parking bays free of charge and reward those residents who surrender their parking permits with a £200 voucher towards the cost of a bicycle, car club membership or Oyster travelcard.

3.6.2 Continued work is taking place to improve access to public transport to travel throughout the borough, particularly to key locations, such as the Civic Centre. Funding from two TfL cycling projects has been awarded to Brent, enabling the promotion of cycling and cycling safety across the borough, and the provision of improved cycling infrastructure. Car clubs are also increasing in availability and use in Brent, and there are now six electric car charging points available in the borough

3.6.3 More needs to be done to promote sustainable travel in the borough, particularly in the run-up to the move to the Civic Centre, as this will be a key time to encourage changes in behaviour regarding travelling to work. The Council travel plan needs to be updated and promoted.

3.6.4 The RAG status for sustainable transport and streets is Green.

### **3.7 Sustainable Food & Purchasing**

3.7.1 A highlight for the council in this area of sustainability was the achievement of Fairtrade borough status in March 2012. In addition, the Food Growing and Allotments Strategy was introduced in September 2012. The aims of the strategy are to:

- Provide efficiently managed allotment sites that provide good value for money and are accessible to all
- Develop and broaden the range of food growing opportunities available through increased partnership working
- Promote the benefits of food growing as part of a healthy lifestyle.

3.7.2 It is important to ensure that sustainable purchasing and the choosing of Fairtrade items continue, and become part of every-day purchasing principles for the council.

3.7.3 The RAG status for sustainable food and purchasing is Green.

### **3.8 Sustainable Water**

3.8.1 The council has developed flood risk plans, helping ensure we are better prepared for dealing with flooding. Flood risk is considered when planning Transportation work. Awareness is growing regarding using water more efficiently, and measures have been installed in council buildings to reduce water demand.

3.8.2 SuDS (Sustainable Urban Drainage system) regulation will not be implemented until October 2013. This will require all new developments to submit sustainable drainage details as a separate application, to be approved by SuDS Approving Body. Despite progress, there is still much more to be done to reduce the risk of flooding in the borough and to use water more efficiently and sustainably.

3.8.3 The RAG status for sustainable water is Amber.

### **3.9 Sustainable Land Use and Wildlife**

3.9.1 Improvements have been taking place in the way that Brent Council manages its land and protects its wildlife. Some of the highlights include the following:

- from 2012, herbaceous perennial planting has replaced the use of bedding plants, reducing the amount of organic waste produced
- drought-resistant plants are increasingly used, reducing the amount of irrigation needed and the number of journeys required to tend to the bedding displays
- eight Green Flags were awarded to Brent parks and open spaces in 2011 (compared to just two in 2008)

- Brent won four awards at the London in Bloom Awards 2012: gold for Mapesbury Dell in the Small Park of the Year Award; silver gilt for Fryent Country Park in the Country Park Award; third prize in the prestigious Biodiversity Award and silver gilt and second place in the Large City Award category.

3.9.2 Parks' services are to be contracted out in 2013, so the challenge will be to ensure this contract continues to provide the sustainability improvements that Brent's Parks Department have been achieving.

3.9.3 The overall RAG status for sustainable land use and wildlife is Green.

### 3.10 **Conclusion**

3.10.1 The Council has made substantive progress in all seven areas of the Green Charter over the past year. However, further work is needed over the coming years. Particular effort needs to be given to reducing the council's carbon dioxide emissions and to reducing the waste produced by staff (and increasing the quantities recycled). Ensuring development and regeneration in the borough is sustainable and that water is treated in a more sustainable manner are further challenges for the coming year.

## 4. **FINANCIAL IMPLICATIONS**

The Green Charter monitoring report does not place any additional financial commitments on the Council as all the measures included in the Charter will be implemented using existing Council budgets.

## 5. **LEGAL IMPLICATIONS**

The Green Charter has no legal implications.

## 6. **DIVERSITY IMPLICATIONS**

There are no diversity implications from the Green Charter; it impacts on everyone in Brent, seeking to improve the environment in which everyone in Brent lives, works or travels.

## 7. **STAFFING / ACCOMMODATION IMPLICATIONS**

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

### **BACKGROUND PAPERS**

Green Charter

Green Charter annual monitoring report

### **CONTACT OFFICERS**

Michael Read

Assistant Director Environment and Protection

Sue Harper

Director of Environment and Neighbourhood Services

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Task No	Details	Due Date	Achievements so far	RAG
1.	<p><b>Reduce Carbon Dioxide Emissions</b> By reducing our emissions of carbon dioxide (which occurs through the burning of fossil fuels) we will help to reduce the rate of global warming, and improve air quality. Brent Council is affected by the CRC Energy Efficiency Scheme, so any reduction in carbon emissions will also lead to financial savings for the borough.</p>			A
1a	<p>The council approaches energy management using its energy strategy's hierarchy of principles: 'be lean, be clean, be green':</p> <ul style="list-style-type: none"> <li>• Energy used in each building is minimised by using simple controls and passive features (be lean)</li> <li>• Simple actions such as cleaning and maintaining systems will ensure equipment runs effectively for the length of its anticipated life (be clean)</li> <li>• When demand is reduced to the minimum the use of renewable technologies (be green) is considered building-by-building. This ensures that energy generated by the renewable technologies is not wasted.</li> </ul> <p>The aim is to reduce the energy used in each building to its absolute minimum.</p>	Ongoing	<p>Brent's Sports Centres have received a number of energy improvements:</p> <ul style="list-style-type: none"> <li>• Installed PIR (passive infrared ) sensors to avoid lights being on in vacant areas (corridors, rooms)</li> <li>• Covers installed on both pools to reduce heat loss</li> <li>• Variable speed drives installed for pool circulation pumps to reduce electricity in times of low pool use</li> <li>• Replacement of hot water storage tank with plate heat exchangers to reduce oil consumption</li> <li>• Improvements to building management system (BMS) to help control ambient temperatures more efficiently.</li> </ul> <p>Improvements made at Gwenneth Rickus have led to the building's Display Energy Certificate rating being reduced from an E to a C.</p>	A
1b	<p>The council is monitoring and reporting its energy use and carbon emissions in line with the national CRC EES (Carbon Reduction Commitment Energy Efficiency Scheme).</p>	Ongoing	<p>Meter readings from all council property are taken and analysed. Annual energy use submissions are made for CRC Energy Efficiency Scheme.</p>	G
1c	<p>The council aims to reduce its CO2 reductions by 25 % in council emissions by 2014 and encourage and support schools to adopt a similar target.</p>	Ongoing	<p>Council buildings' emissions (excluding from schools) were reduced by 15% from 2009/10 to 2011/12. Schools have reduced CO2 emissions by 7% to date, based on a 2009/10 baseline. Streetlight emissions increased by 1 per cent between 2010/11 and 2011/12 but are still slightly less than in 2009/10.</p>	A

Task No	Details	Due Date	Achievements so far	RAG
			<p>For 2012-13 the Council is working on the following projects to further reduce carbon emissions across Brent:</p> <ul style="list-style-type: none"> <li>• RE:FIT and Salix Finance projects</li> <li>• Collaborative Low Carbon Schools programme</li> <li>• A new Carbon Management Programme Communication Plan is soon to be adopted. The programme, developed with the Carbon Trust, will further encourage staff to reduce their energy use, in preparation for the move to the Civic Centre.</li> </ul>	
1d	<p>Behaviour change resulting in reduced energy use is encouraged and monitored.</p> <p>The council uses internal communication channels to encourage all staff to turn electrical equipment when it is not needed or not in use.</p>	Ongoing	<p>The Carbon Management Programme Communication plan is pending Carbon Management Programme Board approval.</p> <p>A seven-week pilot project on key energy efficiency behaviour measures is underway. Information is distributed to staff via the intranet and eSight lite. Green Champions have received more in-depth information and material e.g. posters and stickers, to help reinforce the messages to staff in their areas. The Green Champions have also been conducting energy audits in their local areas in order to monitor the effect of the messages that are being communicated.</p>	A
1e	<p>The council uses alternative sources of renewable energy such as solar panels and continuously analyses the council's use of energy.</p>	Ongoing	<p>Brent's Civic Centre remains on course to meet the standard of BREEAM Outstanding.</p> <p>Energy reduction measures in the building include:</p> <ul style="list-style-type: none"> <li>• low energy zoned and sensed lighting</li> <li>• natural ventilation measures throughout the building</li> <li>• air source heat pump</li> <li>• 180m2 of green roofs provided above the building cores</li> <li>• bio-fuel powered plant machinery.</li> </ul>	G
1f	<p>The council implements the borough's climate change strategy and action plan which was launched in December 2009 and its environmental policy, which was updated in October 2009.</p>	Ongoing	<p>The Climate Change Strategy Steering Group meets bi-annually, as it continues to lead progress of the strategy. The group consists of representatives from public, private, charity and community organisations from across Brent. Smaller,</p>	A

Task No	Details	Due Date	Achievements so far	RAG
			sector-specific action groups meet more regularly to progress actions. Additional groups are to be set up for public sector organisations and schools. A climate change conference will take place in March 2013.	
1g	Schools are investigating /taking advantage of the government's Feed In Tariff and the council is also making enquiries.	Ongoing	As part of the Brent Low Carbon schools programme, Officers give advice regarding the Feed-In-Tariff.	G
1h	Work with schools to assist them to reduce energy.	Ongoing	The Council, with the support of the Carbon Trust, piloted the Collaborative Low Carbon Schools' programme between May 2011 and March 2012. The programme's aim was to reduce the electricity demand of ten pilot schools. A 14% reduction was achieved. Following the success of the pilot the Schools' Forum gave £90,000 to fund a Schools' Behaviour Change Officer and Schools' Technical Officer to deliver a similar energy efficiency programme in schools, from April 2012 to March 2013. The updated programme is being delivered to 13 core schools, the original 10 pilot schools, and provides an interactive website with key information on energy efficiency to all other Brent schools. Mid-year indications show that the programme is developing well, with a 15% energy reduction, which equates to 5% CO2 reduction in the first 6 months of the project. It is expected that this progress will be maintained and the project will achieve further savings by the end of the financial year.	G
1i	The council created sustainable Business and Resident Climate Change pledges for residents and businesses to pledge to take measures to reduce environmental impact.	Ongoing	400 residents' pledges and 50 business pledges have been made.	G

Task No	Details	Due Date	Achievements so far	RAG
1j	Work with businesses to be more energy efficient. This includes invitations to free carbon reduction events and offers of free energy checks		Two energy saving awareness raising breakfasts have been held for businesses. Free energy checks were taken up by 7 local businesses.	A
1k	As part of its contract maintenance programme, the council's street lighting contractor is removing the old fluorescent bulbs from street signs and ministry posts, which tend to be lit 24 hours a day, replacing them with photo-cells that only come on as and when are necessary.	Ongoing	The Street lighting upgrade is taking place gradually and will be fully rolled out by 2018. This includes: <ul style="list-style-type: none"> <li>• Removal of fluorescent bulbs from 2751 street signs, 520 ministry posts and 375 bollards</li> <li>• Other energy saving options being assessed include LED, dimmable and part-night lighting; and de-illumination of street furniture.</li> </ul>	G
1l	The Council has had an Air Quality Action Plan since 2005. This helps to control air pollution and improve air quality.	Ongoing	The council's Air Quality Action Plan has been updated (2012-2015). The focus of the plan remains the reduction of nitrogen dioxide and particulate matter emissions to below national targets. Nine fundamental measures were carried over from the previous plan, including continuous air quality monitoring in Harlesden, Neasden and beside the North Circular Road, raising awareness of air quality issues and reducing emissions from industrial installations.	G
1m	Maintain its Green Champions network with updates / awareness schemes for staff.	Ongoing	The Green Champions Network meets quarterly and focuses on five key areas: waste and recycling, energy efficiency, water efficiency, sustainable transport and sustainable purchasing. The group has produced a short film, published on the council's intranet site, to help promote sustainable working. Events are planned to celebrate the work of the Green Champions, empower them for the future and to encourage the recruitment of new Green Champions.	G
1n	Reducing carbon emissions through ITU	Ongoing	'Oneprint' has reduced both quantities of printing and the amount of electrical equipment needed, as only one device is required for printing, scanning and photocopying. Thin Client technology has been introduced, reducing energy	G



Task No	Details	Due Date	Achievements so far	RAG
			use because of its lower power consumption, and reducing waste as it has a longer shelf-life and uses less hardware than conventional PCs. This project won the Green Award for Public Sector Project of the Year.	
1o	The Council funds and supports Energy Solutions (North West London) Ltd to provide advice on energy saving, renewable energy and insulation advice.	Ongoing	The Council has renewed its service level agreement and continues to support Energy Solutions to enable them to provide advice to residents.	G
1p	A scrutiny Committee Fuel Poverty Task Group was set up and recommends that Brent Council and its partners, develop an affordable warmth strategy to enable the borough to tackle fuel poverty.	Ongoing	Brent Council and its partners (e.g. Energy Solutions) are working on a Fuel Poverty Strategy to help residents stay warm and healthy through the winter months. A successful bid was made for £150,000 external funding from 'Warm Homes Healthy People Fund' to help reduce fuel poverty in Brent. The funding can be used to provide advice and to pay for new boilers, insulation and related energy-saving equipment.	G
1q	Provide energy monitoring devices for people to borrow from libraries.	Ongoing	The Council envisages adding the energy monitor devices to libraries in the near future.	A
1r	Publish information on the council's website about saving energy and combating the effects of climate change.	Ongoing	The Brent website is regularly updated to provide up-to-date information.	G

Task No	Details	Due Date	Achievements so far	RAG
2.	<p><b>Lower Waste</b>                      Waste has a significant impact on the environment. Waste sent to landfill results in resources being lost; potent greenhouse gases (methane) being released into the atmosphere, contributing to further climate change; and it is a very expensive option for waste disposal. Recycling and composting reduces the environmental and financial impact, as resources can continue to be used and materials are kept from biodegrading in landfill. The best option, however, is avoiding any waste in the first place – in addition to the environmental benefits, this will save individuals money, as they no longer buy items they do not need; and will save vital council finances, as less waste will have to be paid for to be sent to landfill.</p>			G
2a	<p>The council's waste strategy aims to reuse, recycle and compost 40 per cent of household waste by 2011/12, rising to 50 per cent by 2014/15, and to divert 60 per cent of waste from landfill by 2014 /15.</p> <p>Introduce a new and improved waste collection service to all residents in Brent from Autumn 2011 designed to:</p> <ul style="list-style-type: none"> <li>• Increase the range of materials</li> <li>• Expand and improve the food waste collection service</li> <li>• Expand the recycling service to include all suitable blocks from flats.</li> </ul> <p>Communicate effectively to ensure residents understand the purpose and operation of the new waste collection service</p>	Ongoing	<p>A new waste collection service for street level properties and blocks of flats was introduced in Brent in October 2011. This has resulted in an increase of 13% in recycling performance from 34% in September 2011 to 47% in September 2012.</p> <p>As part of the successful bid to DCLG communal food waste collections will be introduced in suitable blocks of flats. A new recycling service for flats above shops will also be introduced.</p> <p>A new One Council Project focusing on reducing waste sent to landfill and includes a programme of targeted face to face engagement with residents living in low participation areas is being implemented.</p>	G
2b	Reduce waste and increase recycling internally.	Ongoing	<p>Recycling and waste bins are centrally located; individual bins are being removed.                      Old IT equipment is sent to a charity to be re-used and/or recycled.                      Council buildings have recycling facilities for paper, cardboard, glass, cans, tins, cartons and plastics.                      Toner cartridges are recycled. (Toner cartridges are being phased out under the multi-functional devices roll-out, which</p>	G

Task No	Details	Due Date	Achievements so far	RAG
			will use colour cube technology.) WEEE recycling is provided, located at Brent House, the Town Hall and Mahatma Gandhi House. Battery recycling points are provided for staff and the public at numerous council sites across the borough. There will be a new waste and recycling scheme at the Civic Centre.	
2c	Have in place an internal communications plan to increase the council's own recycling levels.	Ongoing	Recycling information is located by each kitchen bin and further information is available on the intranet. Communicating waste and recycling information will form one of the elements of BREEAM In-Use and needs to be prepared prior to moving to the Civic Centre.	A
2d	Reduce waste and recycle 95 per cent of green waste from parks and sports' facilities.	Ongoing	Bridge Park CLC has implemented a food recycling scheme for functions. China crockery is used for customers staying in Willesden SC and Vale Farm SC's cafés, leading to a reduction in polystyrene and cardboard waste. Recycling bins given an increased prominence in Brent's sports centres, to further encourage recycling. Reduced use of paper and outreach material as a result of the development of virtual online tours and greater use of web-based marketing materials and booking systems. Herbaceous perennials have replaced bedding plants, reducing organic waste produced. Soil and vegetation is re-used on site for landscaping purposes.	G
2e	The Council has phased out paper towels and is replacing towels with hand dryers.	Ongoing	Most paper towels have been replaced with hand dryers. There will only be hand dryers in the Civic Centre.	G
2f	Provide an effective network of recycling bins in public places located across the borough.	Ongoing	This service is still being provided.	G

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Task No	Details	Due Date	Achievements so far	RAG
2g	Continue to provide a Christmas tree recycling service.	Ongoing	This service is being provided. Christmas trees must be contained within the green bin.	G
2h	Increase the amount of items reused in Brent whether through charity shops, re-use schemes or recycling.	Ongoing	The material collected has increased. Residents are encouraged to take up membership of the Re-Ward Club run by West London Waste Authority (WLWA), which incentivises residents to use local shops and charity outlets that sell re-used items, and to repair items to extend their lifetime.	G
2i	Provide a StreetWatcher scheme, including training and days out.	Complete	This programme has now come to an end.	C
2j	Make home compost bins available to residents.	Ongoing	Every household in Brent is entitled to receive one free bin (subject to a £5.49 delivery charge), through the Council's partnership with Even Greener.	G
2k	Increase resident awareness of the amount of food waste that is thrown away.	Ongoing	The Council works with its partners, such as the West London Waste Authority, to raise awareness of food waste.	G
2l	Promote the Mailing Preference Service and encourage people to return unwanted junk mail to sender.	Ongoing	The Council website encourages residents to sign up to the Mailing Preference Service (MPS) to limit the amount of unwanted mail residents receive.	G
2m	The Council offers to collect up to 5 bulky items of household waste free of charge up to 3 times a year.	Ongoing	This service is still provided.	G
2n	Increase awareness and use of the Reuse and Recycling Centre at Abbey Road.	Ongoing	These services are regularly advertised.	G
2o	Prosecute those who litter and fly-tip.	Ongoing	Since the beginning of this financial year, the council achieved the following results in prosecuting those who litter: <ul style="list-style-type: none"> <li>• 172 Fixed Penalty Notices issued for various offences</li> <li>• 420 Legal Notices issued</li> <li>• 6 Prosecutions</li> <li>• 11 Cautions issued.</li> </ul>	G

Task No	Details	Due Date	Achievements so far	RAG
<p><b>3. Sustainable Development and Regeneration</b>                      It is important to develop and rebuild infrastructure and buildings as sustainably as possible, to help the population to live within environmental limits; ensure a strong, healthy and just society; and to achieve a sustainable economy.</p>				<b>A</b>
3a	<p>The council uses the new Placemaking Guide's aims to achieve a safe, attractive, accessible and inclusive environment by setting out public realm policy and design guidelines and specifications for materials, street furniture and the layout of streets and spaces that fall within the control of the council. Sustainable development is promoted by planning for mixed use development in growth areas where there is good public transport provision. We will ensure new development is accompanied by supporting facilities such as school places, open space and community facilities.</p>	Ongoing	<p>In the year 2011/12, 39 major proposals were approved by the council including:</p> <ul style="list-style-type: none"> <li>• 13 residential schemes at CSH4</li> <li>• 6 residential schemes at CSH3</li> <li>• 7 non-residential schemes at BREEAM Excellent</li> <li>• 3 non-residential schemes at BREEAM Very Good</li> <li>• 8 schemes included proposal for CHP</li> <li>• 2 schools were extended at BREEAM Excellent level.</li> </ul>	<b>G</b>
3b	<p>The council reduces the carbon footprint of new development by requiring high levels of energy efficiency and renewables beyond current building regulation standards, particularly in growth areas.</p>	Ongoing	<p>Policy CP19 of the Council's Core Strategy (adopted in 2010) states "Within the growth areas, major proposals are required to achieve a minimum rating of Code for Sustainable Homes level 4 rating, subject to scheme feasibility. Within the Wembley growth area, proposals will be expected (relative to their scale) to connect to, provide or contribute towards Combined Heat and Power plant, unless it can be demonstrated that such provision is not financially feasible." To achieve the 50% minimum score, the council's sustainability checklist for major development applications aims for new developments to exceed current standards. Over the past year, the Wembley Area Action Plan has been developed and consulted on, with the social, environmental and economic aspects of related site proposals having been appraised.</p>	<b>G</b>

Task No	Details	Due Date	Achievements so far	RAG
3c	Achieve exemplar low carbon schemes such as promoting combined heat and power district heat networks in Wembley and South Kilburn.	Ongoing	<p>Housing Stock improvement work for energy efficiency in 2011/12 has involved:</p> <ul style="list-style-type: none"> <li>• 54 homes with single glazed windows received new double glazed windows</li> <li>• 45 homes benefitted from additional loft or flat roof insulation</li> <li>• 116 homes had cavity wall insulation installed</li> <li>• 232 homes were fitted with a new, efficient condensing boiler</li> </ul> <p>These improvements enable homes to be more energy efficient, reducing carbon emissions and residents' energy bills.</p> <p>Brent Civic Centre received BREEAM outstanding. It is the greenest public office building in the UK and the fourth greenest building worldwide, out of only ten that have received BREEAM Outstanding rating.</p>	G
3d	Reduce waste from demolition and construction by requiring all development to comply with the ICE demolition protocol and set targets for reuse and recycling.	Ongoing	A sustainability checklist has been produced to help developments achieve these targets.	G
3e	Reduce the risk of flooding by steering development away from areas at risk and ensuring new development includes measures to minimise rainwater runoff such as green roofs and permeable paving.	Ongoing	This policy is also reflected in the sustainability checklist.	G

Task No	Details	Due Date	Achievements so far	RAG
4.	<b>Sustainable Transport and Streets</b> Sustainable transport lowers carbon emissions; reduces congestion; gives health benefits; and can often result in reduced travel times. Improved streets make walking easier, safer and more enjoyable.			<b>G</b>
4a	The Council encourages low carbon modes of transport to reduce emissions. The council has recognised that for more people to walk and cycle around the borough, they need to feel confident doing so, for which it is necessary to design safer streets. Work focuses on cycling, walking, public transport and electric vehicles.	Ongoing	To improve the walking and public realm, Brent aims to make areas look, feel and actually be safe. Improvements in sports centres include: <ul style="list-style-type: none"> <li>• 10 new car club bays developed</li> <li>• 26 cycles stands installed</li> <li>• 27 white light emitting lamp columns installed</li> <li>• 166 trees planted</li> <li>• 5% of parking spaces removed.</li> </ul> The Council has worked with Temple staff to introduce real-time train, tube and bus departure information screens to facilitate the increased use of public transport to/from key locations in the borough.  To help encourage cycling in the borough, the following have taken place: <ul style="list-style-type: none"> <li>• Two new TfL funded cycling projects commenced (Brent Biking Borough and Bike It)</li> <li>• 47 new cycle parking stands (94 spaces) installed in the Kensal Rise cycle hub and designs completed for an additional 53 cycle parking stands (106 spaces) to be installed</li> <li>• Two heavy goods vehicle (HGV) cyclist awareness courses have taken place, 'Safe Urban Driving' and 'Exchanging Places'</li> <li>• Six cycle security events were held in partnership with the Metropolitan Police</li> <li>• Five cycling themed travel awareness events held</li> </ul>	<b>G</b>

Task No	Details	Due Date	Achievements so far	RAG
			<ul style="list-style-type: none"> <li>• 159 individual (adult) trainees attended Bikeability</li> <li>• 35 school sessions were held, enabling 382 children to receive cycle training.</li> </ul>	
4b	Improve air quality and health outcomes by emissions based permit parking where high emission cars pay more.	Complete	Emissions based permit parking has now been implemented and is a working policy.	C
4c	The council will pay £200 to residents who do not have a car and surrender their parking permit.	Ongoing	This service continues.	G
4d	Provide electric car infrastructure by providing electric vehicle charging points.	Ongoing	There are four electric vehicle charging points (EVCPs) in Brent's public car parks. Two further charging points are to be installed by the end of 2012. It is anticipated that there will be a total of eight EVCPs in Brent by early 2013.	G
4e	Promote car clubs.	Ongoing	Car clubs are widely promoted in the borough and are available at many locations.	G
4f	Make it easy to travel in a way that is sustainable, safe and efficient.	Ongoing	Recent public transport improvements in the borough include: <ul style="list-style-type: none"> <li>• A new sustainable transport map available by end 2012</li> <li>• The infrequent and unreliable PR2 was withdrawn</li> <li>• The 206 now runs to Wembley Park to serve the Civic Centre and route 223 was amended to take it closer to the Civic Centre</li> <li>• Following completion of TfL/London Underground's Jubilee Line upgrade at the end of 2011, there are now up to 30 trains per hour</li> <li>• New air-conditioned trains on the Metropolitan Line</li> <li>• Wembley Central station became step-free (7<sup>th</sup> out of 29).</li> </ul>	G
4g	Provide new sustainable transport facilities, such as cycle parking.	Ongoing	47 new cycle parking stands (94 spaces) installed in the Kensal Rise cycle hub and designs completed for an additional 53 cycle parking stands (106 spaces) to be installed during 2012-13.	G



Task No	Details	Due Date	Achievements so far	RAG
4h	To deliver free cycle training for Brent's residents for three years.	Ongoing	See Update 4a.	G
4i	Publish travel advice on the council's website.	Ongoing	This information is widely available on the council website and Visit Wembley Visit Brent website.	G
4j	Improve the public realm to make walking more attractive.	Ongoing	New pedestrian way-finding signage implemented in the Neasden area to better guide visitors to the Hindu (Mandir) Temple. 36 new signs introduced without adding any additional posts, keeping in line with Brent's Placemaking Guide. 'Legible London' pedestrian way-finding signage introduced along Wembley Central-Wembley Park corridor.	G
4k	Assist and support school travel plans.	Ongoing	This service continues. Information is made available on the website and via the Brent Transportation team.	G
4l	Assist and support business travel plans.	Ongoing	This service continues. Information is made available on the website and via the Brent Transportation team.	G
4m	Consult residents and businesses on improving the Grand Union Canal environment around Alperton.	Complete	Consulted residents and businesses when producing the Alperton Masterplan Supplementary Planning Document. Developments adjacent to the Canal will be required to improve the canal frontage. All the new developments proposed so far have identified the canal as an asset and attraction.	C
4n	The council provides an Animal Welfare Service that will educate, encourage and enforce responsible animal/dog ownership.	Ongoing	Achievements during 2011-12 include: <ul style="list-style-type: none"> <li>• 28 dogs were microchipped</li> <li>• Six patrols were undertaken by BARK (Brent Action for Responsible K9s), London's first multi agency approach to tackle dangerous dogs and irresponsible dog owners</li> <li>• A Dog Control Order was introduced in 2012, limiting the number of dogs able to be taken into open spaces by one person to a maximum of six, and setting out areas of the borough's open spaces where dogs must be kept on a lead.</li> </ul>	G

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Task No	Details	Due Date	Achievements so far	RAG
			<ul style="list-style-type: none"> <li>In October 2011 Brent Council was awarded RSPCA Gold footprint award for procedures for dealing with stray dogs.</li> </ul>	
4o	In partnership with Mayhew Animal Home provide free neutering for bull breeds and low cost neutering for all other breeds to prevent over-population of dogs.	Ongoing	The Council has given out 20 low-cost neutering vouchers since October 2011.	G
4p	Provide free poop scoops to encourage dog owners to clean up after their dogs.	Closed	The Council handed out 100 free bags. This project is now closed.	C
4q	To undertake regular hot spot dog fouling areas and educate owners and where necessary enforce fixed penalty notices.	Ongoing	The Council carried out 75 patrols and will continue to check hot spot areas.	G
4r	Provide free reward packs to those owners seen clearing up their dog's mess.	Ongoing	The Council has rewarded four owners so far.	G
4s	Provide educational events in Parks about animal/dog ownership.	Ongoing	The Council has held 20 events, including three BARK patrols (Brent Action for Responsible K9s) and events with the Mayhew Animal Home in Brent Parks, offering free microchipping and neutering.	G

Task No	Details	Due Date	Achievements so far	RAG
<b>5.</b>	<b>Sustainable Food &amp; Purchasing</b> By purchasing fresh, local, seasonal food and other goods that have been produced in a sustainable way we can reduce the environmental impact of production, transportation and purchasing, and improve our health.			<b>G</b>
5a	The council will explore the issue of food growing in Brent.	Ongoing	Brent's Food Growing and Allotments Strategy was introduced in September 2012. The aims of the strategy are to: <ul style="list-style-type: none"> <li>• provide efficiently managed allotment sites that provide good value for money and are accessible to all</li> <li>• develop and broaden the range of food growing opportunities available through increased partnership working</li> <li>• promote benefits of food growing as part of a healthy lifestyle.</li> </ul> Achieved closer working relationships with food growing groups such as Transition Towns and the Brent Sustainability Forum.	<b>G</b>
5b	The Council provides allotments to residents and local groups.	Ongoing	The Food Growing and Allotment policy was recently ratified and the action plan is being implemented.	<b>G</b>
5c	Commit to provide and improve allotments or other food growing projects, including a survey on the use of allotments.	Ongoing	Brent's Allotment Strategy promotes a range of food growing opportunities accessible to all parts of the community.	<b>G</b>
5d	Provide information sessions on growing your own food in an urban setting through the Brent Sustainability Forum.	Ongoing	The Forum has run a programme on growing your own food with its partner 'Capital Growth'. Information is available on the Brent Council website and <a href="http://www.sustainablebrent.org.uk">www.sustainablebrent.org.uk</a> .	<b>G</b>
5e	Promote Farmers' market events.	Ongoing	Information on Farmers markets are provided on the Brent Council website.	<b>G</b>
5f	The council supports the Brent Fairtrade Network (BFN).  The Council has produced a food sustainability	Ongoing	BFN is provided with premises for meetings. A Scrutiny Committee Task Group was set up to assist the Brent Fairtrade Network in its work. Fairtrade Borough status was awarded to Brent in March 2012.	<b>G</b>

Task No	Details	Due Date	Achievements so far	RAG
	checklist and only buys Fairtrade tea, coffee, milk, sugar, fruit for council meetings and events.		A fairtrade art display made up of over 1,000 bottle tops was unveiled at Kensal Green in October 2012, to show Brent's commitment to Fairtrade and celebrate its status as a Fairtrade Borough. Pre-qualification questionnaires request information from suppliers on Fairtrade when applicable. All staff are required to serve Fairtrade products for all internal and external meetings. Fair trade coffee and tea available at Willesden and Vale Farm Sports Centres. Fairtrade food will be sold in all outlets in the new Civic Centre.	
5g	Promote Fairtrade events throughout the borough.	Ongoing	Fairtrade is widely promoted, through stalls at community events, talks at Westminster University campus, special events during Fairtrade Fortnight, and the commissioning of a Fairtrade artwork.	G
5h	The council implemented the Wellbeing and Healthy Living Strategy.	Ongoing	Following the update of the Brent Joint Strategic Needs Assessment (JSNA), a revised Health and Wellbeing Strategy has been developed ( <a href="http://www.brent.gov.uk/localdemocracy.nsf/JSNA/LBB-425">http://www.brent.gov.uk/localdemocracy.nsf/JSNA/LBB-425</a> ). A new action plan for the strategy is also to be written.	G
5i	Provide information on healthy living via the Council's website.	Ongoing	A link to an NHS website on healthy eating is provided on the council's website.	G
5j	The Council offers evening cooking classes via BACES in order to enable residents to learn basic skills in this area.	Closed	This project has now come to an end.	C
5k	The Council supports the Brent Sustainability Forum to help raise the profile of sustainability across the borough.	Ongoing	The Brent Sustainability Forum meets quarterly and focuses on key areas: sustainable transport, waste and recycling, energy efficiency, food growing and water efficiency. In 2011, the group created its own interactive website <a href="http://www.sustainablebrent.org.uk">www.sustainablebrent.org.uk</a> . The group continues to enable residents to engage with environmental issues in Brent and surrounding boroughs.	G

Task No	Details	Due Date	Achievements so far	RAG
5l	The council replaced bottled water dispensers with mains water in public areas of council offices.	Complete	The project is complete.	C
5m	Sustainable purchasing of material for the construction of the Civic Centre.	Complete	Sustainably sourced building materials were used during the construction phase of the Civic Centre (e.g. the concrete mix used in the building (50 per cent ground granulated blast furnace slag with Portland cement) will give a 33 per cent reduction of embodied CO2. The saving of 2392 tonnes of embodied CO2 is calculated to be the equivalent to nearly seven years' operation of the building.	C
5n	The council only purchases peat free products.	Ongoing	This policy remains in place.	G


Task No	Details	Due Date	Achievements so far	RAG
<b>6. Sustainable Water</b> We face the threats of increased flooding, and a scarcity of drinking water in the near future. To address these, we need to be aware of and respond to flood risks, and use water more efficiently.				A
6a	The council considers flood risks for any infrastructure, building or transportation work.	Ongoing	<p>Brent Council works with partners such as the Environment Agency and Thames Water to alleviate flooding in high risk areas.</p> <p>The Council has developed a:</p> <ul style="list-style-type: none"> <li>• Severe weather plan</li> <li>• Multi-Agency Flood Plan</li> <li>• Flood plan for the Welsh Harp and aqueduct.</li> </ul> <p>These all run as annexes to our Major Incident Plan, all of which are currently being updated.</p> <p>When designing new highway schemes, consideration is given</p>	G

Task No	Details	Due Date	Achievements so far	RAG
			to installing permeable paving instead of traditional block paving or tarmac, and introducing landscaped areas and trees for rain water to absorb into ground.	
6b	Reduce flood risk by keeping urban areas green and reduce drought risk by using plants that are drought resistant.	Ongoing	When designing new highway schemes, consideration is given to installing permeable paving instead of traditional block paving or tarmac, and introducing landscaped areas and trees for rain water to absorb into ground and replenish water table. Tree planting and urban greening are included in planning conditions for housing and commercial developments. Parks use drought-resistant plants in their flower beds.	G
6c	When planning new buildings, incorporate SuDS (sustainable urban drainage systems) whenever possible.	Ongoing	All new developments will be required to submit sustainable drainage details from October 2013.	A
6d	Tackle local flooding and watercourse pollution.	Ongoing	Waste water from properties must not be connected to surface water system. Inform residents about flooding and water pollution via local papers and Brent Magazine.	G
6e	Use water more efficiently.	Ongoing	Tap water is used increasingly at meetings. Push taps have been installed in toilets in numerous council buildings to reduce water wastage. The Civic Centre will have the following sustainable measures relating to water: <ul style="list-style-type: none"> <li>• Low flow aerated or spray taps for wash basins</li> <li>• Dual flush toilets</li> <li>• Urinals will be waterless or fitted with presence detectors</li> <li>• Showers with a flow rate of less than 9 litres/min or less</li> <li>• Sub-metering</li> <li>• Rainwater storage tank to use in flushing WCs and for irrigation.</li> </ul>	G

Task No	Details	Due Date	Achievements so far	RAG
<b>7.</b>	<b>Sustainable Land use and Wildlife</b> It is important to ensure that land is used for social and economic development that recognises, protects and enhances the value of the natural environment, so that it can continue to be enjoyed and benefited from by future generations.			<b>G</b>
7a	The council preserves and enhances Brent's existing parks and open spaces and aims to increase these as opportunities become available.	Ongoing	The following developments have taken place: <ul style="list-style-type: none"> <li>• Drought resistant plants mean plants will survive during dry summers.</li> <li>• Brent Council was awarded eight Green Flags in 2011, compared to just two in 2008.</li> <li>• Brent won four awards at the London in Bloom Awards 2012: gold for Mapesbury Dell in the Small Park of the Year Award; silver gilt for Fryent Country Park in the Country Park Award; third prize in the prestigious Biodiversity Award and silver gilt and second place in the Large City Award category.</li> </ul>	<b>G</b>
7b	The council conserves and enhances biodiversity	Ongoing	The council assesses its 62 Sites of Importance for Nature Conservation (SINCs). Since 2011, the percentage of sites in an improved condition increased from 66% to 67.7%	<b>G</b>
7c	Make sure the planning system protects and enhances open spaces and biodiversity and does all it can to protect and promote trees and woodland and promoting wildlife.	Ongoing	A Sustainability Checklist has been created and is being applied for planning projects. This list is updated regularly.	<b>G</b>
7d	Support and fund the work of the Welsh Harp Environmental Education Centre.	Ongoing	External funding has been secured to enhance the current programme. The council has funded improved facilities at the centre.	<b>G</b>
7e	Protect our SSSI (Sites of Special Scientific Interest) at Welsh Harp, and our local nature reserves such as Fryent Park.	Ongoing	The Brent Reservoir was assessed as being in a good condition by Natural England in July 2011, with a good number of breeding birds on both the open water and the lowland fens.	<b>G</b>
7f	Create wildlife corridors where possible (e.g. Fryent Park to Roe Green Park and along railway lines).	Ongoing	Wildlife corridors are part of the planning strategy together with urban greening.	<b>G</b>

Task No	Details	Due Date	Achievements so far	RAG
7g	Brent Council is a member of the Pesticide Action Network and has reduced its own pesticide use to a bare minimum.	Ongoing	The council's policy of reduced pesticide use is being adhered to.	G
7h	Greater biodiversity and open spaces contribute to improved environmental quality and wellbeing.	Ongoing	New urban spaces, such as a park in Chalkhill, have been created.	G
7i	The council's parks contribute to improved air quality, both locally and globally.	Ongoing	Parks used sustainable planting (use of perennials and drought-resistant plants) in 2012 to help combat climate change. Vegetation improves the air quality locally and contributes to reducing global CO2.	G
7j	Parks provide walking routes for local journeys.	Ongoing	Brent Council is encouraging people to walk rather than use motorised transport, in order to reduce carbon emissions and to create a healthier population.	G
7k	Brent in Bloom.	Ongoing	Brent in Bloom is held annually, giving local people the opportunity to show off their gardening skills and to make the borough more attractive	G



	<p style="text-align: center;"><b>Executive</b> <b>14 January 2013</b></p> <p style="text-align: center;"><b>Report from Director of Regeneration and Major Projects and Director of Children and Families</b></p>
<p style="text-align: center;"><b>School Expansion (Secondary) Programme 2012-16</b></p>	

## 1.0 Summary

- 1.1 In August 2012 the Executive approved the strategy for a primary school expansion programme 2012-16. This report sets out the strategy for meeting the projected shortfall of secondary school places in Brent from September 2014. It also includes an update on meeting the demand for SEN provision.
- 1.2 As detailed in the August 2012 report, a shortfall in funding of £82m for providing new school places has been identified. This report reviews the options available to Brent to meet the budget deficit.
- 1.3 According to the current roll projections, by 2020-21 Brent would require 21FE additional primary places, up to 19FE secondary places and 192 new SEN places. A portfolio review of Brent's secondary estate has been completed, which underpins the Council's strategy for developing new secondary provision. A report on SEN regarding the development of new SEN provision will follow in February 2013.

## 2.0 Recommendations

The Executive is requested to:

- 2.1 Note the current and future demand for secondary school places as set out in paragraphs 5.8 to 5.13 of this report.
- 2.2 Agree the strategy for the delivery of secondary school places as set out in paragraphs 5.15 to 5.29 of this report, subject to availability of funds.

## 3.0 Background and purpose

- 3.1 In August 2012, the Executive agreed the expansion strategy to meet the need for primary schools places in Brent. The report also highlighted a need for up to 19 FE secondary provision commencing September 2014/15 academic year.
- 3.2 As stated in the primary report, the Council has developed a four year strategy under the School Expansion Programme 2012-16 taking into account the supply and demand mismatch, and the limited resource envelope available to the Council. This includes:
- delivering the permanent expansion schemes currently underway through the rebuild of the Crest Boys' Academy and Crest Girls' Academy
  - initiating a programme of temporary provision to increase secondary capacity from September 2014
  - as is the case with the primary programme, adopting a 'rolling programme' approach to secondary school expansion based on corresponding demand underpinned by innovation, streamlining construction cost and improved project management
  - continuing to lobby government for the additional resources required to meet our statutory obligations.

#### **4.0 Capital Allocation**

- 4.1 In August 2012, we reported that the Council had received three allocations totalling £79.7m. The total uncommitted main capital allocation, including that which will be available to spend by the end of 2015-16 on new school places, is £85.16m, (including new and balance of prior year grant allocations.) In addition, the Section 106 contribution by end of 2014/15 will equal £7.14m. The total combined capital available for school places is expected to be £92.3m, which has in principal been allocated to the primary school expansion programme. The funding position as stated in the August 2012 Executive report is listed in Appendix 1.
- 4.2 The above allocations are insufficient to meet the entire need for school places. In total, the Council would require £174.31m based on the current cost of school expansion projects if it is to meet in full the current demand until 2020-21. With a forecast budget of £92.3m, this would indicate a net capital deficit of £82.0m. The Education Funding Agency is expected to make the announcement on the grant allocation for the financial year 2013-14 in January 2013.
- 4.3 The Council has maintained an on-going lobbying campaign, in conjunction with London Councils, to highlight the school places pressure across London and those particular to Brent; although it is highly unlikely that the next round of allocations will meet the Council's forecast shortfall in funding. We have also noted that there is a lag between the availability of new funding and the building of new school provision.

#### **Alternative Routes of Funding**

- 4.4 In the event that government's grant application for 2013-14 and following years is inadequate to meet the Council's entire demand for funding new provision, we are considering the following options:
- a. Free Schools:** The Executive noted that the demand for new school places cannot be met only through the expansion of existing schools due to the limited availability of funding; the Council is required to promote additional ways of creating school places by pursuing the

current government agenda on free schools and academies. The latest round of free school applications is being considered by the Department for Education (DfE) in the new year with an opening date of September 2014. Given that the Council is not looking to open a new secondary school at this date, it has not collaborated with any potential providers at this point. There are likely applications submitted for Brent, however. These include:

- an independent school group looking to open an 11 to 18 school in Wembley – of approximately 4 forms of entry, planning to provide Year 10 places immediately as well as Year 7.
- a parent led school in Cricklewood to address perceived lack of choice for parents in that area (6FE).

4.5 In addition an already approved free school has been looking to acquire a site in Brent and open a 6FE secondary school in September 2013.

4.6 All three of the above have said in discussion that they would aim to meet the Partnership Criteria agreed by the Executive in August 2012 but it is clear that two of them would be likely to use the freedoms available to free schools in respect of staffing and the curriculum.

4.7 Successful providers may be able to address part of the forecast demand for secondary school places required from September 2014. However, the Council cannot account for the potential provision until such time as the plans have been approved by the DfE and the provision commences on schedule. This unplanned route for delivering new places carries an amount of risk for the Council to meet its statutory duty.

b. **Prudential Borrowing:** Borrowing for mainstream places indicated is unaffordable and the impact of debt repayment charges would be likely to compromise other services through reductions in available General Fund Revenue account provisions. Reforms to the calculation of the Dedicated Schools Grant (DSG) funding to schools to be introduced by the DfE from 2013/14 will preclude the Schools Forum from agreeing to meet further debt charges on unsupported borrowing from this revenue source in the future. The revenue cost arising from borrowing the total sum of £82.0m would be £5.76m per annum over the period of 40 years post scheme completion.

c. **Section 106/CIL:** Developer led funding may be available to the Council, currently forecast at £7.1m. However, this route alone will not be sufficient to meet the full need and it also carries the uncertainty of future allocations. Sites being secured as part of S106 agreements are earmarked for primary provision due to the size limitation to develop a secondary provision. The forecast adoption of the Community Infrastructure Levy in 2013/14 will provide a new source of funding for the Council. Officers will be developing a Strategic Implementation Plan for the utilisation of resources arising from this source, which could include funding for secondary schools expansions.

While these three alternative options to grant funding may be a possibility; none offers certainty to enable Brent to meet the capital funding needs of the secondary school expansion programme in line with the forecast shortage of school places.

## 5.0 Demographics & Demand

5.1 The secondary forecast is based on the Greater London Authority (GLA) roll projections based on the January 2012 pupil census data. While the data is based on up to date historical school rolls, housing, birth and migration data, it does not model the impact of governmental policy shift on housing benefits, nor does it take into account the 2011 National Census information. The

first batch of 2011 census figures released earlier this week, shows that Brent's population has now risen to 311,200 making us the fifth largest London borough. These factors could significantly impact on roll projections.

## Brent Secondary School

5.2 The existing secondary schools in Brent are listed below. Out of 15 secondary schools, two are Foundation, three are Voluntary Aided and ten schools have academy status.

School	Forms of Entry (FE)*	Admission Capacity**	Status
Alperton School	7.3	1100	Academy
Ark Academy	6	900	Academy
Capital City Academy	6.5	980	Academy
Claremont High School	8.4	1260	Academy
Convent of Jesus & Mary RC High School	6	900	VA Academy
Copland School	8	1200	Foundation
JFS	10	1500	Voluntary Aided
Kingsbury High School	10.5	1575	Academy
Newman Catholic College	5	750	VA Trust
Preston Manor School	8.4	1260	Foundation Trust
Queens Park School	6.7	1000	Academy
St. Gregory's RC High School	5.9	880	Voluntary Aided
The Crest Boy's Academy	4	600	Academy
The Crest Girl's Academy	5	750	Academy
Wembley High School	7	1050	Academy
<b>Total Admission Capacity</b>		<b>15705</b>	

\*FE based on 30 pupils per class. \*\*total capacity Y7-11 based on planned admission number

5.3 The table below provides the potential current demand including children not in school:

**Table 1. Secondary places as at 13 December 2012**

	<b>Year 7</b>	<b>Year 8</b>	<b>Year 9</b>	<b>Year 10</b>	<b>Year 11</b>
<b>Places</b>	3141	3141	3141	2966	2966
<b>Vacancies (-)</b>	306	145	139	14	54
<b>OOS* (+)</b>	12	23	26	22	15
<b>Total</b>	2847	3019	3028	2974	2927

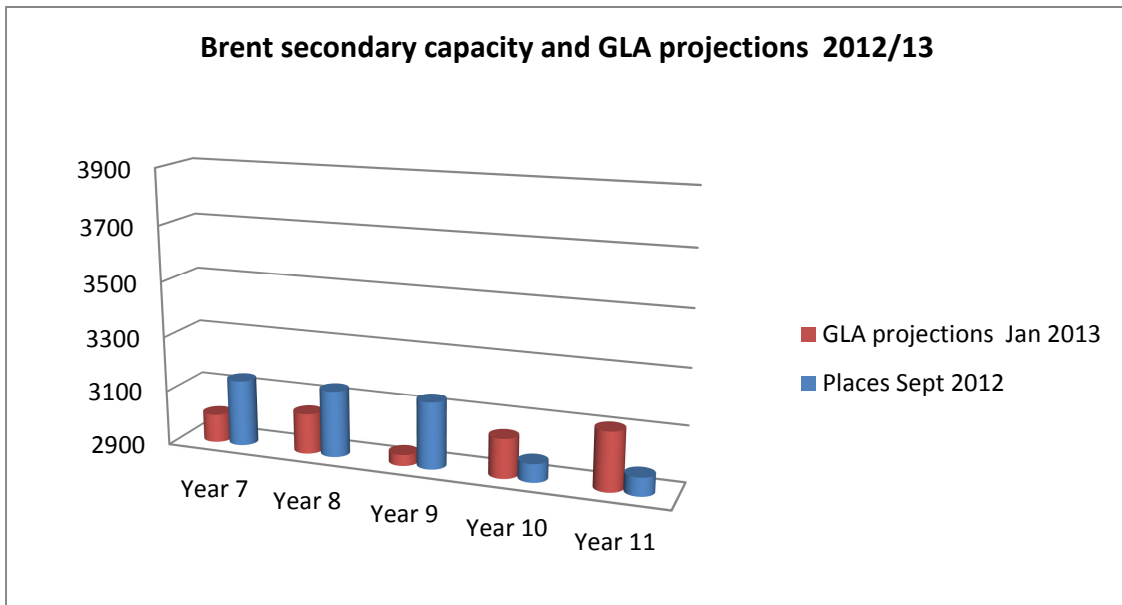
\*OOS – children out of school due to recent arrival within borough

- 5.4 Currently, there are vacancies – in uneven distribution- across Brent secondary schools in all years 7 to 11. Of the 658 total vacancies across Y7-11, the great majority of vacancies exist in Copland Community College, Newman Catholic College and Crest Boys. Each of the three schools has experienced a drop in popularity with parents especially at the point of selecting a secondary school for their Year 6 children. The reasons are longstanding and include issues related to perceptions of poor reputation, the very poor state of buildings (in the case of Copland and Crest Boys) and low examination results. Two of the three schools are currently judged ‘Satisfactory’ by Ofsted whereas the majority of the other Brent secondary schools are judged either ‘Good’ or ‘Outstanding’.
- 5.5 Crest Boys Academy has a new Executive Principal. Since his appointment in April 2012 he has already begun to make changes to processes and practices that will lead to a positive impact on examination success and reputation. A brand new building is underway and due to be completed in 2014. This will enhance the school improvement work undertaken by the Principal. When prospective Year 6 parents, local primary school children and staff are given opportunities to visit the new building, we expect there to be a massive increase in first choice applications for the school.
- 5.6 Newman Catholic College has experienced a small increase in popularity since it became a Trust school in partnership with St Charles 6th Form College and St Mary’s University Twickenham. However the school is well under capacity and with attainment below the floor target. The local authority and the diocese are working together to improve standards and recruitment, including considering more radical approaches. The local authority is also providing support to the school to help accelerate improvements in examination success.
- 5.7 The reputation of Copland Community School suffered dramatically as a consequence of the mismanagement by the former head teacher and other staff. In addition, an Ofsted inspection which followed soon after put the school into a category of Notice to Improve. Although the school was later judged ‘Satisfactory’, examination results have dipped and, along with its very poor building, it is proving difficult for the school to recruit at Year 7 when it is close to several secondary schools which are judged as ‘Outstanding’. The local authority and others are providing significant support to try to accelerate improvements in examination success. The school has been designated part of the government’s Priority Schools Building Programme. However, it is unlikely that any new build will be ready before 2017.

## Secondary Requirement

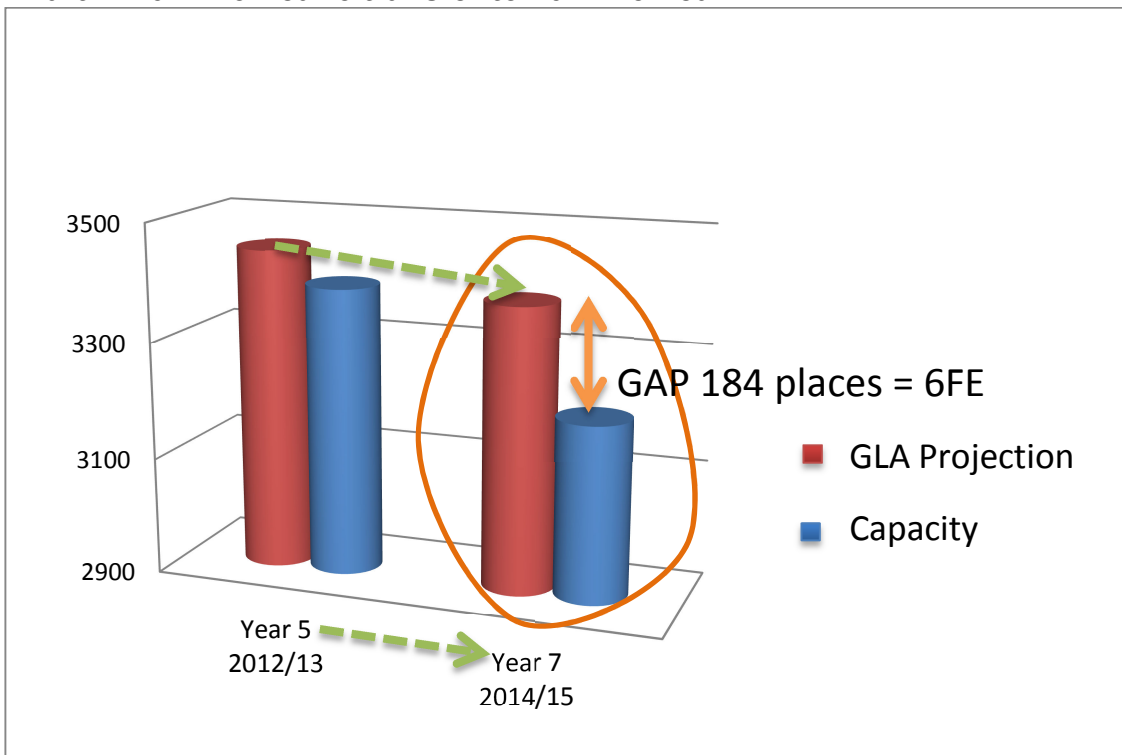
5.8 **2012-13:** Currently, there are sufficient school places in the borough in year groups 7 to 9 but there is pressure on places in Years 10 and 11.

**Chart 1. Secondary Projections 2012-13**



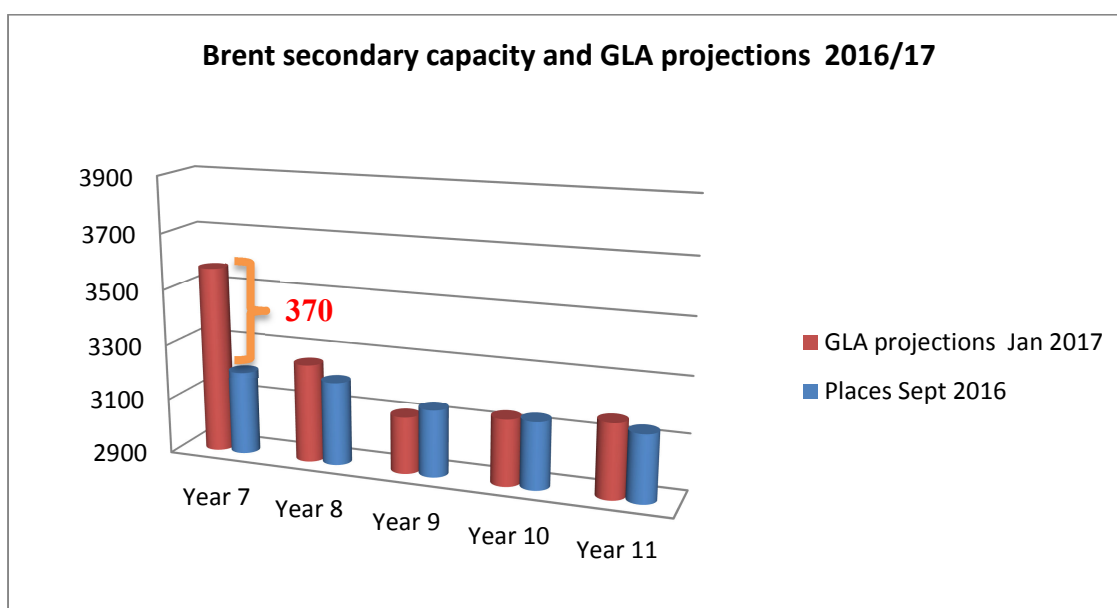
5.9 **2014-15 Primary led demand:** As shown in the chart below, the GLA roll projection data for 2012-13 Year 5, mapped against the Year 7 roll projection for the academic year 2014-15, demonstrates that the primary demand will progress through to the secondary system.

**Chart 2. 2012-13 Year 5 transfer to 2014-15 Year 7**



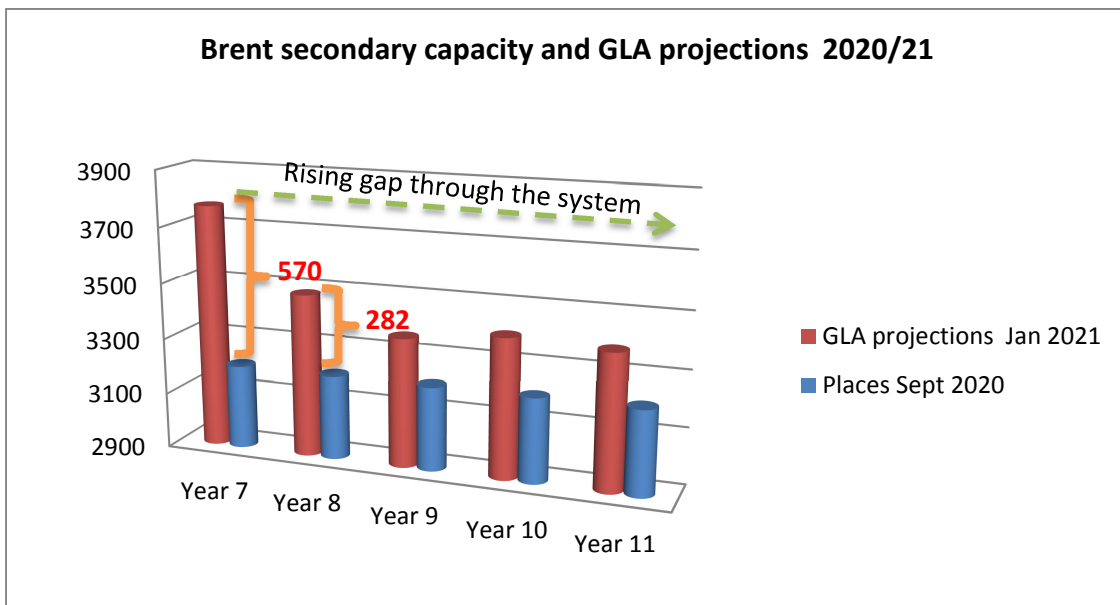
- 5.10 The Council has been working with various partners to create new secondary school places. This includes opening of the Ark Academy, which created a 6FE provision in 2010. The Crest Boys' and Girls' Academies are currently being rebuilt, which will add 1FE secondary places at each school by September 2014.
- 5.11 Despite the previous and on-going school expansion schemes, the secondary provision will be under pressure from September 2014 onwards. Assuming that existing Year 7 schools places in all secondary schools in Brent will be full by September 2014, a further 184 new Year 7 places will be required. Clearly the first priority must be to bring the existing schools to a standard where all Year 7 places are chosen by parents.
- 5.12 **2016-17:** The demand for secondary school places will outstrip the supply year on year unless new places are created. By 2016 370 (12.3FE) new places will be required. A large proportion of the requirement will be driven by the existing primary demand in the system which is making its way through the rising year groups.

**Chart 3. Secondary Projections 2016-17**



- 5.13 **2020-21:** Over the next eight years the demand for secondary school places will mirror the current shortages in the primary sector. An additional 570 new places (19FE) will be required after taking into account the new capacity being created at the Crest Academies.

**Chart 4. Secondary Projections 2020-21**



### **School Expansion Programme 2012-2016**

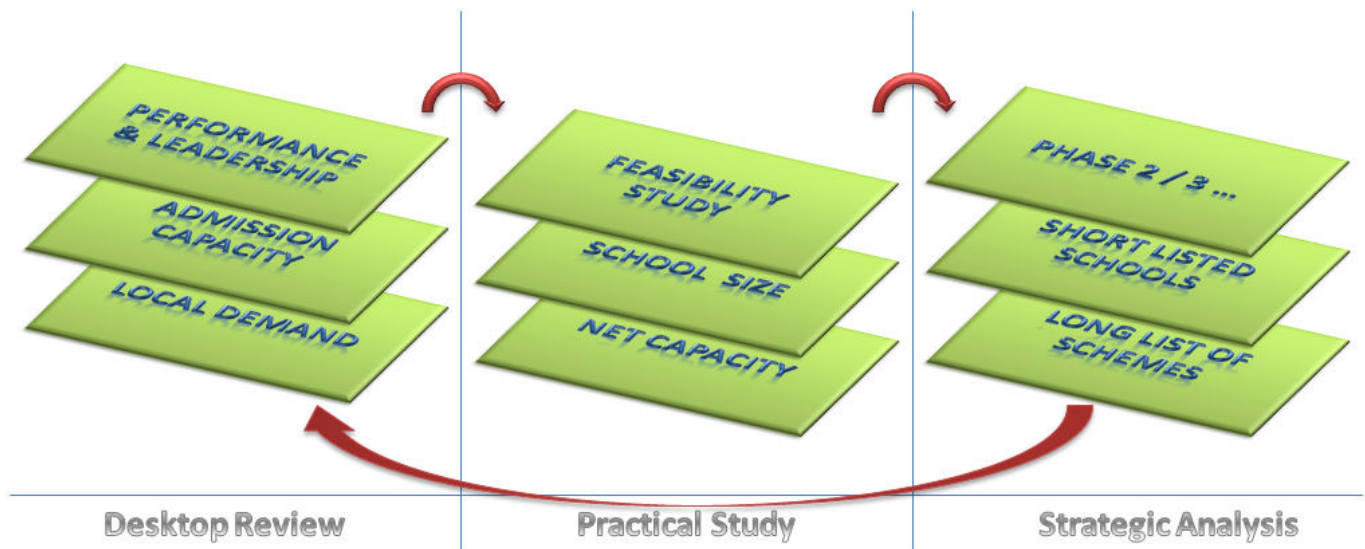
5.14 The Council has developed a four year rolling programme of school expansion based on improved demand forecast, smarter procurement, construction and project management arrangements than those employed to date. The programme will consider the immediate need for primary places, SEN requirements, creation of secondary schools places and explore financial models that may help to deliver these. The Council will need to explore all avenues of possible funding to avoid a future significant supply and demand mismatch at secondary school level.

### **Secondary Portfolio Review**

5.15 A full portfolio review has been completed, which takes into account various factors in considering where school places are most needed and which schools could be expanded. A strategic analysis has been completed based on the following model:



## OUR APPROACH:



5.16 The process involved a review of data to analyse the demand, capacity and performance in Brent schools. A long list of schools and non-school sites was drawn up, on the basis of which architectural feasibility studies were commissioned to undertake a technical review. We reviewed properties such as the Stonebridge Day Care Centre, mixed use at Bridge Park Community Leisure Centre and reviewed the opportunity cost of selling the Gwenneth Rickus Building in order to fund school expansion elsewhere. The Council now has high level, viable design options and an estimate of costs. This was further analysed to produce a short list of schools, from which a phased list of schemes has been drawn. Wembley High Technology College was discounted because it is being proposed for a primary provision, which would make it an all-through school like the Ark Academy and Preston Manor.

5.17 **Net Capacity:** The net capacity of a school is the number of pupil places it can physically accommodate. By comparison with the number on roll, it can indicate the number of places that are surplus or additional places that are needed in a school. If it is divided by the number of year groups, it can indicate the admission number that can generally be accommodated. The assessment of the net capacity is determined using the Department for Education methodology based on the number, size and type of teaching spaces and the age range of the school. The Council has appointed Cad-Capture consultancy to assess the latest capacity and is currently in the process of validating the information with individual schools. Generally, Brent schools do not have surplus capacity, however, where the net capacity is significantly different from the planned admission number (the number of pupils admitted to each year group in a school), we will evaluate the reason for the surplus/deficit with the respective school and make adjustments to our deficit of school places data. We plan to complete the validation of net capacity at all secondary schools by March 2013. As an example, we may be able to create 'bulge'/permanent places at St. Gregory's Catholic Science College with agreement with the school and the Westminster Diocese.

### Priority School Building Programme

5.18 The Council had submitted bids for resources to rebuild both Alperton and Copland Schools under the government's £2bn Priority School Building Programme (PSBP). In May 2012, the government announced that 261 of the 587 schools nationally have been successful in the application, which includes both schools in Brent. The Education Funding Agency (EFA) has informed that it aims to deliver schools in 'batches' and that both Brent schools are planned to

be initiated in the third quarter of 2014. It is likely that the two Brent schools have been selected for a complete rebuild with a possibility of expansion at each school by 1 form of entry. We have estimated that the total 2FE increase in admission capacity from the rebuild of these schools will be available from September 2017.

## Phasing of Schemes

- 5.19 The demand for secondary school places is spread across the borough. Unlike the primary sector, the GLA's forecast methodology lists the borough under a single planning area (virtual boundaries used as a method to project local demand). The forecast takes into account the net export and import of pupils to other boroughs.
- 5.20 This report is focusing on the basic need and not issues related to building condition. This means that the schemes in this report have been prioritised on the basis of the Council's need to provide additional places in order to meet the forecast shortfall of secondary school places up to 2020-21.
- 5.21 A phased approach to providing school places has been considered. Phasing will provide some obvious advantages, such that the provision of school places will match the gap in capacity for the forthcoming years, ensuring the appropriate level of funding is available for the schemes; while those which have inherent property issues are allocated suitable resolution timescale.
- 5.22 Phasing of proposed schemes is suggested below based on the approach listed under paragraph 5.16. However, the Council will need to validate the viability of each scheme listed in this report prior to commencing the expansion proposal under each phase. There are several risks which may delay or even stop the implementation of a scheme, such as lack of funding or a school's governing body may oppose an expansion and/or planning constraints may render a scheme unviable. It may be necessary to substitute a scheme with another if any of the proposed schemes is not feasible, subject to due diligence completed by the Council and agreement with the school.
- 5.23 Officers will provide a bi-monthly update to members on the progress of the phases and individual schemes. Statutory consultation and procurement reports will be submitted for Executive approval as per the Council's standing orders.
- 5.24 We will continue to issue quarterly newsletter to schools and governing bodies to ensure they are well informed of the proposals across the borough. This will be over and above the specific correspondence with the schools which are being proposed for expansion.
- 5.25 As stated under section 4, the Council does not have sufficient funding to meet the demand for secondary school places. This means that schemes will be confirmed once additional funding has been secured. It must be noted that some schemes which may be delivered under phases 2 & 3 may need to be commenced alongside phase 1 schemes. Hence, it will be necessary to ensure that prior to the commencement of each scheme, associated funding costs are committed for the successful completion of the projects across the expansion programme.
- 5.26 **Phase 1:** schemes which are likely to provide full new capacity in academic year 2014/15, subject to funding. The schemes in this phase will be relatively straightforward to deliver.

**Table 2. Phase 1 Proposed Schemes**

Sr. No.	School Name	No. of New FE*	Total Proposed FE*	Estimated Cost	Cost/FE	Risk of Delivery
1.	Queens Park Community School	2	8.7	£4.5m	£2.2m	M - school GB view pending.
2.	Contingency^			£0.4m		
	<b>TOTAL</b>	<b>2</b>		<b>£4.9m</b>	<b>£2.4m/FE</b>	

^10% contingency has been allowed for design and construction risk, which exist at this stage because the schemes will evolve through stakeholder consultation and statutory requirements. \*Form of Entry (FE) based on class size of 30.

5.27 **Phase 2:** schemes which are likely to provide new capacity between academic year 2015/16 and 2016/17. The complexity of these schemes will be greater and will take longer to develop and deliver. Funding will need to be validated before commencement of any scheme.

**Table 3. Phase 2 Proposed Schemes**

Sr. No.	School Name	No. of New FE*	Total Proposed FE*	Estimated Cost	Cost/FE	Risk of Delivery
3.	Kingsbury High School	4	14.5	£15.6m	£3.9m	M - school GB view pending; Potential planning issues.
4.	Gwenneth Rickus Building	6	6	£14m	£2.3m	H – very confined site, may be suitable for satellite of an existing Brent secondary school. Potential planning issues.
5.	Contingency^			£2.9m		
	<b>TOTAL</b>	<b>10</b>		<b>£32.5m</b>	<b>£3.2m/FE</b>	

^10% contingency has been allowed for design and construction risk, which exist at this stage because the schemes will evolve through stakeholder consultation and statutory requirements. \*Form of Entry (FE) based on class size of 30.

5.28 **Phase 3:** schemes which are likely to provide new capacity between the academic years 2017/18 and 2019/20. These schemes will form part of the Priority School Building Programme via the private finance initiative route. The Education Funding Agency will contact the schools in autumn 2014 to discuss the scheme details.

**Table 4. Phase 3 Proposed Schemes**

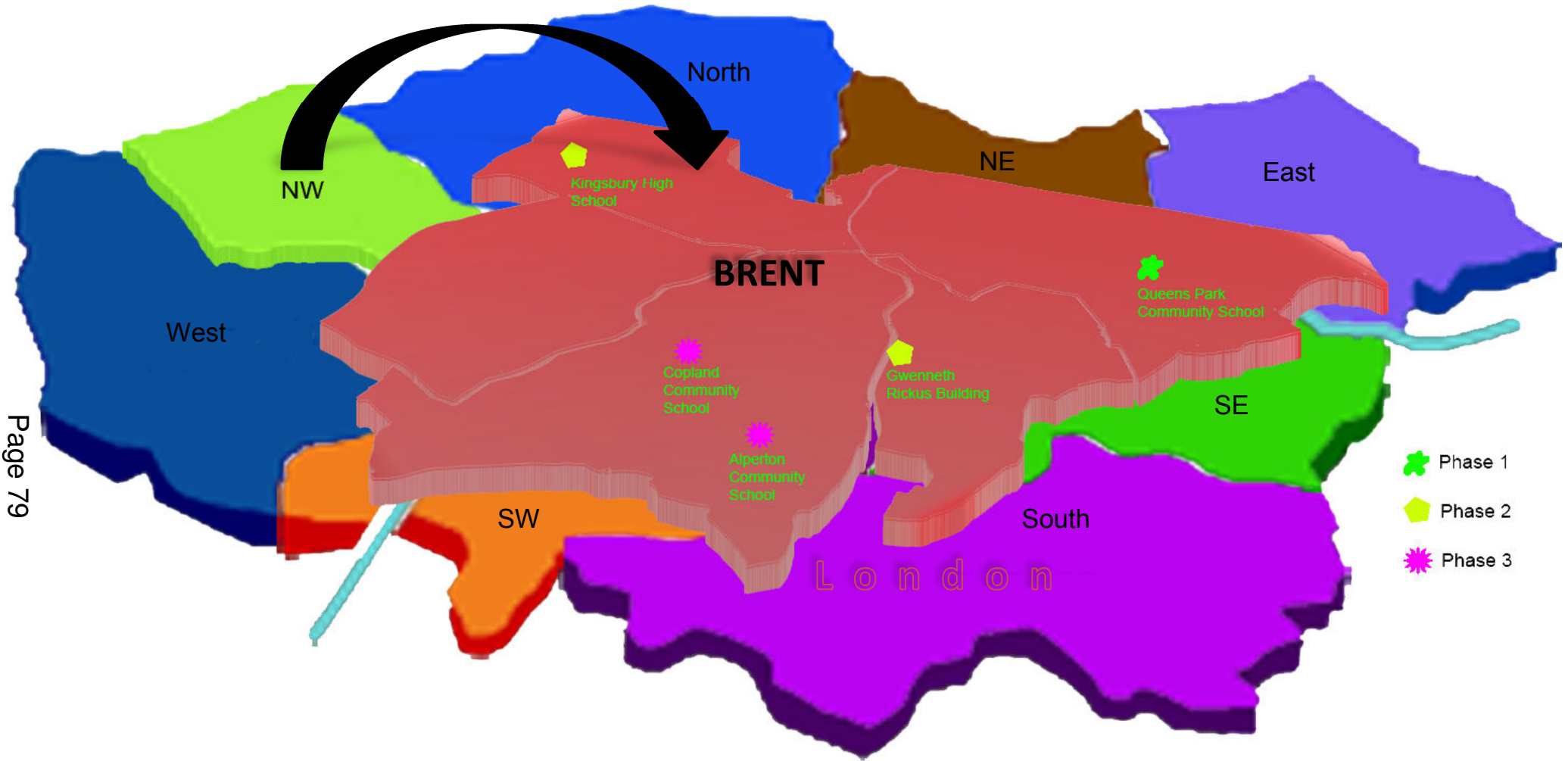
Sr. No.	School Name	No. of New FE*	Total Proposed FE*	Estimated Cost**	Cost/FE	Risk of Delivery
6.	Copland Community School	1	9	n/a	n/a	M – Currently undersubscribed; steep learning curve of PFI may lead to delays.
7.	Alperton Community School	1	8.3	n/a	n/a	M – Steep learning curve of PFI may lead to delays.

8.	Contingency^			n/a		
	TOTAL	<b>2</b>		<b>n/a</b>	<b>n/a</b>	

^10% contingency has been allowed for design and construction risk, which exist at this stage because the schemes will evolve through stakeholder consultation and statutory requirements. \*Form of Entry (FE) based on class size of 30. \*\*Cost to be funded via PFI set up by the EFA, hence, minimal impact to the Council.

5.29 Further analysis on all the above schemes is necessary. If all the schemes in phases 1 to 3 were implemented, the Council would be able to provide by 2019-20 14FE of the forecast 19FE shortfall by 2020-21. The remaining shortfall in provision (5FE) will be reviewed further through annual monitoring of the roll projections to ensure that any large fluctuation in demand is taken into consideration in order to not over provide. Sudden shifts in Brent's pupil population may occur due to several factors, e.g. the current national policy driven changes to housing benefits. We will also review the plans of neighbouring boroughs in order to maximise opportunities for partnership in providing new school places.

\*\*\*Map: Brent Proposed Secondary Expansion



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\*\*\*Not to scale

## 6.0 Financial Implications

- 6.1 The figures included within Section 4.0 of this report refer to the approved capital programme as part of the 2012/13 Budget Setting process. It should also be noted that the DCLG Settlement only related to the 2012/13 financial year and, as such allocations for future years are forecasts only, will be subject to change following future settlement announcements.
- 6.2 As schools expand there are additional revenue costs that the expanding schools face. These are primarily additional teaching and teaching support staff costs, but can include other start-up costs such as small items of equipment. For expansions that occur part way through a financial year, a central element of the Schools Budget is used to provide funding to such schools on an agreed and standard basis. The schools' annual budget share is also adjusted for the following financial year to reflect the additional pupil numbers. The Schools Budget is funded by a specific grant called the Dedicated Schools Grant that the Council receives each year. The DSG the Council receives each year is also for additional pupil number growth so as new pupils enter education in Brent's schools the funding the Council receives is adjusted to reflect this, thus allowing the increased revenue costs to be met.
- 6.3 Significant changes to school funding, relating to the national funding formula and the funding of academies, are planned by the DfE and announcements are expected shortly. Reforms have already been consulted on regarding the calculation of the Dedicated Schools Grant (DSG) which will preclude debt charges on new unsupported borrowing being met from this revenue source in the future.
- 6.4 The funding requirement in this report is based on the current pupil projections up to 2020-21. However, it must be noted that if the projections were to change significantly, this would have an impact on the funding requirement.
- 6.5 Currently, per the August 2012 Executive report titled 'School Expansion Programme 2012-16', the forecast capital of £92.3 is allocated to be invested entirely in the delivery of the primary expansion programme. However, this approach would leave the Council with a significant shortage of secondary places from September 2014. Hence, it would be necessary to spend capital on all types of provision (primary, secondary and SEN) at this stage if the Council is to resolve its long term problems. This would impact on the delivery of the primary expansion programme, particularly Phase 3. We will provide the members an update in spring 2013 which will provide a consolidated view of the primary, secondary and SEN expansion into a single programme. This will help to rationalise the use of funds across the three sectors.
- 6.6 Accordingly, the cash flow would be affected and the forecast budget would fall short before meeting the full demand for 2020-21. The current budget allocations would be spent prior to considering any future prudential borrowings, which is not an affordable option for the Council. Due to a long gestation period in such capital schemes, it is most likely that the cash flow will be higher in the later parts of the expansion projects, which has been reflected in the requirement. The only internal option for bridging this gap would be for the Council to incur increased levels of unsupported borrowing.
- 6.7 In order to meet demands of expenditure profiles, it may be necessary to commit grant funding to schemes before it is received by the Council. This would incur increased levels of unsupported borrowing in the earlier years of the programme of works on a short term basis, which would result in increased levels of debt charges (£1.16m based on 40 years repayment) on the General Fund Revenue Account. However, upon receipt of corresponding grant monies

in subsequent years the forward funded sums could be repaid and the debt charges arising negated.

## **7.0 Legal Implications**

- 7.1 Under sections 13 and 14 of the Education Act 1996 (as amended by the Education Acts 2006 and 2011), a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. The local authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. It must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the local authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.
- 7.2 DFE has published further non-statutory advice in November 2012 regarding Fair Access Protocols: Principles and Process following recommendations from Schools Adjudicator. The advice sets out a clear expectation from the Secretary of State that all schools (including academies) and local authorities should work together to identify a school place for those children who have had difficulty finding one. All schools are expected to respond to requests by local authorities to admit a child under fair access protocols within seven calendar days.
- 7.3 This report does not include detailed plans about starting procurements for specific schemes. Where Executive reports are required to initiate such procurements and award contracts, and to approve the acquisition of land, these will be presented to the Executive at the appropriate time.

## **8.0 Diversity Implications**

- 8.1 Particularly at secondary transfer, parents are looking for a school which meets their cultural and religious/non-religious aspirations. This is complex in Brent where so many different ethnic and cultural groups converge and where the population changes so rapidly. There is already a good supply of girls and boys only secondary places in the borough as well as Catholic and Jewish schools and overall the first preference applications indicate that parents are looking for high achieving schools as an opportunity to improve their child's life chances.
- 8.2 The Impact Needs/Requirement Assessment (INRA) has been updated as part of the four year rolling programme, please see Appendix 2.

## **9.0 Staffing/Accommodation Implications**

- 9.1 As approved by the Executive in August 2012, a business case for a new Capital Team for Delivering School Expansion Projects has been completed and the team is in the process of being established. This team will be responsible for delivering primary, secondary and SEN expansion projects as part of the rolling programme 2012-16.

### **Background Papers**

- Executive Report August 2011 and supporting documents
- March 2012 Executive Report
- GLA Forecast for Brent 2012
- Feasibility Studies (2012)
- Executive Report August 2012 'School Expansion Programme 2012-16'

## **Contact Officers**

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**DIRECTOR OF CHILDREN & FAMILIES**



Table 1. Capital Programme Allocation

	2012/13 Forecast £'000	2013/14 Forecast £'000	2014/15 Forecast £'000	2015/16 Forecast £'000	Total Forecast £'000
<b>**Phase 1 School Expansion Allocated</b> (Fryent, Mitchell Brook, Barham, St. Robert Southwell)	13,576	5,640			19,216
<b>Unallocated Capital</b>	48,000	3,184	9,896		61,080
<b>Projected Grant*</b>	0	7,861	7,861	8,361	24,083
<b>Sub-Total</b>	<b>48,000</b>	<b>11,045</b>	<b>17,757</b>	<b>8,361</b>	<b>85,163</b>
<b>Potential S106 allocation (future)</b>	<b>915</b>	3,115	3,115		7,145
<b>Total Available Capital (including potential sources)</b>	<b>48,915</b>	<b>14,160</b>	<b>20,872</b>	<b>8,361</b>	<b>92,308</b>
<b>SEN Invest to Save</b>	<p>Prudential borrowing may be available to the Council subject to not breaching prudential borrowing limits and advice will be taken from the Director of Finance and Corporate Services on this issue.</p> <p>Should the Council be minded to investigate the use of Prudential Borrowing, it is proposed that its use would only be on the basis of 'Invest to Save' where it could be demonstrated that any additional borrowing costs at least match revenue savings to the Schools Budget.</p> <p>Approvals would need to be obtained on the basis of individual schemes underpinned by a fully validated business case.</p>				

\*Forecast allocation. \*\*For information only; not included in the sub-total/total cost.

Impact Needs/Requirement Assessment

Department: Regeneration & Major Projects	Person Responsible: Richard Barrett
Service Area: Property & Assets Management	Timescale for Equality Impact Assessment :
Date: 20.07.2012 updated on 17.12.2012	Completion date: 07.08.2012 updated on 17.12.2012
Name of service/policy/procedure/project etc: School Expansion Programme 2012-2016	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact <input type="checkbox"/> Not found <input checked="" type="checkbox"/> Found <input type="checkbox"/>  Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Please state below:
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion

	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation conducted  Yes <input checked="" type="checkbox"/> (Initial consultation completed in 2011. Statutory Consultation will be completed once individual schemes are developed and agreed) No <input type="checkbox"/>	
Person responsible for arranging the review: Richard Barrett	Person responsible for publishing results of Equality Impact Assessment: Richard Barrett
Person responsible for monitoring: Rajesh Sinha	Date results due to be published and where: Summary of results from the initial school consultation were published in August 2011 Executive report; Summary of consultation was issued to all schools.
Signed:	Date: 07 August 2012 (updated) 17 December 2012 (updated)

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?

According to the current roll projections, by 2020-21 Brent would require 21FE additional primary places, up to 19FE secondary places and 192 new SEN places. The demand is uniformly spread across the borough with hot spots in planning areas 3 & 5.

A portfolio review of Brent schools has been completed based on the analytical model included in the report. This informs the Council's strategy for creating new school places in existing primary and secondary schools as well as explores the options for creating new schools. This includes opportunity for acquiring new land under S106 agreement and creating Free Schools.

Subject to the availability of funding, it is proposed to create 19.5FE primary places by 2015 and 19FE secondary places by 2021 through existing school expansion. 77 new SEN places are proposed to be created by 2015.

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

To provide much needed primary and secondary school places in the borough.

The growth in Brent's population is reflected in the increasing demand for school places. Numbers of 4 year olds and 11

year olds on school rolls are expected to rise strongly over the next three to four years.

Under sections 13 and 14 of the Education Act 1996 (as amended by the Education Acts 2006 and 2011), a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. Local Authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the Local Authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.

Primary: By 2020-21, if no action were to be taken, the deficit in primary school places will continue increasing year on year and will reach untenable proportions i.e. 21 forms of entry based on the requirement for Reception places. The shortage of 21FE excludes the on-going Phase 1 schemes.

Secondary: Over the next eight years the demand for secondary school places will mirror the current shortages in the primary sector. An additional 570 new places (19FE) will be required after taking into account the new capacity being created at the Crest Academies

SEN: The Council's Special Educational Needs (SEN) and Disability services have faced pressures arising from increased demand for specialist education placements for a number of years. This increase in demand is in line with a national trend and is due to a combination of factors including: advances in medical technology and higher survival rates of children with complex needs and increases in medical diagnoses for conditions such as autism. It has also been exacerbated in Brent by increased in-migration and population growth.

By 2020, it is projected that 192 new SEN places will be required; of which 86 will be for primary aged children and 106 for secondary school pupils. The SEN requirement is over and above the mainstream places needed in Brent.

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

Yes, the project is consistent with the following areas:

Disability  
Belief/Faith  
Sexual Orientation  
Age  
Gender  
Race

In 2008, the Council consulted widely on schools strategy in Brent, receiving over 800 responses. Brent residents were in favour of the Council's strategy for school places and believed that the LA should play a major role in managing and running schools (89% agree). Parent groups were the next most frequently identified (73% agree). Only around four in ten participants felt that charities (38%), faith groups (37%) or private sponsors (36%) should have such involvement in Brent schools.

Ensuring equal access to school places in Brent - over two thirds of participants did not feel they were disadvantaged in obtaining a school place for their children due to any of the main diversity strands. Over, 90% did not feel they were disadvantaged due to their gender. This was also true for 85% of participants in relation to disability; 77% in relation to ethnicity; and 66% in relation to their faith.

The schools proposed for expansion would enable the Council to provide additional new places required for Brent's growing pupil population.

#### 2011 - Consultation Outcomes

In making decisions about the delivery of additional school places, the Council has established a set of planning principles. The Council received the responses from the schools for the consultation on these planning principles for which the closing date was 1 July 2011.

#### Principle 1 – Sufficiency of demand

There must be clear evidence of demand for additional school places in the local area based on projections of medium

term and longer term need.

#### Principle 2 – Improving learning environment & outcomes, including expanding popular schools

Schools which are identified for expansion must be able to demonstrate that they will be able to provide a good quality of education. The Council will consider the progress and achievements of children currently at the school and the school's capacity for further improvement taking into account an improvement in the learning environment.

#### Principle 3 – Efficient use of resources

There is a limited capital budget and a large projected shortfall in the number of school places. It is therefore essential that scarce resources are used most effectively in order to secure the maximum number of additional high quality school places within the available budget.

#### Principle 4 – Improving local SEN provision

The demand for SEN placements is continuing to rise and there is a projected shortfall in specialist SEN provision in Brent, both in special schools and additionally resourced mainstream provision. In expanding primary provision, consideration also needs to be given to improving the range and quality of local SEN provision available in Brent.

#### Principle 5 – Diversity of type of provision

The Council will consider different types of provision that will contribute to the overall objectives of providing high quality school places, cost effectively in areas of greatest need. These options will include:

- a) Expansion of existing primary schools  
This will involve providing additional forms of entry on existing primary school sites and is dependent on the potential of the site for expansion.
- b) Establishment of all through schools  
An all through school would be one school covering the primary and secondary phases, funded as a single institution. It would normally occupy a single site/campus at an existing secondary school.
- c) Establishment of 5 FE primary schools  
A 5 FE primary school would be a large school catering for approximately 1050 children. There is an increase in the number of 5 FE schools opening across the country, in response to pressure on school places.
- d) Amalgamating schools  
Amalgamating two or more schools can assist in providing additional school places by increasing capacity at single or multiple sites. Amalgamation would require the agreement of the school concerned.
- e) 'Bulge' Classes  
A 'bulge' class would be one extra class of children in a year group, over and above the school's Admission Number, who progress up the school to the end of Year 6.
- f) Developing New Schools  
This criteria has been added post-consultation to allow creation of new capacity where existing schools are difficult to expand or if an opportunity to create a new school in an area of need arises e.g. a S106 opportunity

The expansions will improve choice and diversity by providing fair access and improved parental preference to schools places in Brent. The impact on Equalities will be kept under review and reported to the members periodically.

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

None. The expansion of the proposed schools is unlikely to adversely impact on a person with any of the 9 protected characteristic. However, further statutory consultation will be undertaken once individual schemes are fully proposed and developed.

Each expansion of a school will improve choice and diversity in the local area by providing fair access and improved parental preference to schools places in Brent.

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).

Previous consultation results have been reviewed. Latest consultation in 2011 has been considered:

Overall, 29 responses were received on the consultation, of which five were from head teachers, nineteen from individual school governors and the remaining five responses were from others.

A majority of the respondents agreed with the principle of sufficiency of demand, improving outcomes and efficient use of resources.

Fourteen (48%) respondents selected the option to expand existing primary schools and four (13%) expressed a preference for all-through schools as their first choice. Seven (24%) respondents opted for creating 'bulge' provision and five (17%) respondents selected amalgamation as their second choice. Four respondents suggested that building a brand new school should have been an option and six suggested that the Gwenneth Rickus Building should be used as a primary school (if the building were to be available for alternative use).

There were five expressions of interest for providing a 'bulge' class and an equal number opted for permanent expansion. One school expressed an interest to become an all-through provision. It must be noted that the majority of respondents are individual school governors and may not necessarily represent the voice of the entire school.

Particularly at secondary transfer, parents are looking for a school which meets their cultural and religious/non-religious aspirations. This is complex in Brent where so many different ethnic and cultural groups converge and where the population changes so rapidly. There is already a good supply of girls and boys only secondary places in the borough as well as Catholic and Jewish schools and overall the first preference applications indicate that parents are looking for high achieving schools as an opportunity to improve their child's life chances.

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)

None identified. School expansion will fully meet the requirements of the SEN Code of Practice and the accessibility standards. A range of special education needs is expected within the primary and secondary regular intake including students with language and communication needs, behavioural emotional and social needs and children on the autistic spectrum. A borough wide SEN 'unit' or additionally resourced provision is also proposed under the programme. The aim is provide a maximum of 192 new SEN places across Brent. Further analysis will take place to complete the due diligence in order to validate the savings over a period of time by limiting the demand for out borough provision.

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?

In 2011, the Council consulted with all schools and received responses from head teacher, governors and others. This informed us the level of interest in the five principles developed by the authority (please refer to no. 3 above). The results have been reviewed and form one of the factors of the school expansion programme Executive report for August 2012.

We will undertake further statutory consultation for individual schools/schemes once they have been suitably developed for a proposed expansion.

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

Following the close of consultation, a summary report was issued by the Council to all Brent schools. A brief update was also included in the August 2011 Executive Report.

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

None is identified.

Please refer to no. 5 above.

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

need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

n/a, see above.

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

n/a

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

n/a

13. What is the justification for taking these measures?

n/a

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

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

The impact on Equalities will be kept under review and reported to the members periodically.

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

Proceed to seek permission from Brent Executive to approve the programme. Thereafter, develop individual projects which will undergo a statutory consultation process.

Should you:

1. Take any immediate action? N/A.
2. Develop equality objectives and targets based on the conclusions? N/A
3. Carry out further research? N/A

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

N/A.

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

There has been an on-going lobbying campaign in conjunction with London Councils, to highlight the school places pressure across London and those particular to Brent. The campaign has been highly successful and Brent received £24.8m allocation of Basic Need Safety Valve money in October 2011. In addition due to the severe shortage of Primary School places nationally the government allocated further Basic Need funds in December 2011 and Brent received a further £24.09m; the third highest allocation in the country. An additional £30.8m Basic Need allocation was received in April 2012 which was the highest allocation in the country. The three allocations total £79.7m.

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

Signed by the manager undertaking the assessment:

Full name (in capitals please): Richard Barrett

Date: 07 August 2012 updated  
17 December 2012

Service Area and position in the council:

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

Rajesh Sinha

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**





**Executive  
14 January 2013**

## **Report from Director of Regeneration and Major Projects and Director of Children and Families**

Wards Affected: All

### **Authority to allocate Main Capital Programme Funding for the expansion of Vicar's Green Primary School**

#### **1.0 Summary**

- 1.1 This report requests Executive approval to Brent Council providing funding to the London Borough of Ealing for the expansion of Vicar's Green Primary school by 1 form of entry. 15 out of the 30 places in the new form of entry are expected to be taken up by Brent children. Accordingly, a consultation will commence in January 2013 to expand the catchment area for admissions to include Brent residential areas.
- 1.2 Expansion of Vicar's Green Primary School forms part of the School Expansion Programme 2012-16 report approved by the Executive in August 2012.
- 1.3 The total project cost for the expansion is estimated at £4m including consultant fee of which Brent Council will contribute in equal proportion in partnership with Ealing Council.
- 1.4 The building works contract will be between Ealing Council and the contractor, for which the procurement process will be completed by Ealing Council.
- 1.5 Brent contribution totalling to £2m plus a contingency of £0.5m will be funded from the mainstream schools capital programme, which formed part of the August 2012 Executive report titled 'School Expansion Programme 2012-16'.

#### **2.0 Recommendations**

The Executive is recommended:

- 2.1 To approve the funding by Brent Council of £2m, together with a contingency of £0.5m, towards London Borough of Ealing's school expansion project at Vicar's Green Primary School.

- 2.2 To note the comments of the Director of Legal & Procurement in Section 5 and delegate authority to the Director of Regeneration & Major Projects in consultation with the Lead Member for Regeneration & Major Projects to approve the funding agreement with Ealing Council on finalisation of the terms for the expansion of Vicar's Green Primary School from September 2014.
- 2.3 To agree that all Brent Council funding is subject to a legal agreement between the Council and Ealing Council setting out that:
- (i) The Council funding contributions can only be spent on legitimate education facilities, as defined in government guidance, and not on ancillary facilities that form part of the project;
  - (ii) Full and proper governance arrangements are established for the project to ensure it is delivered to time and budget, and providing for a senior Brent Council officer representation on the project board.
- 2.4 To approve the allocation of £2m from the main capital programme in line with the approved August 2012 Executive Report to fund fifty percent of the cost of the school expansion project in partnership with Ealing Council.
- 2.5 To approve the contingency of £0.5m to be maintained to cover unforeseen project costs since the design stage has not commenced and cost are an estimate at this stage.

### **3.0 Detail**

#### **Proposed Scheme**

- 3.1 In August 2012, Brent Council Executive approved the School Expansion Programme 2012-16, which included the proposed expansion of Vicar's Green Primary School, located in Ealing near the Brent borough boundary (refer to Appendix 4 for a location map). The scheme is supported by the West London Alliance (WLA).
- 3.2 During its last inspection in June 2008, Ofsted inspectors judged Vicar's Green Primary School to be good. The interim assessment carried out by Ofsted on 7 January 2011 noted that the school's performance has been sustained. In the 2012 SATs 89% of pupils achieved level 4 or above in Maths and English. Ealing Council's school improvement team does not have any concerns about the school's standards or capacity for successful expansion.

#### **'Bulge' Class**

- 3.3 As a proof of concept, both Council's have successfully worked together in order to provide a 'bulge' Reception class from September 2012. The provision commenced on time for which the admission process was managed by Ealing Council. The number on roll at the commencement of term for the Reception class was 60, out of which 30 were Brent pupils.

- 3.4 Two classrooms were built, of which the second classroom will be utilised in the following year. It will create 15 additional bulge places for Brent children in 2013-14.

### **Admissions Arrangements**

- 3.5 The proposed scheme would create 30 new places per year group, of which 15 per year group would accommodate Brent pupils. The permanent admission process will be supported by an extended catchment area which will cover Brent as per the attached proposed catchment plan.
- 3.6 Brent pupils normally attended the current 1FE school. Prior to boundary changes, Vicar's Green used to be a Brent school. The objective of the expansion of Vicar's Green Primary by an additional form of entry is to achieve via the expanded catchment area an additional take up of 15 places per year group in the new provision over and above the existing take-up.
- 3.7 A map showing the number of Brent pupils in Key Stage 1 in May 2011 is given under Appendix 1. 32 KS1 Brent pupils were attending Vicar's green in 2010-11. A map showing the number of applications (18 applications in 2010-11 and 11 applications in 2011-12) from Brent residents which were not approved is given in Appendix 2.
- 3.8 Based on the Autumn 2012 census, fifty per cent of pupils in Vicar's Green are Brent residents. Out of a total of 264 pupils, 132 are Brent residents.
- 3.9 Ealing Council will need to consult on the admission arrangements in order to extend the existing catchment area into Brent. This process is scheduled to commence in January 2013. A map of the proposed catchment is provided in Appendix 3.

### **Statutory Consultation**

- 3.10 Statutory proposal for the school expansion will be the responsibility of Ealing Council. On completion of the statutory consultation, Ealing Council will require its Cabinet to approve the expansion, subject to planning permission. This process is estimated to be completed by March 2013. The statutory process will need to take into consideration the admission arrangements, which will ensure that Brent children benefit from the expansion of Vicar's Green Primary school.

### **Timeline**

- 3.11 A draft timeline for planning and delivery of the expansion scheme is given below:

<b>Period</b>	<b>Activity</b>
<b>Summer 2012</b>	Feasibility Study completed by Brent Council
<b>August 2012</b>	Brent Executive agreed in principle to support the expansion scheme as part of strategy for school expansion. Ealing Council have this agreement in place already.
<b>Summer 2012</b>	Works were undertaken by Ealing Council to provide a 'bulge' class. This was jointly funded by Brent and Ealing and places were filled by pupils from both boroughs.
<b>September –</b>	Ealing officers have been holding discussions with Brent colleagues and

<b>November 2012</b>	respective legal teams to work through the admissions and funding aspects of a jointly funded expansion scheme.
<b>December 2012</b>	Further work to be undertaken on project development, building layout, space requirements, surveys of the site.
<b>January 2013</b>	Both authorities seek executive/ cabinet approval for entering into funding agreements for the jointly funded expansion.
<b>January 2013</b>	Consultation published regarding proposed changes to admissions. Proposals will seek to formalise the current arrangements whereby children from both Ealing and Brent access the school. This is likely to be by extending the catchment area into Brent (keeping the same Ealing area as currently).
<b>January 2013</b>	Ealing publish formal expansion proposals in line with Department for Education requirements. This means a letter in the local paper, notices at school entrances and an opportunity for interested parties to have their say.  Design and feasibility process continues.
<b>March 2013</b>	Ealing's cabinet consider expansion proposals. Once agreed this formally commits the council to expansion of the school, subject to planning permission.
<b>Spring/ Summer 2013</b>	Design, feasibility and procurement of works continue. Planning application for works submitted.
<b>September 2014</b>	School expansion complete.

## Project Risks

- 3.12 On the assumption that the Executive agree to the use of Council funding in a way that will secure delivery of this project, the main scheme risks (H – High; M – Medium; L – Low) are:

H/M/L	Risk Description	Mitigation
M	Overall scheme cost could exceed £4m	£0.5m contingency is proposed to be created by each of the two councils.
M	School could become an Academy after expansion and change its admissions criteria	The school will need to consult on changing its catchment and the Council can object to such a change. Brent Legal will incorporate appropriate clauses in the funding agreement.
M	Scheme delivery may be delayed beyond September 2014	Both Brent and Ealing will endeavour to complete all statutory processes by March 2013 to ensure scheme delivery remains on track.
L	Planning Permission may not be granted	The school is set back from congested traffic

		areas and adjacent to an industrial estate. The feasibility study indicates that from a design perspective planning permission is likely.
L	Proposed expansion of the catchment may not be agreed.	Both, Ealing Council and the school are keen to expand the school in partnership with Brent Council. We will work closely to ensure a revised catchment is agreed to enable additional Brent pupils to attend the expanded provision.

## 4.0 Financial Implications

### Revenue Funding

- 4.1 Revenue funding of the expanded school will be funded via Ealing Council through the Dedicated Schools Grant (DSG).

### Proposed Capital Funding

- 4.2 The total project cost including consultant fee, loose FFE & ICT is estimated at £4m of which £2m will be contributed by both Brent and Ealing Councils. Each Council will also set a contingency fund of £0.5m, totalling £1m. The scheme cost is an estimate at this stage, which is derived from the feasibility study carried out by Brent in July 2012, it will support unforeseen project costs as the detailed scheme design is conducted.
- 4.3 Brent Council's contribution to the above funds will be made from the Capital Programme allocation as agreed in the August 2012 Executive report.
- 4.4 West London Alliance funding for £100k to support the partnership working is also available for the expansion of Vicar's Green Primary School. This budget is allocated under 2012-13 and 2013-14 financial years and could be spent support activities such as feasibility study costs and legal fees.
- 4.5 A project board will be set up which will include both Brent and Ealing officers. The representatives of both Councils will report back to their respective programme boards, which in Brent's case is the Primary Schools Capital Programme Board.

## **5.0 Legal Implications**

- 5.1 Brent Council has a statutory duty to provide school places where needed; the proposal of the project to enable expansion of the Vicar's Green Primary School's capacity will facilitate the Council in its duty.
- 5.2 Because of the use of Council funding, the award of a works contract by Ealing Council is treated as resulting from a procurement on behalf of itself and Brent Council. Brent Council will not be a party to the works contract but will expect to be properly consulted on the procurement, contractor selection and operation of the works contract. If Ealing Council procures the works contract through the EU/ OJEU process they will be required to indicate they are procuring on behalf of Brent Council. However, if Ealing select the works contractor from a framework this indication will not be necessary. However, Brent Council do not need to approve the award of the works contract.
- 5.3 The funding agreement between Ealing and Brent Councils is in the form of a Memorandum of Understanding (MOU) and will reflect the dual nature of the objectives of the Councils, namely (a) funding the works and (b) achievement of the education objectives for the children. The MOU has been prepared by Brent Council in draft form, for discussion with Ealing Council, and will include provisions addressing the funding obligations, progress of the works, establishment of a project board including representatives of both Councils, how the catchment and selection areas will be organised between the Councils, and, in all cases, how the objectives can be realised and reduction of risk can be achieved.
- 5.4 In accordance with Part 4 of the Constitution, the Executive need to approve the giving of financial assistance to another organisation whether this exceeds £5000.
- 5.5 In terms of the admission arrangements as part of the planned expansion proposals Ealing Council will seek to formalise the intake area for the School by extending the catchment area into Brent. (See attached map Appendix 3). It is intended that the admission criteria that will be adopted will be that which is consulted on and determined for all Ealing Community Schools. The consultation to be undertaken by Ealing Council due to commence on 1 January 2013 must be for a minimum period of 8 weeks, the deadline being 1 March 2013. Thereafter Ealing Council will embark upon the statutory process for enlarging the School (which will include the admission arrangements) and obtain Cabinet approval in accordance with the statutory process.

## **6.0 Diversity Implications**

- 6.1 Vicar's Green Primary School caters for pupils from a wide socio-economic mix.
- 6.2 Vicar's Green Primary School is a popular Ealing school attended by Brent pupils and by expansion to 2FE, will offer parents in Brent diversity in school accommodation available and thereby assist the Council in meeting its statutory duty in providing school places for its children.
- 6.3 An Equality Impact assessment has been completed as part of the August 2012 Executive report on School Expansion Programme 2012-16 (Appendix 6).

## **7.0 Staffing/Accommodation Implications**

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

### **Background Papers**

- Executive reports: August 2012

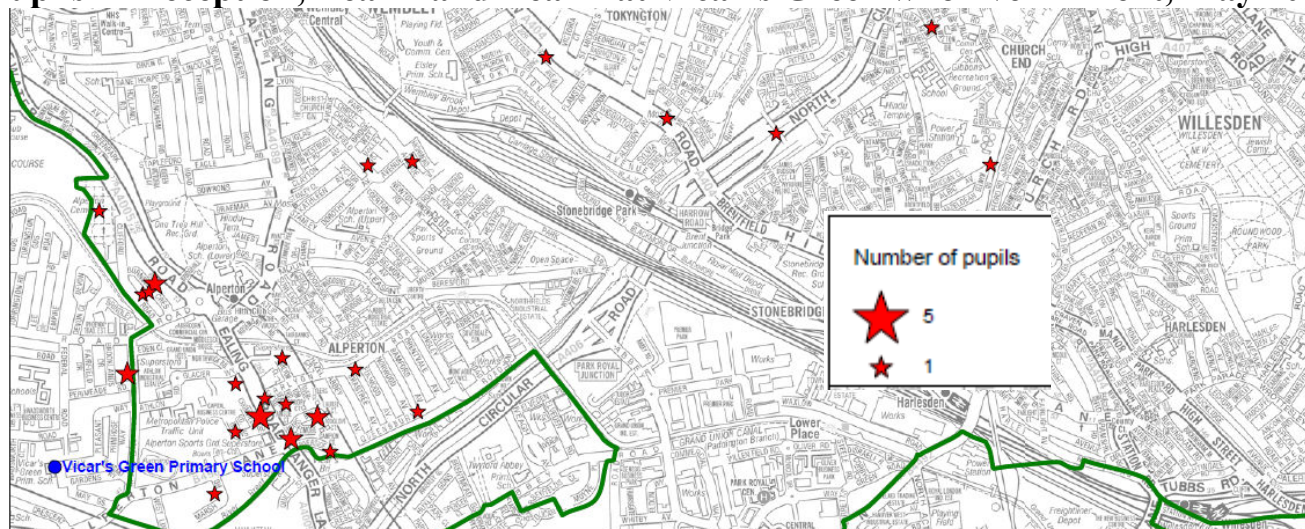
### **Contact Officers**

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Regeneration & Major Projects  
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#020 8937 3224

Richard Barrett  
Assistant Director of Property & Assets  
Regeneration & Major Projects  
Richard.Barrett@brent.gov.uk

ANDY DONALD  
**DIRECTOR OF REGENERATION & MAJOR PROJECTS**

### Pupils in Reception, Year 1 and Year 2 at Vicar's Green who live in Brent, May 2011

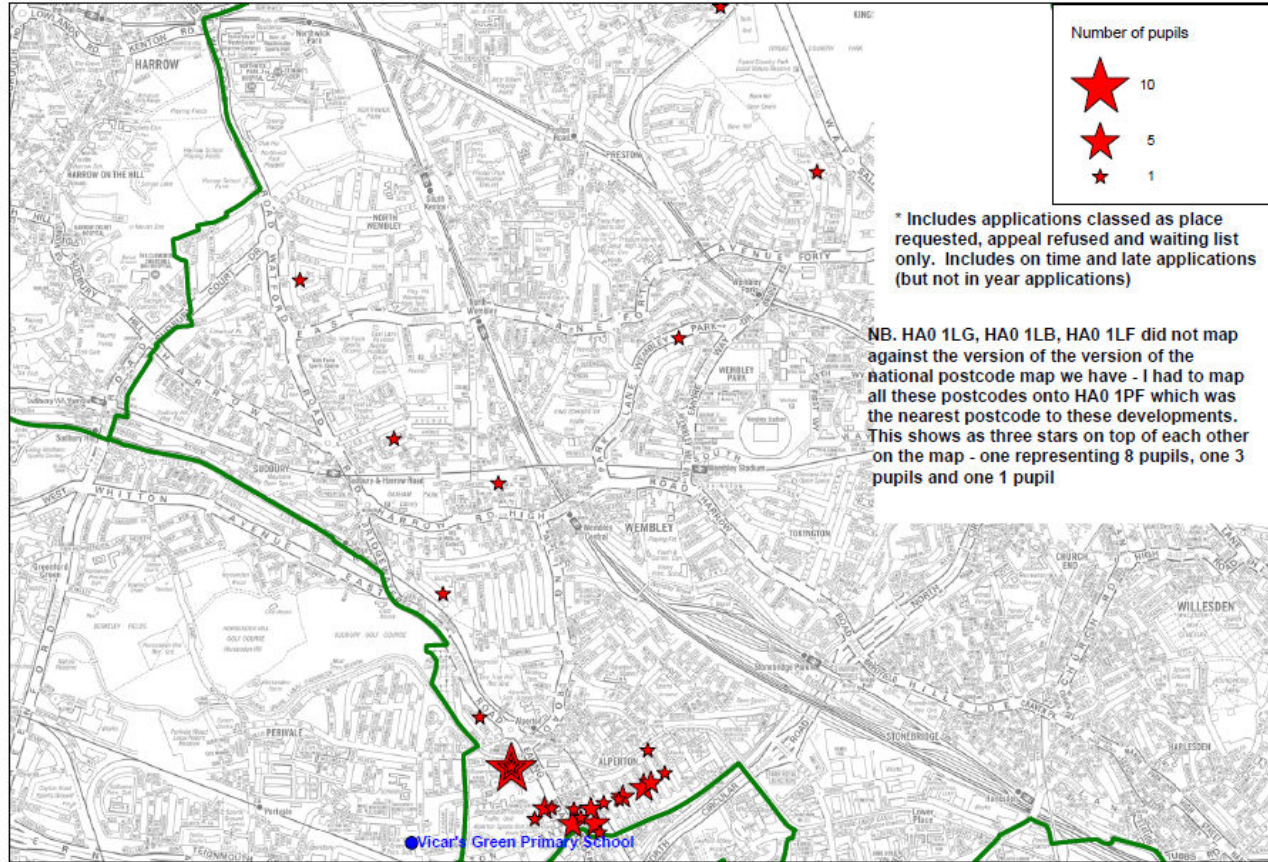


Ealing Schools Research and Statistics Team

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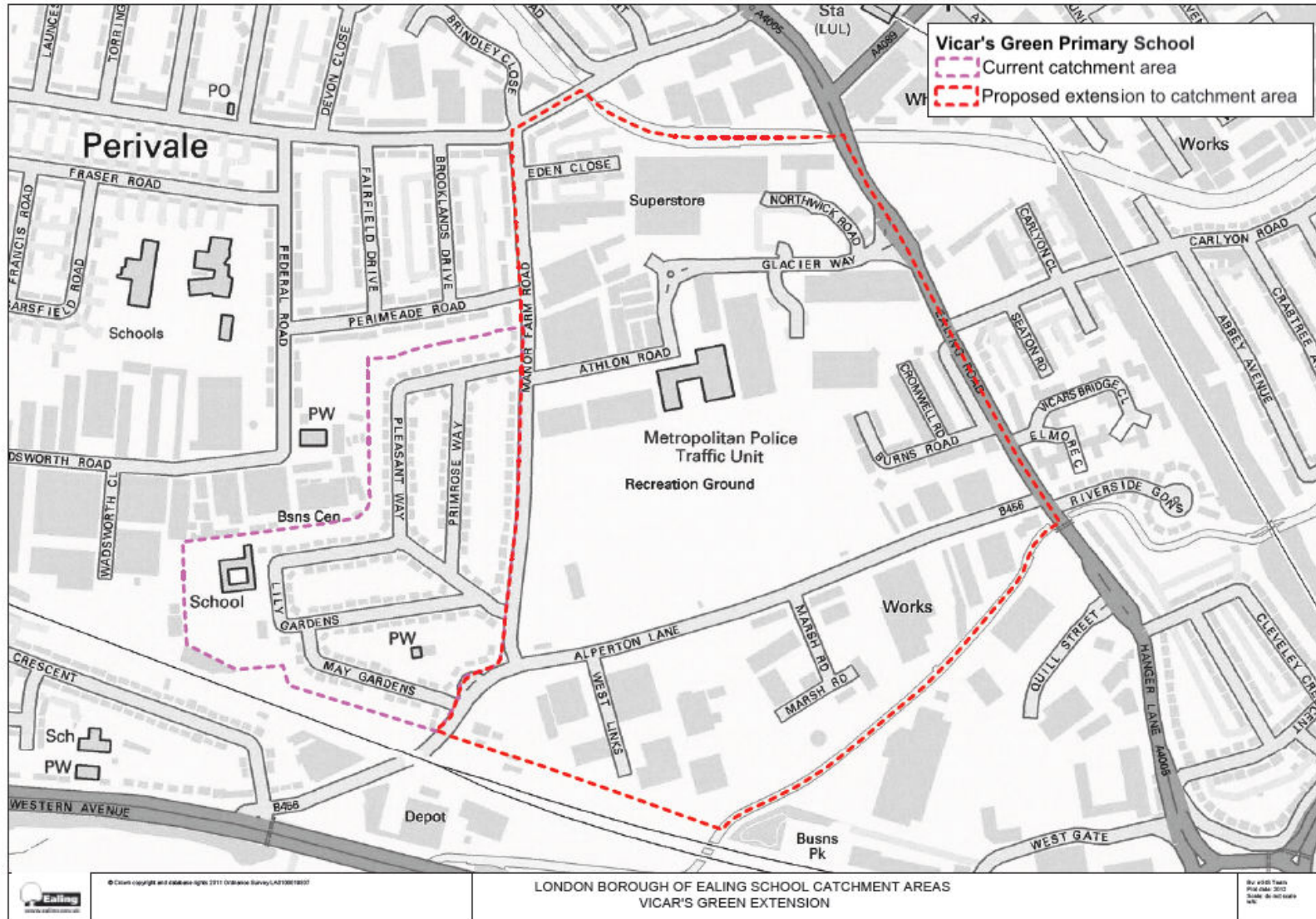
Pupils in the last 5 years (07/08 - 11/12) who applied to \* but did not get in to Vicar's Green who live in Brent



Ealing Schools Research and Statistics Team

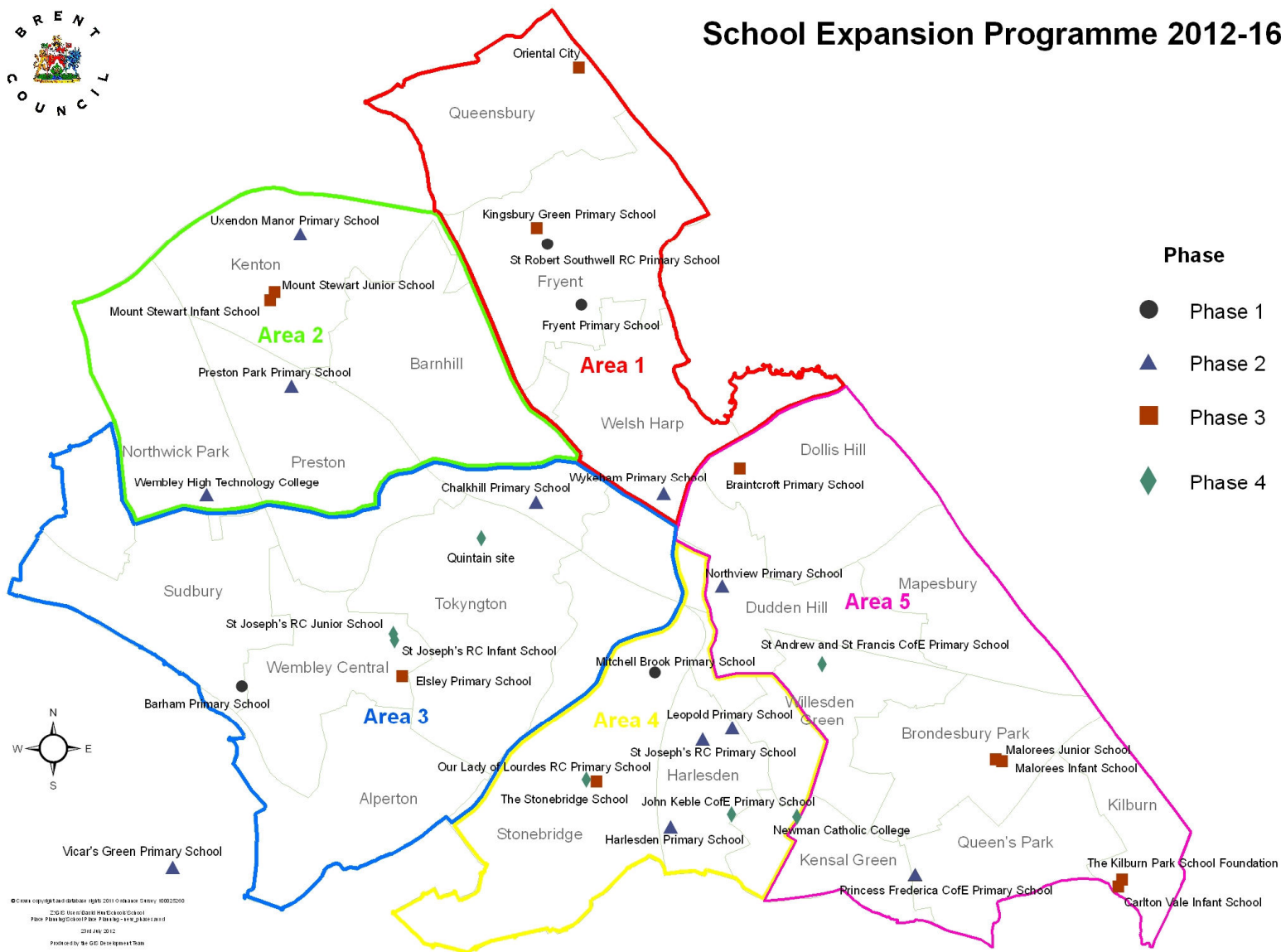
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Vicar's Green Primary School Proposed Catchment Area (subject to the school expanding by 1FE)





# School Expansion Programme 2012-16



## Impact Needs/Requirement Assessment

Department: Regeneration & Major Projects	Person Responsible: Richard Barrett
Service Area: Property & Assets Management	Timescale for Equality Impact Assessment :
Date: 20.07.2012 updated on 17.12.2012	Completion date: 07.08.2012 updated on 17.12.2012
Name of service/policy/procedure/project etc: School Expansion Programme 2012-2016	Is the service/policy/procedure/project etc: New <input type="checkbox"/> Old <input checked="" type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact <input type="checkbox"/> Not found <input checked="" type="checkbox"/> Found <input type="checkbox"/>  Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Please state below:
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation conducted  Yes <input checked="" type="checkbox"/> (Initial consultation completed in 2011. Statutory Consultation will be completed once individual schemes are developed and agreed) No <input type="checkbox"/>	<input type="checkbox"/>
Person responsible for arranging the review: Richard Barrett	Person responsible for publishing results of Equality Impact Assessment: Richard Barrett
Person responsible for monitoring: Rajesh Sinha	Date results due to be published and where: Summary of results from the initial school consultation were published in August 2011 Executive report; Summary of consultation was

	issued to all schools.
Signed:	Date: 07 August 2012 (updated) 17 December 2012 (updated)

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The growth in Brent's population is reflected in the increasing demand for school places. Numbers of 4 year olds and 11 year olds on school rolls are expected to rise strongly over the next three to four years.

Under sections 13 and 14 of the Education Act 1996 (as amended by the Education Acts 2006 and 2011), a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. Local Authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the Local Authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.

Primary: By 2020-21, if no action were to be taken, the deficit in primary school places will continue increasing year on year and will reach untenable proportions i.e. 21 forms of entry based on the requirement for Reception places. The shortage of 21FE excludes the on-going Phase 1 schemes.

Secondary: Over the next eight years the demand for secondary school places will mirror the current shortages in the primary sector. An additional 570 new places (19FE) will be required after taking into account the new capacity being created at the Crest Academies

SEN: The Council's Special Educational Needs (SEN) and Disability services have faced pressures arising from increased demand for specialist education placements for a number of years. This increase in demand is in line with a national trend and is due to a combination of factors including: advances in medical technology and higher survival rates of children with complex needs and increases in medical diagnoses for conditions such as autism. It has also been exacerbated in Brent by increased in-migration and population growth.

By 2020, it is projected that 192 new SEN places will be required; of which 86 will be for primary aged children and 106 for secondary school pupils. The SEN requirement is over and above the mainstream places needed in Brent.

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

Yes, the project is consistent with the following areas:

Disability  
Belief/Faith  
Sexual Orientation  
Age  
Gender  
Race

In 2008, the Council consulted widely on schools strategy in Brent, receiving over 800 responses. Brent residents were in favour of the Council's strategy for school places and believed that the LA should play a major role in managing and running schools (89% agree). Parent groups were the next most frequently identified (73% agree). Only around four in ten participants felt that charities (38%), faith groups (37%) or

private sponsors (36%) should have such involvement in Brent schools.

Ensuring equal access to school places in Brent - over two thirds of participants did not feel they were disadvantaged in obtaining a school place for their children due to any of the main diversity strands. Over, 90% did not feel they were disadvantaged due to their gender. This was also true for 85% of participants in relation to disability; 77% in relation to ethnicity; and 66% in relation to their faith.

The schools proposed for expansion would enable the Council to provide additional new places required for Brent's growing pupil population.

#### 2011 - Consultation Outcomes

In making decisions about the delivery of additional school places, the Council has established a set of planning principles. The Council received the responses from the schools for the consultation on these planning principles for which the closing date was 1 July 2011.

##### Principle 1 – Sufficiency of demand

There must be clear evidence of demand for additional school places in the local area based on projections of medium term and longer term need.

##### Principle 2 – Improving learning environment & outcomes, including expanding popular schools

Schools which are identified for expansion must be able to demonstrate that they will be able to provide a good quality of education. The Council will consider the progress and achievements of children currently at the school and the school's capacity for further improvement taking into account an improvement in the learning environment.

##### Principle 3 – Efficient use of resources

There is a limited capital budget and a large projected shortfall in the number of school places. It is therefore essential that scarce resources are used most effectively in order to secure the maximum number of additional high quality school places within the available budget.

##### Principle 4 – Improving local SEN provision

The demand for SEN placements is continuing to rise and there is a projected shortfall in specialist SEN provision in Brent, both in special schools and additionally resourced mainstream provision. In expanding primary provision, consideration also needs to be given to improving the range and quality of local SEN provision available in Brent.

##### Principle 5 – Diversity of type of provision

The Council will consider different types of provision that will contribute to the overall objectives of providing high quality school places, cost effectively in areas of greatest need. These options will include:

- a) Expansion of existing primary schools  
This will involve providing additional forms of entry on existing primary school sites and is dependent on the potential of the site for expansion.
- b) Establishment of all through schools  
An all through school would be one school covering the primary and secondary phases, funded as a single institution. It would normally occupy a single site/campus at an existing secondary school.
- c) Establishment of 5 FE primary schools  
A 5 FE primary school would be a large school catering for approximately 1050 children. There is an increase in the number of 5 FE schools opening across the country, in response to pressure on school places.
- d) Amalgamating schools  
Amalgamating two or more schools can assist in providing additional school places by increasing capacity at single or multiple sites. Amalgamation would require the agreement of the school concerned.
- e) 'Bulge' Classes  
A 'bulge' class would be one extra class of children in a year group, over and above the school's Admission Number, who progress up the school to the end of Year 6.
- f) Developing New Schools  
This criteria has been added post-consultation to allow creation of new capacity where existing schools are difficult to expand or if an opportunity to create a new school in an area of need arises e.g. a S106 opportunity

The expansions will improve choice and diversity by providing fair access and improved parental preference to schools places in Brent. The impact on Equalities will be kept under review and reported to the members periodically.

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

adverse impact?

None. The expansion of the proposed schools is unlikely to adversely impact on a person with any of the 9 protected characteristic. However, further statutory consultation will be undertaken once individual schemes are fully proposed and developed.

Each expansion of a school will improve choice and diversity in the local area by providing fair access and improved parental preference to schools places in Brent.

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).

Previous consultation results have been reviewed. Latest consultation in 2011 has been considered: Overall, 29 responses were received on the consultation, of which five were from head teachers, nineteen from individual school governors and the remaining five responses were from others.

A majority of the respondents agreed with the principle of sufficiency of demand, improving outcomes and efficient use of resources.

Fourteen (48%) respondents selected the option to expand existing primary schools and four (13%) expressed a preference for all-through schools as their first choice. Seven (24%) respondents opted for creating 'bulge' provision and five (17%) respondents selected amalgamation as their second choice. Four respondents suggested that building a brand new school should have been an option and six suggested that the Gwenneth Rickus Building should be used as a primary school (if the building were to be available for alternative use).

There were five expressions of interest for providing a 'bulge' class and an equal number opted for permanent expansion. One school expressed an interest to become an all-through provision. It must be noted that the majority of respondents are individual school governors and may not necessarily represent the voice of the entire school.

Particularly at secondary transfer, parents are looking for a school which meets their cultural and religious/non-religious aspirations. This is complex in Brent where so many different ethnic and cultural groups converge and where the population changes so rapidly. There is already a good supply of girls and boys only secondary places in the borough as well as Catholic and Jewish schools and overall the first preference applications indicate that parents are looking for high achieving schools as an opportunity to improve their child's life chances.

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)

None identified. School expansion will fully meet the requirements of the SEN Code of Practice and the accessibility standards. A range of special education needs is expected within the primary and secondary regular intake including students with language and communication needs, behavioural emotional and social needs and children on the autistic spectrum. A borough wide SEN 'unit' or additionally resourced provision is also proposed under the programme. The aim is provide a maximum of 192 new SEN places across Brent. Further analysis will take place to complete the due diligence in order to validate the savings over a period of time by limiting the demand for out borough provision.

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?

In 2011, the Council consulted with all schools and received responses from head teacher, governors and others. This informed us the level of interest in the five principles developed by the authority (please refer to no. 3 above). The results have been reviewed and form one of the factors of the school expansion programme Executive report for August 2012.

We will undertake further statutory consultation for individual schools/schemes once they have been suitably developed for a proposed expansion.

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

Following the close of consultation, a summary report was issued by the Council to all Brent schools. A brief update was also included in the August 2011 Executive Report.

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

None is identified.

Please refer to no. 5 above.

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



justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

n/a, see above.

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

n/a

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

n/a

13. What is the justification for taking these measures?

n/a

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

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

The impact on Equalities will be kept under review and reported to the members periodically.

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

Proceed to seek permission from Brent Executive to approve the programme. Thereafter, develop individual projects which will undergo a statutory consultation process.

Should you:

1. Take any immediate action? N/A.
2. Develop equality objectives and targets based on the conclusions? N/A
3. Carry out further research? N/A

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

N/A.

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

There has been an on-going lobbying campaign in conjunction with London Councils, to highlight the school places pressure across London and those particular to Brent. The campaign has been highly successful and Brent received £24.8m allocation of Basic Need Safety Valve money in October 2011. In addition due to the severe shortage of Primary School places nationally the government allocated further Basic Need funds in December 2011 and Brent received a further £24.09m; the third highest allocation in the country. An additional £30.8m Basic Need allocation was received in April 2012 which was the highest allocation in the country. The three allocations total £79.7m.

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

Signed by the manager undertaking the assessment:

Full name (in capitals please): Richard Barrett  
updated

Date: 07 August 2012

17 December 2012


Service Area and position in the council:

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

Rajesh Sinha

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><b>Executive</b></p> <p><b>Report from the Director of Strategy, Partnerships &amp; Improvement and Deputy Director of Finance</b></p>
<p>Wards Affected: ALL</p>	
<p><b>London Living Wage</b></p>	

## 1.0 Summary

- 1.1 This report sets out recommendations for the Council to pursue implementation of becoming an accredited London Living Wage (LLW) organisation. It sets out the policy context and reasons for this commitment.

It also explains the necessary caveats and conditions the Council will need to apply in order to protect the integrity of its' financial position.

## 2.0 Recommendations

- 2.1 That the Executive agrees to the Council seeking Accreditation as a London Living Wage Employer.
- 2.2 That the Executive agrees to the take positive steps to review its existing contracts over a three year period on a case by case basis to wherever possible apply LLW criteria.
- 2.3 That Social Care Social Care contracts are examined with the London Living Wage Foundation and other LLW Boroughs to explore the application of LLW.
- 2.4 That the Executive agrees that Officers should act to promote the application of the LLW to schools, businesses and other organisations within Brent.
- 2.5 The Executive agrees that subject to Finance, Procurement and Legal advice officers seek to apply the LLW consideration when tendering.

2.6 That Members note the comments of the Deputy Director of Finance regarding the potential cost of applying LLW.

### **3.0 Context**

3.1 In the light of further and deepening cuts to public services and the increasing impact of the economic crises on individual residents and communities the Administration is reviewing its Policy Priorities to take cognisance of these changes.

3.2 When the Administration set out its Policy Priorities in 2010 this was on the basis of a more optimistic view for all Governmental and independent agencies about the path and duration of the recession. Since then economic conditions and their impact on residents have both worsened and halfway though the Administration is the right time to reprioritise in the light of these circumstances.

3.3 The drive towards London Living Wage compliance is the first aspect of this re-evaluation of priorities.

3.4 Income is one of the key determinants of building in individual and community resilience to these unprecedented economic circumstances. Brent is described as a 'low income' Borough and its' patterns of occupations have been in sectors where pay is lower than average. By signing up to the London Living Wage the Council can by its actions show commitment and Leadership to lift the incomes of both its residents and people who work for it.

3.5 The main benefits which have been so far experienced by both Public and Private Sectors in applying the London Living Wage have been:

- lower staff turnover
- improved productivity
- lower sickness absence

3.6 In addition by applying and extending London Living Wage the Council would be in a position to help encourage employers who pay low wages to set a minimum pay rate that enables employees to provide the essentials of life. It will also fit squarely with the Councils vision and values and promote the recruitment and retention of a high quality workforce to deliver for the Council and its Communities.

### **4.0 What is the London Living Wage?**

4.1 The Living Wage is an hourly wage rate, set independently and updated annually. In London, the rate is calculated independently by the Living Wage Unit within the Greater London Authority (GLA) and outside London by the Centre for Research in Social Policy.

4.2 The Living Wage is calculated according to cost of living and was created to "give the minimum pay rate required for a worker to provide their family with

the essentials of life.” Unlike the National Minimum Wage (NMW), the Living Wage has no legal status and is therefore reliant on the commitment of individual employers.

4.3 All cost estimates in this report are based on the current London Living Wage (LLW) rate as detailed below:

- The current rate of £8.30 per hour. Announced on 2 May 2011, it will continue to be applied until 31 March 2013. The Mayor has now announced an uplift to £8.55
- Outside London the current Living Wage rate is £7.20
- For comparison, the current NMW is £6.08 (for over 21s)

4.4 The formula for the LLW is based on a number of factors and the most recent analysis took the following into consideration:

- Household types and working patterns, including estimates of basic living costs
- Price Indexation changes from RPI to CPI for tax credits and benefits
- The effect of changes to taxes and benefits introduced in the 2010 Budget Report
- Income and wage distribution

4.5 The Living Wage Foundation’s analysis suggested that if means-tested benefits were not taken into account (that is, tax credits, housing benefits and council tax benefits) the Living Wage would be approximately £10.40 per hour. However their position is that in-work benefits and tax credits must be taken into account, as the tax and benefit system is redistributive.

4.6 The full report: “A Fairer London: The 2011 Living Wage in London” is a public document which sets out the detailed methodology and calculations. The same approach was applied when setting a LLW rate for 2013, which meant that any welfare changes were taken into consideration.

## **5.0 Accreditation**

5.1 As part of the process of adopting a London Living Wage policy organisations in London may seek accreditations from the London Living Wage Foundation, the industry standard accreditation managed by Citizens UK. The assured licence cost is currently £400 per annum and allows the Council to publicly state it is a Living Wage Employer.

5.2 Accreditation is on the basis that the following tenets apply or that there is an agreed plan to implement it. These are:

- a) That LLW is paid to all employees (18+)
- b) LLW is paid to all contractors and sub-contractors to the extent permitted by law. The depiction extends to ‘anyone providing a service to or on behalf of the Council involving 2 or more hours of work in any given day or week, for more than 8 or more consecutive weeks’ and extends to agency staff and

casual workers.

5.3 The Living Wage Foundation summarises its accreditation requirements in May of this year as:-

The Living Wage Foundation will accredit Local Authorities on the basis of a phased implementation plan over a reasonable timescale. In particular

- a clear political commitment
- a deadline for implementation with clear milestones as particular contracts are renewed

Whilst setting no formal deadlines the LWF recommends that contracts are reviewed within 3 years to include LLW if possible.

5.4 Officers from Brent held a preliminary meeting with representatives from the Living Wage Foundation. The position of the Council is not undertaking anything which could jeopardise the integrity of our financial position; our duties of 'Best Value' in current legislation and the special circumstances of Social Care Contracts were set out. The Foundation will use its best efforts to work with all LLW Councils to look at possible solutions for this.

## **6.0 Implementing LLW in Brent**

6.1 The vast majority of Brent Directly Employed Staff were already recipients of the London Living Wage and General Purposes Committee agreed in July that this would be 100% by 1st October this year. This extends to Agency Workers.

6.2 If Members agree the recommendations then the Council will commit to examining all its contracts with a positive intent to make them LLW contracts over a 3 year period.

6.3 Given the Councils obligations in law to seek Best Value, although this report advocate 'positive intent' when examining contracts or entering into contracts. The Council will treat these on a case by case basis.

6.4 In line with the 'understanding' reached with the LLW Foundation all Social Care Contracts will be considered under a collaborative process with other LLW Boroughs.

6.5 As contracts are re-let application of the LLW will be considered as part of the tender preparation.

6.6 There are two options in applying LLW as part of the tender process. These are:

- a) issuing tenders on the basis of LLW as a requirement after justifying best value in advance on a case by case basis or
- b) seek the sets of prices and justify LLW on the basis of best value.

The former approach appears the most logical but will be guided by further advice from Legal, Procurement and Finance.

## **7.0 Financial Implications**

7.1 The financial implications of LLW accreditation can only be determined on a case by case basis.

7.2 The cost difference between current wage levels and LLW within existing contracts is estimated to be approximately £9.1m.

7.3 The actual impact will be dependent upon:

- Timing of contract renewals over the agreed period
- Extent to which the procurement process identifies improvements through better retention/training of contractor staff that leads to efficiencies
- Whether any significant cost increases as a result of LLW can be justified as providing best value.

## **8.0 Legal Considerations**

8.1 Sections 17(5) and 19(10) of the Local Government Act 1988 effectively prohibit local authorities from including conditions in contracts for works, services and supplies which relate to "non commercial matters". "Non commercial matters" included the composition, conditions of employment and training of a contractor's workforce" (i.e. workforce matters) and therefore covered wage rates.

8.2 The Local Government Best Value (Exclusion of Non-Commercial Considerations) Order 2001 relaxed the above prohibition thereby enabling local authorities to consider workforce matters (including terms and conditions of employments such as wage rates) but only in so far as necessary to permit or facilitate compliance with the local authority's best value duty. The best value duty requires local authorities to secure continuous improvement in the way in which they exercise their functions having regard to a combination of economy, efficiency and effectiveness.

8.3 Councils have a legal duty to ensure that their contracts represent value best value / value for money. Accordingly, before applying the LLW requirement to a contract, the council must be reasonably satisfied that it is necessary to do so in order to facilitate its best value duty in respect of the services / works being delivered under that contract.

8.4 Section 17 of the Local Government Act 1988 has been further relaxed by the new Public Services (Social Value) Act 2012 (the "2012 Act"). The 2012 Act has inserted provision into the Local Government Act 1988 making it clear that

an authority is not prohibited from taking into account non-commercial matters to the extent necessary to comply with section 1 of the 2012 Act (this section is not yet in force but likely to be brought into force imminently). Section 1(3) of the 2012 Act states that the authority must consider how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area and how in the process of the procurement it might act with a view to securing that improvement. Section 1(6) of the 2012 Act says that when considering these matters the authority must consider only matters that are relevant to what is proposed to be procured and in doing so the extent to which it is proportionate in all the circumstances to take those matters into account.

- 8.5 It follows that it would be unlawful for the council to fetter its discretion by adopting a 'blanket' policy of applying a requirement that all its contractors pay the LLW to their employees. The decision whether to apply such a requirement must be considered on a 'contract by contract' basis.
- 8.6 In practice the council would need to be in a position to demonstrate that payment of the LLW to the contractor's workforce would be likely to result in an enhanced performance and have a positive effect on the timeliness and quality of the services / works through the workforce being more contented and better skilled / trained. The council would be paying more for the services than it would otherwise have to and therefore would need to demonstrate the additional benefits to the customers in respect of those services including but not limited to those customers, who pay wholly or partly for those services for example by the imposition of higher performance standards / targets or improved output. The council would also need to weigh up and balance these perceived benefits against the additional costs and the impact on council tax payers.
- 8.7 A robust report needs to be produced for each contract where a decision is taken to apply the LLW requirement so that there is an audit trail in the event of a challenge.
- 8.8 There are a number of other legal issues that require consideration:
- The application of a LLW requirement could be challenged on the basis that it is anti-competitive under EC procurement legislation. Such a challenge could be mounted by contractors who are based outside London or in Europe and whose employees do not reside in the London area. It therefore needs to be assessed whether the organisations expressing an interest in a contract are likely to employ mainly workers living in Greater London. This is likely to be the case in respect of services such as school catering, cleaning, home care, housing repairs etc. In the case of a service contract which could be performed outside of Brent / Greater London then the employees are unlikely to reside in Greater London and therefore a requirement to pay the LLW would not appear justifiable and could be open to challenge e.g. the running of a call centre.

- The imposition of a LLW requirement on a contractor could result in the contractor paying differential rates to employees undertaking similar services but for different local authorities / other bodies. Indeed, it is possible to envisage a situation where a contractor's employee is providing services pursuant to two different contracts only one of which has a LLW requirement. Is the member of staff to be paid at different rates according to which contract they are working on, on any particular day? This is an area fraught with difficulties and could result in the contractor facing equal pay claims. No doubt the prudent contractor in such a situation would look to the local authority imposing the LLW requirement to provide an indemnity against the risk of such claims.

8.9 It is also necessary to have regard to relevant case law of the European Court of Justice, in particular, the recent case of Ruffert where the ECJ ruled in favour of a Polish Subcontractor operating in Germany paying its construction workers less than required by the relevant German collective agreement. In summary, that case subordinated collective labour law rights to the economic freedom to provide services under the EC Treaty.

## **9.0 Other Considerations**

9.1 In the case of Schools, the Council would need agreement with Schools as they have their own governing bodies and delegated budgets. Whilst the Council could encourage Schools in this direction, Schools are not subject to Council policies and procedures.

9.2 Notwithstanding the particular pressures on Brent's private businesses and the high proportion of very small enterprises the Council will use its best efforts to persuade other businesses and organisations about the benefits of the LLW.

## **10.0 Summary**

10.1 This report argues that the Council should seek accreditation as a London Living Wage Employer. It agrees to build LLW into the procurement process for contracts and over a three year period review the bulk of its contracts with a positive view to apply LLW. The two caveats on this are first that the Council has to view each contract on a case by case basis so that the legal responsibilities of 'best value' can be fulfilled and second. It is also explicit that all Social Care contracts will be dealt with as part of a collaborative approach and the Council will commit to working with the Foundation and other Councils to explore ways to include these.

This report argues that London Living Wage is a positive step and one of a number of initiatives the Council is taking to support local peoples income and resilience in this most testing of economic times.

### **Contact Officers**

Phil Newby – Director of Strategy, Partnerships & Improvement  
Mick Bowden – Deputy Director of Finance

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## APPENDIX 1

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### Already accredited, London

- Islington
- Lewisham
- Camden

### Already accredited, rest of UK

- Oxford City Council
- Birmingham City Council
- Preston City Council


### In the process of becoming accredited, London

- Lambeth
- Southwark
- Ealing
- Enfield
- Tower Hamlets
- Hounslow

### In the process of becoming accredited, rest of UK

- Cardiff City Council

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	<p style="text-align: center;"><b>Executive</b> 14 January 2013</p> <p style="text-align: center;"><b>Report from the Director of Strategy, Partnerships and Improvement and Director of Children and Families</b></p>
Wards Affected:	
<b>Brent Working with Families Strategy</b>	

## 1.0 Introduction

- 1.1 The Working with Families project aims to fundamentally improve the way that Brent Council and its partners identify and deliver services to the borough's most vulnerable families. Underpinned by the national Troubled Families Programme, the project recognises that families and agencies can realise significant benefits from changing the way that services are delivered to families with complex needs. These benefits can only be achieved as a result of a whole systems change, a significant shift in attitude and approach, including a shift to a family focus, and genuine partnership working across agencies.

## 2.0 Recommendations

- 2.1 The Executive endorses:
- a. the Working with Families Strategy in Appendix 1;
  - b. the high level action plan in Appendix 2.

## 3.0 Project Summary

### *Policy Context*

- 3.1 The Working with Families project has been designed to respond to a number of national policy drivers (namely the DCLG's Troubled Families Programme, and the new focus on the delivery of 'Early Help' services that has emerged from DfE). The project however also features prominently within the Brent Children's Partnership 'Plan for Children and Families in Brent 2012-15' and

promises to address a number of local policy issues to generate sustainable improvements. These include:

- Building upon existing provision to ensure a more robust and coordinated range of early help services across the borough that are easier to navigate for both practitioners and families.
- Carrying out more effective and targeted work with families to minimise the likelihood of escalation and reduce reliance upon expensive statutory interventions. This will also enable better use of scarce public resource by ensuring that the interventions that 'work' are prioritised and that duplication in the system is eradicated.
- Maximising a multi-disciplinary/multi-agency approach to family help. This will build a fuller picture of the family situation and address the 'root' issue/s within the family to break the cycle of intergenerational deprivation. We must recognise that often no one service or agency is able to truly 'fix' complex family situations.

#### *High-level objectives*

3.2 The background and detailed objectives of the Working with Families project are summarised in the draft strategy attached as Appendix 1. The high-level objectives of the project are however to put in place a service for families in Brent that:

- Is **family focused** and addresses **all the dimensions of need** – including unemployment, housing, parent capacity and behaviours, child and young person's development, health and behaviour.
- Provides for a range of integrated and **multi-agency** support services to work with and support families in need, with appropriate **step-up and step-down** arrangements that can provide a continuum of care across the spectrum of need.
- Ensures that services are responsive, timely and relevant through improved and efficient access arrangements and information sharing across agencies.
- Increases the resource base for **early help** and provides savings by diverting children and young people on the edge of care from entering the care system through approaches that help to meet the needs of children and young people whilst remaining with their families.
- Meets Brent's commitment to the national Troubled Families Programme by working with at least 810 of the borough's most vulnerable families by March 2015.
- Will be capable of generating significant savings across Brent public services.

#### *Summary of approach*

- 3.3 The draft strategy proposes that the objectives outlined above be achieved through the delivery of three separate but inextricably linked strands of work. These are:
- Work stream 1: To develop a **Multi-Agency Front Door (incorporating a Multi-Agency Safeguarding Hub)** for Brent by July 2013.
  - Work stream 2: To develop a **family support service** with an integrated **short term Crisis Intervention Service** by April 2013, working with families with children of all ages.
  - Work stream 3: To develop an **aligned services strategy** by January 2013 in order to improve and strengthen a wider range of 'aligned family support services' across services and partners.
- 3.4 These work streams have been designed to deliver whole systems change in the way that services are delivered to families in the borough – from the first point of contact, to the design and delivery of support packages, and more widely to ensure that other services that deliver critical support to families are integrated and aligned. This service re-design will realise significant efficiency savings for the council and partners over time whilst fundamentally improving the way that services are delivered to families.
- 3.5 It is intended that this project will also enable Brent to work with the 810 'Troubled Families' over a three year period. As part of the project, work is being carried out to ensure that robust monitoring systems are put in place to track family improvements relating to national Troubled Families criteria in order to maximise potential Payment by Results funding from central government. The project also sets out to take a broader 'outcomes based approach' to measure improvements and better understand 'what works' when working with families.
- 3.6 Additional detail relating to each of the three strands of work is outlined below. These work stream descriptions should be read in conjunction with the Working with Families action plan attached as Appendix 2.

#### **4.0 Work stream 1: Multi-agency front door/ Multi-agency safeguarding hub:**

- 4.1 The Multi-agency Front door will:
- Act as a single point of contact for professionals and members of the public where there are concerns about a child or young person and their family that requires a co-ordinated response.
  - Simplify pathways into services and provide an accessible and more creative approach to pathways out.
  - Take a multi-agency/disciplinary view across the whole family to build a fuller picture of family circumstance and levels of need

- Result in better informed and speedier decision making about the level of support required and improve the safeguarding of children in Brent.

- 4.2 The overall role of the Multi-agency Front Door is to provide a triage service, screening all contacts, then filtering out contacts which do not need a response; signposting professionals or families to other services which will best meet their needs; or passing the referrals to a service or team which is best positioned to meet the needs of the family.
- 4.3 The Multi-Agency Front Door will be able look at the needs of a family in a holistic way and generate a multi-agency response. Members of the team will be fully aware of the range of services available to meet the needs of families and can offer a creative response. It will provide a much more accessible service for professionals or the public who are trying to gain support for families or who have concerns about them. They will no longer have to consider whether or not a family's needs meet social care thresholds, as the Multi-Agency Front Door will be able to determine who is best placed to meet family needs.
- 4.4 The Multi-Agency Safeguarding Hub, or MASH, is a process which sits *within* the wider Multi-Agency Front Door. This way of working is being supported by all key agencies and is being rolled out across London over the next year. A MASH consists of an information-gathering process within a secure environment, which enables information to be gathered about all family members where there are concerns about a child's welfare. Police and social workers screen all new contacts, and information about those given a Red or Amber rating will be gathered by all multi-agency partners. Families with lower-level needs can be passed directly to services for support. The process will lead to better-informed and speedier decision-making and will improve the safeguarding of children in Brent.
- 4.5 The plan for the Multi-Agency Front Door will be ambitious and comprehensive. Once good practice has been embedded relating to the MASH, its role will expand as part of a planned and phased approach. Ideas under consideration include broadening the range of services that the Multi-Agency Front Door can access, such as debt counselling, preparation for employment, or floating housing support. Advice and information for families could be accessed through a 'golden telephone number'. Professionals may wish to seek advice if they have concerns about a family.
- 4.6 The service will be launched on the move into the new Civic Centre, as it is dependent on the installation of secure cabling for police data systems. The planned start date is July 2013.

- 4.7 The core agencies who have committed their involvement to the Multi-Agency Front Door and MASH are:
- Housing
  - Youth Offending, Youth and Connexions Integrated Services
  - Health
  - Early Help Family Support
  - Police (Public Protection Desk)
  - Education
  - Children's Social Care
  - Probation
- 4.8 There are also plans to locate the Adult Social Services safeguarding functions with the Multi-Agency Front Door, and ways of achieving this are being further explored. This will be a more innovative approach than the model generally being established in London.
- 4.9 The staffing contribution of some of the core agencies has been confirmed. The detail of the social care contribution is being further explored, and the balance between the work taken on by the Multi-Agency Front Door and the work that will continue to be carried out by the social care locality teams is being assessed. In order to ensure children remain fully safeguarded while the new system is becoming embedded, an additional team manager post and an additional deputy team manager post are being funded during 2013/14 from Troubled Families grant. This will also enable an accurate assessment of the impact of the Multi-Agency Front Door and the full implementation of the Early Help Family Support Teams on the volume of work moving through to children's social care.
- 4.10 Accommodation arrangements within the Civic Centre have been agreed. Detailed planning is taking place to ensure access to police and health IT systems. A project implementation group with representation from all agencies is taking forward an implementation plan, including agreeing protocols; information-sharing agreements; table-top exercises to ensure consistency of response and decision-making; and developing an understanding about the roles and responsibilities and key priorities of each agency.
- 4.11 The activities required to set up the Multi-agency Front Door and MASH are listed in the high level action plan at Appendix 2.
- 5.0 Work stream 2: Early Help Family Support Service with integrated Crisis Intervention:**
- 5.1 The Early Help Family Support service will:

- Meet the needs of vulnerable families in Brent, by working with them to tackle underlying problems and build their resilience;
- Rise to the challenge of the government's Troubled Families agenda, delivering improved outcomes for families and maximising Brent's income from the Payment by Results funding;
- Reduce the workload pressures on social work services by offering alternative ways to support to families;
- Reduce the number of children and young people in Brent coming in to the care system and the resulting cost to the council;
- Improve outcomes for children and young people in line with *The Plan for Children & Families in Brent*

5.2 This service will receive referrals from the Multi-Agency Front Door and put together bespoke packages of support for families tailored to their types and levels of need.

5.3 Using existing resources and 'Troubled Families' grant available over the next three years, we are creating an Early Help Family Support service employing between 25 and 30 family key workers to work directly with between 700 and 800 'troubled' and vulnerable families over the next three years to: support them into work; reduce their level of criminal or anti-social behaviour; improve their children's attendance at school; and reduce their impact on social care and other public services.

5.4 The key worker role involves:

- Working as part of a multi-disciplinary team around the family;
- Taking a whole family approach, including strengths-based family assessments;
- Building relationships in an assertive and persistent key worker style, engaging the child/ren and their family;
- Delivering evidence-based solutions and coordinating the support needed from other agencies;
- Putting in place robust family agreements that include sanctions and rewards;
- Ensuring an intensive, flexible response that includes support outside traditional office hours;
- Working in a style that empowers families and helps them to develop the capacity to resolve their own problems.

5.5 This service will be supplemented by a further team of up to 14 staff specialising in tackling family crisis and safely diverting up to 100 families per year from having their children and young people enter the care system.

5.6 This team will build on the current Crisis Intervention Support Team which already works successfully to divert young people over the age of 10 from entering the care system and to support the return to their family of a small



number of those young people voluntarily accommodated - succeeding with approximately 75% of all cases referred to it. This team will be further developed to work with families with younger children facing care proceedings using part of Troubled Families grant.

- 5.7 As of December 7<sup>th</sup> 2012, 15 key workers are in post, their training is underway (and will be on-going) and the first families from within the Troubled Families 'cohort' are already being contacted and supported as are those families whose cases are being 'stepped-down' from social care support to the new service. The activities required to complete the development of the Early Help Family Support Service and re-model the Crisis Intervention Support Team are listed in the high level action plan at Appendix 2.

## 6.0 Work stream 3: Aligned Services Strategy

- 6.1 The Early Help Aligned Services Strategy will support the successful delivery of the Early Help Family Support Service and the Multi-Agency Front Door. The development of the Strategy is integral to the success of the new service model and recognises that a range of specialist support will be needed to ensure that vulnerable families get the right help, at the right time, from a range of agencies. In practice, aligned services will offer specialist support around problems/issues related to:

- Child development, including behavioural and emotional problems and special educational needs
- Truancy and school attendance
- Substance misuse
- Mental and physical health problems
- Sexual health
- Poor quality and insecure housing
- Employment and training
- Criminal activity and anti-social behaviour, including tackling gang activity
- Domestic abuse
- Debt and welfare benefits advice

- 6.2 Services are defined as aligned services if **they provide direct support to families, children and young people to help them address their problems over a period of time and/or offer on-going diversionary support.** The table attached at Appendix 3 provides an overview of services in Brent that fall within the scope of the Strategy, grouped under seven thematic headings. A number of services provided by the voluntary and community sector in Brent will also support work in these areas and their contribution will be addressed as more detailed re-alignment work is taken forward.

6.3 Development of the Strategy has helped to identify needs, gaps and opportunities for increasing the focus on early help and prevention, within the context of on-going work across the Council and partner agencies and the wider policy context. This has resulted in a number of proposals to:

- Strengthen the focus on prevention through re-commissioning or re-designing services;
- Improve coordination of activity through the co-location of specialist staff within the Early Help Family Support Service or more clearly defined hub and spoke arrangements;
- Remove duplication of activity and develop stronger strategic frameworks to support service and project development;
- Improve information sharing and service user pathway and referral arrangements; and
- Ensure that policy flexibilities can be used to support vulnerable families.

6.4 This strategy will build on the inter-agency work to support families which has been developed in the borough's Children's Centres. A key part of the aligned services strand of work will be to ensure that the use of the physical facilities and the services they offer to families are optimised and reach the families where the greatest difference can be made.

6.5 The strategy will be finalised early in 2013 and an action plan will then be developed to take forward agreed recommendations.

## **7.0 Managing Performance and Monitoring Outcomes**

7.1 **Performance management** - When fully operational, the Early Help Family Support service will have the capacity to work with up to 350 families per year across the range of needs. There will be a clear focus on achieving the outcomes for families expected for 'troubled families' whether the family is part of the cohort or not, alongside preventing the family progressing along the continuum of need (and thus becoming more expensive to public services). The Troubled Families Co-ordinator will have an on-going responsibility for monitoring the performance and impact of the service. This includes ensuring that the service continues to focus on getting the balance right in the range of families it is working with and holding partners and aligned services to account in playing their part in the new service.

7.2 The principal means of doing this will be via the service plan for the Early Help Family Support service which will spell out targets and performance measures to achieve this balance across the service as a whole. There will be a specific focus on monitoring family profiles/characteristics to ensure that the service

design and delivery is constantly being informed by a detailed understanding of its clients.

- 7.3 **Monitoring outcomes for families** - All Early Help Family Support staff will use the Common Assessment Framework (CAF) as the basis for monitoring, recording and reviewing progress and outcomes with families. For families who meet the Troubled Families criteria, outcomes specifically in relation to the payment by results criteria and DCLG Troubled Families national evaluation criteria will also be monitored via a standard quarterly reporting cycle. Claims for payments can be made twice yearly for any families who have achieved the payment by results outcomes defined by DCLG.
- 7.4 Some families will qualify for Troubled Families Payment by Results because they meet criteria from a 'basket of local criteria'<sup>1</sup> in addition to at least two national Troubled Families criteria. The CAF will be used to as the basis for collecting and reporting progress and the delivery of change in relation to these 'local criteria'.
- 7.5 In order to maximise the impact made, the Early Help Family support Service will also work with Families who do not meet the Troubled Families Payment by Results criteria but who still have multiple and complex needs as defined by the basket of local criteria. The CAF will also be used to as the basis for collecting and reporting progress for this group of families.
- 7.6 Finally, the additional impact of the redesigned Crisis Intervention service will be judged on both outcomes for families (as above) and on the reduced numbers of children and young people coming into care (see financial profiles below).
- 7.7 The work to establish the systems required for monitoring outcomes specific to Troubled Families is underway, with final proposals due for approval by the Strategic Board in February 2013.

## 8.0 Financial Implications

<sup>1</sup> These are Brent has taken a 'basket of measures' approach, which includes:

- Families with children on the 'edge of care' in last 12 months
- Substance and/or alcohol misuse, domestic abuse or mental health needs identified in the family in last 12 months
- The household will lose at least £50 per week due to welfare benefit caps
- Child or young person is on the special educational needs register and/or accessing education through Brent Tuition Service
- A young person is part of a gang or has pro criminal/offending associates
- Parental illness, disability or infirmity is limiting day-to-day functioning
- Family members with criminal/offending history

- 8.1 The aim of Working with Families is to use existing mainstream budgets together with funding from government for the Troubled Families Programme to drive the sustainable change set out above. By targeting these funds at early help services, the intention will be to reduce the costs the council and partners would otherwise incur on families benefiting from the early help.
- 8.2 Funding for interventions as part of the Working with Families initiative is estimated at between £2.155m and £3.105m over three years depending on the extent to which targets as part of the government's Troubled Families programme are achieved. Funding consists of the following:
- a. Troubled Families grant of between £2.05m and £3m consisting of:
    - £300k over three years toward co-ordination of the Troubled Families Programme;
    - An estimated £1.75m over three years as attachment fees for working with 810 families<sup>2</sup>;
    - A potential additional £950k total reward grant if all Troubled Families targets are hit.
  - b. Funding of £105k of grant/contributions received in 2011/12 and which has been carried forward in the council's accounts for this purpose.
- 8.3 The funding will be used to meet the costs of:
- a. co-ordination of the programme;
  - b. setting up the Multi-agency Front Door;<sup>3</sup>
  - c. Additional Family Support Workers over 3 years;
  - d. Additional interventions to deliver Working with Families outcomes with particular focus on preventing children becoming looked after.
- 8.4 The funding set out above is time limited and is only a fraction of the total funding that goes into work with Troubled Families and other families with complex needs. The Working with Families programme is therefore looking at how other services within the council and provided by partners can be better aligned so that resources across the public sector can be better targeted at achieving improved outcomes for Troubled Families and other families with complex needs.

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<sup>2</sup> Attachment fee is £3,200 per family in 2012/13, £2,400 per family in 2013/14, and £1,600 per family in 2014/15 and applies to 5/6ths of the total number of families. The £1.75m total is based on the current profile for working with families in the Troubled Families cohort

<sup>3</sup> This does not include the cost of putting in secure communications links to the Civic Centre which is being funded from police funds. Details of funding of on-going costs of the MAFD are in the separate paper on the MAFD on this agenda.

- 8.5 A key component of the council's approach to addressing the budget challenges it faces is to manage demand for services by early intervention and other policy initiatives. From the council's point of view, the Working with Families project is a key component of that approach, with particular emphasis on reducing costs of children in care and, following transfer of responsibilities from the Youth Justice Board, children on remand. National research evidence suggests indicates that these are likely to be medium to long term cost reductions.
- 8.6 The council has been successful at managing the overall costs of children's placements which have reduced in recent years, whilst there has been an 8.5% increase in the total number of children in the Brent care system between 2009-2011. Total spending on placements reduced from £19.003m in 2009/10 to £18.357m in 2011/12. The current forecast for 2012/13 is spending of £16.127m, which after taking account of the transfer of £2.050m of costs to the adults' transitions team, would be a reduction compared to 2011/12 of £180k.
- 8.7 The aim of Working with Families interventions, together with other work with West London Alliance councils to reduce the cost of children's placements, is that these costs will continue to come down in future years. The council's current medium term financial strategy includes savings of £0.7m in 2013/14 from this work. Further savings were included for future years.
- 8.8 A revised assessment has now been carried out of the savings that can reasonably be forecast at this stage, taking account of savings already delivered, pressures on the placements budget, and the interventions through the Working with Families and WLA procurement projects. Forecast savings on this basis are £385k in 2013/14 which is £315k less than included in the medium term financial strategy. Given pressures on the placements budget, this is still ambitious (a cash reduction in an area with increasing budget pressures) so achievement will required careful monitoring.
- 8.9 This does not include savings from work on aligned services. A target was included in the budget strategy for a £300k per annum saving from the review of services to young people. It became clear as part of this work that the potential to deliver these savings needed to be looked at in the context of the overall way that services to young people support achievement of the prevention agenda and therefore has been incorporated in the aligned services work stream of the Working with Families project.

## **9.0 Legal Implications**

The Working with Families initiative supports the discharge of the Local Authority's duties under s17 Children Act 1989 and sections 10 and 11 Children Act 2004.

## **10.0 Diversity Implications**

The project team are currently in the process of carrying out a predictive Equalities Impact Assessment of the proposed approach. The completion of this exercise is dependent upon the successful collection and recording of data relating to the first year cohort of 'Troubled Families'. This work is currently being completed and the full diversity implications for the project will be set out at this point.

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

It is likely that there will be staffing and accommodation implications relating to all three of the strands of work outlined above. The detail of this will be worked out by the project team.

### **Background Papers**

Appendix 1) Brent Working with Families Strategy (Draft)  
Appendix 2) Working with Families Action Plan  
Appendix 3) Services in scope of the Aligned Services Strategy

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# BRENT WORKING WITH FAMILIES STRATEGY



## INTRODUCTION

- 1.1 The Working with Families Initiative aims to change fundamentally the way that Brent Council and its partners identify and deliver services to its most vulnerable families. Underpinned by the national Troubled Families Programme, the Initiative recognises that families and agencies can realise significant benefits from changing the way that services are provided to families with complex needs. These benefits can only be achieved as a result of a whole systems change, a significant shift in attitude and approach (including a shift to a family focus) and genuine partnership working across agencies.

### NATIONAL POLICY CONTEXT

- 1.2 Central Government has identified a number of factors that define families as having multiple complex problems. As part of the Troubled Families programme it has identified that there is a target group of 810 such families in Brent. These families cause high costs to the public purse.
- 1.3 Central Government has chosen, as part of the Troubled Families Payment by Results (PbR) model, to focus on households who:
- Are involved in crime and anti-social behaviour
  - Have children not in school
  - Have an adult on out of work benefits.
- 1.4 In addition, central Government has allowed each local authority to add local criteria. Brent has chosen a basket of local criteria that is the local element of the Payment by Results financial framework. The basket comprises:
- a. Edge of care (this includes families accessing the crisis intervention service, that have been subject to a child protection investigation, children with a Child Protection Plan which has ceased, where substance misuse/domestic abuse/mental health has been identified through engagement with Social Care).
  - b. Families where there are substance and/or alcohol misuse, domestic abuse or mental health needs in the family (e.g. there is a resident family member with schizophrenia, Police notification re domestic abuse, accessing Addaction services).
  - c. The household will lose at least £50 per week arising from the housing benefit cap.
  - d. Child or young person is on the SEN register and/or accessing education through Brent Tuition Service.
  - e. Young person is part of a gang or has pro criminal/offending associates.
  - f. Parental illness, disability or infirmity is limiting day to day functioning.
  - g. Family members with criminal/offending history.



## BRENT VISION

- 2.1 The vision underpinning the Working with Families Initiative is that the Council, with our partners, will assist families with children and young people in need to ensure they enjoy a good quality of life and develop as confidently and responsibly as possible, to:
- Improve the **educational outcomes** with a particular focus on improving school attendance
  - Promote the **positive well-being** of families
  - Recognise the importance of **employment, housing** and preventing **crime and anti-social behaviour**
  - **Develop resilience** in families and facilitate their inclusion and active involvement in their communities
  - Focus particular support on those families **where the children's or young people's life chances are the poorest.**
- 2.2 Putting this vision into practice will change the way in which public services in Brent work with families with multiple complex problems. It is not simply concerned with creating an additional externally funded project to tag on to existing provision, nor is it focused solely on meeting the requirements of the Troubled Families programme. It is about working to end the inter-generational cycle of vulnerability and exclusion that families experience and the inter-generational failure of successive programmes and initiatives to support these families.
- 2.3 We will need to:
- Set priorities for meeting the needs of families with complex/multiple problems to ensure that the right families get the right support at the right time from staff with the right skills to work with them effectively.
  - Be family focused and address all the dimensions of need – including unemployment, housing, parent capacity and behaviours, child and young person's development, health and behaviour.
  - Provide for a range of integrated and multi-agency support services to work with and support families in need, with appropriate step-up and step-down arrangements that can provide a continuum of care across the spectrum of need.
  - Ensure that services are responsive, timely and relevant through improved and efficient access arrangements
  - Increase the resource base for early intervention and provide savings by diverting children and young people on the edge of care from entering the care system through approaches that help to meet the needs of children and young people whilst remaining with their families
- 2.4 In moving from strategy to development and delivery, we will -
- Build on existing local strengths and good practice and promote buy in from key partners

- Shape our approach to meet the Brent operating context
- Ensure that any detailed proposals we make are evidence-based
- Understand and develop staff skills to deliver new approaches and services; and ensure they are appropriately supported to understand complex family needs and achieve good impact
- Support streamlined and effective contact/referral/assessment processes for families
- Ensure that there is a wide menu of services for practitioners to draw upon when working with families, with a guarantee of access to the services they need
- Ensure children's needs are kept at the forefront when working with the whole family
- Ensure that services meet the whole range of needs, from early help to tackle emerging problems for families; through to intensive support for families with entrenched problems and high level support in times of crisis. Child protection support will be drawn in if needed.
- Understand the range and focus of voluntary and community sector organisations (wherever they are based) and view them as potential providers and partners
- Ensure that proposed performance management arrangements will measure impact
- Support improving the performance of managers
- Ensure that we identify ways in which all relevant services and partners could contribute staff and resources.

2.5 The future model will enable:

- a single point of contact for all concerns any agency or individual has about a family with children and a prioritisation of access to services for the most vulnerable families
- a reduced and more focused level of assessment of families (at reduced cost)
- greater co-ordination of effort, led by a Family Key Worker
- a wider range of roles, services and professions seeing themselves (and being trained and supported) as part of the 'families workforce'
- reduced numbers of children in care
- services other than children's social care to be more directly involved in supporting vulnerable families
- financial savings

## **A WHOLE SYSTEM APPROACH**

3.1 Although the Children and Families Department of Brent Council are central to the delivery of this initiative, their services cannot achieve the change for families we are seeking without new forms of collaboration with other council services and with the services of partners. This is the 'whole system' aspect of this initiative.

3.2 The Working with Families initiative recognises that a wide range of issues may affect family functioning and therefore a wide range of support will need to be drawn together to meet the needs of all individual members of the family. This approach will involve a huge cultural shift amongst all agencies and services across the sectors who work with families in Brent, who will need to consider how they can target their services to meet the needs of vulnerable

families. The Working with Families initiative will therefore need sign-up and commitment from all Brent agencies so that appropriate expertise and capacity can be realigned to meet the needs of vulnerable families.

- 3.3** Issues affecting adults within the family, such as domestic violence; substance misuse; crime; mental and physical ill-health; debt and other financial problems; housing problems and lack of employment will need to be specifically addressed with appropriate expertise and a range of provision. These issues need to be addressed to improve parenting capacity and family functioning, enable families to become self-sufficient and to bring up their children successfully without the need for outside intervention. Addressing these issues for parents and carers will have a significant impact on improving outcomes for their children. The model will therefore need to ensure a guarantee of service from the range of agencies in Brent currently working with adults, whether through the provision of service or through specifically identified members of staff.
- 3.4 The fragmented nature of much of the activity across Brent makes it highly likely that there is both duplication and overlap – duplication because contact and assessment is taking place multiple times across multiple services in isolation from one another; overlap because of different services seeking to impact on the same underlying problems from separate starting points. This approach is not sustainable in an era of ever scarcer resources. Co-ordination of effort and improved collaboration has to become the norm and in some cases the level of joint working needs to move further and faster.

## THE ESSENTIAL ELEMENTS

- 4.1 Based on the available evidence and the learning from successful approaches elsewhere, we have identified the essential elements that need to be in place for successful service delivery. These will therefore be key features of all the approaches we adopt. These comprise:
- **A multi-agency whole family approach including strengths-based family assessments**
  - **Robust family agreements and plans that include sanctions and rewards**
  - **An intensive, flexible response that allows for support outside traditional working hours**
  - **An 'assertive' and 'persistent' family key worker role**
  - **A focus on improved parenting (outcomes) and the use of evidence-based interventions**
  - **A highly-skilled and well-supported family key worker team**

## THE STRATEGIC COMPONENTS

4.2 The three components of the Working with Families Strategy are:

- STRATEGIC COMPONENT 1: The development of an effective multi-agency front door service that prioritises contacts and referrals, facilitates effective access for families in need and links them in a responsive and efficient way to appropriate help;
- STRATEGIC COMPONENT 2: The creation a range of integrated multi-agency family support services to work with and support families in need with appropriate step-up and step-down arrangements that can provide a continuum of care across the needs spectrum;
- STRATEGIC COMPONENT 3: improve/develop the organisation and delivery of services to families with children or young people on the edge of care to:
  - Ensure the maximum protection for children and young people from abuse and harm and
  - Avoid, when appropriate, the need for these children/young people to come into care, and thereby reduce costs, whilst, at the same time
  - Meet their needs effectively and have robust step-down arrangements as the situation improves.

## **OUR AGREED APPROACH**

### A MULTI-AGENCY 'FRONT DOOR' INCORPORATING A MULTI-AGENCY SAFEGUARDING HUB (MASH)

5.1 Brent, alongside all London Boroughs, is committed to the introduction of a MASH in 2013. The following model outlines the five key components of a MASH:

- All notifications about safeguarding and promoting welfare of children go through the MASH process
- Core agencies are co-located
- There is a firewall to ensure client confidentiality
- An agreed process for analysing and assessing risk, based on information gathered
- A process to identify victims and emerging harm.

5.2 The core agencies or services to be involved in the MASH process are:

- Children's social care
- Police (Public Protection Desk)
- Health
- Education
- Probation
- Housing
- Youth Offending Service

- 5.3 This basic MASH model would be able to provide a streamlined route into services supporting families across different levels of need. Decision-making would be based upon the principle of meeting family needs at the earliest stage, and at the lowest level of intervention required.
- 5.4 The additional elements of a Multi-Agency Front Door (MAFD) are listed below and show the potential range of functions that could be incorporated. The merits of each element can be considered individually, and those agreed upon could be implemented together, with a big bang approach, or introduced incrementally in a planned, phased way. These elements include:
- Widening the range of services involved in the MAFD, either on a co-located, virtual, or part-time basis. This could include the CAF co-ordinator; Early Years, adult social care; drugs and alcohol services; voluntary sector partners; Revenues and Benefits; additional children and families services.
  - Involving other services around the MAFD as part of an information giving and advice hub, accessed through a 'golden telephone number'. This could include a Children and Families Information Service, providing advice on pre-school provision and a range of other services and activities. A linked website providing a range of information about services for families would benefit both families and professionals. The service could also provide advice to professionals.
  - The MAFD could also benefit other agencies that need to undertake assessments by facilitating information-gathering. One example may be CAFCASS (Children and Family Court Advisory and Support Service), in undertaking both private and public family proceedings.
  - Broadening the range of agencies that the MAFD can refer onto, particularly those beyond the social care/early help sphere, e.g. debt counselling; preparation for employment; and floating or accommodation-based housing support.
  - The MAFD could take a more proactive approach in planning interventions with families with complex needs rather than simply passing a referral to a relevant team. MAFD representatives would decide which services should be involved in working as a team around a particular family, nominate a lead professional, and put those services together, with agreed measurable objectives.
  - Services could approach the Multi-Agency Front Door to build a 'Team Around a Family' approach. For example, if the Youth Offending Service when working with a young person becomes aware of complex needs within the wider family, including parents and younger siblings, this approach would assist in meeting the range of needs and better supporting the young person.
  - The opportunities presented by this way of working could lead to changes to receiving teams, e.g. aligning some of the duty and assessment roles in children's social care more closely with the Multi-Agency Front Door and co-location of the police Child Abuse Investigation Team Referral Desk.

## FAMILY SUPPORT SERVICE

- 5.5 This service will employ teams of Family Support Workers to work with families with multiple complex needs to provide early help at the point at which problems first arise, intensive support (for those families where problems are long-standing and chronic) and a crisis intervention service to divert children and young people from entering the care system or to assist their step-down from being in care.
- 5.6 The role of the Family Key Worker will involve targeted and intensive support to families experiencing complex and multiple issues through sustained intervention using whole family assessment and utilising partner agencies to effect and sustain positive change for the family, individual members and the community around them.
- 5.7 The service will offer support to families with a range of needs at different levels of involvement
- The Intensive Help service focuses on the most troubled high risk, high cost families. The Early Help team also works with families who may need less intensive support but who nevertheless have multiple problems, including domestic violence, mental health and school attendance concerns. The range of interventions includes targeted one-to-one support (e.g. delivery of parenting programmes, group work and specialist workshops, practical support in the home, accompanying parents to attend another service) but can also provide drop in services ('quick help') and signposting.
  - The Early Help team, in addressing problems as they first emerge, would benefit, for example, young or isolated parents who may need practical and emotional support at an early stage. By strengthening attachment and building parenting skills, such a service may well achieve the longer-term impact of building family resilience and avoiding the need for care at a later stage. However, the intensive level of support is most likely to be required where children are deemed to be on the edge of care.
- 5.8 The Family Key Workers will need to be able to assemble packages of support for members of the family from a wide range of other services and agencies. These are what are described in this strategy as aligned services.

## EDGE OF CARE IN BRENT

- 5.9 The need to design a new multi-agency Edge of Care Service in Brent is pressing. There is a significant deficit in the level of support to the families with children on the edge of care from other services and from other agencies whose interventions provide support to the parents and possibly other siblings. The principles of the Working with Families initiative (that all approaches should be multi-agency and applied to work with the family as a whole) do not currently apply to 'edge of care' services in any systematic or structured way.

## UNDERSTANDING THE CHARACTERISTICS OF 'EDGE OF CARE' FAMILIES

5.10 Work has been undertaken to identify the characteristics and circumstances of those families whose children came into care in 2011/12. The key characteristics identified are:

- Serious and persistent levels of domestic abuse, substance misuse and mental ill-health
- Parent (or parents) who were in care
- Siblings of children or young people already in care
- Parents of a child already in care, but with other resident children
- Parent (or parents) who have been in prison
- Parents with learning difficulties
- Severe and persisting debt - often involving door-step lending/loan sharks
- Gang-affected and gang-involved
- Poor quality/insecure housing.

5.11 For the edge of care services to be fully integrated with the two levels of early help model, a third element would need to be introduced - a short-term Crisis Intervention Service. This would fulfil the role set out in the models above, of providing intensive support during a crisis, to avoid a child entering the care system, or returning them home as soon as safely possible.

### ALIGNED SERVICES

5.12 We have emphasised throughout that a whole system approach is critical to the success of the Working with Families Initiative. The system, however, is greater than establishing a multi-agency front door, the deployment of early help/family support services and a focus on edge of care. We have found in looking at successful Early Help/Family Support Services (EH/FSS) in other areas a well developed set of working relationships between the EH/FSS and other services they need to work closely with. We have described these in this report as 'Aligned Services' and which of these are involved with one or more members of the family may be critical to the success of the Early Help approach.

### HOW ALIGNED SERVICES ARE DEFINED

5.13 There is a need to examine how these aligned services can best support a focus on children, young people and their families who are at risk/vulnerable, within a reducing resource envelope. This may involve considering both alternative means of delivering services and the content/scope of their existing service offer. For example, there may be scope to re-commission mental health services in new ways, realign Supporting People contracts and or consider full service re-configuration e.g. development of an integrated youth service model with a stronger casework/case management model to ensure effective 121 support for young people, or a merging of Care Leaver services with those elements of the Supporting People programme supporting young/vulnerable tenants.

5.14 A service identified as an aligned service would be required to give a guarantee of service availability to the relevant member of the family (brokered via the Family Key Worker). This will present a number of challenges to existing thresholds and eligibility levels in services where there is a gatekeeping role to limit access.

5.15 Aligned services are likely to include, although some of these may also feature in the core components of Early Help/Family Support:

- Youth services (council, other agency and voluntary sector provision)
- Youth Offending Team
- Education Welfare Officers
- Basic skills, training and employment services
- Behaviour support services (primary schools)
- Pre exclusion support
- Intensive NEET services
- Housing Needs
- Start Plus, plus housing related support projects
- Aspects of Supporting People
- Alternative Education (PRUs and BETs)
- School based counselling and parent support services
- Health visitors
- Child and Adolescent Mental Health Service (CAMHS)
- Adult Mental Health services
- Adults with disability services
- Substance misuse services
- Sexual health services
- Other voluntary sector provision e.g. welfare benefits and debt advice services.

## **FINANCIAL IMPLICATIONS**

### COST TO THE PUBLIC PURSE

6.1 From a financial point of view, the cost to the public purse of dealing with Troubled Families is significant. Government data collected in October and November 2011 estimated that £9 billion is spent annually on the 120,000 most troubled families. That works out as an average of £75,000 per family per year. Of this, £8 billion is spent on reacting to the troubles of these families with just £1 billion being spent trying to turn around their lives in a targeted, positive way.



6.2 Examples of the average national costs of individual interventions with families

Housing	Eviction proceedings = £13,000 for 1 eviction
Schools	Pupil Referral Unit = £15,000 for 1 child for 1 year
Care	Foster placement = £40,000 for 1 child for 1 year Residential care home = £130,000 for 1 child for 1 year
Drug rehabilitation	Treatment and support costs = £35,000 per adult
Prison/Young Offenders Institution	£52,000 per person per year

6.3 In addition, it is estimated that all forms of Anti-Social Behaviour cost the public sector in London £1.8m per day (*London Councils figures from 2010*).

6.4 The impact, as evidenced for example in the Allen report, is that the savings from working with families with young children are achieved in the medium to long term; the children as they become young people do not require intensive and more costly interventions. This is supported by the evaluation of Think Family Pathfinder projects which has shown in 75% of cases a positive rate of return for every £1 invested in preventative services.

RESOURCES TO SUPPORT THE STRATEGY

6.5 The total resource available from central Government towards the delivery of the Troubled Families Programme equates to £2m over 36 months.

6.6 We have worked on the basis that:

- There are currently 26 key workers (plus 2 co-ordinator posts) for which funding has been identified in mainstream budgets
- An additional 4 posts are potentially being made available from public health to support the Family Support Service
- There is £600k per annum for three years funding from the Troubled Families grant, of which:
  - £400k per annum will be used to recruit a further 10 Family Key Workers;
  - The balance of £200k per annum will be used to create specialist support for edge of care services
  - A balance of £200k of the Troubled Families grant will be used as a one-off contribution to set up costs for the Multi-Agency Front Door.

MAFD/MASH

6.7 The key costs in relation to the MASH/MAFD are staffing, IT and accommodation. The costs of cabling and IT requirements into the new Civic Centre to meet required data protection requirements of the MASH have been identified through funding from the Mayor of London’s office. Further discussions would need to take place with agencies about accommodation and office equipment costs. Staff resources would mainly be achieved by reallocation of existing managers or practitioners from their existing duties, i.e. it is ‘instead

of' not 'as well as'. The contribution of each agency, whether in cash or kind, would need to be costed so that the commitment of agencies to this way of working can be demonstrated.

6.8 Consideration would also need to be given to existing service pressures. Although transfer of existing resources may be a medium-term objective, it may be necessary to provide an injection of additional staffing resources to give the Multi-Agency Front Door a successful start. In particular, additional social care staff will be needed to maintain existing locality duty services and staff the Multi-Agency Front Door for a transitional period (of say 3 months) to ensure children remain safeguarded as the new services become embedded. We propose that a one-off sum of £200k from the Troubled Families grant is made available for this.

6.9 Visits to other agencies highlighted the importance of ensuring the right staff resources are put in place. In particular:

- Individual agency representatives need to be at an appropriate level of seniority to direct or influence staff within their own agencies
- Continuing close links with operational practice are beneficial - for example, by two managers combining the Multi-Agency Front Door role with continuing operational management or through staff rotation for fixed periods
- Managers and practitioners need a high level of skill to meet the challenges of representing their services at the front-line level, contributing to accurate and sound decision-making on safeguarding and contributing to new ways of working.

6.10 The table below identifies the potential staffing resources for a Multi-Agency Front Door, based on models seen elsewhere and adapted to Brent circumstances. Again, this provides an example only. Most of the costs of these staff are expected to be met from existing resources (apart from some transitional arrangements).

Agency	Role	FTE
Social Care	Head of Service	1
Social Care	Screening Team Manager	1
Social Care	Screening Practice Manager	1
Social Care	Screening Social Workers	4
Health	Health Visitor Manager	2
Education	Education Welfare Officer	1
Housing	Housing Officer	1
Probation	Probation Officer	1
YOS	YOS Officer	1
Police	Police PPD	1
Police	Police Researchers	1
Police	Sergeant	1
<b>Total</b>		<b>16</b>

## DELIVERY OF EARLY HELP AND INTENSIVE SUPPORT SERVICES TO FAMILIES

6.11 Using existing resources and 'Troubled Families' grant available over the next three years, we are creating an Early Help Family Support service employing between 25 and 30 family key workers to work directly with between 700 and 800 'troubled' and vulnerable families over the next three years to: support them into work; reduce their level of criminal or anti-social behaviour; improve their children's attendance at school; and reduce their impact on social care and other public services. This service will be supplemented by a further team of up to 14 staff specialising in tackling family crisis and safely diverting up to 100 families per year from having their children and young people enter the care system.

### OTHER ASSUMPTIONS:

6.12 We have made the following additional assumptions:

- Aligned services will be reconfigured in such a way that access to support from them will be managed within existing resources
- No additional resources from partners have been assumed in this model, but will continue to be sought.

### DELIVERING SAVINGS

6.13 In terms of developing firmer proposals for sharing costs and considering the longer-term sustainability of new service models, different types of savings will need to be considered. The first and most obvious are the **directly cashable savings** released by spending less on certain services, activities and staff; the second, rather longer term set of savings relate to **costs avoided** by reduced levels of demand, which may offer future cashable savings, or provide the means to redeploy resources to other priorities or may simply mean that resource levels can be held at current levels; finally, there are '**efficiency gains**' which are not in themselves savings but offer 'more for less' by improving the productivity and value for money of current staff resources.

6.14 Future work will be needed across services and partners in Brent to develop and agree common approaches to savings and cost benefits resulting from this initiative. For example in relation to the 'invest to save' principle, if one partner invests but another saves there will need to be an agreed process for those savings to be shared.

## **NEXT STEPS**

7.1 This strategy will be of no relevance unless the approaches set out within it are translated into the delivery of services resulting in improved outcomes for families. In order to achieve that, the focus of efforts to implement the strategy will be on:

- Achieving buy-in from key internal and external stakeholders

- Providing clarity about what the services are trying to achieve with families and what should be the means of delivery
- Designing and implementing the new approaches in partnership with operational managers and staff
- The development of an evaluation framework to measure outcomes
- The development of a framework for consideration of costs and savings
- The implications of this strategy for aligned services and those who work in them
- Deciding the most appropriate management structure to ensure that the service is managed for performance
- Achieving short term cost savings where appropriate.

## Appendix 2

### Working with Families: High – level action plan

#### Work stream 1: Multi-agency front door/MASH

Activity/task	Target Date	Notes
Establish MASH parameters with police representatives	Completed	Parameters agreed with Brent and with London-wide police representatives
Establish multi-agency MASH/MAFD task group, draft terms of reference and gain commitment from all agencies	Completed	Meetings held at 3-weekly intervals from 24.10.12, chaired by Fiona Ledden, Head of Legal Services and Procurement. Good representation across agencies. Terms of reference agreed.
Develop service design/specification for the MASH/MAFD, with initial costs and partner commitments	Completed	Outline service design produced and agreed by task group meeting on 4.12.12
Update report on progress/initial service design to Working with Families Strategy Board	Completed	Initial service design approved by Strategy Board
Learn from good practice elsewhere to ensure that all governance and delivery elements covered, including: - set-up – physical space and IT requirements - data-sharing and confidentiality - systems development	January 2013	<ul style="list-style-type: none"> <li>• Agreement reached on physical space November 12</li> <li>• IT requirements flagged up with all parties –implementation planning now in place</li> <li>• Data-sharing and confidentiality will be informed by London-wide process to be available shortly</li> <li>• Systems and protocols to be put in place February – June 2013</li> </ul>
Stakeholder consultation and soundings on detail of proposed model	January 2013	To be undertaken in January 2013, through project group members cascading to their services and through Community Event 9.1.13.
Final proposal to Strategy Board, including implementation plan covering detailed staffing, costs and progress on development of IT, operational processes/tools and information sharing protocols	February 2013	Final proposal to be presented, and will contain detailed staffing arrangements for the MAFD/MASH, to include areas to be finalised: <ul style="list-style-type: none"> <li>• Social care</li> <li>• Business support</li> <li>• Adult safeguarding team</li> </ul> Plus update on all other areas
Update report on progress on implementation and future phasing of services to Strategy Board	April .2013	Report to be presented
Delivery of operational plan, including further development of tools/protocols and IT systems as required; and further phasing	June 2013	Operational plan to include: <ul style="list-style-type: none"> <li>• Full protocols re working as a multi-agency team</li> <li>• Operational protocols</li> </ul>

Meeting  
Date

Version no.  
Date

Activity/task	Target Date	Notes
proposals		<ul style="list-style-type: none"> <li>• Information-sharing agreements</li> <li>• Installation of IT systems and changes; including staff training</li> <li>• Table-top training exercises to ensure a consistent approach to concerns and thresholds; shared awareness of the role, responsibilities and key targets of each agency; and knowledge of services and other resources</li> </ul>
<b>Go live of new MASH/MAFD</b>	July 2013	

Work stream 2: Early help Family Support Service and Crisis Intervention Support Service

Activity/task	Target Date	Notes
Early Help Family Support Service design approved by Working with Families Strategy Board	Completed	Strategy Board approved <ul style="list-style-type: none"> <li>• Early Help Family Support Service design</li> <li>• A basis for redesigning and integrating crisis intervention support</li> </ul>
Development of processes and operational framework	September 2012– and on-going	This includes development of: <ul style="list-style-type: none"> <li>• Key worker job description and person specification</li> <li>• Operational processes, practices and tools</li> <li>• Training and induction plan/process for new staff and staff transitioning into the service</li> </ul>
Recruitment and training of staff	September 2012 – and on-going	<ul style="list-style-type: none"> <li>• Appointment of staff who meet requirements and are able to work with families with children across a range of age groups</li> <li>• First all staff development day took place on November 20<sup>th</sup></li> </ul>
Working with Troubled Families	From November 2012  From December 2012	First group of families from with the Troubled Families cohort affected by the benefits cap and living in temporary accommodation contacted and additional support in place  Further engagement by key workers with additional families in the Troubled Families cohort –e.g. wider group affected by the benefit cap; those in contact with the Youth Offending Service; and those where there appears to be no engagement with services at all

Activity/task	Target Date	Notes
Access to aligned services	From April 2013	Improvement in pathways and processes for gaining access to aligned services for the family (once the Strategy for Aligned services has been agreed and timescales within it for implementation are clear)
Redesign of Crisis Intervention arrangements	January to March 2013	Redesign will include: <ul style="list-style-type: none"> <li>• Further detail on design to ensure seamless service with Early Help</li> <li>• Development of operational processes and staffing requirements</li> <li>• Identification of changes required to existing commissioned services and additional specialist services that may need to be commissioned</li> <li>• Consultation on new arrangements with staff in existing Crisis Intervention Team</li> <li>• Implementation of changes to structure plus recruitment to any new roles</li> <li>• Training and development of staff on intervention approaches to be used</li> <li>• Development of an evaluation framework for the service</li> </ul>
<b>Full operation of Early Help and Crisis Intervention Support Service</b>	April 2013	


### Work stream 3: Aligned services

The aligned services strategy will be completed in January 2013 and an action plan to implement the recommendations outlined within it will be constructed and taken forward by the Working with Families Strategic board after this point.

Services in scope of the Aligned Services Strategy:

Theme	Aligned Services and Programmes	
<b>Education Support</b>	<ul style="list-style-type: none"> <li>• Alternative Education (including pupil referral units and Brent Education Tuition Service)</li> <li>• School Based Pastoral Support</li> <li>• Education Welfare Officers</li> </ul>	<ul style="list-style-type: none"> <li>• Behaviour Support Services</li> <li>• Pre Exclusions Team</li> <li>• Right Track Project (fixed term exclusions)</li> <li>• Special Educational Needs and Disability (SEND) Service</li> </ul>
<b>Health and well-being</b>	<ul style="list-style-type: none"> <li>• Adult Mental Health</li> <li>• Adult Social Care (Disability)</li> <li>• Child and Adolescent Mental Health Services</li> <li>• Substance Misuse Services</li> </ul>	<ul style="list-style-type: none"> <li>• Sexual Health Services</li> <li>• Health Visitors</li> <li>• Children’s Centres</li> <li>• Health Child Early Years Programme</li> </ul>
<b>Housing and Housing Related Support</b>	<ul style="list-style-type: none"> <li>• Housing Needs Service</li> <li>• Start Plus (Supported Housing)</li> <li>• Supporting People funded floating support and supported accommodation</li> </ul>	<ul style="list-style-type: none"> <li>• Anti Social Behaviour and Tenancy Management Services (Brent housing providers)</li> </ul>
<b>Employment and Training</b>	<ul style="list-style-type: none"> <li>• Work Programme</li> <li>• Job Centre Plus</li> <li>• Brent Connexions</li> <li>• Brent Adult and Community education Service (BACES)</li> <li>• Other community employment and training projects</li> </ul>	<ul style="list-style-type: none"> <li>• ESF Families Programme</li> <li>• Brent Navigator Programme</li> <li>• Brent in 2 Work</li> <li>• Intensive NEET Team</li> <li>• Looked after Children Education Team</li> <li>• Youth Offending Service Education Team</li> <li>• CNWL Mental Health Trust Employment and Welfare Support Team</li> </ul>
<b>Criminal Justice</b>	<ul style="list-style-type: none"> <li>• Youth Offending Service</li> <li>• Probation Service</li> <li>• Independent Domestic Violence Advisors</li> </ul>	<ul style="list-style-type: none"> <li>• Integrated Offender Management Programme</li> <li>• Safe and Secure Programme</li> </ul>
<b>Advice and Information</b>	<ul style="list-style-type: none"> <li>• Revenues and Benefits</li> <li>• Citizen’s Advice Bureaux</li> <li>• Brent Private Tenants’ Rights Group</li> <li>• Brent Disabled Person’s Rights Group</li> </ul>	<ul style="list-style-type: none"> <li>• Brent Legal Aid Centre</li> <li>• Brent Irish Advisory Service (BIAS)</li> <li>• Children &amp; Family Information Service</li> <li>• Brent Credit Unions (x4)</li> </ul>
<b>Other diversionary and support services</b>	<ul style="list-style-type: none"> <li>• Brent Youth Service</li> <li>• Homework Clubs</li> <li>• Reading Support (Libraries)</li> <li>• Extended Schools Provision (after school clubs)</li> </ul>	<ul style="list-style-type: none"> <li>• Council Sports and Arts Services for Young People</li> <li>• NHS Early Intervention &amp; Prevention Service (Young Addaction)</li> <li>• Voluntary and Community Provision for Young People</li> </ul>



	<p style="text-align: center;"><b>Executive</b> <b>14 January 2013</b></p> <p style="text-align: center;"><b>Report from the</b> <b>Deputy Director of Finance</b></p>
For Information	Wards Affected: ALL
<b>Annual Audit Letter 2011/12</b>	

## 1. SUMMARY

- 1.1 This report presents the Annual Audit Letter for 2011/12, which was produced by the Audit Commission.

## 2. RECOMMENDATIONS

- 2.1 Members are recommended to note the contents of the Annual Audit Letter.

## 3. DETAIL

- 3.1 At the conclusion of the annual audit the external auditor produces a letter which confirms its opinion on the audit of the financial statements and arrangements to secure value for money.

- 3.2 As this was the final audit undertaken by the Audit Commission the letter is briefer than in previous years. It sets out a positive opinion on the progress the Council has made in:

- Responding to recommendations previously made
- Producing the financial statements
- Strengthened its arrangements to deliver value for money.

- 3.3 The Letter, which is appended to this report, has been sent to all Members of the Council.

- 3.4 A more detailed report on the 2011/12 Statement of Accounts was considered by the Audit Committee at its meeting on 27 September 2012.

## 4. FINANCIAL IMPLICATIONS

- 4.1 The Audit Letter has directly implications on the financial reporting and management of the Council and on the adequacy of its controls.

**5. LEGAL IMPLICATIONS**

5.1 None identified.

**6. DIVERSITY IMPLICATIONS**

6.1 None identified.

**7. STAFFING IMPLICATIONS**

7.1 None identified.

**8. BACKGROUND INFORMATION**

Audit Committee – Report and Agenda 27 September 2012.

**9. CONTACT OFFICERS**

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**MICK BOWDEN**  
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17 October 2012

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Ladies and Gentlemen

## **London Borough of Brent Annual Audit Letter 2011/12**

I am pleased to submit my Annual Audit Letter which summarises the results of my 2011/12 audit work.

### **Audit Work**

On 27 September 2012 I presented my Annual Governance Reports to the Audit Committee. These reports set out the findings of my audits of the financial statements of the Council and its Pension Fund. I do not repeat my detailed findings in this letter.

In my reports I noted that the Council responded positively to the recommendations I made last year. The Council made significant improvements in its ability to produce accurate and timely financial statements and has strengthened its arrangements to deliver value for money.

Like all public sector bodies, the Council continues to face severe financial constraints and increasing demand for services. Strong financial management remains a key priority. I made a number of recommendations in my reports, which management have agreed. These focus on embedding good financial reporting, risk management and procurement arrangements.

Following the Audit Committee, on 28 September 2012 I:

- issued unqualified opinions on the 2011/12 financial statements of the Council and the Pension Fund; and
- concluded that you made proper arrangements to secure economy, efficiency and effectiveness in your use of resources in 2011/12.

Having completed my audit work, on 5 October 2012 I

- issued my assurance statement on the Council's 2011/12 Whole of Government Accounts' consolidation pack; and
- certified the completion of the 2011/12 audit.

**Closing remarks**


I have agreed this letter with the Acting Chief Executive and Deputy Director of Finance. I would like to thank officers, and Members of the Audit Committee, for the positive and constructive approach they have taken to what is my, and the Audit Commission Audit Practice's, last audit of the Council.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A White', written in a cursive style.

Andrea White  
District Auditor

Cc Ms. F. Ledden, Acting Chief Executive  
Mr. M. Bowden, Deputy Director of Finance

	<p><b>Executive</b> 14 January 2013</p> <p><b>Report from the Director of Legal and Procurement</b></p>
Wards Affected: ALL	
<p><b>London Housing Consortium – Establishment and Membership of Joint Committee</b></p>	

## 1.0 Summary

1.1 This report seeks the Executive’s approval that the London Housing Consortium, of which Brent Council is a member, is formalised as a Joint Committee for the purposes of section 101(5) of the Local Government Act 1972, and that Brent Council continues its membership of the London Housing Consortium (“LHC”) as a Joint Committee member. The London Boroughs of Ealing, Hackney, Haringey, Hillingdon, Islington, Tower Hamlets and Buckinghamshire County Council have agreed to establish the London Housing Consortium Joint Committee with effect from 7 December 2012 pursuant to Section 101(5) of the Local Government Act 1972. The LHC had previously been an unincorporated association. Brent Council will be admitted to the Joint Committee of the LHC once this Executive agrees to participate and become a member of the same and to discharge its functions through the LHC Joint Committee. This matter has been presented to the Full Council of May 2012 and the necessary amendments have been made to the Council’s Constitution to incorporate the London Housing Corporation as a joint committee of the Council. However, the approval of the Executive is required to authorise the Joint Committee of the LHC to discharge its Executive functions in the running of the LHC. One benefit of approving these changes is that once admitted to the Joint Committee of the LHC, Brent Council will continue to receive a share of the surpluses generated by the LHC.

## 2.0 Recommendations

- 2.1 That the Executive agree that Brent Council should continue to be a member of the London Housing Consortium
- 2.2 That the Executive note that the London Housing Consortium has been formally established as a Joint Committee by seven other local authorities pursuant to section 101(5) of the Local Government Act 1972;

- 2.3 That the Executive authorise the Executive's functions in relation to the running of the London Housing Consortium to be discharged to the Joint Committee of the London Housing Consortium and agree to Brent Council's membership and participation in that Joint Committee.
- 2.4 That the Executive appoint the Lead Member for Housing, as Brent Council's Executive representative, and a Brent Council non-Executive representative (to be confirmed), to the Joint Committee of the London Housing Consortium.
- 2.5 That the Executive authorise and delegate to the Director of Regeneration and Major Projects, in consultation with the Lead Member for Housing and the Director of Legal and Procurement, to agree a Constitution for the Joint Committee based on the draft Constitution as set out in Appendix 1.
- 2.6 That the Executive agree for other options for the legal framework and governance structure of the London Housing Consortium to be fully explored and that a further report, detailing the options, is presented to a future meeting of the Executive for consideration.

### **3.0 Detail**

#### **3.1 Historical Context**

- 3.1.1 The London Housing Consortium ("LHC") was established in 1966 by a group of London Boroughs, known as the LHC Founder Members. These London boroughs are Barnet, Brent, Camden, Ealing, Hillingdon, Islington and Tower Hamlets.
- 3.1.2 Members and officers from the above-mentioned London boroughs agreed to create what they described as 'a voluntary association' concerned primarily with an architectural focus and 'industrialised forms of building'. Over the years, three other London boroughs, namely Hackney, Haringey and Lambeth, have joined the Consortium as LHC Full Members. Additionally, Buckinghamshire County Council and a Registered Social Landlord, the Anchor Trust, are also LHC Full Members. There are therefore 12 current Members of the LHC.
- 3.1.3 The objectives have evolved and changed over time so that the LHC now very successfully supports large numbers of local authorities, arm's length management organisations and registered housing providers and has the following aims:
- To provide specialist technical and procurement services related to building programmes undertaken by LHC constituent authorities and other public sector bodies.
  - To establish, develop and manage framework agreements for the procurement of building components and services for the use and benefit of all constituent authorities and other public sector bodies.

#### **3.2 Current Operations of the London Housing Consortium**

- 3.2.1 The LHC was governed by a Board of Elected Members which comprises one voting Councillor representative from the eleven local authority members. The current Chairman is the Cabinet Member for Housing from the London Borough of Haringey and the Vice Chairman is the Cabinet Member for Social Services, Health and Housing from the London Borough of Hillingdon. An officer from the London Borough of Hillingdon Democratic Services Team undertakes the Honorary Clerk duties.
- 3.2.2 The day to day activities of the LHC have been carried out by the LHC Operations Group, a dedicated team of 17 professional staff who have, from the inception of the LHC, been employed by the London Borough of Hillingdon. Taking direction from the LHC Board, the Senior Management Team of the LHC Operations Group prepares an annual Business Plan which aims to generate a surplus of income over operating costs. In this way, the work of the LHC is self-financing and it has not required any financial support from any of the LHC members. In fact, the surplus is redistributed to all the LHC members who realise a financial gain. Over the past five years, a total sum of £5m has been redistributed.
- 3.2.3 Income is generated in two ways:
- a) The creation of framework agreements for building products and services which allow the LHC members and other public sector bodies to contract directly with approved suppliers and contractors. The LHC earns a levy [typically 5%] on all business transactions.
  - b) The provision of specialist technical and procurement advice to the LHC members and other public sector bodies which is paid for on a fee basis.
- 3.2.4 The LHC Operations Group occupies premises in Uxbridge, leased by the London Borough of Hillingdon and financed out of LHC income.
- 3.2.5 In addition to the Full LHC Members, the LHC also currently accepts Associate Members. They have no voting rights but are entitled to a share of the LHC surplus in accordance with a committed level of business procured by them. There are currently 51 LHC Associate Members. The LHC also offers its services to the wider public sector community. There are currently approximately 100 public sector authorities using the LHC as non-members.
- 3.2.6 Over the last 45 years, the LHC has built a strong position as a highly respected procurement consortium for housing and, more recently, schools and corporate buildings. The key benefit to local authorities and other public sector bodies of using the LHC is that they can obtain expert support in four critical areas of building procurement:
- Quality - The LHC employs technical experts to research, specify and monitor the quality of building products and services to help maintain the maximum long term value of assets.
  - Efficiency - As a collaborative purchasing organisation, the LHC can gain benefits from bulk buying leading to greater efficiency savings.

- Sustainability - The LHC develops an intimate knowledge with the supply chain and engages with it, on behalf of users, to drive up the green credentials of all supply companies.
- Compliance - As public procurement legislation has grown increasingly complex and local authorities and other registered social landlords have found themselves at greater risk of challenge and litigation in relation to their procurement activities, the LHC has been able to provide valuable assistance through the provision of its regulatory compliant framework arrangements.

3.2.7 On 7 December 2012, after obtaining the necessary authorisation from their respective Executive committees, the following local authorities resolved to establish the Joint Committee of the London Housing Consortium pursuant to Section 101(5) of the Local Government Act 1972 as applied by Section 9EB of the Local Government Act 2000 and Part 4 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 with effect from 7 December 2012: the London Boroughs of Ealing, Hackney, Haringey, Hillingdon, Islington, Tower Hamlets and Buckinghamshire County Council. Brent Council will be admitted as a member of the Joint Committee at its next meeting once the necessary authorisation as set out in the recommendations in section 2 of this report are obtained from this Executive. It is understood that Lambeth Council is also seeking authorisation from its Executive to join and participate in the Joint Committee of the LHC.

### **3.3 Governance Arrangements**

3.3.1 In paragraph 3.1.3 above, reference is made to the fact that the LHC has been governed by a Board of Elected Members. It has always been the belief of the Full LHC Members that the LHC has operated as a Joint Committee set up under section 101(5) of the Local Government Act 1972 as amended. This provides that, 'Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs'.

3.3.2 External legal advice was commissioned by the LHC Board from a firm of solicitors, Bevan Brittan, in relation to the legal status of the LHC and this advice has confirmed that there is no evidence to suggest that the LHC was ever established as a Joint Committee under the 1972 Act.

3.3.3 Bevan Brittan have concluded that LHC's most likely status is that of an unincorporated association which it has had since it was first established in 1966. An unincorporated association is simply an association of persons bound together by rules for a common purpose but with no independent legal existence apart from the members. The consequences of this are that:

- a) Members are exposed to claims and liabilities incurred by them directly and without limit;
- b) The association cannot hold property or contract in its own name.



- 3.3.4 As the LHC appeared to have been an unincorporated association, it had no legal powers or existence of its own. As stated above, it could not employ staff, hold property or contract in its own right. Given that the LHC is responsible for letting high value contracts on a regular basis, this called into question the legality of the contracts which it has entered into and the LHC has left itself open to a finding in the courts that these contracts are simply null and void. This difficulty has now been resolved as seven Councils have obtained approval to formalise the LHC as a joint committee under section 101(5) of the Local Government Act 1972.
- 3.3.5 However, the overriding concern was that the Members who were appointed to the LHC were left exposed to personal liability arising from the LHC's activities. This exposure arose through no fault of their own and given that the LHC lets a number of high value contracts, this in itself heightened the risk for Members of the LHC. As set out in the previous paragraph, this problem has been resolved as seven Councils have formalised and established the LHC as a joint committee under section 101(5) of the Local Government Act 1972.
- 3.3.6 The immediate solution to remedying this situation was for the respective committees of the local authority Full LHC members to agree that the LHC is to be formally established as a Joint Committee pursuant to section 101(5) of the Local Government Act 1972, and that they would be members of the Joint Committee of the LHC. As stated in paragraph 3.2.7 above, the London Boroughs of Ealing, Hackney, Haringey, Hillingdon, Islington, Tower Hamlets and Buckinghamshire County Council resolved to establish the Joint Committee of the London Housing Consortium pursuant to Section 101(5) of the Local Government Act 1972. This will overcome any difficulties in relation to the legality of the LHC's future operations and it will also afford the necessary protection to Hillingdon Members. The London Borough of Hillingdon will continue to employ the LHC Operations Group.
- 3.3.7 Appointment to a Joint Committee is treated in exactly the same way as an appointment to any other local authority committee. The Members will be collectively responsible, with the other members of the Joint Committee, for decision making and in this way they will avoid any personal liability arising.
- 3.3.8 If Members agree to Brent Council joining and participating in the Joint Committee of the LHC, it is important that it has a well-defined Constitution in place which will cover matters such as:
- Making appropriate delegations to the Committee;
  - Setting membership and constitution requirements;
  - Specifying the vires of the Committee and what it can provide and to whom;
  - Dealing with finance and accounting issues;
  - Dealing with all other governance arrangements as appropriate.
- 3.3.9 Bevan Brittan have drawn up a draft Model Constitution for each authority which wishes to continue to participate in the LHC and a recently revised copy of it can be

found at Appendix 1 to this report. At its first meeting of 7 December 2012, the Joint Committee of the LHC considered the draft constitution which had been developed by Hillingdon and Haringey and the Joint Committee noted that all the constituent authorities have delegated authority to an officer (generally the Chief Executive or the relevant Director) to settle it. This is an advanced draft as a basis for agreeing a final Constitution. Members are therefore being asked to give delegated authority to the Director of Regeneration and Major Projects to finalise it in consultation with the Lead Member for Housing and the Director of Legal and Procurement.

### **3.3 Other options for the legal framework and governance arrangements of the LHC**

- 3.4.1 The LHC in the past has commissioned external legal advice in relation to the possible alternative legal structures which it may wish to adopt. The Joint Committee structure can be perceived as old fashioned and is one which has its roots in legislation which is now forty years old. The Joint Committee structure is also rigid and restrictive. For example, a Joint Committee is not recognised as a legal entity in its own right and it cannot be an employer. This is the reason why Hillingdon Council has assumed responsibility for employing the LHC Operations Group.
- 3.4.2 On the basis that the LHC will continue to exist in the future, it would be beneficial for it to further examine the various legal structures which it could consider adopting in the future.
- 3.4.3 Although each of the potential structures have their own advantages and disadvantages, nevertheless they do offer a less rigid model than the Joint Committee Model and they would give the LHC greater freedom to trade by offering a wider range of services. Therefore, each of the options should be fully explored by those authorities who wish to continue to participate in the LHC. As part of this process, the taxation and financial implications of each model would also be considered.
- 3.4.4 Examples of alternative structures are:
- Company Limited by Guarantee
  - Community Interest Company
  - Industrial and Provident Society
  - Partnership
- 3.4.5 The final recommendation in paragraph 2.6 of this report asks Members to agree that these options be fully explored and that a further report, detailing the options, is submitted to a future meeting of the Executive for its consideration. The intention is that each of the authorities who are full LHC Members will be taking an identical report to their respective Executive committees and the reason for including this recommendation is so that the examination of the options is not forgotten as it has been in the past and that there is a proper focus for this piece of work to be undertaken. If a further report is presented to Members, detailed legal and financial

implications of the proposals will be provided which Members will be asked to consider.

#### **4.0 Financial Implications**

- 4.1 The Council currently receives a share of the annual surplus generated by the LHC. If Members decide that Brent Council should no longer participate in the LHC, it would no longer be in receipt of the surplus.
- 4.2 The key benefit of formalising these changes to the LHC is that Brent Council will continue to receive a share of the surpluses generated by the LHC.
- 4.3 Rebates to full members of the LHC are distributed proportionately to the value of the works procured by each member in the financial year, so the likely returns will be directly related to the likely purchases. The value of the rebate is agreed annually by the elected members of the LHC but it is typically between 2% to 4% of the value of the works procured through the LHC.
- 4.4 Over the last five years, Brent Council has procured very little through the LHC so the rebates from the LHC have been almost zero. Details of the rebates are set out in Appendix 2 to this report. It is understood that this is mainly due to Brent Council, like many social landlords in London, implementing a specific procurement strategy that was designed to deliver the Decent Homes Programme. However, the LHC may be more relevant in future in providing specialist packages for housing and school refurbishment.
- 4.5 There are currently no financial costs to Brent Council in being a member of the LHC. Income is generated through a levy applied to the value of each project undertaken through the LHC. However, full members of the LHC are liable for any losses made by the LHC. This risk of making losses is very small. The LHC has been self-financed for at least 25 years and the risk of making losses is mitigated through the holding of sufficient reserves, which are agreed by elected members of the LHC (and will be agreed in future by the Joint Committee of the LHC) grand taken into account when making the annual decision about rebate payments to members.

#### **5.0 Legal Implications**

- 5.1 Under regulation 4 of the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012, which were effective from 4 May 2012, the decision to discharge the Council's Executive functions in relation to the running of the LHC by its newly established Joint Committee has to be made by the Executive. This is why this report is presented to this Executive Committee. Although a report was presented to Full Council which made the necessary amendments to the Council's Constitution so that the Council could participate in the Joint Committee of the LHC, the decision to discharge the Council's Executive functions to the Joint Committee of the LHC can only be made by the Executive and not Full Council.

- 5.2 Section 101(5) of the Local Government Act 1972 allows two or more local authorities to discharge their functions jointly and they may also arrange for the discharge of those functions by way of a joint committee.
- 5.3 In relation to the governance arrangements of the LHC, Members are referred to paragraph 3.2.7 and section 3.3 of this report.
- 5.4 In order to recognise the Council's planned discharge of its Executive functions in relation to the running of the LHC to its Joint Committee for the purposes of section 105(1) of the Local Government Act 1972, a number of amendments had to be made to Brent Council's Constitution and those changes were approved at the Full Council meeting on 14 May 2012.

## **6.0 Diversity Implications**

- 6.1 There are no specific diversity implications arising from this report.

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

None specific.

### **Background Papers**

Report to the Full Council of 16 May 2012

### **Contact Officers**

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Principal Lawyer (Housing & Litigation)  
Legal and Procurement

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## **Appendix 1 – Draft Constitution of the Joint Committee of the London Housing Committee**

## **Appendix 2 – Details of Rebates to LHC Members**

## Appendix 1

### Draft LHC Joint Committee Constitution

This Constitution had been approved by each of the Authorities as the Constitution of the LHC Joint Committee.

#### 1. Establishment of the Joint Committee

- 1.1 The Joint Committee shall be the “LHC Joint Committee”
- 1.2 The Joint Committee is established under Section 101(5) of the Local Government Act 1972, as applied by Section 9EB of the Local Government Act 2000 and Part 4 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 by the Executives of each of the Councils.
- 1.3 The Joint Committee shall comprise two members from each of the Authorities. Each Authority’s representatives on the Joint Committee shall be appointed by the Authority’s executive, a member of the executive or a committee of the executive, as appropriate. One member shall be an executive member and one a non-executive member.
- 1.4 A member of the Joint Committee shall cease to be a member of the Joint Committee, and a vacancy shall automatically arise, where the member ceases to be a member of the Executive of the Appointing Authority or a member of the Appointing Authority.
- 1.5 Upon being made aware of any member ceasing to be a member of the Joint Committee, the Secretary to the Joint Committee shall write to that member confirming that he/she has ceased to be a member of the Joint Committee, and notify the Appointing Authority and the other members of the Joint Committee accordingly. The relevant Appointing Authority shall appoint another qualifying member to the Joint Committee for the duration of the term of office of the original member.
- 1.6 When sitting on the Joint Committee members are bound by the provisions of the Members’ Code of Conduct for their authority.

#### 2. Chairperson and Vice-Chairperson of the Joint Committee

- 2.1 At the first meeting of the Joint Committee and thereafter at the first meeting of the Joint Committee after 1 May in any year, the Joint Committee shall elect a Chairperson of the Joint Committee and a Vice Chairperson of the Joint Committee for the following year from among the members of the Joint Committee.
- 2.2 Where a member of one Authority is elected as the Chairperson of the Joint Committee, the Vice Chairperson of the Joint Committee shall be elected from among the members of the Joint Committee who are members of the other Authorities.
- 2.3 The Chairperson and Vice Chairperson of the Joint Committee shall each hold office until:
  - (i) A new Chairperson or Vice Chairperson of the Joint Committee is elected in accordance with Paragraph 2.1 above;
  - (ii) He/she ceases to be a member of the Joint Committee; or

(iii) He/she resigns from the office of Chairperson or Vice Chairperson by notification in writing to the Secretary to the Joint Committee.

2.4 Where a casual vacancy arises in the office of Chairperson or Vice Chairperson of the Joint Committee, the Joint Committee shall at its next meeting elect a Chairperson or Vice Chairperson, as the case may be, for the balance of the term of office of the previous Chairperson or Vice Chairperson.

2.5 Where, at any meeting or part of a meeting of the Joint Committee, both the Chairperson and Vice Chairperson of the Joint Committee are either absent or unable to act as Chairperson or Vice Chairperson, the Joint Committee shall elect one of the members of the Joint Committee present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate.

### **3. Secretary to the Joint Committee**

3.1 The Joint Committee shall be supported by the Secretary to the Joint Committee.

3.2 The Secretary to the Joint Committee shall be an officer of one of the Authorities, appointed by the Joint Committee for this purpose.

3.3 The functions of the Secretary to the Joint Committee shall be:

- (i) To maintain a record of membership of the Joint Committee;
- (ii) To summon meetings of the Joint Committee in accordance with Paragraph 4 below;
- (iii) To prepare and send out the agenda for meetings of the Joint Committee after consultation with the Chairperson and the Vice Chairperson of the Committee and the Project Director;
- (iv) To keep a record of the proceedings of the Joint Committee and to publicise such record as is required by law;
- (v) To take such administrative action as may be necessary to give effect to decisions of the Joint Committee;
- (vi) Such other functions as may be determined by the Joint Committee.

### **4. Convening of Meetings of the Joint Committee**

4.1 Meetings of the Joint Committee shall be held at such times, dates and places as may be notified to the members of the Joint Committee by the Secretary to the Joint Committee, being such time, place and location as:

- (i) the Joint Committee shall from time to time resolve;
- (ii) the Chairperson of the Joint Committee, or if he/she is unable to act, the Vice Chairperson of the Joint Committee, shall notify to the Secretary to the Joint Committee; or
- (iii) The Secretary to the Joint Committee, after consultation where practicable with the Chairperson and Vice Chairperson of the Joint Committee, shall determine in response to receipt of a request in writing addressed to the Secretary to the Joint Committee:

(a) from and signed by two members of the Joint Committee, or

(b) from the Chief Executive of any of the Authorities,

which request sets out an urgent item of business within the functions of the Joint Committee.

4.2 The Secretary to the Joint Committee shall settle the agenda for any meeting of the Joint Committee after consulting, where practicable:

(i) The Chairperson of the Joint Committee;

(ii) The Vice Chairperson of the Joint Committee;

and shall incorporate in the agenda any items of business and any reports submitted by:

(a) the Chief Executive of any of the Authorities;

(b) the Chief Finance Officer to any of the Authorities;

(c) the Monitoring Officer to any of the Authorities;

(d) the Legal Adviser to the Joint Committee;

(e) the Director of the LHC Operations Group;

(f) any two members of the Joint Committee in accordance with Paragraph 8.1(iii) below.

## **5. Procedure at Meetings of the Joint Committee**

5.1 The Joint Committee shall, unless the member of the Joint Committee presiding at a meeting or the Joint Committee determines otherwise, conduct its business in accordance with the Joint Committee Procedure Rules set out in Appendix One to this Constitution

5.2 The Chairperson of the Joint Committee, or in his/her absence the Vice Chairperson of the Joint Committee, or in his/her absence the member of the Joint Committee elected for this purpose, shall preside at any meeting of the Joint Committee.

## **6. Powers Delegated to the Joint Committee**

6.1 The Joint Committee shall act as a strategic forum for LHC, providing direction to the Operations Group. Its executive decision-making powers shall include the following :

(i) identification of the overall strategic objectives of the LHC;

(ii) management of the LHC

(iii) overseeing and monitoring the work of the Operations Group;

(iv) setting the staffing structure of the LHC

(v) overseeing the procurement of framework agreements on behalf of the Authorities

(vi) overseeing the provision of technical advice and consultancy services provided by the LHC Operations Group.

- 6.2 The Joint Committee may make such other executive decisions from time to time as are necessary for the efficient operation of LHC.
- 6.3 Without prejudice to Paragraph 6.1 above, it is hereby declared that the following functions are reserved to each of the Authorities and shall not be within the powers of the Joint Committee:
- (i) All non-executive functions of any of the Authorities.
  - (ii) Any decision which is contrary to or not wholly in accordance with the Budget approved by each Authority for the Joint Committee, or is contrary to an approved policy or strategy of any of the Authorities;

## **7. Attendance at meetings of the Joint Committee**

7.1 Notwithstanding that a meeting or part of a meeting of the Joint Committee is not open to the press and public, the officers specified in Paragraph 7.2 below of each of the Authorities shall be entitled to attend all, and all parts, of such meetings, unless the particular officer has a conflict of interest as a result of a personal interest in the matter under consideration.

7.2 The following are the officers who shall have a right of attendance in accordance with Paragraph 9.1:

- (i) the Chief Executive of any of the Authorities;
- (ii) the Chief Finance Officer to any of the Authorities;
- (iii) the Monitoring Officer to any of the Authorities;
- (iv) the Director of the LHC Operations Group

## **8. Financial Regulations, Officer Employment Procedure Rules and Contract Standing Orders**

8.1 The Joint Committee shall operate under the Financial Regulations, Officer Employment Procedure Rules and Contract Standing Orders of the London Borough of Hillingdon ('Hillingdon').

## **9. Amendment of this Constitution**

9.1 This constitution may be altered by resolution of a meeting of the Joint Committee supported by two thirds of the members present, provided that notice in writing of such alterations has been given to the Members of the Joint Committee by the Secretary to the Joint Committee not less than 21 clear days before the meeting.

## **10. Lead Borough Arrangements**

10.1 Hillingdon shall act as lead borough for and on behalf of all the Authorities in relation to:

- (i) the employment of the staff of LHC,
- (ii) insurance,
- (iii) financial oversight,



(iv) the entering into of legal relations where LHC would enter such relations were it a competent legal entity,

(v) Secretary to the Joint Committee.

10.2 The LHC Operations Group shall be employed by Hillingdon and the terms and conditions of staff within the LHC Operations Group shall be those used by Hillingdon.

10.3 Hillingdon shall effect insurance for all the insurable risks of LHC including employer's, public, professional and motor contingency liability insurance together with all other risks which it considers appropriate to cover, in order to protect the liabilities and assets of the Authorities.

10.4 Hillingdon shall enter all contractual and other legal relations for LHC and shall defend or settle any proceedings issued for liabilities arising from the activities of LHC.

10.5 The method of calculating the reimbursement of the costs of performing lead borough functions shall be on such basis as the Joint Committee shall from time to time approve. Calculations relating to payments of reimbursement of costs to lead boroughs shall be presented to the Joint Committee for information.

## **11. Indemnities**

11.1 The Authorities (which for the elimination of doubt includes Hillingdon) in equal shares shall indemnify Hillingdon against any costs, losses, liabilities and proceedings which Hillingdon may suffer as a result of or in connection with its obligations herein provided that any such costs are not due to any avoidable negligent act or omission (determined at law) of Hillingdon or any breach by it of its obligations.

11.2 Hillingdon shall indemnify the Authorities against any costs, losses, liabilities and proceedings which the Authorities may suffer as a result of or in connection with any breach by Hillingdon of its obligations and/or any avoidable negligent act or omission (determined law).

## **12. LHC Operations Group**

12.1 Notwithstanding that Hillingdon shall be the employer of the staff, the Joint Committee shall determine the structure of the staffing group from time to time to ensure that the LHC can carry out its role efficiently and effectively.

12.2 The Director shall report to the Joint Committee on all activity relating to the work of the Operations Group at least annually.

12.3 Notwithstanding that Hillingdon shall, as employer, be responsible for the staff of the LHC in circumstances where either the Joint Committee or the LHC cease to exist, the Authorities shall co-operate with each other with a view to finding continued employment for the displaced staff with one or more of the Authorities.

## **13. Budget**

13.1 An annual budget showing forecasts and estimates for income and expenditure for the following two years shall be presented for approval by the Joint Committee annually.

## **14. Surpluses and deficits**

14.1 The method of calculating the share of the surplus due to LHC members shall be on such basis as the Joint Committee shall from time to time approve. Calculations relating to payments of surpluses to LHC members shall be presented to the Joint Committee for information. Any deficits arising from the activities of the LHC Operations Group shall be borne equally between the Authorities.

## **15. Premises**

15.1 Any premises relating to the work of the LHC Joint Committee must be owned or leased by one of the Authorities.

15.2 Premises currently occupied by the LHC Operations Group are leased by the London Borough of Hillingdon.

## **16. Interpretation**

16.1 In this Constitution the following words and phrases shall have the following meanings”

“Authority” means each of the London Boroughs of Ealing, Hackney, Haringey, Hillingdon, Islington, Tower Hamlets and Buckinghamshire County Council and “Authorities” shall mean all of these Authorities.

“Council” means each [as above] and “Councils” shall mean all of these Councils.

“Director” means the officer of the London Borough of Hillingdon who acts as Director of the LHC Operations Group

“The Joint Committee” means the LHC Joint Committee comprised of members of each of the Authorities.

“LHC” means the consortium which exists to provide specialist technical and procurement services to building programmes undertaken by participating local authorities and other public sector bodies and provides framework arrangements for such procurement services to such bodies

“The LHC Operations Group” means such team of officers from the Authorities, as the Authorities shall establish to manage LHC under the guidance of the Joint Committee.

“The Secretary to the Joint Committee” means the officer of one of the Authorities appointed for the time being by the Joint Committee to perform this function.

## **Joint Committee Procedure Rules**

### **1 Application**

- 1.1 These procedure rules apply to all meetings of the Joint Committee, any Sub-Committee of the Joint Committee, and to decisions of individual Joint Committee Members and executive decisions taken by officers under powers delegated from the Joint Committee.

### **2 Allocation and Delegation of Functions**

- 2.1 Where the Joint Committee is responsible for the discharge of a function, it may arrange for the discharge of that function by a Sub-Committee of the Joint Committee or by an officer.
- 2.2 Where a Sub-Committee is responsible for the discharge of a function, it may arrange for the discharge of that function by an officer.
- 2.3 Where a function has been delegated by the Joint Committee or a Sub-Committee of the Joint Committee, the Joint Committee or Sub-Committee may at any time resume responsibility for the discharge of that function by giving notice in writing to the person or body to whom the function has been delegated, with a copy to the Secretary to the Joint Committee.
- 2.4 Where a Sub-Committee of the Joint Committee or officer has been given delegated powers in respect of a function, that body or person may at any time refer the matter back for decision to the body by which the power was delegated.

### **3 Meetings**

- 3.1 The Joint Committee shall meet as necessary for the effective discharge of its functions. Any Sub-Committees shall meet as necessary to discharge their functions.
- 3.2 The Joint Committee shall meet at such time, date and location as may be determined :
- (i) by the Joint Committee;
  - (ii) by the Chairperson of the Joint Committee or if the Chairperson is unable to act, the Vice-Chairperson;
  - (iii) following a request from any two members of the Joint Committee and notified to the Secretary to the Joint Committee;
  - (iv) following a request from the Chief Executive of any of the Authorities and notified to the Secretary to the Joint Committee.

3.3 Meetings of Sub-Committees shall be on such time, date and location as the Sub-Committees may determine and notify to the Secretary to the Joint Committee.

#### **4 Summons and Agenda Procedure**

4.1 All meetings of Joint Committee and Sub-Committees shall be summoned by the Secretary to the Joint Committee.

4.2 Except in cases of special urgency, at least 5 clear working days before the meeting, the Secretary to the Joint Committee shall prepare and send to each member an agenda setting out:

- (i) The identity of the body;
- (ii) The time, date and location of the meeting;
- (iii) The business to be transacted at the meeting, including:
  - (a) Any reports and recommendations from any of the Authorities;
  - (b) Any reports or recommendations from the Joint Committee, or a Sub-Committee;
  - (c) Any notices of motion to, or referred to, the Joint Committee;
  - (d) Any petitions to, or referred to, the Joint Committee;
  - (e) Any reports to be made by statutory officers of any of the Authorities;
  - (f) Any matters which the Chair has notified to the Secretary to the Joint Committee for inclusion in the agenda;
  - (g) Any reports to be made by the Project Director or other officers of any of the Authorities appropriate to the proper discharge of the Joint Committee's business;
  - (h) Consideration of the Joint Committee's work programme
  - (i) Where practicable, an indication that the Secretary to the Joint Committee is of the opinion that it is likely that the press and public will be excluded from all or part of the meeting.

4.3 No business may be transacted at a meeting which is not specified in the agenda or supplementary agenda for the meeting unless the Chairperson of the Joint Committee or Sub-Committee agrees that the item should be considered as a matter of urgency. The reason for the urgency shall be specified in the statement of decision.

4.4 The agenda shall be accompanied by any reports and documents necessary for the decision-maker(s) to discharge the business effectively. Each such report shall be in such standard form as the Secretary to the Joint Committee may prescribe and shall include a list of all background papers which the author of the report has relied upon in compiling the report. As a matter of principle, any written report relating to a matter included in the agenda should be made available and circulated at the same time as the agenda, but where this is not practicable because of the urgent nature of the matter, the agenda will state that the report is to follow and the report will be circulated as soon as possible after the circulation of the agenda for the meeting.

#### **5 Rights of Attendance and Audience**

5.1 Agendas of the Joint Committee and of any Sub-Committee meetings and reports,

except those marked “Not for Publication”, will be available for inspection on request by the public at the offices of the constituent Authorities during normal office hours.

5.2 The presumption is that all meetings of the Joint Committee and of any Sub-Committees shall be open to the public. However:

- (i) Where the Secretary to the Joint Committee is of the opinion that it is likely that the press and public will be excluded from all or part of a meeting, he/she shall so indicate on the agenda and may withhold from the press and public any report or background paper which would disclose confidential or exempt information;
- (ii) The Joint Committee and any Sub-Committee must exclude the press and public from any part of a meeting at which confidential information is likely to be disclosed;
- (iii) The Joint Committee and any Sub-Committee may exclude the press and public from any part of a meeting:
  - (a) at which exempt information is likely to be disclosed; or
  - (b) at which officers will provide a briefing to members on a matter on which a decision is likely to be taken on the matter within the next 28 days;

5.3 Where the Joint Committee or a Sub-Committee excludes the press and public from a meeting, all members of the constituent authorities who are not members of the Joint Committee or Sub-Committee, as appropriate, shall leave the meeting unless specifically invited to remain.

5.4 All documents which are open to public inspection, will normally be available at least five clear days before the relevant meeting. Where a report is not available when the agenda is published, the report shall be made available for public inspection when it is made available to members of the Joint Committee.

5.5 Any Member (of any of the Authorities) may:

- (i) Provide the Secretary to the Joint Committee, before the day on which the meeting is to be held, with representations in writing in respect of any matter on such an agenda, in which case the Secretary to the Joint Committee shall ensure that such representations are provided to the decision-maker(s);
- (ii) Attend the meeting and address the decision-maker for up to 5 minutes in respect of the matter to be decided.

5.6 Members of the public may submit to the Secretary to the Joint Committee comments in writing about any matter on an agenda for a meeting before the day on which the meeting is to be held. Where practicable, such comments will be reported to the decision-maker(s)

## **6 Departure Decisions**

- 6.1 The Joint Committee and any Sub-Committee shall not take a decision which is contrary to or not wholly in accordance with an Authority's approved Budget or the Authority's approved plan or strategy for borrowing and capital expenditure, and which is not within the approved virement limits, but shall refer the proposed decision to all relevant Authorities for determination.
- 6.2 The Joint Committee and any Sub-Committee shall not take a decision which is contrary to an Authority's Policy Framework, but shall refer the proposed decision to all relevant Authorities for determination.
- 6.3 Paragraphs 6.1 and 6.2 shall not apply where the decision -
- (i) is urgent (in the sense that the interests of the authority, its area or the inhabitants of the area are at risk of suffering unacceptable damage if the decision were to be deferred until the next ordinary meeting of Council); and
  - (ii) the Secretary to the Joint Committee has notified the Chairperson of Scrutiny Committee of the relevant Authority or, if he/she is unable to act, the Chairperson of Council or, if he/she is unable to act, the Vice-Chairperson of Council of the intended decision and the reasons for urgency and that Councillor has notified the Secretary to the Joint Committee in writing that he/she agrees that the matter needs to be determined as a matter of urgency.
- 6.4 In each instance where an urgent decision is taken under Paragraph 6.3 above, the decision-maker(s) shall as soon as reasonably practicable after the making of the decision, submit a report to each relevant Authority setting out the particulars of:
- (i) the decision which has been taken
  - (ii) the reasons why the decision was urgent, and
  - (iii) the reasons for the decision itself.
- 6.5 The Secretary to the Joint Committee shall ensure that a report setting out each urgent departure decision is presented to the next convenient meeting of the relevant Scrutiny Committee.

## **7. Overview and Scrutiny**

- 7.1 Decisions of the Joint Committee will be subject to scrutiny and call-in by the Authorities. Each of the Authorities will apply their existing overview and scrutiny arrangements to decisions of the Joint Committee.
- 7.2 The Secretary to the Joint Committee will publish a record of the decisions of the Joint Committee within 3 clear working days of a meeting and will send a copy of the decisions to a nominated person of each Authority.
- 7.3 Each nominated person will publish the record of decisions within his/her Authority on the day of notification at which point the requirements of the Authorities' Overview and Scrutiny Procedure Rules shall apply in relation to the call-in of any decision.

- 7.4 If a decision of the Joint Committee is not called-in in any of the Authorities by the expiration of 5 clear working days from the date on which the nominated persons were provided with a record of the decision and the Secretary to the Joint Committee has not been notified of any such call-in then the decision may be implemented forthwith.
- 7.5 If a decision is called-in in one or more of the Authorities, the overview and scrutiny arrangements of each Authority which has called-in the decision shall apply as if the decision was one made by that Authority's own executive. When the appropriate overview and scrutiny committee has considered the matter and determined whether or not to agree with the decision of the Joint Committee, the nominated officer of each Authority which has called-in the decision shall notify the Secretary to the Joint Committee of the outcome of such consideration.
- 7.6 If the decision of each relevant overview and scrutiny committee is to agree with the decision of the Joint Committee, the Secretary to the Joint Committee will notify each nominated officer and the decision may be implemented forthwith.
- 7.7 If the decision of one or more relevant overview and scrutiny committees is to recommend to the Joint Committee an alternative course of action, then the decision of the Joint Committee shall be held in abeyance until further consideration is given to the matter at the next appropriate meeting of the Joint Committee.
- 7.8 At the meeting of the Joint Committee at which the matter is considered further, the Chair of the relevant overview and scrutiny committee(s) may attend and address the Joint Committee upon the decision of his/her overview and scrutiny committee and in relation to the alternative course of action recommended.
- 7.9 The Joint Committee will reconsider the proposed decision and may affirm it, or amend it as it considers appropriate.

## **8 Rules of Procedure**

- 8.1 The Chairperson shall preside at meetings of the Joint Committee. In his/her absence, the Vice Chairperson shall preside. In the absence of both Chairperson and Vice Chairperson, the meeting shall elect a member of the Joint Committee to preside for the duration of the meeting.
- 8.2 Each Sub-Committee shall elect a Chairperson. In his/her absence, the Sub-Committee shall elect a member to preside for the duration of the meeting.
- 8.3 At each meeting of the Joint Committee the following business will be transacted:
- (i) Apologies for absence
  - (ii) Declarations of interest
  - (iii) Matters arising from the minutes of the previous meeting
  - (iv) Matters set out in the agenda for the meeting.
- 8.4 The person presiding at a meeting shall conduct the meeting in accordance with these Procedure Rules.
- 8.5 The person presiding at the meeting may vary the order of business at the meeting.

- 8.6 The person presiding at the meeting may invite any person, whether a member or officer of the Joint Committee or a third party, to attend the meeting and to speak on any matter before the meeting.

## **9 Quorum**

- 9.1 The quorum for a meeting of the Joint Committee or a Sub-Committee shall be three members each from a separate authority

## **10 Record of Attendance**

- 10.1 All Joint Committee Members and Sub-Committee members present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of the meeting.

## **11 Disorderly Conduct**

- 11.1 If in the opinion of the person presiding, any member of the Joint Committee or of a Sub-Committee misbehaves at a meeting by persistently disregarding the ruling of the person presiding, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Joint Committee or a Sub-Committee, the person presiding may move not to hear the member further. If the motion is seconded it shall be put to the vote without discussion.
- 11.2 If in the opinion of the person presiding, the member persistently misbehaves after such a motion has been carried, the person presiding may require the removal of the member for such period as the person presiding shall determine. The person presiding may if necessary adjourn or suspend the sitting of the Joint Committee or Sub-Committee.
- 11.3 If a member is required to leave a meeting under this Procedure Rule, the member is not entitled to vote during the period of exclusion.
- 11.4 If a member of the public or Councillor who is not a Joint Committee or Sub-Committee Member interrupts the proceedings at any meeting, the person presiding may issue a warning. If the interruption continues the person presiding may order the person's removal from the room or chamber in which the meeting is being held.
- 11.5 In case of general disturbance in any part of the chamber open to the public the person presiding may order that part cleared. If the person presiding considers it necessary, he may adjourn or suspend the sitting of the Joint Committee or Sub-Committee.

## **12 Voting**

- 12.1 Whilst the Joint Committee shall seek to operate by consensus, matters under consideration shall be determined by a majority vote of those members present and voting
- 12.2 Voting is generally by a show of hands.



- 12.3 Any Joint Committee or Sub-Committee Member may ask for a vote to be recorded. Individual votes will then be taken by way of a roll call and recorded in the minutes so as to show how each member present and voting gave his vote.
- 12.4 Any Joint Committee or Sub-Committee Member may ask that his/her individual vote be recorded in the minutes.
- 12.5 Whenever a vote is taken by show of hands and not by roll call, the person presiding shall ask for those in favour, and those against to vote in turn. He will then ask those abstaining from voting to indicate accordingly. Any member may ask for the number of those in favour, the number of those against and the number of those abstaining to be recorded in the minutes.
- 12.6 A member may not change his/her vote once he/she has cast it and another member has been called upon to vote.
- 12.7 If a member arrives before the casting of votes has been commenced he/she is entitled to vote.
- 12.8 Immediately after a vote is taken any member may ask for it to be recorded in the minutes that he/she voted for or against the question, or that he/she abstained.
- 12.9 A matter shall be considered to be approved if it receives the votes of a majority of those members entitled to vote who are present and voting. In the event that the votes cast for and against a proposal are equal, the person presiding, will have a second and/or casting vote.. There shall be no restriction on the manner in which the casting vote is exercised.
- 12.10 Where there are more than two persons nominated for any position to be filled by the Joint Committee or a Sub-Committee, and no person receives more than one half of the votes given, the name of the person having the least number of votes will be struck off the list and a fresh vote taken, and so on until a clear majority of votes is given in favour of one person.

### **13 Recording the Decision**

- 13.1 The person presiding shall be responsible for ensuring that the Secretary to the Joint Committee is clear as to the decision taken and the reasons for that decision.
- 13.2 The Secretary to the Joint Committee shall then, as soon as reasonably practicable after the end of the meeting, prepare a statement of the decisions taken at the meeting, including:
  - (i) The Joint Committee and Sub-Committee and other members of the Authorities attending the meeting
  - (ii) Any disclosures of personal or prejudicial interests
  - (iii) The decisions taken and the date of those decisions
  - (iv) Whether the decision is urgent and should be implemented directly
  - (v) A summary of the reasons for the decision
  - (vi) The options which were considered at, but rejected by, the meeting

The Secretary to the Joint Committee may consult the person presiding at the meeting as to the matters to be recorded in the minute.

- 13.3 Where the statement of decision(s) would disclose confidential or exempt information, the Secretary to the Joint Committee shall produce a formal statement of decisions of the meeting and a summary of the decisions taken at the meeting excluding such confidential and exempt information but providing a coherent account of the matters decided.
- 13.4 Where the decision is a decision upon a reconsideration of a decision on a Call-In by a Scrutiny Committee, the Secretary to the Joint Committee shall be responsible for reporting that reconsideration decision to the Scrutiny Committee.
- 13.5 The Secretary to the Joint Committee shall be responsible for circulating the statement of decisions to officers of the authority responsible for the implementation of the decision(s).

#### **14 Implementing decisions**

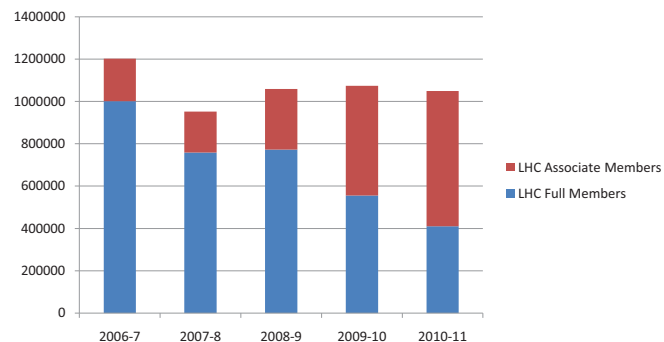
- 14.1 Decisions shall not be implemented until 5 clear days from the publication of the statement of decision(s) of the meeting or the decision.
- 14.2 Paragraph (a) shall not apply where the author of any report has stated therein, or the decision-maker(s) have determined, that the matter is urgent and that the interests of one or more of the constituent authorities, its area or the inhabitants of the area are at risk of suffering unacceptable damage if the decision were not to be implemented directly.
- 14.3 Where a non-urgent decision is called in by a Scrutiny Committee before it is implemented, implementation of the decision will be deferred until the decision-maker has had the opportunity to consider any request from the Scrutiny Committee for the re-consideration of the matter.

## **Appendix 2**

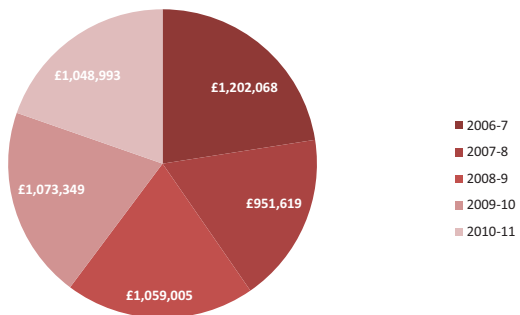
### **Details of Rebates to LHC Members**

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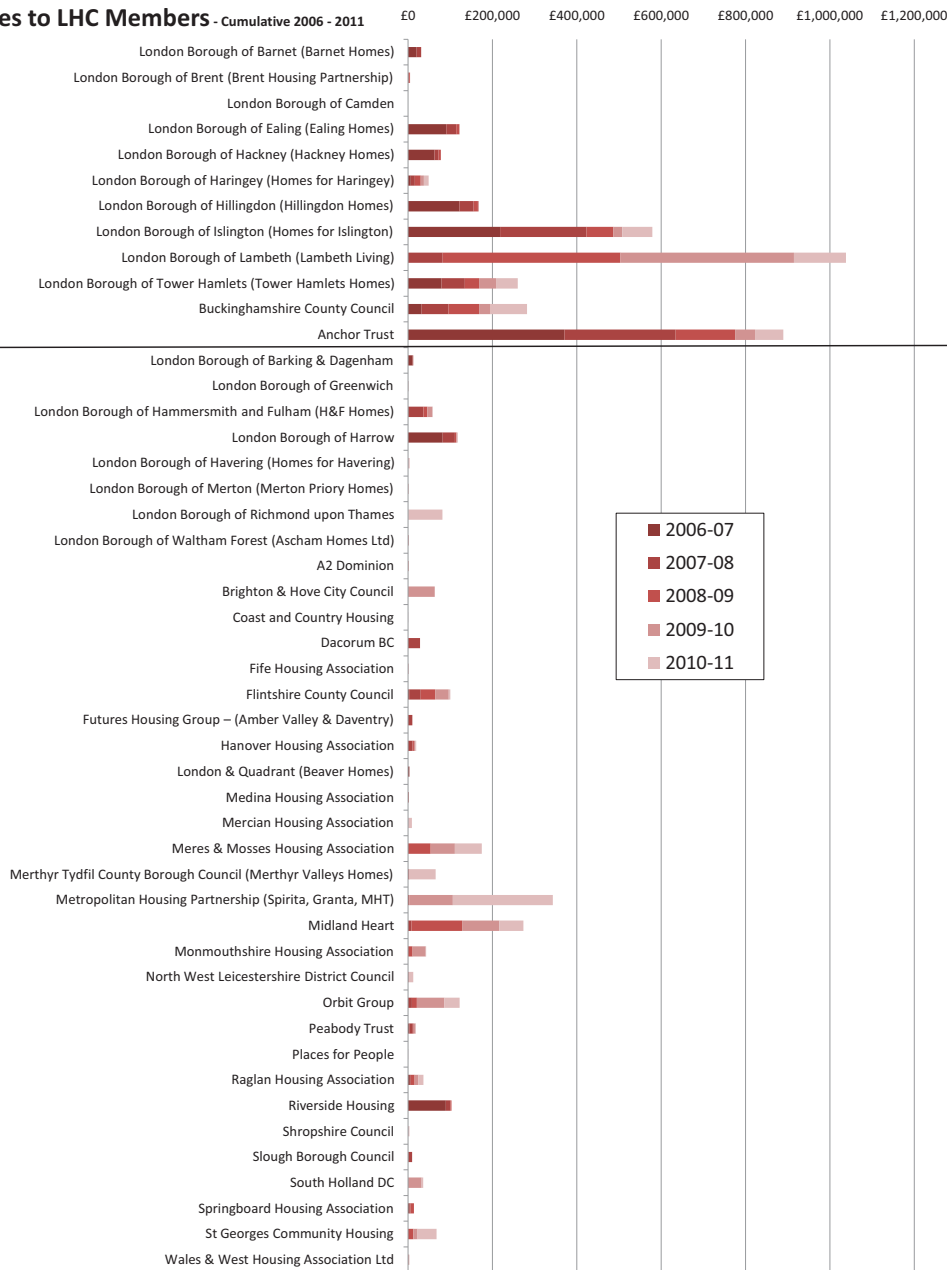
### Rebates to LHC Members



### Rebates to LHC Members Total £5.3m



### Rebates to LHC Members - Cumulative 2006 - 2011



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