



Executive

Monday, 19 October 2009 at 7.00 pm

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

Membership:

Lead Member Councillors:

Portfolio

Lorber (Chair)	Leader of the Council
Blackman (Vice-Chair)	Deputy Leader of the Council
Allie	Lead Member for Housing and Customer Services
Brown	Lead Member for Highways and Transportation
Colwill	Lead Member for Adults, Health and Social Care
Detre	Lead Member for Regeneration and Economic Development
Matthews	Lead Member for Crime Prevention and Public Safety
Sneddon	Lead Member for HR & Diversity and Local Democracy & Consultation
Van Colle	Lead Member for Environment, Planning and Culture
Wharton	Lead Member for Children and Families

For further information contact: Anne Reid, Principal Democratic Services Officer,
020 8937 1359, anne.reid@brent.gov.uk

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The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

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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.	
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Minutes of the previous meeting	
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Matters arising (if any)	
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Deputations (if any)	

Environment & Culture Reports

5	Carbon Management Strategy - Second Review	5 - 22
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The Council's Carbon Management Strategy and Implementation Plan (CMS&IP) was approved in June 2007. This report seeks approval to set a new baseline using National Indicator 185, in line with recommendations made by the Carbon Trust; to agree revised targets; and to approve a new programme of projects and budgets to achieve the targets. It also includes a number of measures that are the council's initial actions to implement the borough's Climate Change Strategy and in particular sets out what the council will do to mitigate climate change. In addition the report outlines progress to date in achieving the target of cutting the Council's carbon dioxide (CO₂) emissions by 20% by 2011, using 2005/06 as the baseline year. Finally, the report proposes that the Council signs up to the 10:10 climate change commitment

Ward Affected:
All Wards;

Lead Member: Councillor Van Colle
Contact Officer: Richard Saunders, Director of Environment and Culture
Tel: 020 8937 5002
richard.saunders@brent.gov.uk

6	Council's Environmental Policy - review and revision	23 - 28
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The Council adopted an Environmental Policy in November 2005. This report reviews the existing policy and recommends a revised version.

Ward Affected:
All Wards;

Lead Member: Councillor Van Colle
Contact Officer: Richard Saunders, Director of
Environment and Culture
Tel: 020 8937 5002
richard.saunders@brent.gov.uk

7 Third Pool in Brent - progress report

29 - 40

This report summarises to Members the key findings and recommendations of the report by consultants engaged to undertake a site options appraisal to progress the provision of a third pool that serves the North of the Borough. The report reviews 18 potential sites and recommends a preferred site. The report also provides initial capital and revenue cost estimates, and gives an overview of the funding opportunities, management options and procurement routes. It also recommends the next steps for the Council in order to get closer to realising their priority for the provision of a third pool.

A colour copy of the site options appraisal report has been left in each members' room for inspection.

Ward Affected:
All Wards;

Lead Member: Councillor Van Colle
Contact Officer: Richard Saunders, Director of
Environment and Culture
Tel: 020 8937 5002
richard.saunders@brent.gov.uk

Housing & Community Care Reports

8 Authority to tender contract for private sector leased accommodation (Brent Direct Lease Scheme and South Kilburn Temporary Accommodation Scheme) 41 - 50

This report seeks authority under Contract Standing Orders 88 and 89 to invite tenders for a new contract for the Housing Management Services for The Brent Direct Lease Scheme (BDL) and South Kilburn Temporary Accommodation Scheme (SKTA) to commence from 30th June 2010 for two years with an option to extend for up to one year.

Ward Affected:
All Wards;

Lead Member: Councillor Allie
Contact Officer: Martin Cheeseman, Director of
Housing and Community Care
Tel: 020 8937 2341
martin.cheeseman@brent.gov.uk

9 Authority to participate in a West London Collaborative Procurement for the provision of home care, including housing related support and "integrated" home care for adults 51 - 60

This report requests approval to participate in a collaborative procurement to set up a series of Framework Agreements for the provision of home care for adults as required by Contract Standing Order 85. The Executive is being asked to give approval to the Council participating in a collaborative procurement exercise run through the West London Joint Procurement Unit, leading to the establishment of a series of framework agreements awarded by the London Borough of Hammersmith and Fulham acting on behalf of Brent for the supply of home care, including housing related support and “integrated” homecare across older people, mental health, learning disabilities and physical disabilities sectors.

Ward Affected:
All Wards;

Lead Member: Councillor Allie
Contact Officer: Martin Cheeseman, Director of
Housing and Community Care
Tel: 020 8937 2341
martin.cheeseman@brent.gov.uk

10 Authority to participate in a West London collaborative procurement for residential and nursing care for adults 61 - 70

This report requests approval to participate in a collaborative procurement to set up a series of Framework Agreements for residential and nursing care for adults as required by Contract Standing Order 85.

Ward Affected:
All Wards;

Lead Member: Councillor Colwill
Contact Officer: Martin Cheeseman, Director of
Housing and Community Care
Tel: 020 8937 2341
martin.cheeseman@brent.gov.uk

11 Theme for main programme funding 2010/13 71 - 104

This report informs members of the new funding process for the Main Programme Grant (MPG) and the options for the next funding theme for the next financial year 2010. The report follows on from a previous report to the Executive last November where it was agreed to develop a new funding process for the MPG, which recommended a themed approach to funding and where a proportion of the MPG is allocated to a specific service priorities each year. The decision to establish a new funding process was taken following a review of the voluntary sector funding carried out by a Scrutiny Task Group in May 2007.

Ward Affected:
All Wards;

Lead Member: Councillor Colwill
Contact Officer: Martin Cheeseman, Director of
Housing and Community Care
Tel: 020 8937 2341
martin.cheeseman@brent.gov.uk

12	Safeguarding Vulnerable Adults - Update on CSCI Action Plan and Mental Capacity Act, Deprivation of Liberty requirements	105 110	-
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This report provides an update following the report to Executive in July 2008, detailing the outcomes and action plan from the CSCI inspecting of safeguarding vulnerable adults, which is now completed and ongoing monitoring will be carried out by the Safeguarding Adults Board, which reports to the Adult Strategic Partnership. The report summarises and updates on national and London developments concerning safeguarding adults legislation and procedures. It also provides information on Brent developments for safeguarding, including arrangements with NHS Brent for the implementation of the Mental Capacity Act Deprivation of Liberty safeguards from April 2009.

Ward Affected: All Wards;
Lead Member: Councillor Colwill
Contact Officer: Martin Cheeseman, Director of Housing and Community Care
 Tel: 020 8937 2341
 martin.cheeseman@brent.gov.uk

13	Key issues in implementation of personalisation of adult social care - Direct Payments	111 126	-
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The Adult Social Care service has been in the process of implementing the Putting People First policy since December 2007, a key part of which is Direct Payments. The next steps require some specific decisions and a strategic review. The decisions required will resolve the difficulties arising from a procurement exercise for Direct Payment support such that the service is secured pending a wider strategic review

Ward Affected: All Wards;
Lead Member: Councillor Colwill
Contact Officer: Martin Cheeseman, Director of Housing and Community Care
 Tel: 020 8937 2341
 martin.cheeseman@brent.gov.uk

Central Reports

14	Petition for changes to consultation process	127 130	-
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This report has been prepared in response to a petition presented to Brent Council – to request that all future consultations include every voter on the electoral register who is resident in the consultation area.

Ward Affected: All Wards;
Lead Member: Councillor Sneddon
Contact Officer: Toni McConville, Director of Communication and Diversity
 Tel: 020 8937 1079
 toni.mcconville@brent.gov.uk

15 Annual Complaints Report 2008/09 131 -
184

This report provides information about complaints against Brent Council considered by the Local Government Ombudsman; comments on the Council's performance under our own performance; and reports on developments in the Council's complaint handling. The annual reports on the operation of the statutory social care complaints process are presented with this report to give members a comprehensive picture of complaints made against the Council.

Ward Affected: All Wards;
Lead Member: Councillor Lorber
Contact Officer: Phil Newby, Director of Policy and Regeneration
Tel: 020 8937 1032
phil.newby@brent.gov.uk

16 Authority to tender contracts for banking services, card acquiring and bill payment services 185 -
196

This report concerns the future provision of the Council's Banking Services, Card Acquiring, and Bill Payment Service contracts. This report requests approval to invite tenders in respect of the proposed Card Acquiring contract to start 2 January 2011 and the Banking Service and Bill Payment Services contracts to start 1 April 2011, as required by Contract Standing Orders 88 and 89.

Ward Affected: All Wards;
Lead Member: Councillor Blackman
Contact Officer: Duncan McLeod, Director of Finance and Corporate Resources
Tel: 020 8937 1424
duncan.mcleod@brent.gov.uk

17 Proposed disposal of 38 Craven Park Road, Harlesden, NW10 197 -
202

This report seeks the Executive's approval to the disposal of a building currently used for adult education purposes but which will become surplus to requirements subsequent to the relocation of the service to Harlesden Library.

Ward Affected: Harlesden;
Lead Member: Councillor Blackman
Contact Officer: Duncan McLeod, Director of Finance and Corporate Resources
Tel: 020 8937 1424
duncan.mcleod@brent.gov.uk

- 18 NDC Succession Strategy and South Kilburn Neighbourhood Trust Business Plan** 203 -
254

This report and the appendices comprise the comprehensive NDC Succession Strategy for approval by LB Brent, as required by CLG Guidance Notes 44 and 44a, including a business plan for South Kilburn Neighbourhood Trust. The report also seeks further approvals in relation to the sale of the “Texaco” site and the potential site for the Healthy Living Centre in support of the SKNT Business Plan.

An appendix (not for publication) has been circulated separately.

Ward Affected: Kilburn;
Lead Member: Councillor Detre
Contact Officer: Phil Newby, Director of Policy and Regeneration
Tel: 020 8937 1032
phil.newby@brent.gov.uk

- 19 Brent Civic Centre - concept design proposals and authority to tender contract for a design and build contractor** 255 -
342

This report follows the report taken to Executive in March 2008 when Members agreed to the procurement and delivery of a new Civic Centre in the Wembley Regeneration area. In May 2008 Members approved the choice of site as the former Palace of Industry site, Engineers Way. Following subsequent reports Members approved appointments of project team members and the use of a Design and Build contractor for the construction phase. Significant progress has been made in the last 8 months and with the appointment of the design team, a concept design has now been prepared and the brief refined to further strengthen the business case. A central component of the Council’s Efficiency and Improvement strategy and One Council vision, the project remains cost neutral, whilst providing scope for even greater benefits to Brent’s residents. This report now requests approval for the concept design and approval for the tendering strategy for the Design and Build contractor.

Appendices (not for publication) have been circulated separately.

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

Children & Families Reports

None.

- 20 Reference of item considered by Forward Plan Select Committee (if any)**

21 Any Other Urgent Business

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

22 Exclusion of Press and Public

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

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

**Appendix to NDC succession strategy
Appendices to Civic Centre Report**

Date of the next meeting: Monday, 16 November 2009



- 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 Grand Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

Agenda Item 2

MINUTES OF THE EXECUTIVE **Tuesday, 15th September, 2009 at 7.00 pm**

PRESENT: Councillor Lorber (Chair), Councillor Blackman (Vice-Chair) and Councillors Detre, Matthews, Sneddon, Van Colle and Wharton

ABSENT: Councillors Allie, Brown and Colwill

ALSO PRESENT: Councillors Dunwell

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

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 17 August 2009 be approved as an accurate record of the meeting.

3. **Matters arising (if any)**

None.

4. **Deputations (if any)**

None.

5. **Addendum to the West London Joint Municipal Waste Management Strategy**

The report from the Director of Environment and Culture provided an addendum to the previously adopted 2006 West London Waste Authority (WLWA) Joint Municipal Waste Management Strategy (JMWMS) and sought Executive approval for the adoption of that addendum. The WLWA had already adopted the addendum subject to its co-adoption by the constituent boroughs. The report also set out other, very preliminary, proposals that were to be considered by Brent and the other constituent boroughs as part of a longer-term vision for sustainable waste management in the WLWA area.

Councillor Van Colle (Lead Member, Environment, Planning and Culture) in commending the report to the Executive for approval, stated that he looked forward to the implementation of the recommendations, pointing out that the target of recycling and composting 70% of municipal waste was fundamental to the strategy. When questioned on the market place's capacity to use recycled waste, Councillor Van Colle conceded that this was a difficult issue but assured that technology to improve recycling was under active consideration. He was pleased that recycling rates in the borough continued to improve. Councillor Blackman (Lead Member, Resources) commented on a lack of clarity within the financial implications and Richard Saunders responded that approval of the strategy at this stage did not

commit to extra costs and that the aim was to encourage a reduction in residue waste as future land fill tax rises would lead to increased costs.

The Executive agreed the report.

RESOLVED:-

- (i) that approval be given to the adoption of the Addendum (attached as Appendix A to the report from the Director of Environment and Culture) to the existing Joint Waste Management Strategy;
- (ii) that the measures required by constituent boroughs to increase recycling be noted;
- (iii) that the WLWA proposal to review civic amenity site provision in the WLWA area be noted;
- (iv) that the proposed changes to operational governance of the WLWA and borough partnership be noted.

6. The local impact of the recession - 6 month review

A report had been received by the Executive on 16 March 2009 which detailed the impact the recession was having in Brent and made a number of recommendations. The report from the Director of Policy and Regeneration before members detailed Brent's position 6 months on and progress to date on recommendations made at the March meeting. Economic data indicated that the recession was having a high impact in Brent, particularly in the most deprived wards. Councillor Lorber (Leader of the Council. Lead Member, Corporate Strategy and Policy Co-ordination) in introducing the report set out key projects under the Improvement and Efficiency agenda designed to promote regeneration and maximise local income. The Council aimed to assist people to take up working opportunities to which they were entitled. Additionally, Councillor Lorber pointed out as vulnerable people were most susceptible to risk, priority would be given to supporting them through training for employment, noting the expectation that unemployment would continue to rise after the recession was over. He noted the outcomes from the Recession Conference held on 15 July 2009 and stated that all suggestions would be welcomed.

RESOLVED:-

- (i) that the progress made against recommendations made in the report received by Executive on the 16 March 2009 be noted; and
- (ii) that the outcomes from the recession conference provided in Attachment 2 to the report from the Director of Policy and Regeneration be agreed.

7. Performance and Finance Review - Quarter 1, 2009/10

The report from the Directors of Policy and Regeneration and Corporate Finance summarised Brent Council's spending, activity and performance in Quarter 1, 2009/10 and highlighted key issues and solutions to them. Members' attention was drawn to the need to identify an additional £4.5m in order to balance the 2009/10

budget and it was noted that overspending was still occurring and there were particular risk areas. The need to take action to bring the budget into balance was emphasised.

In commenting on the projected overspends, Councillor Wharton (Lead Member, Children and Families) contributed that the majority in his service area were either one-off expenditures or demand led and a number were related to child protection. As a consequence, efforts had to be made to claw back from other areas. Councillor Van Colle (Lead Member, Environment, Planning and Culture) added that in his service area the reduction in parking income was a London wide problem, as motorists appear to be more inclined to obey parking regulations in the current financial climate. In considering the service performance schedules, the Director of Policy and Regeneration expressed concern that too many indicators were in the high risk categories and it was hoped that this situation would change with Improvement and Efficiency initiatives. Councillor Blackman drew attention to the rate of permanent exclusion from schools, currently listed as high risk, considering that it would be more accurate to look at the annual figure instead of the first quarter, given the current downward trend.

RESOLVED:-

- (i) that the council's spending, activity and performance in the first quarter of 2009/10 be noted;
- (ii) that all directors ensure that spending is kept within budget, underperformance tackled, and that measures are taken, in consultation with relevant portfolio holders, to achieve this;
- (iii) that the virements detailed in appendix F to the report from the Director of Finance and Corporate Resources be approved.

8. Modernisation of the council's financial management arrangements and approval for appointment of consultants

The Director of Finance and Corporate Resources' report set out proposals for modernisation of the Council's financial management arrangements. The proposals have been developed as part of the "One Council" stream of work set out in the Council's Improvement and Efficiency Strategy, which was published in September 2008. The Council was in the process of implementing a single accounting system and this provided the opportunity to review the council's financial management arrangements originally introduced in the early 1990s to meet requirements at the time. The proposals were initially developed by a cross-council officer task group, and were subsequently validated in a detailed business case by Deloitte MCS Limited, who also set out a road map for implementing the changes. The report set out the proposals for change and an approach for implementation, including the appointment of a strategic partner to support delivery of the changes proposed.

Councillor Blackman (Deputy Leader, Lead Member for Resources) stated that the business case was strong and any efficiency savings yielded could be used elsewhere. The proposals came as a result of a lot of hard work and he commended staff for their efforts.

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:
 - (a) the implementation of Phase 1 of the proposals in the Business Case summarised at Appendix A of the report from the Director of Finance and Corporate Resources; and
 - (b) the submission of a further report on whether to proceed with the Phase 2 optimisation stage around December 2010 (as set out in para 4.2 of the Director's report);
- (ii) that Deloitte MCS Limited be appointed as a strategic partner to support implementation of Phase 1 (para 5.5) in the sum of £799k;
- (iii) that the risks of the modernisation project and measures to mitigate them as set out in para 6.1 of the Director's report be noted;
- (iv) the proposed arrangements for member oversight in paragraph 6.2 of the Director's report be approved;
- (v) that the funding arrangements set out in paragraph 7.5 of the Director's report be approved.

9. Reference of item considered by Forward Plan Select Committee (if any)

None.

10. Any Other Urgent Business

None.

The meeting ended at 7.20 pm

P LORBER
Chair

	Executive 19 October 2009 Report from the Director of Environment and Culture
Wards Affected: All	
Carbon Management Strategy – Second Review	

Forward Plan Ref: E&C-09/10-13

1.0 Summary

1.1 The Council's Carbon Management Strategy and Implementation Plan (CMS&IP) was approved in June 2007. This report seeks approval to set a new baseline using National Indicator 185, in line with recommendations made by the Carbon Trust; to agree revised targets; and to approve a new programme of projects and budgets to achieve the targets. It also includes a number of measures that are the council's initial actions to implement the borough's Climate Change Strategy and in particular sets out what the council will do to mitigate climate change. In addition the report outlines progress to date in achieving the target of cutting the Council's carbon dioxide (CO₂) emissions by 20% by 2011, using 2005/06 as the baseline year. Finally, the report proposes that the Council signs up to the 10:10 climate change commitment.

2.0 Recommendations

2.1 The Executive is asked to agree to:

- (a) Set a new carbon baseline using 2008/09 data (which will be in accordance with the improved measuring system under National Indicator 185) as explained in paragraph 4.1.
- (b) Set new targets for the council's carbon reductions as set out in paragraph 5.1.
- (c) Agreement in principle to the setting of departmental carbon targets as explained in paragraph 4.3.
- (d) Support a programme containing a number of projects as set out in the report that are intended to achieve technical and behavioural change within both schools and the Council, with full delivery of projects subject to the necessary finance being available

- (e) Agree that the Council should sign up to the 10:10 climate change commitment discussed in paragraph 5.3.

3.0 Detail

3.1 Introduction

3.1.1 In June 2007 the Executive adopted a Carbon Management Strategy and Implementation Plan (CMS&IP), which solely focused on the council's own emissions of CO₂ arising from its services and operations. The CMS&IP detailed how the Council sought to reduce its carbon dioxide emissions by 20% by 2011.

3.1.2 With the introduction of National Indicator 185 and its adoption of this as the basis for a target in the Council's Local Area Agreement, and preparations currently being made for the forthcoming national Carbon Reduction Commitment, there is a need to review the CMS&IP and, on the basis of experience set new targets.

3.2 Background

3.2.1 A review has been undertaken of the CMS&IP, called the Carbon Management Plan Revisited (CMPR), and this focuses on the management and reduction of emissions of green house gases, more specifically CO₂, from the council's own operations and services.

3.2.2 To develop this CMPR Brent Council participated in a pilot scheme which the Carbon Trust funded as part of their continued support and improvement programme for Local Authorities. This resulted in the council working with consultants who reviewed the CMS&IP and proposed a way forward to bring it into line with recent Government, regional and local policies, and changes in legislation. The details of these recommendations are set out below.

3.3 Key Drivers

3.3.1 The original CMS&IP identified key policies and legislation many of which are still relevant. However the CMPR incorporates the recent changes in national, regional and corporate legislation and policies, such as: the introduction of the national performance indicators (particularly NI 185, NI186 and NI188); the Climate Change Act (which introduces the Carbon Reduction Commitment from April 2010); and, the council adopting a Climate Change Strategy for the borough. Display Energy Certificates (DECs) are required to be displayed in all Public Sector Buildings over 1,000m². Based on the energy consumption of the building as recorded by gas, electricity and other meters, they show the actual energy usage of a building, the operational rating, and help the public see the energy efficiency of a building. The results of this exercise illustrate that the Council has significant room for improvements across all its building stock and in particular schools.

- 3.3.2 The European Union put forward a far-reaching package of proposals that will deliver the EU's commitments to fight climate change and promote renewable energy up to 2020 and beyond. Central to the strategy is a strengthening and expansion of the Emissions Trading System (EU ETS), the EU's key tool for cutting emissions cost-effectively. Emissions from the sectors covered by the system will be cut by 21% by 2020 compared with 2005 levels. The Climate Change Act calls for an overall CO₂ reduction of 80% by 2050, with a milestone target of 34% by 2020. It also introduces the mandatory Carbon Reduction Commitment (CRC) which tackles organisations' emissions which fall outside of the EU ETS. From April 2010 the council will be required to report its CO₂ emissions which will then be recorded in a league table. A poor position within this table will mean a financial penalty for the Council; however a good position could see the Council receive revenue from the scheme.
- 3.3.2 In London the Mayor's draft Climate Change Adaptation Strategy was released in August 2008 and sets out a programme for making the capital resilient to future climate over the coming years. The document sets out the key risks to London posed by a changing climate and promotes a vision for adaptation that relies to a large extent on the London Boroughs acting as strategic partners with the GLA in order to achieve adaptation on the ground. The Mayor of London has committed to go beyond the original target of 30% by 2025 and commits to a 60% CO₂ target by 2025.
- 3.3.3. The Corporate Strategy aims to improve the opportunities available to residents and reduce the disadvantages experienced by the most vulnerable people in our communities. The council has a duty to promote the social, economic and environmental well-being of all communities and this underpins the council's approach to developing policy and service planning.
- 3.3.4 Brent's Local Strategic Partnership (Partners for Brent) has produced the Community Strategy which sets out how the needs of residents will be met. Key objectives include working with local people to protect our environment, reducing the amount of waste our borough sends to landfill, encouraging greater biodiversity and minimising our contribution to climate change.
- 3.3.5 Brent Council recently adopted a Climate Change Strategy for the borough. The strategy highlights the need for mitigation, adaptation and dealing with severe weather events. It helps to address adapting to climate change in the borough and sets out the key groups within Brent who will help deliver the strategy. It highlights the importance of leadership, public services, the private sector, residents and community groups working together to adapt to and mitigate climate change. This Executive report sets out the council's initial response to this Strategy by outlining the measures the council will take to mitigate climate change with a focus on reducing carbon emissions.
- 3.3.6 Brent Council's Travel Plan adopted in November 2008 focuses upon staff travel to and from work and on council business travel. The main aim of the Travel Plan is to promote the sustainable delivery of council services, to reduce carbon emissions from the council's own activities and estates, and to minimise the environmental impacts of all aspects of the council's activities.

3.3.7 The current Environmental Policy is being updated in order to reflect better the internal and external policies and strategies and to meet the requirements of the ISO 14001 environmental management system. A separate report is on the Executive's agenda proposing a revised version.

4.0 A new programme

4.1 In order to meet the requirements set out above and in particular to achieve the desired aims of National Indicator 185, to prepare for the Carbon Reduction Commitment, to ensure the effective use of resources and to use an improved measuring system, there is a need to set a new carbon baseline. Together with a set of revised targets the Carbon Trust has encouraged the council to focus on NI 185 and to set new targets based on this more reliable and more accurate data. It has encouraged a move away from using 2005/06 as the council's baseline. It is recognised that continuing a parallel system to measure and monitor NI 185 and the CMS&IP would be a waste of resources, especially as the council now needs to concentrate on reporting on NI185 and NI188 as part of the Local Area Agreement. NI 185 targets are outlined in table 1. The original CMP&IP baseline covers similar areas to the new NI185 baseline. The fundamental difference with the NI 185 baseline is that housing stock is excluded and all large council contracts are included. The proposed changes are explained in more detail below.

Table 1
Council Local Area Agreement Target

Year	Baseline	Annual CO ₂ emission percentage reduction target
2008/2009	43,602 (to be agreed by the Department of Energy and Climate Change)	
2009/2010		3%
2010/2011		3%

4.2 To meet the new requirements, it is proposed that a new programme of work is agreed based on experience gained in order to have a realistic chance of reducing carbon emissions.

4.3 It is also proposed that each Directorate would set its own targets, based on the current baseline and the proposed reduction for the Council's carbon emissions. Officers will seek to design a scheme which will replicate the CRC Scheme (Appendix A is a London Councils' document outlining the CRC Scheme). This internal scheme may also include rewards and penalties. The consequences of the external scheme for the Council will be clearly explained in the report to the Executive in November 2009. The CRC is subject to formal ministerial approval in autumn 2009. Officers will consult internally on ways to

incentivise Directorates and Services to achieve the targets. Performance will be monitored against the targets as part of the council's performance management system.

- 4.4 As part of improving general awareness and promoting more environmentally friendly behaviour, it is proposed to establish a staff Green Champion Network this year. More details are set out in section 6 below.
- 4.5 Due to the importance of schools taking action, it is proposed that a Schools Programme is implemented, as outlined in section 6 below.
- 4.6 The proposed implementation of the Council's Carbon Reduction Programme is outlined in section 6 below.
- 4.7 The council's Property and Asset Management Service has made a commitment to the green agenda with renovation works that are increasingly sustainable in both design and construction. The service actively encourages the use of renewable and energy efficient resources that minimise waste. A draft Energy Statement for the Council and a draft Energy Strategy for Council Buildings are pending approval. The documents implement a hierarchical principal of "Be Lean, Be Clean, Be Green" and provide a framework for achieving these objectives within the Council's own buildings.

5.0 New targets

- 5.1 This report also proposes that the Council sets new carbon reduction targets and that the council sets long term stringent milestone targets which are in line with national indicators, as set out below:

2011 – 6% CO₂ reduction (Local Area Agreement target)

2016 – 12% CO₂ reduction

2020 – 34% CO₂ reduction

2025 – 43% CO₂ reduction

2050 – 80% CO₂ reduction

- 5.2 The above targets will be more challenging for the council as the percentage reduction will be based on 2008/09 baseline data whereas the Government CO₂ targets are based on a national 1990 baseline. The council will continue to review its CO₂ reduction targets in particularly in view of the Mayor of London's 60% CO₂ reduction target by 2025 (set against a 1990 baseline) and future Government policy.
- 5.3 The 10:10 campaign, the idea of the film-maker behind [The Age of Stupid](#) and launched in partnership with the Guardian, is designed to encourage individuals and organisations to cut their CO₂ emissions by 10% by the end of 2010. It is proposed that the council signs up to the 10:10 commitment to highlight the organisations obligation to reduce its CO₂ emissions from their operations. The 10:10 campaign commitment will apply only to the council, however, it will provide a sound basis for encouraging schools and residents to make a similar commitment. Influencing schools will be important to achieving

NI 185 and significant in connection with the CRC Scheme. Reaching a 10% CO₂ reduction in 2010 will be challenging and will be reliant on behavioural change amongst staff and management. Success will be based on explanations and persuasion and some technical measures on buildings. The scheme recognises that large organisations may not be completely successful in reaching the ambitious target in such a short space of time and, nevertheless, encourages all organisations to sign up.

6.0 Carbon Reduction Projects

- 6.1 The original CMS&IP included 37 projects which covered buildings, transport, waste, street lighting, water, management, policy, training and raising awareness in order to facilitate behaviour change. These projects if delivered, were expected to achieve the Council's 20% CO₂ emissions target.
- 6.2 Since 2007 the Implementation Plan has delivered 8 projects with deliverable CO₂ savings of 3048 tonnes. There are 8 which are still in the early stages of being delivered and therefore there is no recordable percentage reduction. Eight of the 37 projects are related to behaviour change and therefore there has been some difficulty in recording the savings data. Seven projects have not progressed due to changes in circumstances or a lack of finance. Six projects currently are currently having data verified. It is proposed to continue with 19 projects as, 6 have been complete and 8 are unfeasible within current budgets and 4 have been amalgamated see Appendix B. None of the original list of projects tackles the issues with schools; however the new project plan addresses this issue.
- 6.3 The work carried out by the Carbon Trust identified projects that would not deliver significant CO₂ reduction within a short period of time. The Carbon Trust suggested that the CMPR should identify a mixture of short term and medium term projects. The Carbon Trust identified 67 projects which over a two year period would potentially save the Council 21% CO₂ emissions but the current limited resources available for these mean that this cannot be achieved in the short term. The majority of these projects have targeted schools and potential schools projects make up 78% of the total projects identified by the Carbon Trust. Schools have a considerable role to play in reducing the Council's carbon foot print.
- 6.4 The projects have been categorised into the following areas.

Schools

Schools lighting upgrades – 24 projects
Schools behavioural change – 2 projects
Building management upgrade and installation for schools – 5 projects
Heating/boiler upgrade for schools – 13 projects
Insulation measures for schools – 11 projects

Council

Building management upgrade and installation for council buildings – 9 projects
Council behavioural change – 3 projects

- 6.5 As part of this work, the Schools Forum agreed to top slice the schools budget by £45,000 in order to pay for an assistant to the Council's Energy Manager who would provide support on energy matters in individual schools. The money to fund this post will be made available from April 2010. However given the urgent need to tackle energy use and carbon emissions in schools, funds have been identified to pay for this post with effect from 1st October 2009.
- 6.6 Another feature of the programme is a proposal to establish a staff Green Champion Network in the autumn of 2009. The network will have staff representatives from service units across the council who will actively promote and support their staff colleagues in behaviour change and moving to a 'greener lifestyle' in the work place. The network will meet on a quarterly basis and will be updated on the progress of current and forthcoming green initiatives. The Green Champion Network will require staff representatives to commit their time on a voluntary basis, on top of their day-to-day roles.

7.0 CO₂ emission reduction achieved since 2005/06

- 7.1 The CMS&IP states that in 2005/06 60,619 tonnes of CO₂ was produced by the council as the original baseline. The council has reduced by 7.3% in reporting year 2006/07, increased by 2.8% in reporting year 2007/08 leading to an overall reduction of 4.6% on the baseline year (table 2). 2008/2009 NI 185 data is yet to be approved by the Government therefore we are unable to formally report. Current experience and looking at previous trends over the past three years, it appears that the council will have some difficulty in meeting its 20% CO₂ reduction target by 2011. If current trends continue the council will also not be on track to meet the requirements of the Local Area Agreement target of achieving a 3% CO₂ reduction by 2010 or a 6% reduction by 2010/2011.

Table 2
CMS&IP cumulative CO₂ percentage change 2005 - 2008

Year	CO2 emissions (tonnes)	Annual % change on baseline 2005/06
2005/06	60,619	
2006/07	56197.7	-7.3% 7.2
2007/08	57786.7	+2.8%
Total % reduction on baseline year		-4.6%

Fro

From the data available it appears that only two Directorates, Finance and Corporate Resources and Housing and Community Care have reduced their CO₂ emissions from 2005/2006 to 2007/2008. Finance and Corporate Resources have shown a consistent reduction, reducing their emissions year on year from the baseline. Housing and Community Care increased their emissions in the first year of reporting but in the following year demonstrated a significant reduction on the baseline. The main causes for concern are schools with a percentage increase of 27% since the baseline year. Schools increased by 9% during reporting year one and 16% during reporting year two (table 3). This is felt to reflect additional buildings and opening hours, coupled with greater usage of P.C.s.

Table 3
Schools cumulative CO₂ percentage change 2005 - 2008

	Year	CO2 Emissions (tonnes)	Difference CO2 (tonnes)	% Change	% Change on base line
All Schools	2005 - 2006	12690			
	2006-2007	13826	1136	9	
	2007-2008	16077	2251	16	27

Comparable 2008/2009 NI 185 data for schools has yet to be approved by the Government however it is expected to show a marked increase on the previous year. Based on the original 2005/06 baseline schools contribute approximately 28% to the total CO₂ emissions for the Council. Schools' CO₂ emissions are a serious cause for concern especially as under the NI 185 baseline schools contributes towards 49% of the Council's CO₂ emissions.

- 7.3 With the availability of an improved measuring system under NI185 it is proposed that a new CO₂ baseline of 43,602 tonnes is set (to be agreed by the Department of Energy and Climate Change) . The consultants, who undertook a separate review of Brent's carbon emissions since 2005/6, both recommended this course of action.

7.4 However, under NI 185 the Council is not required to report on CO₂ emissions from its social housing stock. It is therefore recommended that this data collection continues as measuring CO₂ emissions from this housing stock is extremely important in reducing the borough's overall CO₂ emissions and mitigating climate change and especially for understanding performance locally under National Indicator 186.

8.0 Financial Implications & Risk

- 8.1 The overall restraint of resources and conflicting priorities, have limited the Council's ability to invest directly in projects which reduce the Borough's carbon dioxide emissions. The original CMS &IP contained various projects, which it was estimated required £1.56m of investment. £574k of this has currently been secured.
- 8.2 The Council has successfully bid for an Energy Efficiency Fund (Salix) worth £420,000 (The Council has provided 50% of the funding). The fund provides interest free loans for the installation of proven energy saving technologies in council buildings and schools. Examples of projects which have been delivered with the aid of Salix funding are lighting and boiler upgrade at Oakington Manor Primary school, Town Hall Lighting upgrade and Swimming Pool Covers at Vale Farm Leisure centre. The loan is repaid to the fund through the savings made in energy bills and subsequently reinvested in other projects. This fund has been used successfully since 2006/7. In order to utilise this funding, schools must agree in advance to the repayments. In some cases, this has been difficult to secure.
- 8.3 In order to deliver the agreed targets, significant investment is required. Much of this is incorporated in projects or programmes already agreed within the Capital Programme, such as the Civic Centre, and Schools rebuilding. The taking out of use of old offices and schools, to be replaced with new energy efficient sites, with high environmental standards, will have a large impact on CO₂ emissions. However, many of these projects will not be completed for a number of years. The Council must then consider other more current initiatives to help meet the targets. Appendix B sets out potential projects, including micro-renewables such as solar thermal water heating and panels, wind turbines, and biomass burners, improvements to the social housing stock, and improvements to the fleet, the provision of bio-diesel from used cooking oil, and implementing fully the council's travel plan.
- 8.4 The total gross cost of these projects is estimated to amount to up to £10m. The Council's Capital Programme will not have the capacity to provide a significant contribution to this in the medium-term. Therefore, other forms of funding will need to be found:
- (a) From existing agreed schemes within the Capital Programme
 - (b) The current total annual Salix fund stands at £420,000 which can be used to help fund new CMS&IP projects.
 - (c) From other funding regimes that may become available

- (d) From robust invest-to-save schemes, where the payback period from energy cost savings are able to finance the investment.
- (e) From a switch of resources from other programmes in the Capital Programme, as part of the 2010/11 budget process.

It must be recognised that should external funding sources be withdrawn as a result of public spending pressures, the Council's ability to make the necessary investment and achieve its targets will be limited.

- 8.5 The reason why a number of projects never began is due to other pressing priorities and the lack of resources to plan the projects and provide a justifiable business case.
- 8.6 However, the 2009/10 revenue budget was increased by £155,000 in order to support the work on NI 185 and to implement the Climate Change Strategy. These funds have been used to appoint two staff, to fund the energy advisor post for six months and to support the implementation of the new Climate Change Action Plan.
- 8.7 The Council also secured £45,000 from the Schools Forum for a post to help deliver energy advice to schools. However, this is not sufficient to provide full coverage to the large number of schools in the Borough. Additionally, schools cannot be compelled to fund environmental schemes from their own resources.
- 8.8 The Carbon Reduction Commitment would also mean significant financial penalties for the Council from poor performance in the league table (see Appendix A) in future years. However a good position within the table could mean the council benefiting financially with extra funds being made available.
- 8.9 A further risk is that failure to meet National Indicator 185 targets will mean that performance reward grant will be lost under the Local Area Agreement.
- 8.10 An additional risk is that energy inefficiency will continue to waste council valuable resources as the cost of energy is predicted to rise. This will add further financial pressures on the council's overall budget.

9.0 Legal Implications

- 9.1 The Council has power under section 2 of the Local Government Act 2000 to do anything which it considers likely to promote the environmental well-being of its area. In exercising this power the council is required to have regard to its Community Strategy (known as the Community Plan).
- 9.2 Furthermore, ODPM Circular 03/2003 on Best Value and Performance Improvement reiterates that sustainable development and equity are fundamental to the Best Value regime. It states that the Government's definition of Best value is the optimum combination of whole life costs and benefits to meet the customer's requirements'.

- 9.3 In addition, the council has a duty to report on the national indicators, particularly 185 and 188, to participate in the Carbon Reduction Commitment and to ensure the transparent display on public buildings of Display Energy Certificates.

10.0 Diversity Implications

- 10.1 Climate change affects everyone and particularly those who are physically vulnerable – the elderly and the young – as they will be exposed to greater temperature extremes and potentially new or increased threats of disease.
- 10.2 Climate change is predicted to be felt most acutely in areas of the world where communities are less able to adapt. These areas include countries in sub-Saharan Africa, Bangladesh, India, Indonesia, and Australia. A number of council staff and residents have strong ties with these nations.
- 10.3 The Council's climate change strategy for the borough, which was recently adopted by the Executive, places emphasis on mitigating climate change; adapting to changes that are predicted for the future; and responding to severe weather events. The measures in this report set out the steps the council will be taking to mitigate climate change. It will be the council's staff that will mostly be affected and it is expected that this will be equitable across the whole council.

11.0 Environmental Implications

- 11.1 The overall recommendation to reduce the Councils CO₂ emissions will have a positive effect on the environment. Reducing CO₂ emissions (one of the main green house gasses which contribute to global warming) will help mitigate the effect of climate change at both a local and global level. It is expected that the environment will benefit in the long term by the council taking this action.

12.0 Staffing/Accommodation Implications

- 12.1 The Council, as part of its budget making process agreed funding for a Data Collection Officer (NI 185) and a Climate Change Officer and these have been accommodated within existing office space. The energy advisor to schools post can also be accommodated within existing facilities.

Background Papers

1. Carbon Management Strategy and Implementation Plan 2007
<http://intranet.brent.gov.uk/Groups.nsf/0/afe93f4488b0b864802572830042c348?OpenDocument>
2. National Indicators for Local Authorities and Local Authority Partnerships 2008
<http://www.communities.gov.uk/localgovernment/performanceframeworkpartnerships/nationalindicators/>
3. Climate Change Strategy 2009
<http://www.brent.gov.uk/cmin.nsf/reports/LBB-5663>

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Appendix A

General Overview of CRC – outline communication

What is the Carbon Reduction Commitment (CRC)?

The Carbon Reduction Commitment (CRC) is a new mandatory carbon emissions trading scheme that begins in April 2010 and has financial consequences. It applies to public and private sector large non-intensive energy users that consume around £0.5 million of half hourly electricity and will cover almost all energy use thereafter. DECC currently estimate that around 5,000 organisations will participate in the scheme.

Most county and unitary councils are expected to have a legal obligation to participate in the scheme and to take responsibility for state funded schools and academies. This means that all council operations are included, such as administrative offices, leisure centres, social care homes, etc. It also includes landlord tenant relationships and some PFI and joint ventures arrangements.

What will this mean to councils?

CRC participants must account for at least 90% of their emissions and will be required to calculate and purchase carbon allowances each April, to cover emissions generated at a fixed price of £12 per tonne of CO₂ for the first three years and then through an auction. For a council with energy costs of c £10 mill p/a, this is likely to cost around £1 million.

Some of this money will be returned to CRC participants each October depending on their league table position, which is determined by their performance in reducing emissions from energy use against the performance of others in the scheme. This means that 6 months will exist between paying for allowances and receiving a recycling payment, which may exceed or be less than the cost of allowances purchased, introducing budgetary uncertainty.

The league table will be publicly available and it is widely expected that it will have a reputation risk or enhancement value. Importantly, the league table position will also determine a bonus or penalty factor applied to a participants recycling payment. The scheme's aim is to reward a well performing organisation while penalising those with poor performance. This will start at ± 10% in Year One but rise to ± 50% by Year Five. Although these league table performance metrics are fixed, the actual financial penalty and bonus, can be even greater or lower than these percentages.

Importantly councils will have responsibility for state-funded schools (including Academies). This means that a constructive dialogue for sharing data and reducing energy consumption in schools should take place, along with understanding the financial impact, and trying to avoid a cross subsidy of the councils general funding stream and its dedicated schools grant.

Impact

The London Energy Project believes that most councils will be at the lower end of the league table, due to the difficulties of dealing with such a diverse portfolio, e.g. civic centres, leisure centres, care homes, schools and also the age, nature and capital

investment that is likely to be required. It should also be noted that schools energy consumption is rising year on year with school building's extended use and the increasing technology deployed. These factors are likely to have a negative impact on councils' league table positions, particularly compared to organisations such as Tesco, who may have a standardised approach and aggressive carbon reduction programme.

Notwithstanding the cost of allowances and potential recycling penalties and fines, there is an annual cash flow burden, a cost to participate in and administration of the scheme, which is likely to include additional staffing, improved data handling solutions and increased liaison with stakeholders, such as schools. To ensure the cultural and behavioural changes required to encourage staff to reduce energy use is visible, top level leadership is required, this also supports the changes to decision making practices that may be required, to release capital and invest to save funding streams to finance technological energy reduction and renewable.

What are the benefits?

The CRC places a statutory responsibility on organisations to understand their carbon footprint, monitor and accurately record the amount of energy that they use. The proactive use of this data provides real opportunities to improve the transaction efficiency of management systems, save money by reducing energy consumption, and achieve better energy contract prices. For a council spending £10m p/a, a realistic reduction in energy use and process improvement, could mean around £300,000 ploughed back into front-line services

What should the council do now?

Start preparing; this is a "whole council issue". Assign a chief officer to lead the project, ensuring senior representation from finance, property, children and young people's and leisure services are represented and that there is an operational group, of energy, building and finance managers, to implement improvements.

Understand how this may affect investment decisions, as there is a real cost to carbon. Ensure other programmes of work are involved, such as Building Schools for the Future.

Develop necessary accountancy practices, energy management, carbon abatement and auction strategies and clearly prioritise carbon reduction actions, e.g. Installation of AMR and/or installing infrastructure (such as street lighting) prior to the baseline year.

Apply for the London Energy Project specialist Guide and Toolkit "Preparing for the Carbon Reduction Commitment". It has been funded by Capital Ambition and its distribution funded by the Regional Improvement and Efficiency Partnerships and aims to enable Local Authorities to respond to the CRC quickly and with confidence.

<http://www.capitalambition.gov.uk/londonenergy>

It should be borne in mind that as final regulations are yet to be published, any detail referred to is subject to change without notice.

Source: London Councils 2009

Appendix B

Projects continuing from CMP&IP

CMP02 - Civic Centre
 CMP03 - Going Green Intranet Resource
 CMP04 - Brent Green Network
 CMP07 - Energy Efficiency Fund
 CMP08 - Printer Rationalisation
 CMP10 - Building Energy Audit Programme
 CMP12 - Property Management Standards
 CMP13 - Staff Travel Plan
 CMP15 - Essential User Permits
 CMP18 - Green Fleet Review
 CMP22 - Street Lighting Energy Efficiency
 CMP23 - Energy Management Training
 CMP24 - E Learning
 CMP25 - Green Procurement Policy
 CMP27 - Internal Waste Reduction
 CMP28 - Internal Waste Recycling
 CMP29 - Water Action Plan
 CMP34 - Solar Panels / Water heating
 CMP36 and CMP37- Tree Planting and Tree Policy (combined)

New CMP&IP Projects

Project reference in priority order	Opportunity/Project	Cost effectiveness £/tCO2	Year 1 CO2 Saving (tonnes)	Cumulative CO2 Savings (tonnes)
33	Localised lighting could apply to 33% of our Office buildings & Libraries	-139	69	69
36	Awareness raising campaign could apply to 100% of our Office buildings & Libraries	-138	169	238
48	Awareness raising campaign could apply to 100% of our Primary schools	-134	549	787
62	Awareness raising campaign could apply to 100% of our Secondary schools	-134	486	1273
63	Awareness raising campaign could apply to 100% of our Leisure centres (Dry)	-132	50	1324
27	KINGSBURY HIGH SCHOOL/Lighting Upgrade	-131	21	1345
47	Automatic lighting controls could apply to 24% of our Primary schools	-129	101	1445
61	Automatic lighting controls could apply to 56% of our Secondary schools	-129	208	1653
5	BRAINCROFT PRIMARY SCHOOL/Lighting Upgrades	-128	12	1666
14	NORTH WEST LONDON JEWISH DAY PRIMARY SCHOOL/Lighting upgrade	-127	12	1677
30	WEMBLEY HIGH TECHNOLOGY/Lighting Sensors	-126	7	1684
10	MICHAEL SOBELL SINAI SCHOOL/Lighting Upgrade	-125	9	1693

17	OLIVER GOLDSMITH PRIMARY /Lighting Upgrade	-124	8	1701
12	MOUNT STEWART JUNIOR SCHOOL/Lighting Upgrade	-123	8	1709
26	WOODFIELD SCHOOL/Lighting Upgrades	-121	7	1716
53	BMS fine tuning could apply to 18% of our Secondary schools	-120	31	1747
4	BRAINCROFT PRIMARY SCHOOL/Optimum Start	-120	15	1762
8	MANOR SCHOOL/Lighting Master	-119	6	1768
21	ST JOSEPHS RC SCHOOL/Lighting upgrades	-119	6	1774
24	STONEBRIDGE PRIMARY/Lighting Upgrades	-118	6	1780
29	ST GREGORYS CATHOLIC SCIENCE/Boiler Upgrade	-118	42	1822
16	OAKINGTON MANOR PRIMARY/Lighting	-117	5	1827
25	WOODFIELD SCHOOL/Dproof/Insulation	-117	26	1854
28	KINGSBURY HIGH SCHOOL/Insulation Flat roof	-117	40	1894
13	NEWFIELD PRIMARY SCHOOL/Lighting Upgrade	-116	5	1899
20	ST JOSEPHS RC JUNIOR SCHOOL/Optimum Start	-113	10	1909
15	OAKINGTON MANOR PRIMARY/Boiler Upgrade	-113	18	1928
2	ANSON PRIMARY SCHOOL/Lighting Upgrade	-111	4	1932
7	CARLTON VALE INFANT SCHOOL/Lighting Upgrade	-108	4	1935
60	Pipework insulation could apply to 54% of our Secondary schools	-102	74	2009
39	Loft insulation could apply to 25% of our Primary schools	-98	141	2150
50	Loft insulation could apply to 30% of our Secondary schools	-98	150	2300
3	AVIGDOR HIRSCH TORAH TEMIMAH/Lighting Upgrades	-97	3	2303
34	Variable speed drives could apply to 100% of our Office buildings & Libraries	-97	189	2492
66	Variable speed drives could apply to 15% of our Swimming pool hall	-97	23	2515
40	Cavity wall insulation could apply to 25% of our Primary schools	-95	141	2656
51	Cavity wall insulation could apply to 20% of our Secondary schools	-95	100	2756
46	Zoning could apply to 56.25% of our Primary schools	-95	106	2862
59	Zoning could apply to 54% of our Secondary schools	-95	90	2952

1	ANSON PRIMARY SCHOOL/Burner Controls	-94	7	2958
35	Voltage optimisation could apply to 100% of our Office buildings & Libraries	-92	168	3127
9	MICHAEL SOBELL SINAI SCHOOL/Burner & Boiler Controls	-91	25	3152
42	BMS could apply to 33% of our Primary schools	-83	65	3217
54	BMS could apply to 50% of our Secondary schools	-83	87	3304
37	Virtualisation/thin computers could apply to 100% of our Office buildings & Libraries	-82	202	3506
57	Optimum start controls could apply to 126% of our Secondary schools	-81	210	3716
6	CARLTON VALE INFANT SCHOOL/Burner Controls	-81	5	3721
22	ST ROBERT SOUTHWELL RC /Zoning	-80	2	3723
31	Fuel switching could apply to 19.8% of our Office buildings & Libraries	-76	116	3839
64	Fuel switching could apply to 10% of our Swimming pool hall	-76	54	3892
44	Fuel switching could apply to 22.5% of our Primary schools	-76	796	4688
49	Secondary glazing could apply to 30% of our Secondary schools	-76	100	4788
38	Secondary glazing could apply to 55% of our Primary schools	-76	207	4995
19	OUR LADY OF LOURDES RC SCHOOL/Dproof & Insulation	-73	4	4999
55	Upgrade to condensing boilers could apply to 18% of our Secondary schools	-73	141	5140
43	Upgrade to condensing boilers could apply to 40% of our Primary schools	-73	354	5494
58	Sequencing could apply to 30% of our Secondary schools	-72	100	5594
23	STONEBRIDGE PRIMARY/Burner Controls	-72	7	5601
18	OUR LADY OF GRACE RC INFANT/Boiler & Burner Controls	-53	5	5605
65	Heating control systems could apply to 17.5% of our Swimming pool hall	-51	18	5623
45	Heating control systems could apply to 36% of our Primary schools	-51	239	5862
56	Heating control systems could apply to 20% of our Secondary schools	-51	118	5979
32	Heating control systems could apply to 12% of our Office buildings & Libraries	-51	11	5990
41	Draught proofing could apply to 50% of our Primary schools	-18	188	6178

52	Draught proofing could apply to 60% of our Secondary schools	-18	200	6378
11	MOUNT STEWART JUNIOR SCHOOL/Pipe & Valve Insulation	250	0	6379
67	Pool covers w/ vent fine tune could apply to 12% of our Swimming pool hall	#DIV/0!	16	6394

	<p style="text-align: center;">Executive 19 October 2009</p> <p style="text-align: center;">Report from the Director of Environment and Culture</p>
<p style="text-align: right;">Wards Affected: All</p>	
<p style="text-align: center;">Council's Environmental Policy – review and revision</p>	

Forward Plan Ref: E&C-09/10-14

1.0 Summary

1.1 The Council adopted an Environmental Policy in November 2005. This report reviews the existing policy and recommends a revised version.

2.0 Recommendation

2.1 The Executive is asked to agree to:

(a) Approve the revised Corporate Environmental Policy Statement attached as Appendix A.

3.0 Detail

3.1 Introduction

3.1.1 In November 2005 the Council approved a Corporate Environmental Policy Statement.

3.1.2 As a result of changes in policies and priorities and a number of internal and external drivers there is a need to review the existing environmental policy and to recommend a number of changes. The proposed new policy statement is attached as Appendix A.

3.2 Background

3.2.1 The background and reasons for making changes to the existing policy statement are set out in section three of the report dealing with the review of the Council's Carbon Management Strategy & Implementation Plan (CMS&IP), available on the Executive's agenda. In order to be brief these reasons will not be repeated in this report. It is also a commitment to review the policy for

the environmental management system, ISO 14001, which currently only applies to the Environment and Culture Directorate and to two services located in other Directorates. There are plans to extend this management system to other parts of the council e.g. property and asset management and IT.

- 3.2.2 The proposed revised version of the corporate environmental policy statement includes a list of principles for the borough together with a list of specific commitments that the council will make. It conveys a message that the council recognises that combating climate change is critical to all our futures and that the council recognises that it must play its part. It also repeats the commitment to make sustainability central to everything the council does and for the council to become an exemplary organisation for recycling and sustainable activity. The revised policy emphasises that the broad context is sustainable development with a particular focus on the environment. The proposed wording is contained in Appendix A.

4.0 Financial Implications and Risk

- 4.1 The proposed new environmental policy does not, in itself, have any specific costs associated with it and should not lead to additional costs on services as long as the policy's requirements are included at an early planning stage. As the policy is implemented across the council and within the council's services, any costs incurred will be absorbed within the existing allocated budgets. However, there is an opportunity to make savings if good measures are introduced to control energy use, reduce waste, manage transport and travel costs and buy more sustainably. All these have environmental benefits.
- 4.2 There are risks associated with not adopting a policy as well as not keeping this policy up to date. The council's reputation could be damaged. Long term financial costs to services could be higher if the impact of environmental changes and climate change are not taken into account e.g. flooding, heatwaves, droughts, pollution, shortages of natural resources such as water etc. The increasing environmental impact of waste and its costs in landfill tax etc are also significant. By recognising and looking after the environmental impacts of the council's activities, such risks can be properly managed and the consequences reduced.

5.0 Legal Implications

- 8.1 The Council has power under section 2 of the Local Government Act 2000 to do anything which it considers likely to promote the environmental well-being of its area. In exercising this power the council is required to have regard to its Community Strategy (known as the Community Plan).
- 8.2 Furthermore, ODPM Circular 03/2003 on Best Value and Performance Improvement reiterates that sustainable development and equity are fundamental to the Best Value regime. It states that "the Government's definition of Best value is 'the optimum combination of whole life costs and benefits to meet the customer's requirements'".

- 8.3 In addition, the council has a duty to report on the government's national performance indicators, to participate in the Carbon Reduction Commitment and to ensure the transparent display on public buildings of Display Energy Certificates.

9.0 Diversity Implications

- 9.1 Both the environment and climate change affects everyone and particularly those who are physically vulnerable – the elderly and the young – as they will be exposed to greater temperature extremes and potentially new or increased threats of disease. Changes in climate are predicted to be felt most acutely in areas of the world where communities are less able to adapt. A number of council staff and residents have strong ties with these nations. In addition the impact of environmental problems in the borough, that could have been avoided with better management and policies, may have a more detrimental effect on disadvantaged groups depending on the location within the borough e.g. air quality.
- 9.3 The proposed environmental policy statement will ensure consistency across the council when taking into account the environmental impacts of all its activities and will show the council's commitment and priorities. This will enable services to consider the different impacts of environmental considerations on various groups and communities in the borough, ensure equality of treatment and to assess the impact these groups have on the environment.

10.0 Environmental Implications

- 10.1 Through the adoption of a revised environmental policy statement the council is showing its commitment to environmental sustainability. The policy sets out the council's priorities and commitments, demonstrates that it recognizes the importance of the environment and climate change and provides leadership. In this way it will be encouraging others in the borough to do the same. It sets out a clear set of principles for the borough in environmental terms and lists a set of commitments that will guide the council's services and future planning of these.

11.0 Staffing/Accommodation Implications

- 11.1 There are no specific staffing or accommodation implications by adopting this new corporate environmental policy statement.

Background Papers

1. **Carbon Management Strategy and Implementation Plan 2007**
<http://intranet.brent.gov.uk/Groups.nsf/0/afe93f4488b0b864802572830042c348?OpenDocument>
2. **National Indicators for Local Authorities and Local Authority Partnerships 2008**
<http://www.communities.gov.uk/localgovernment/performanceframeworkpartnerships/nationalindicators/>
3. **Climate Change Strategy 2009**
<http://www.brent.gov.uk/cmin.nsf/reports/LBB-5663>

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Corporate Environmental Policy Statement

Brent Council is committed to sustainable development and improving the environmental wellbeing of the borough in sustainable ways through the services that we provide and by reducing the adverse effects of our own actions. We do this at a council wide level by delivering our Corporate Strategy, which commits us to improving the quality of life, becoming an exemplar for environmentally sustainable activity and making sustainability central to everything through initiatives such as implementing the Climate Change Strategy, the Carbon Management Strategy and Implementation Plan and the Energy Statement and Strategy. We recognise that we can enhance the quality of the environment through our services, through our use of resources, particularly natural resources, and improve Brent in ways that allows us to live today but also maintains a high quality of life for future generations. By acting locally we will play our part in improving the global environment and we will ensure that we continually improve our environmental performance. We recognise that climate change is critical to all our futures and will ensure that Brent Council plays its part in reducing its emissions of greenhouse gases, ensuring its services adapt effectively to changes in the climate and plan effectively for dealing with severe weather events.

To improve the environment we will:

1. enforce and comply with all relevant legislation and other obligations;
2. raise awareness of, and provide information on, issues affecting the environment;
3. work with partners to promote the sustainable development agenda;
4. improve resource use and waste management by encouraging waste minimisation, re-use, recycling, composting, and other recovery techniques;
5. control development in the Borough in consultation with stakeholders, to protect and improve the quality of the environment and improve access for all;
6. be an exemplar for green design including new schools and the new Civic Centre;
7. deliver a sustainable transport programme, work with Transport for London to improve public transport including bus services and bring forward new fast bus options to link our areas of need with our areas of opportunity;
8. prevent, control, and reduce the release of pollutants to the environment;

In particular the council will maintain and continually improve the environmental wellbeing of Brent and address the environmental impact of how we deliver our services by:

- making environmental sustainability central to everything we do;
- becoming an exemplary organisation for sustainable activity;
- integrating environmental considerations into Council procurement;
- improving resource use and waste management by encouraging waste minimisation, promoting reuse, and increasing recycling;
- responding to Climate Change by cutting emissions from our estate operations, including carbon dioxide, meeting specific targets, promoting energy efficiency, using renewable energy, and by adapting our services;
- motivating and training our staff, especially through our Going Green campaign;

- looking for renewable energy supply for all our buildings and developments in the borough;
- implementing the council's green travel plan;
- enhancing the ecological value of land for which the Council is responsible;
- integrating environmental and sustainability considerations into all decision making considered to have significant environmental implications;
- monitoring the environmental impact of our services and operations.

These commitments will be integrated into our Corporate Standards and our environmental performance will be monitored through the performance management arrangements and is subject to audit. We will also report to central government through the National Indicators which are also subject to an external audit. Our performance will be published in our annual Environmental Performance Report.

This Policy will be reviewed once a year and will be displayed throughout the Council and distributed to all members of staff and relevant parties. Copies will be available on the internet, intranet, and upon request from the Environmental Projects and Policy Team, or at environment@brent.gov.uk.

	<p>Executive 19 October 2009</p> <p>Report from the Director of Environment and Culture</p>
<p>Wards Affected: ALL</p>	
<p>Third Pool in Brent – Progress Report</p>	

Forward Plan Ref: E&C- 09/10-16.

1 Summary

- 1.1 This report summarises to Members the key findings and recommendations of the report by consultants engaged to undertake a site options appraisal to progress the provision of a third pool that serves the North of the Borough.
- 1.2 The report reviews 18 potential sites and recommends a preferred site.
- 1.3 The report also provides initial capital and revenue cost estimates, and gives an overview of the funding opportunities, management options and procurement routes. It also recommends the next steps for the Council in order to get closer to realising their priority for the provision of a third pool.

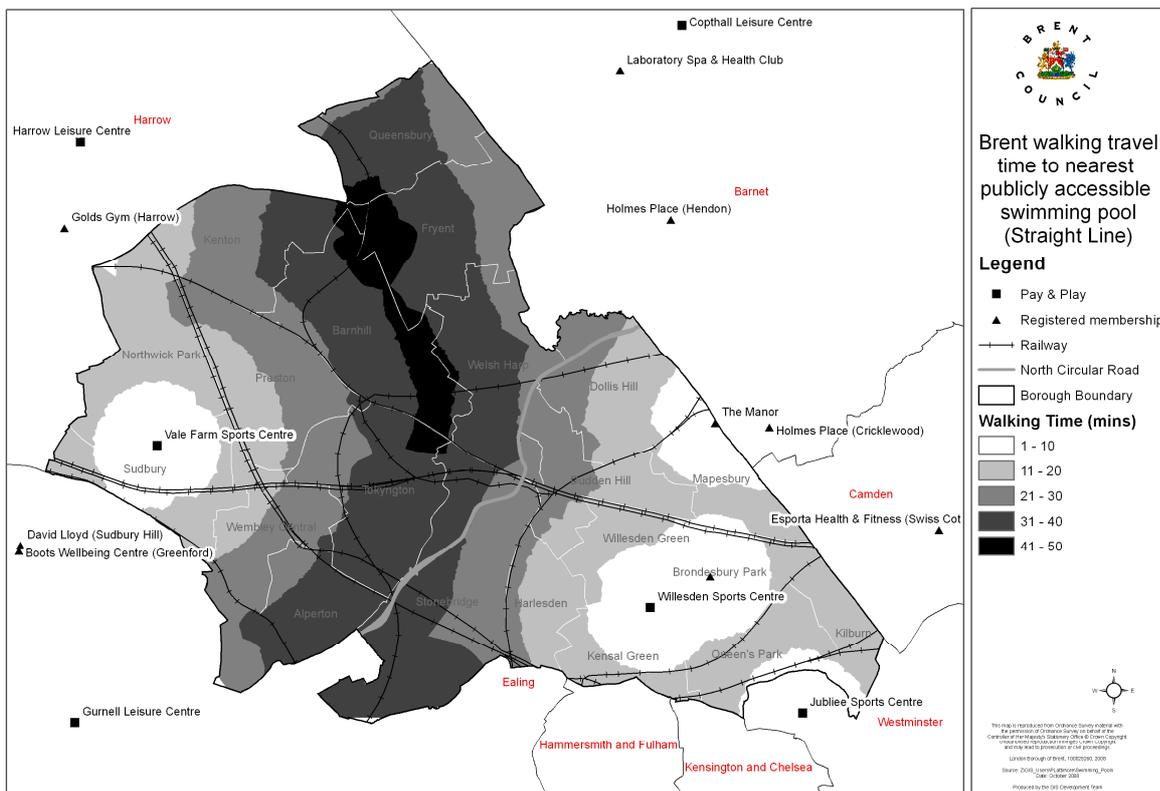
2.0 Recommendations

The Executive:

- 2.1 Note the findings of the 'New Swimming Pool Site Options Appraisal Report' which is summarised in this report. (The full report is available at Party Group Offices or a copy can be made available by contacting Gerry Kiefer, Head of Sports Service on 020 8937 3710 or email: gerry.kiefer@brent.gov.uk.)
- 2.2 Agree the preferred site for the third pool to be located in Roe Green Park 'B' as shown on the map in paragraph 3.9.
- 2.3 Instruct the Director of Environment and Culture to undertake a detailed feasibility study including the financial implications of such facility provision.

Detail Background

- 3.1 In November 2008 the Executive endorsed the Planning for Active Sport and Recreation Facilities Strategy 2008 – 2021. As such, Members agreed that the number one priority would be the provision of a third swimming pool with other sports, health and fitness facilities that serves the North of the Borough.
- 3.2 The Planning for Active Sport and Recreation Facilities Strategy (Facilities Strategy) recognised that the majority of Brent's sports centres are aging and need to be replaced or redeveloped so that they are 'fit for purpose'. It also recognised that there is a clear need to provide additional facilities to meet the demands and expectations of current and future local people and without good standard provision, appropriately located and affordable to the community, Brent is likely to remain one of the most inactive Borough's in London and England.
- 3.3 The Facilities Strategy showed that over fifty percent of the Borough's population live further than 20 minute walk time from a public pool and that in order to have the greatest impact the first priority to improve sports facilities in the Borough would be the provision of the pool that serves the north of the Borough. The strategy also recognises that there is a need for a fourth pool in Brent, particularly as regeneration areas develop and Brent's population expands.
- 3.4 The map below shows the current travel time by walking to a public swimming pool.



- 3.5 Following approval of the Facilities Strategy a steering group of senior Council officers was established to progress the provision of a third pool. This group includes representation from finance, planning, property and asset management, children and families, sports, parks and Environment and Culture directorate. The group appointed consultants, Capita Symonds and S&P architects move the project forward by undertaking a site options appraisal to identify the preferred location and provide headline information on funding, management and procurement options.
- 3.6 Capita Symonds reviewed 18 potential Council owned sites for the third pool as shown on the map below.



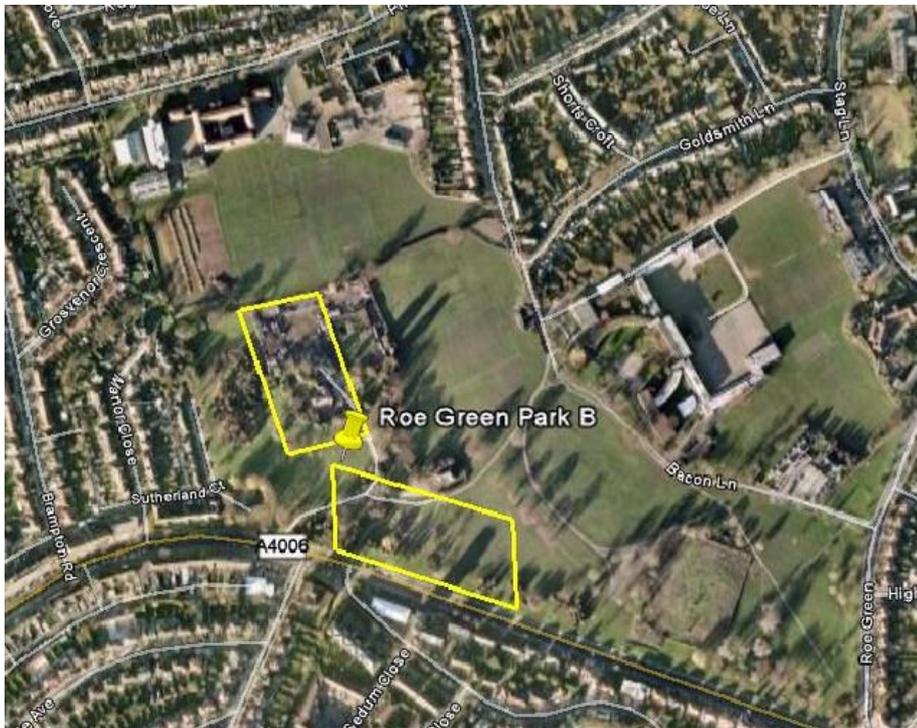
(Source: Google Earth)

- 3.7 Each site was analysed and scored against nine criteria including site capacity, accessibility, timescales for delivery and funding potential. Following a detailed site evaluation exercise and consultation with senior Council officers the results of the site scoring showed that two sites in Roe Green Park scored the highest.

Ref	Site	Score	Ranking
12	Roe Green Park B	142	1
11	Roe Green Park A	135	2
1a	Bridge Park	112	3
16	Wembley Civic Centre	106	4
1b	Unisys	104	5
6	Kingsbury High School	101	6
5	Grove Park School	98	7
17	Wembley Wave House	92	8
4	Fryent Country Park Car Park	91	9
15	Town Hall	91	9
14	Tenderden Allotments	85	11
18	Woodcock Park	84	12
9	Northwick Park Sports Ground	80	13
8	Northwick Park Hospital	80	13
3	Copland Community Village	79	15
7	Northwick Park Ducker Site	76	16
13	Stonebridge School	76	16
10	Preston & the Mall Youth centre	0	18
2	Clock Cottage	0	18

3.8 On the basis of total scores and consideration of location and access Capita Symonds recommended that that the site referred to as 'Roe Green B' was the preferred location.

3.9 Roe Green Park B site is an area of public open space. The site has within it two possible locations for the third pool. One is on the area which currently houses the parks depot and the second is an area closer to the road frontage. The site is bordered by Kingsbury High School, with other schools nearby which could benefit from the swimming pool and associated facilities. The map below shows the location of the site 'Roe Green Park B' and roughly the two potential locations within that site.



- 3.10 The principle reasons for the choice of Roe Green Park B when compared to other sites is that:
- it is in an accessible location close to car, tube and bus networks
 - it is in close proximity to a number of schools in the Kingsbury area
 - the site is owned by the Council
 - impact on residential neighbours is more limited compared to many other sites considered
 - there is potential for significant road frontage
 - the site offers a large open site, with plenty of space for facilities
 - the site is supported by the majority of consultees
 - above all it is a strong location, linked to the needs identified in the facilities strategy, serving the northern catchment.
- 3.11 The major advantages of Roe Green Park 'B' over Roe Green Park 'A' is that Roe Green Parks 'B' is located adjacent to an education site, is closer to public transport facilities and other retail outlets, will not require the removal of the well used recently installed MUGA and offers the potential for a visible leisure facility close to the road frontage.
- 3.12 Within Roe Green B there are two potential options in terms of site layout as shown in the map on paragraph 3.9 above. A decision on which should be the final site option is likely to depend on the opportunities for links with Kingsbury High School and any plans the school may have for development of their site. This will be further investigated as part of the detailed feasibility study.
- 3.13 In order to estimate capital costs and revenue projections a schedule of accommodation was proposed for the facility with essential requirements and optional extras.

Essential	Optional Extras
<ul style="list-style-type: none"> • 6 lane 25 metre pool • Teaching pool • 150 station health and fitness area • 2 x dance studios • Café • Classroom / meeting room • 2 x Grass pitches • 4 x Changing rooms for use with outdoor pitches • Children's play area. 	<ul style="list-style-type: none"> • Spectator seating for 150 people • Boom on main pool • Young people gym zone – Shokk equipment, dance mats etc • Crèche • Therapy / physio room • 4 court Sports Hall • Climbing wall (if sports hall provided) • Outdoor courts (netball and tennis) • Synthetic Turf Pitch (STP) with floodlights.

3.14 Based on the areas in the schedule of accommodation estimated capital costs were prepared based on median and upper quartile costs for construction for the 'essential' facility provision and the 'essential plus optional extra's'.

Option	Median	Upper Quartile
Option 1 - Essential	£11,072,000	£12,650,000
Option 2 - Essential & Optional Extras	£14,411,000	£16,418,000

(Source: Capita Symonds)

3.15 As shown, the capital costs range from circa £11m (Option 1) to £16.5m (Option 2), depending on the schedule of accommodation and the level and quality of finish applied.

3.16 It should be noted that a number of significant items have been excluded at this stage from these capital costs. These are:

- Access improvements
- Cost of land purchase
- Specialist fitness equipment
- Upgrade of services and utilities
- Abnormal ground conditions
- Contaminated land
- Demolition
- Inflation
- Cost of plant and equipment
- Contractors overheads and profits.

These items will need to be included following more detailed design and site investigations.

3.17 Information about the revenue projections and funding opportunities is detailed under the 'financial information' section of this report (section 4).

3.18 The consultants report analyses the range of management options that are available to the Council for the new pool. These include:

- In-house
- Private sector
- Private sector hybrid trust
- Stand alone trust
- External trust.

3.19 The report analyses the main advantages and disadvantages of each management type. Currently Bridge Park Community Leisure Centre and Charteris sports centre are managed in-house and Vale Farm sports centre is operated under a leisure management contract by Leisure Connection.

3.20 Willesden sports centre has not been included because of the length and specific terms of the PFI contract.

3.21 Of the management options considered and analysed, the three that scored most strongly were:

- Private sector hybrid trust
- External trust
- Private sector

Table showing Management Options Evaluation

No.	Criteria	Option A	Option B	Option C	Option D	Option E
		In-house	Private sector	Private sector hybrid trust	Stand-alone trust	External trust
1.	Potential to contribute to increased participation in Brent	3	4	4	3	4
2.	Strength of financial position for the Council	1	3	5	3	5
3.	Opportunity of joining up existing facilities in a single management structure	3	3	3	2	2
4.	Flexibility of option to achieve single management structure	4	3	3	4	3
5.	One-off costs associated with creating new structure	4	3	3	2	3
6.	Opportunity of transferring operational risk from Council	0	3	3	1	3
7.	Track record of high quality leisure management (including wetside)	2	4	4	2	4
8.	Service continuity	3	3	3	2	3
9.	Level of Council control over leisure facilities	5	3	3	4	3
10.	Ability to link into future refurbishment opportunities (particularly at Charteris and Bridge Park)	5	3	3	4	3
Percentage score:		60%	64%	68%	54%	66%
Rank:		4	3	1	5	2

3.22 The report also provides an overview of the different procurement options available:

- separate design, build and management contracts
 - Design and build (D&B) and separate management contract
 - Design, build, operate and maintain (DBOM) contract
 - Design, build, finance and operate (DBFO) contract.
- 3.23 Following evaluation of the different procurement options the consultants recommend that the DBOM and D&B options are identified as the preferred route. This is because both of them can demonstrate a strong track record of delivering leisure facilities and are lower risk than the separate design, build and operational routes. However as this project is at an early stage further analysis of the most appropriate option should be included as part of the detailed feasibility study.
- 3.24 During the course of the work the consultants identified a number of key risks and issues that would need to be managed in order for the project to develop further. These include:
- political support for the project
 - funding and timing
 - changes in scope
 - securing delivery partnerships
 - highways and access
 - planning approvals
 - impact on local residents
 - parking provision
 - enabling development on the park
 - loss of playing fields / loss of public open space
 - listed building status (Grade II)
 - displacement of existing users.
- 3.25 The key risks are particularly Planning related and there is no guarantee that the third pool would be approved on the preferred site(s). Planning policy as expressed in the council's Unitary Development Plan (UDP) and Core Strategy is to prohibit development of public open space, even for indoor sports facilities. Any application, referable to the Mayor of London would need to be justified. As well as weighing the benefit of the sports facilities against loss of the park, it could for example require some form of compensation/mitigation in the rest of the park. Nevertheless, the site selected makes practical sense and offers the best sporting outcome. Officers would recommend adding the agreed site to the Council's Site Specific Allocations document if the further detailed feasibility work supports the development of part of the park for the third pool. This new allocation would then be consulted on.
- 3.26 In order to develop the provision of a third pool a detailed feasibility study needs to be completed to provide a sound options appraisal and to produce a final concept for implementation. It is estimated that the costs of the feasibility study will be in the region of £10,000 which will be funded from within existing budgets.

- 3.27 The detailed feasibility study will provide a full appraisal and refinement of the final options that can be taken through to detailed design, tender and construction. It will clarify:
- the appropriate facility mix
 - what the building look like
 - the estimated capital cost of the project
 - the revenue implications of the project, including outline business plan
 - the funding opportunities that are available
 - the management and procurement options to be pursued
 - the key risks and issues
 - the key planning issues
 - how can the project be taken forward to delivery

4
5

Financial Implications

- 5.1 The estimated capital cost of building the third pool has been detailed in paragraph 3.14. The costs range from circa £11m (essential) to £16.5m (essential plus optional extras), depending on the schedule of accommodation and the level of finish applied. It should also be noted that paragraph 3.16 outlines a number of significant item areas which have not yet been included in the above estimated capital costs subject to more detailed design and site investigations.
- 5.2 The current capital programme does not include any provision for this scheme.
- 5.3 To provide an early understanding of the long-term financial implications of the third pool, a series of five year revenue projections were developed based on five options.
- Option A – Core facilities = 25, 6 lane pool, learner pool, 150-station health and fitness suite, two grass pitches with changing and café/vending area
- Option B – Core + outdoor facilities (STP, 2 tennis courts/netball and crèche)
- Option C – Core + junior health and fitness suite
- Option D – Core + 4 court sports hall and climbing wall
- Option E – Core + all extra facilities.
- 5.4 For each of these options income, expenditure and throughput projections were established based on the consultants benchmark model from over 300 records of financial and throughput information from over 200 facilities.
- 5.5 The operational analysis includes a number of key expenditure areas:
- staffing and on costs
 - utilities – water, gas and electricity costs
 - repairs and maintenance – day-to-day maintenance and planned preventative maintenance costs (but not lifecycle costs)
 - cleaning – costs for cleaning the facility on a daily basis
 - insurances – all insurances associated with the building and its management
 - licences – all licences associated with managing the facility, including alcohol

- cost of sales – cost of supplies associated with bar and catering sales.

5.6 The table below shows a summary of revenue implications of the core facilities and the range of additional options as detailed in paragraph 4.3 above:

	Option A	Option B	Option C	Option D	Option E
TOTAL INCOME	(£1,483,283)	(£1,569,818)	(£1,567,223)	(£1,637,373)	(£1,754,680)
NET EXPENDITURE	£1,391,408	£1,439,055	£1,459,127	£1,536,737	£1,600,802
LIFECYCLE COSTS	£109,065	£125,115	£111,390	£127,470	£144,270
NET REVENUE POSITION [EXC LIFECYCLE COSTS]	(£91,875)	(£130,763)	(£108,096)	(£100,636)	(£153,878)
NET REVENUE POSITION [INC LIFECYCLE COSTS]	£17,190	(£5,648)	£3,294	£26,834	(£9,608)
TOTAL THROUGHPUT	443,400	487,740	455,400	536,300	589,930
SUBSIDY / (PROFIT) PER VISIT [EXC LIFECYCLE COSTS]	(£0.21)	(£0.27)	(£0.24)	(£0.19)	(£0.26)
SUBSIDY / (PROFIT) PER VISIT (INC LIFECYCLE COSTS)	£0.04	(£0.01)	£0.01	£0.05	(£0.02)

(Source: Capita Symonds)

5.7 The table shows that if the third pool is well designed and well managed the options investigated should be able to make a revenue surplus each year before the application of lifecycle costs and central costs or produce a net revenue position between a loss of -£17,200 and a profit of £10,000 per annum including an allowance for lifecycle costs. Expected visitor numbers would be between 443,000 and 590,000.

5.8 An analysis of potential funding identified a limited number of opportunities to generate between £2.7 and £4m.

Funding Source	Likelihood of Securing Funding	Amount Essential	Amount Optional Extras
Capital receipts	None currently identified in the short-term	£0	£0
Enabling development	Opportunities could arise in the short-medium term, depending the potential to develop other sites on or close to Roe Green	£0	£0
Grant funding	No significant funding identified in the short-term. However, opportunities may well arise such as the recent £250m co-location fund delivered by the Department for Children Schools and Families. Sport England also has time limited funding via themed rounds such as the £10m Sustainable Facilities Fund.	£1m	£1m
Partner contributions	Potential for partnership funding opportunities via links with the BSF programme could help offset some of the costs or contribute towards an enlarged scheme e.g. addition of a 4 court sports hall	£0	£500k

Funding Source	Likelihood of Securing Funding	Amount Essential	Amount Optional Extras
Planning obligations (S106 agreements)	Limited potential for funding via planning obligations in the medium – long-term linked to residential developments close to the site	£0	£0
Public Private Partnerships	Investment could be attracted linked to negotiations with the incumbent management contractor or via a possible re-tendering of the management contract to a management partner with access to private finance	£0	£0
Private Finance Initiative	No funding available for the foreseeable future due to lack of PFI credits for this type of development, unless linked heavily to health and other major agendas e.g. BSF and Primary Capital Programme	£0	£0
Prudential borrowing*	Could provide an option for funding. This is likely to deliver funding of between £1.2m for the essential option and £2m for the essential plus additional facilities. This level of funding has been based on an indicative calculation of the amount of borrowing that could be funded from the annual surpluses identified in the benchmarked revenue projections. These projections would have to be reviewed as part of the detailed business planning process.	£1.2m	£2m
National Governing Body investment	Potential funding for sports specific facility improvements. This will depend on the demand for facilities from NGB's and the extent to which the site could help them deliver their whole sport plans.	£500	£500k
Total		£2.7m	£4m

(Source: Capita Symonds)

*Based on 5% interest and 2.5% depreciation of capital cost per annum

5.9 However, there is currently no clear commitment to allocate funding from any of the sources listed. This leaves the project with a significant funding deficit. The consultants would typically expect a local authority to provide a minimum of 50%-60% of the capital funding required for projects of this type which could equate to a figure of up to £9.9m based on current estimates. The potential for enabling development should also be considered as this is an important element of funding for many recent leisure projects nationally. Most recent examples of significant community leisure developments involve a sizeable contribution from sale of sites or income from enabling development. To enable potential facility developments to be taken further, the available budget needs to be defined so that a scheme can be tailored to meet the needs of the Council and any potential funding partners.

5. Legal Implications

5.1 The Council has power pursuant to section 19 of the Local Government (Miscellaneous Provisions) Act 1976 to provide such recreational facilities as it thinks fit. This power includes the power to provide buildings, equipment and assistance of any kind.

- 5.2 If the proposed new pool and/or enabling development to finance it was constructed on an area of public open space, then this would need to be appropriated to an alternative use under Section 122 of the Local Government Act 1972. This will require advertising the proposed appropriation for two weeks in a local newspaper and considering any objections received.
- 5.3 The estimated value of the contract to undertake the feasibility study is below the EU threshold for tendering and falls within the definition of a low value contract under the Council's Contract Standing Orders. As such, officers are required to seek three written quotes for the contract. Officers have the necessary delegated powers to procure and award the contract under paragraph 2.58 of Part 4 of the Constitution.
- 5.4 Procurement of a new pool would need to be conducted in accordance with the Public Contracts Regulations 2006 and the Council's Contract Standing Orders. Legal advice will be provided in due course on the various procurement and management options.

6.0 Diversity Implications

- 6.1 The new facility would be designed to consider the diverse needs of Brent's population. The programming and activities offered would reflect local needs, as is current practice at the Borough's existing sports and leisure centres. This would also help to achieve the objectives and outcomes of the Strategy for Sport and Physical Activity which identifies groups which are underrepresented in terms of sports participation for which additional work would be focussed.

7.0 Staffing/Accommodation Implications

If changes were made to the management arrangements for the existing leisure centres (excluding Willesden) there could be implications for Brent Council and the incumbent leisure management contractor's staff. This would have to be managed accordingly.

Background Papers

New Swimming Pool Site Options Appraisal - August 2009
Planning for Sport and Active Recreation Facilities Strategy 2008 – 2021
Executive Report 17 November 2008 - Review of sports facilities within Brent

Contact Officers

Any person wishing to inspect the above papers should contact Gerry Kiefer
Head of Sports Service ext 3710

Richard Saunders
Director of Environment and Culture

 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and two lions, surrounded by the words 'BRENT COUNCIL' in a circular arrangement.</p>	<p>Executive 19 October 2009</p> <p>Report from the Director of Housing and Community Care</p>
<p>Wards Affected: ALL</p>	
<p>Authority to tender contract for private sector leased accommodation (Brent Direct Lease Scheme and South Kilburn Temporary Accommodation Scheme)</p>	

Forward Plan Ref: H&CC-09/10-08

1.0 Summary

- 1.1 This report seeks authority under Contract Standing Orders 88 and 89 to invite tenders for a new contract for the Housing Management Services for The Brent Direct Lease Scheme (BDL) and South Kilburn Temporary Accommodation Scheme (SKTA) to commence from 30th June 2010 for two years with an option to extend for up to one year.

2.0 Recommendations

- 2.1 The Executive to give approval to the pre - tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 3.1 of the report.
- 2.2 The Executive to give approval to officers to invite tenders and evaluate them in accordance with the approved evaluation criteria referred to in 2.1 above.
- 2.3 The Executive to approve the extension of South Kilburn Temporary Accommodation Contract to June 30th 2010.

3.0 Detail

- 3.1 The Council has a statutory duty to provide suitable accommodation to persons in housing need under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002. The Brent Direct Lease (BDL) Scheme enables the Council to lease accommodation from private sector landlords in order to provide temporary accommodation

for homeless households as and when the need arises. The contract is currently provided by Brent Housing Partnership. There are currently just under 3,750 homeless households in various temporary accommodation schemes and this includes 600 currently in Private Sector Leasing schemes.

- 3.2 The BDL scheme utilises Housing Benefit subsidy to fund the lease rental and management costs of the scheme. The BDL contract enables the Council to re-house homeless families with children from Bed & Breakfast accommodation into self-contained properties. The specification for the contract has been revised and will incorporate improved property procurement and management standards recently agreed by West London Boroughs. The revised specification has incorporated efficiency targets for housing management functions such as voids management and rent collection.
- 3.3 The current contract was awarded to BHP in 2004 (with the Executives approval which was granted on the 14th June 2004) this has recently been extended and will now expire on the 30th June 2010.
- The scope of services includes a full property management service to include property acquisition, viewings and lettings process, rent accounting and arrears service, tenancy management services, contractor property inspections, administering decants, void periods and property handbacks, management requirements and performance management.
- 3.4 In addition there is the South Kilburn Temporary Accommodation scheme which is the management of void properties in South Kilburn as temporary accommodation. This is part of the South Kilburn regeneration project; some of the existing blocks will be demolished to be replaced with high quality affordable housing for South Kilburn residents. It is proposed that once the existing properties have been decanted, then the properties will be used as temporary accommodation until they are ready to be demolished.
- 3.5 As noted in the Executive report dated 18th March 2008, the rationale behind the South Kilburn Temporary Accommodation scheme is to:
- make the best use of empty properties,
 - assisting the Council in meeting Government targets by minimizing the length of stay for homeless families in hotel accommodation and increasing the availability of self contained accommodation
 - assisting the council in reducing its overall Housing Benefit Subsidy loss on hotel placements and reducing the risk of squatting and vandalism, should the void properties in South Kilburn remain empty for a length of time.

- 3.6 The scope of services includes a full property management service to include property acquisition, viewings and lettings process, rent accounting and arrears service, tenancy management services, contractor property inspections, administering decants, void periods and property hand backs, management requirements and performance management.

The current management of the South Kilburn Temporary Accommodation scheme is also through Brent Housing Partnership. The current contract is due to expire on the 15th November 2009 and approval is now being sought from the Executive to extend this to 30th June 2010, whilst the procurement exercise takes place. The estimated value of the extension is below £21,000 (this is based on approximately 15 properties in management).

- 3.7 Section 27 of the Housing Act 1985 permits delegation by the Council of its housing management functions for any of its housing stock to a third party with the consent of the Secretary of State.
- 3.8 For any of the implementation of options for the South Kilburn Temporary Accommodation Scheme, the Secretary of State's approval will need to be sought and obtained as set out in paragraphs 6.8 to 6.10 below. The Council has sought such approval on previous occasions in relation to the private sector leasing arrangement (as described in paragraph 3.2), for example for the award of the BDL Scheme contract to BHP. Although the South Kilburn Temporary Accommodation Scheme are part of the South Kilburn Master Plan, separate Secretary of State consent still needs to be sought and obtained,
- 3.9 Subject to and following the Executive's decision as to the way forward for the South Kilburn Temporary Accommodation Scheme, an application for approval of the Council's delegation of housing management functions to BHP for this scheme will be submitted to the Secretary of State. It is anticipated that approval will be granted within 1 – 2 months based on previous applications made for such consent.
- 3.10 Through procuring both contracts together, the new contract will realise the following benefits;
- Efficient use of internal resources e.g. staffing time and costs of combining both tenders rather than duplicating the exercise by doing two separate exercises.
 - Attracting the larger service providers who would not usually wish to tender for smaller contracts.
 - Through a larger contract split into lots, achieves greater economies of scale.
 - Reduce the need for separate on-going contract management

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

Ref.	Requirement	Response
(i)	The nature of the service.	To provide Brent Direct Leasing Scheme and South Kilburn Temporary Accommodation scheme.
(ii)	The estimated value.	£2,800,000 (£933,333 per year) for Brent Direct Leasing scheme and approximately £325,000 (£108,333 per year) for South Kilburn scheme both for the duration of the three year contract
(iii)	The contract term.	Commencing on 30 th June, 2010 for 2 years with the option to extend by a further 12 months.
(iv)	The tender procedure to be adopted including whether any part of the procedure will be conducted by electronic means and whether there will be an e-auction.	<p>The contract is a Part [A] contract under the Public Contract Regulations 2006. Formal tendering will be a Restrictive Procedure as set out in the Public Contracts Regulations (2006).</p> <p>In order to maximize commercial advantage whilst looking to provide best service, bids will be accepted for the following lots.</p> <p>Lot 1- BDL management of 50% of properties (a maximum of 225 properties).</p> <p>Lot 2- BDL management of 50% of properties (a maximum of 225 properties)</p> <p>Lot 3- South Kilburn approximately 70 properties</p> <p>In order to attract larger commercial originations and to open up the market place for competition these contracts will be advertised through the Official Journal of European Union (OJEU). Additionally in order to attract local providers, the contracts will be advertised in the local press, relevant trade journal and on the Councils web site.</p>
v)	The procurement timetable.	<p>Indicative dates are:</p> <p>Adverts placed 1 November 2009.</p> <p>Expressions of interest returned 2 December 2009.</p> <p>Shortlist drawn up in accordance with the Council's approved criteria 12 December, 2009.</p> <p>Invite to tender 13 December, 2009.</p> <p>Deadline for tender submissions 23 January 2010.</p> <p>Panel evaluation and interviews February, 2010.</p>

		<p>Panel decision</p> <p>Report recommending Contract award circulated internally for comment</p> <p>Executive approval</p> <p>Mandatory minimum 10 calendar day standstill period if Part A service contract– notification issued to all tenderers and additional debriefing of unsuccessful tenderers</p> <p>Contract start date</p>	<p>4 February, 2010.</p> <p>11 March 2010.</p> <p>April, 2010.</p> <p>May, 2010.</p> <p>30 June 2010</p>
(vi)	The evaluation criteria and process.	<p>Shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines namely the pre qualification questionnaire and thereby meeting the Council's financial standing requirements, technical capacity and technical expertise. Thereafter once candidates have been selected for tender, full documentation will be sent and thereafter the panel will evaluate the tenders against the following criteria:</p> <p>50 % price 50% quality</p> <p>consisting of;</p> <ul style="list-style-type: none"> • Proposed staffing levels to deliver the service • Proposed method for delivering the specified arrears management service • Proposed method for delivering the specified voids management service • Methodology to demonstrate complaints' are handled fairly and compliantly. 	
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed contract. Financial Services and Legal Services have been consulted concerning this contract	
(viii)	The Council's Best Value duties.	The Procurement process will ensure Best Value and compliance are achieved.	
(ix)	Any staffing implications, including TUPE	The service is currently provided by external contractors and there are no implications for existing Council staff.	

	and pensions.	TUPE could apply to the incumbent contractor in the event the contract is awarded to a different contractor.
(x)	The relevant financial, legal and other considerations.	

3.12 The Executive is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

4.0 Financial Implications

4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 90.

4.2 The estimated value of this contract is £2,800,000 for BDL and approximately £325000 for South Kilburn, Scheme both are for the duration of the three year contract.

4.3 It is anticipated that the cost of this contract will be funded from Temporary Accommodation Housing Benefit Subsidy

4.4 There are no other financial considerations

5.0 Staffing Implications

5.1 These services are currently provided by an external contractor employed by the Council and there are no implications for Council staff arising from retendering the contract. There will be TUPE implications for BHP if they were not successful in bidding for this tender. It is anticipated that if the tender is won by an external contractor then TUPE would apply.

6.0 Legal Implications

6.1 The requirement to provide accommodation to homeless households arises under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness (Priority Need for Accommodation) (England and Wales) Order 2002 which introduced extensions to the priority need categories and came into force in August 2002.

6.2 Local authorities have a duty under Part VII of the Housing Act 1996 to house homeless persons in temporary accommodation who satisfy the qualifying criteria (i.e. eligibility, homeless, priority need, not intentionally homeless and local connection). The Council can only discharge its duty to house qualifying homeless persons in temporary

accommodation under the circumstances set out in section 193 of the Housing Act 1996. The circumstances in which this duty can be discharged (in addition to the circumstances where the homeless applicant loses his accommodation by being no longer eligible for assistance, ceasing to occupy his temporary accommodation as his main or principal home or becoming homeless intentionally from the temporary accommodation provided) are as follows:

- (i) if the homeless person accepts an offer of permanent accommodation from the Council in the form of a secure tenancy under Part VI of the Housing Act 1996;
- (ii) if the homeless person accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord; or
- (iii) if the homeless person accepts a qualifying offer of an assured shorthold tenancy with the Council's approval and is advised in writing in advance that he is under no obligation to accept the offer and is advised that should he accept the offer of accommodation.

- 6.3 The existing South Kilburn Temporary Accommodation Contract with BHP is for a period of less than 12 months. Officers only have delegated powers under paragraph 2.5 of Part 4 of the Constitution and Contract Standing Order 112, to extend it for up to 6 months. The period of extension necessary to enable the contract to expire on 30 June 2010 (at the same time as the BDL contract) is seven and a half months and accordingly Executive approval is required for the extension. Legal advice has been given that this further extension will not be in breach of European Procurement legislation as the total value of the contract, even with the extension, will be less than the EU procurement threshold.
- 6.4 The proposed new Contract is a High Value Contract for the purposes of Contract Standing Orders and accordingly the approval of the Executive is required to invite tenders and to the pre tender consideration.
- 6.5 The proposed new contract will be procured and tendered in accordance with the Councils Contract Standing Orders and European Procurement rules which require a formal tendering process with advertising of the proposed contract.
- 6.6 Once the tendering process is undertaken Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contract and recommending award.

Secretary of State Consent

- 6.8 Paragraph 3.7 above sets out the basis of section 27 of the Housing Act 1985 in relation to the delegation of a Council's housing management functions subject to consent from the Secretary of State.
- 6.9 In relation to the BDL Scheme, consent from the Secretary of State was obtained in 2004 under section 27 of the Housing Act 1985 where the Secretary of State advised that he was agreeable for this arrangement, which commenced in 2002 in which Brent Housing Partnership managed the properties under the BDL scheme on behalf of the Council, to continue. The BDL scheme contract has been extended for 12 months from August 2009 and this is subject to consent and confirmation being provided by the Secretary of State that he is agreeable for this arrangement to continue for another 12 months pending a procurement exercise for the new BDL contract. In respect of the contract which is the subject of this report, even if BHP is awarded the contract, consent of the Secretary of State will be necessary.
- 6.10 In relation to the South Kilburn voids, in March 2009, the Secretary of State gave her consent to BHP managing the void properties as temporary accommodation on behalf of the Council under section 27 of the Housing Act 1985 and she also gave her direction to the Council to hold these properties outside the Housing Revenue Account under section 74(3)(d) of the Local Government and Housing Act 1989. Both these consents are valid until the void temporary accommodation South Kilburn properties are demolished. If another provider, other than BHP, is successful on being awarded the contract which is the subject of this report, consent will be required from the Secretary of State to authorize the arrangements for the alternative provider to manage the void properties at South Kilburn on behalf of the Council under section 27 of the Housing Act 1985.
- 6.11 The HRA is a record of revenue expenditure and income relating to an authority's own housing stock which is separate from an authority's General Fund. The Housing Revenue Account is ring-fenced as local authorities do not have general discretion to transfer sums out of the HRA or to support the HRA from the General Fund, save in limited and prescribed circumstances.
- 6.12 Under the HRA (Exclusion of Leases) Direction 1997, leases of up to ten years for dwellings that are taken out by local authorities since 31 March 1997 for the purpose of housing homeless households were directed to be excluded from the Housing Revenue Account. With the South Kilburn voids, the Council owns the freehold interest of these properties so this 1997 Direction does not apply and this was why it was necessary to obtain a Direction from the Secretary of State to hold those properties outside the HRA. For the BDL properties, these involve leases that are taken by the Council for a period of less than 10 years and such properties are automatically taken outside the HRA without the need for a Direction from the Secretary of State.

7.0 Diversity Implications

There are variations between the population of Brent and those applying for assistance as homeless. For example, those in black category made up just fewer than 20% of Brent's population in 2001, however they accounted for nearly half of all applications as homeless in 2002/3. Furthermore, those in the White category made up just over a fifth of all homeless applications, but were 45% of the resident 2001 census. Reasons for these differences are complex and relate to a variety of social, economic and demographic factors, including income levels, family size, and quality of housing and patterns of tenure.

8.0 Other implications

None

9.0 Background Papers

- Report to Executive, 22nd Sept 2003 Housing Management Service for the Private Sector Leasing Schemes
- Report to Executive, 18th March 2008 Housing Management Arrangements for South Kilburn Temporary Accommodation Scheme

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Martin Cheeseman

Director of Housing & Community Care

Appendix 1

DRAFT Tender Evaluation Grid

Weighting Criteria	Weighting
Price	50%
Quality	50%
<ul style="list-style-type: none">Proposed staffing levels to deliver the service	
<ul style="list-style-type: none">Proposed method for delivering the specified arrears management service	
<ul style="list-style-type: none">Proposed method for delivering the specified voids management service	
<ul style="list-style-type: none">methodology to demonstrate complaint are handled fairly and compliantly	



**Executive
19 October 2009**

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

Wards Affected:
ALL

Authority to participate in a West London collaborative procurement for the provision of home care, including housing related support and “integrated” home care for adults

Forward Plan Ref: H&CC-09/10-16

1.0 Summary

- 1.1 This report requests approval to participate in a collaborative procurement to set up a series of Framework Agreements for the provision of home care for adults as required by Contract Standing Order 85.
- 1.2 The Executive is being asked to give approval to the Council participating in a collaborative procurement exercise run through the West London Joint Procurement Unit, leading to the establishment of a series of framework agreements awarded by the London Borough of Hammersmith and Fulham acting on behalf of Brent for the supply of home care, including housing related support and “integrated” home care across older people, mental health, learning disabilities and physical disabilities sectors.

2.0 Recommendations

- 2.1 The Executive give approval to the Council participating in a collaborative procurement exercise run through the West London Joint Procurement Unit as part of the Shared Solutions Project (SSP), leading to the establishment of series of framework agreements by the London Borough of Hammersmith and Fulham for the supply of home care across older people, mental health, learning disabilities and physical disabilities.
- 2.2 The Executive give approval to the collaborative procurement exercise described in paragraph 2.1 being exempted from the normal requirements of Brent’s Contract Standing Orders in accordance with Contract Standing Orders 85(c) and 84(a) on the basis that there are good financial and operational reasons as set out in paragraphs 4.1 to 4.9 of the report.

3.0 Background

- 3.1 On the 23rd July 2008, the West London Alliance (WLA) Leaders and Chief Executives meeting agreed to set up a West London Joint Procurement Unit (JPU) as part of the Shared Solutions Project, (SSP) following a report from Deloitte. The aim was to realise the efficiencies that could be released by exerting the aggregate buying power of the boroughs and by more expert procurement approaches.
- 3.2 An Interim Procurement Director was appointed in January 2009 to take forward the project. There were concerns about the slow progress of the SSP but the WLA Leader and Chief Executives Group confirmed their commitment to the project and asked the Interim Procurement Director to explore the options and report back in three months with a business plan and potential savings from a collaborative approach.
- 3.3 On the 7th July 2009 the JPU Programme meeting heard a report on setting up the unit and identified three main programme strands, (1) procurement, (2) policy and intelligence and (3) market engagement. The strands were broadly agreed but more information was required and the overall approval from the WLA Leaders and Chief Executive's meeting withheld until the next meeting on the 15th September 2009.
- 3.4 Under the Procurement main programme strand, the WLA Directors meeting of the 31st July 2009 approved the final pattern of 8 workstreams. One of these workstreams was the collaborative procurement of home care, and pending the approval of 15th September, work was started to prepare the tender.

4.0 Procurement

- 4.1 It is considered that the proposed joint tender by the WLJPU is the best market option available to the council at this time. This is because the joint levels of spend across the different authorities is likely to be attractive to a high number of quality service providers who will be able to ensure more competitive rates due to economies of scale, more effective market management and more service flexibility. In contrast, a service procured directly by Brent will not benefit from the economies of scale.
- 4.2 The work carried out previously by Deloitte in 2008 indicated the scale of the expenditure on adult social care services in West London. In aggregate the West London boroughs' spend is larger than that of any other authority in the country. This strongly suggests that there is a significant opportunity to develop a new, more proactive and productive relationship with the provider market than would be possible for individual boroughs. The analysis carried out by Deloitte has been reinforced by the outputs from project 1 of the WLA efficiencies programme as set out in the table below.

£000

2008-09 (£k)	Brent	Harrow	H&F	Ealing	Hounslow	Hillingdon	TOTAL
Homecare In-House	0	0	2,481	2,651	3,216	3,619	11,967
Homecare P&V	11,886	7,180	9,843	11,256	6,695	6,549	53,409
Direct Payments	3,566	3,028	2,955	5,818	2,425	3,130	20,922
Total Homecare & DP spend	15,452	10,208	15,279	19,725	12,336	13,298	86,298

Source: PSSEX1 (2008/09 draft returns) *Note: This excludes expenditure on LD transfers from NHS in current*

We are anticipating a spend of £12,500,000 on all purchased homecare in Brent in the 09/10 financial year. A 1% saving on 50% of the overall spend would make a saving of £62,500 full year effect, but we cannot anticipate any savings until the expiry of our current contracts.

- 4.3 These figures do not include current expenditure on housing related support or home care support provided under contract to our extra care and assisted living schemes as these figures have not yet been benchmarked across West London. Work is ongoing to identify the relevant spend and benchmark costs across the participating boroughs.
- 4.4 The new frameworks will be let as a collaborative procurement led by Hammersmith and Fulham. It will therefore be tendered according to Hammersmith and Fulham's standing orders. Brent is fully represented on the tender groups. Within the Housing and Community Care Directorate, the Assistant Director of Transformation and the Head of Service Development and Commissioning have been part of the workshops and the Head of Service Development and Commissioning is a member of the Project Group. A procurement officer and a finance officer are both engaged in the development of the specifications and terms and conditions.
- 4.5 We are anticipating that we will have multiple suppliers on each framework to accommodate the demand, and to accommodate the varying needs of the different service user groups. It may be a requirement for Brent to carry out a mini-competition process before awarding any contracts. The following categories of care are included in the procurement exercise:

The provision of home care, including the provision of personal care
The provision of housing based support
The provision of home care, called an "integrated" option, that can be used as part of our extra care support provision. This will enable home care to be provided as part of our overall reablement strategy for people living in Brent's assisted living schemes and improve our ability to offer an a sustainable alternative to residential care. .

There will be two tender processes, firstly a part B restricted tender, involving a 2 stage process, with PQQ and tender, for the home care, including the provision of personal care. Secondly, there will be a two

stage negotiated process for the provision of housing related support and the integrated home care option, which allows us to take advantage of any reduced rates in our extra care and assisted living schemes when current contractual arrangements expire, and to develop a reablement focus in our home care provision.

- 4.6 It is anticipated that the new frameworks would be for a period of four years, with a possible two year extension. They are intended to be in place by June 2010. Brent's home care contracts for the five major providers do not expire until March 2012, with the exception of one provider's contract, that expires in March 2011. We would only call off from the West London Frameworks at the expiry of our current contracts. The current Brent contracts may be extended to March 2013 and we would choose the most advantageous way forward prior to the contracts expiring, deciding whether or not to extend our current contracts or to call off from the frameworks.
- 4.7. Should we decide to call off from the West London frameworks, it will not be in Brent's interests to commit to using the frameworks on an exclusive basis; commitment on a non-exclusive basis will ensure that individual needs are met, allow service users choice, and ensure that small providers are not excluded from all future business.
- 4.8 In view of Brent's own contracts mainly not expiring until 2012, it would be possible for Brent not to participate in the collaborative and simply wait and see the results of the tender process. However the advantage of Brent being part of the ITT process is that the Council can influence the specification for the service and therefore address some of the weaknesses in the current Brent arrangements. The more boroughs included at ITT stage, the more likely bidders will be able to tailor their product to meet the requirements of the tender. There are however some risks to participation and section 6 (below) addresses these.
- 4.9 The tendering process will have already been commenced by the placing of adverts by the time the Executive considers this report, however at this stage there is no commitment to potential tenderers that Brent will definitely participate. However while the final procurement timetable has not been agreed, it is likely that the Invitation to tender stage will start as soon as is possible, and as officers wish to have a full role in the shaping of the service specification it is necessary to obtain Executive approval now. The proposed outline timetable for the first restricted tender is as follows:

Advertisement	September 2009
Open days with providers	October 2009
Pre Qualification Questionnaire (PQQ)	October 2009
Shortlisting	November 2009
Invitation to tender (ITT)	November 2009
Tender process and negotiation	December 2009/January 2010
Evaluation and Award report (Hammersmith and Fulham)	February 2010
Go Live date	June 2010

- 4.10 The second tender process is the negotiated tender for the housing support and the integrated option. The timetable for this has not yet been set but will involve a PQQ, shortlist, negotiations, best and final offer and evaluation stages.
- 4.11 All home care providers who are successful in being one of the suppliers will need to agree to sell their services directly to people on Direct Payments at no more than the price available to the participating boroughs. This is a further reason for Brent to participate in the collaborative procurement, to ensure that the interests of service users on Direct Payments are sufficiently protected within the frameworks.
- 4.12 At present the evaluation criteria that will be used to evaluate tenders have not been finalised. Nor is it clear how the evaluation process will be run for this collaboration. However it is clearly in Brent's interests to be fully part of the development of the evaluation criteria and the evaluation process to ensure that the suppliers can meet the needs of the people of Brent. It should also be noted that as it will be Hammersmith and Fulham that runs the tender process, it will be responsible for ensuring that this is done in accordance with sound procurement principles.

5.0 Service Improvement

- 5.1 The service specifications will need to ensure that only home care providers that meet minimum standards in terms of the quality of their service can be included in the framework agreement. Brent's current policy on this is that we only place new business with those home care providers who have a two or three star rating awarded by the Care Quality Commission. Brent will seek to influence the expression of interest documentation to ensure that only providers meeting these requirements are invited to tender. We also wish to ensure that our increased purchasing power translates into improved ability to influence the type and nature of the service, including improved outcomes in the areas of health and wellbeing for users of the services.

6.0 Key Risks

- 6.1 Collaborative procurements work best if all the participants have common requirements. As indicated above, one risk for the project is that if the participating boroughs are not able to agree any part of the tender, then Hammersmith and Fulham as lead borough will have final say. While there is no indication at present that this is likely to occur, it would be expected that in such a situation Hammersmith and Fulham would make a decision based on the views of the majority, which may not be in accordance with Brent's requirements. If by the end of the procurement process it became apparent that the framework agreements that Hammersmith and Fulham were about to award did not reflect Brent needs, then it would be open to Brent not to use the frameworks and consider other options, such as running its own tender exercise for its own frameworks or joining with one

or more other boroughs. While such fall-back options would be costly in terms of officer resources, including those spent in the abortive collaborative procurement, the Council would at least be able to extend their contracts until 2013, possibly with the negotiating advantage of having an alternative source of supply.

- 6.2 The second risk is that no savings are realised, or that in equalising prices from each supplier across boroughs Brent may in fact need to increase payments to one or more supplier so that the overall savings are not made. In this scenario it is open to the Council not to call off from the framework and continue with the current arrangements.
- 6.3 There is no risk to current service users in this exercise, as our current arrangements can continue.

7.0 Financial Implications

- 7.1 The current annual spend on Home Care in Brent is £12.5m. Officers are hopeful that participating in this framework will lead to savings on this spend, however any savings cannot be quantified at this stage. In the event that the tendered prices on the framework exceed the prices currently being paid by Brent, then these increased costs will not be passed on to Brent, as Brent is not committed to using the framework.
- 7.2 It should be noted that Brent's existing home care contracts do not expire until March 2012, with the exception of one provider's contract, that expires in March 2011. As we would only consider calling off from the framework at the expiry of the current contracts, it follows that the earliest any saving could be achieved from the framework would be in 2011-12.
- 7.3 The estimated costs of the tender processes are £20,000. These will be met from within adult social care resources

8.0 Legal Implications

- 8.1 Local authorities have powers, and in some cases duties, to promote the welfare of or provide welfare services to different client groups (eg older people, disabled people) under legislation such as the Health Services and Public Health Act 1968 and the Chronically Sick and Disabled Persons Act 1970.

Procurement Implications

- 8.2 Under this collaborative procurement, Hammersmith and Fulham will be awarding a series of framework agreements which other boroughs, plus individuals on Direct Payments, will be able to call off. They will therefore need to be structured so that a call-off can be made for an individual service user, but also for large blocks of care to cover major requirements eg hundreds of hours of care a week for elderly service users.

- 8.3 Health and social services are Part B services under the European public procurement regime. This means that the procurement does not need to comply with these rules, both in relation to the tendering procedure and in relation to how framework agreements have to be structured. It is therefore open to Hammersmith and Fulham to structure the procurement as they see fit (subject to complying with their own standing orders) and so they do not need to ensure, for example, that the grounds for using the negotiated procedure in the European legislation are made out.
- 8.4 In relation to Brent's internal requirements, participation in a collaborative procurement involving delegation of powers which leads to an award of contract or framework agreement that exceeds £500,000 in value requires Executive approval (Standing Order 85(a)). Here it is not clear how the framework will be structured, such that it is not clear whether Brent will be a party to the frameworks or will simply gain entitlement to make a call-off. However consent to participate is sought to cover the former structure applying because in that scenario Hammersmith and Fulham will be awarding a contract on Brent's behalf. In addition, under Standing Order 85(c), the fact that the procurement does not follow Brent's own procedures also requires an exemption from the usual standing order tendering requirements under SO 84(a). The Executive has to be satisfied that there are good operational and / or financial reasons for granting the exemption.
- 8.5 Once the frameworks are in place, any call-offs from the framework that relate only to one service user will not require further Executive approval, because there is a specific exemption under SO 86(e)(iii) in relation to contracts for individual personal services. However any call-off that does not relate to a single service user (eg the purchase of a block of care specified as so many hours per week) will require Executive approval wherever that call-off exceeds £500,000 in value.
- 8.6 This procurement will also lead to complex TUPE implications for the staff of current Brent contractors. Where Brent makes a call-off in 2012 from the framework to replace one of the existing contracts, then TUPE would apply. However at the time of tendering for the framework, tenderers could not know of all the potential TUPE implications that could arise during the course of the framework as individual call-offs occur. The tendered prices will therefore not reflect the terms and conditions of employees affected by any particular TUPE transfer. As it is proposed to appoint a number of providers to every framework, it would be easier for Brent to manage TUPE if there was a requirement for every call-off to be preceded by a mini-competition among the providers using appropriate TUPE information that is accurate at that point in time.

9.0 Diversity Implications

- 9.1 Proposals in this report have been subject to screening and officers believe there are no diversity implications. Home care services will be available to meet all cultural requirements. If appropriate provision for a

particular service user is not available from the frameworks it will be purchased elsewhere.

Background Papers

West London Alliance file

Contact Officers

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Martin Cheeseman
Director of Housing and Community Care

Appendix 1

Tmetable with OJEU notice at end September

ACTIVITY	TIMELINE
Publication of notice in OJEU	25 th September 2009
Market “warming” day	TBA
Closing date for return of PQQs	20 th November 2009
Shortlisting (allowed 3 weeks)	w/beg 23 rd November 2009
Issue / dispatch of Invitations to Tender	w/ beg 14 th December 2009
Closing date for submission of tenderers’ queries	8 th January 2010
Deadline for response by WLA to tenderers’ queries	15 th January 2010
Closing date for receipt of tenders	29 th January 2010
Evaluation period (including dates for tenderers’ presentations and post tender clarifications)	February to mid – March 2010
Decision on contract award by WLA/ boroughs	w/ beg 12 th April
Notification to unsuccessful tenderers (and feed-back where requested)	w/beg 12 th April
ALCATEL/ Standstill period ends	30 th April (allowing for “slippage” on sign-off)
Formal sealing/ signing of contract	w/beg 4 th May 2010
Contract mobilisation/ clienting/ briefing successful tenderers	w/ beg 4 th May 2010 (allow 4 weeks)
Contract start date	early June 2010
Publication of contract award	early June 2010
1 st contract review	September 2010

This is a collaborative project, hence timescales are “reasonable” rather than “minimum”.

Easter 2010 falls w/beg 5th April.

Local elections are to be held on Thursday 6th May. The timetable above takes no account of “purdah”

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**Executive
19 October 2009**

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

Wards Affected:
ALL

**Authority to participate in a West London collaborative
procurement for residential and nursing care for adults**

Forward Plan Ref: H&CC-09/10-15

1.0 Summary

- 1.1 This report requests approval to participate in a collaborative procurement to set up a series of Framework Agreements for residential and nursing care for adults as required by Contract Standing Order 85.
- 1.2 The Executive give approval to the Council participating in a collaborative procurement exercise run through the West London Joint Procurement Unit, leading to the establishment of a series of framework agreements awarded by the London Borough of Hillingdon acting on behalf of Brent for the supply of residential and nursing care across older people, mental health, learning disabilities and physical disabilities sectors.

2.0 Recommendations

- 2.1 The Executive give approval to the Council participating in a collaborative procurement exercise run through the West London Joint Procurement Unit as part of the Shared Solutions Project (SSP), leading to the establishment of a framework agreement by the London Borough of Hillingdon for the supply of residential and nursing care across older people, mental health, learning disabilities and physical disabilities.
- 2.2 The Executive give approval to the collaborative procurement exercise described in paragraph 2.1 being exempted from the normal requirements of Brent's Contract Standing Orders in accordance with Contract Standing Orders 85(c) and 84(a) on the basis that there are good financial and operational reasons as set out in paragraphs 4.1 to 4.9 of the report.

3.0 Background

- 3.1 On the 23rd July 2008, the West London Alliance (WLA) Leaders and Chief Executives meeting agreed to set up a West London Joint Procurement Unit (JPU) as part of the Shared Solutions Project, (SSP) following a report from Deloitte. The aim was to realise the efficiencies that could be released by exerting the aggregate buying power of the boroughs and by more expert procurement approaches.
- 3.2 An Interim Procurement Director was appointed in January 2009 to take forward the project. There were concerns about the slow progress of the SSP but the WLA Leader and Chief Executives Group confirmed their commitment to the project and asked the Interim Procurement Director to explore the options and report back in three months with a business plan and potential savings from a collaborative approach.
- 3.3 On the 7th July 2009 the JPU Programme meeting heard a report on setting up the unit and identified three main programme strands, (1) procurement, (2) policy and intelligence and (3) market engagement. The strands were broadly agreed but more information was required and the overall approval from the WLA Leaders and Chief Executive's meeting withheld until the next meeting on the 15th September 2009.
- 3.4 Under the Procurement main programme strand, the WLA Directors meeting of the 31st July 2009 approved the final pattern of 8 workstreams. One of these workstreams was the collaborative procurement of residential and nursing care, and pending the approval of 15th September, work was started to prepare the tender.

4.0 Procurement

- 4.1 It is considered that the proposed joint tender by the WLJPU is the best market option available to the council at this time. This is because the joint levels of spend across the different authorities is likely to be attractive to a high number of quality service providers who will be able to ensure more competitive rates due to economies of scale, more effective market management and more service flexibility. In contrast, a service procured directly by Brent will not benefit from the economies of scale.
- 4.2 The new frameworks will be let as a collaborative procurement led by Hillingdon. It will therefore be tendered according to Hillingdon's standing orders. Brent is fully represented on the tender groups. Within the Housing and Community Care Directorate, the Assistant Director of Transformation and the Head of Service Development and Commissioning have been part of the workshops and the Head of Service Development and Commissioning is a member of the Project Group. A procurement officer and a finance officer are both engaged in the development of the specifications and terms and conditions.
- 4.3 The tendering process will have already been commenced by the placing of adverts by the time the Executive considers this report, however at this

stage there is no commitment to potential tenderers that Brent will definitely participate. However while the final procurement timetable has not yet been confirmed, it is likely that the Invitation to Tender stage will start as soon as is possible, and as officers wish to have a full role in the shaping of the service specification it is necessary to obtain Executive approval now. The proposal is to begin the formal procurement process by placing the initial OJEU advertisement on the 25th September 2009. The timetable for this is set out in Appendix A below.

- 4.4 We are anticipating that we will have multiple suppliers on each framework to accommodate the demand, and to accommodate the varying needs of the different service user groups. The following categories of care are included in the tender :

Older People

Elderly frail residential care
Elderly frail residential dementia care
Elderly frail Nursing Care
Elderly frail nursing dementia care
Respite care (for each of the above types of care)
Immediate Care (rehabilitation)
Step down beds (Temporary beds)
Assessment beds

Specialist Adults

Learning Disabilities
People with physical and/or sensory disabilities
Mental Health Problems

- 4.5 It is anticipated that the new frameworks would be for a period of four years, with a possible two year extension. They are intended to be in place by June 2010. The current spend on residential and nursing care across all of the client groups by Brent is £37,000,000 a year. Not all of this spend will be affected by the new frameworks as individual spot purchased placements will still be required to meet individual needs, and our small providers that choose to tender may not be able to give us savings based on economies of scale. It will therefore not be in Brent's interests to commit to using the frameworks on an exclusive basis; commitment on a non-exclusive basis will ensure that individual needs are met, allow service users choice, and ensure that small providers are not excluded from all future placements. However in Brent we spend £4,300,000 with our two largest providers in older people's services and a saving of 1% on these placements would realise a saving of £43,000 per year if we can negotiate an immediate reduction on existing placements, though there would be no contractual requirement for providers to reduce their prices for placements not let under the framework. These savings could increase as we place more business with the successful providers.

4.6 The work carried out previously by Deloitte in 2008 indicated the scale of the expenditure on adult social care services in West London. In aggregate the West London boroughs' spend is larger than that of any other authority in the country. This strongly suggests that there is a significant opportunity to develop a new, more proactive and productive relationship with the provider market than would be possible for individual boroughs. The analysis carried out by Deloitte has been reinforced by the outputs from project 1 of the WLA efficiencies programme as set out in the table below. This shows a annual spend within the private and voluntary sector across the Boroughs of approx £177m (approx ¼ million weeks),

£k	Brent	Harrow	H&F	Ealing	Hounslow	Hillingdon	Total
P&V Residential							
OPS	9,145	6,796	4,192	12,703	4,595	10,069	47,500
PPSD	2,031	435	1,012	1,603	466	1,363	6,910
LD	9,053	8,337	5,795	9,982	9,647	9,311	52,125
MH	4,012	TBC	1,976	3,773	1,188	1,231	12,180
P&V Res Total	24,241	15,567	12,975	28,062	15,896	21,974	118,715
P&V Nursing							
OPS	11,615	4,569	10,550	8,296	4,721	8,916	48,667
PPSD	2,083	435	1,012	1,603	466	1,363	6,962
LD	40	206	146	491	TBC	373	1,255
MH	TBC	TBC	490	704	145	83	1,422
P&V Nurs Total	13,738	5,210	12,198	11,094	5,332	10,734	58,307
P&V Total	37,979	20,777	25,173	39,156	21,228	32,708	177,022

Source: PSSEX1 (2008/09 draft returns)

4.7 At present the evaluation criteria that will be used to evaluate tenders have not been finalised. Nor is it clear how the evaluation process will be run for this collaboration. However it is clearly in Brent's interests to be fully part of the development of the evaluation criteria and the evaluation process to ensure that the suppliers can meet the needs of the people of Brent. It should also be noted that as it will be Hillingdon that runs the tender process, it will be responsible for ensuring that this is done in accordance with sound procurement principles.

4.8 The advantage of Brent being part of the ITT process is that the Council can influence the specification for the service and therefore address some of the weaknesses in the current Brent arrangements. The more boroughs included at ITT stage, the more likely bidders will be able to tailor their product to meet the requirements of the tender. There are however some risks to participation and section 6 (below) addresses these.

4.9 The provision of residential and nursing care are both part B services under the European procurement regime. However, as this is potentially an “exemplar” project the Project Board of the WLJPU decided that the OJEU route should be used. This takes into account the overall value of the tender and the pathfinding nature of a collaborative tender of this size.

5.0 Service Improvement

5.1 The service specifications will need to ensure that only homes that meet minimum standards in terms of the quality of their service can be included in the framework agreement. Brent’s current policy on this is that we only make new placements in residential and nursing care homes with a two or three star rating awarded by the Care Quality Commission. Brent will seek to influence the expression of interest documentation to ensure that only homes meeting these requirements are invited to tender. We also wish to ensure that our increased purchasing power translates into improved ability to influence the type and nature of the service, including improved outcomes in the areas of health and wellbeing for users of the services.

6.0 Key Risks

6.1 Collaborative procurements work best if all the participants have common requirements. As indicated above, one risk for the project is that if the participating boroughs are not able to agree any part of the tender, then Hillingdon as lead borough will have final say. While there is no indication at present that this is likely to occur, it would be expected that in such a situation Hillingdon would make a decision based on the views of the majority, which may not be in accordance with Brent’s requirements. If by the end of the procurement process it became apparent that the framework agreements that Hillingdon were about to award did not reflect Brent needs, then it would be open to Brent not to use the frameworks and consider other options, such as running its own tender exercise for its own frameworks or joining with one or more other boroughs. While such fall-back options would be costly in terms of officer resources, including those spent in the abortive collaborative procurement, the Council would at least be able to continue its current spot-purchasing arrangements for new placements.

6.2 The second risk is that no savings are realised, or that in equalising prices from each supplier across boroughs Brent may in fact need to increase payments to one or more supplier so that the overall savings are not made. In this scenario it is open to the Council not to call off from the framework and continue with the current arrangements.

6.3 Existing placements could only be brought within the framework with the consent of the provider, who would have to consent to moving onto the framework terms including on price. Where this does not occur the existing placement would continue exactly as before. There is no risk to current residents in this exercise. Current residents would not be required to move.

7.0 Financial Implications

7.1 The current annual spend on residential and nursing care in Brent is around £37million. Not all of the spend will be effected by the contract as individual spot purchase placements from out of Borough will not be changed. Officers are hopeful that participating in the framework will lead to savings on this spend, however these cannot be quantified at this stage. In the event that the tendered prices on the framework exceed the prices currently being paid by Brent, then these increase costs will not be passed on to Brent, as Brent is not committed to using the framework.

7.2 The estimated costs of the tender processes are £20,000. These will be met within adult social care resources.

8.0 Legal Implications

8.1 The Council has a statutory duty to provide residential accommodation under the National Assistance Act 1948 for the elderly, chronically ill and disabled service users. Local authorities are under a duty to carry out a community care assessment on those who may be in need of services under section 47 of the National Health Service and Community Care Act 1990, and consequently this assessment of need may result in a service user being assessed as needing either residential or nursing care. Once this community care assessment is carried out, and it has been assessed that accommodation is to be provided, then the Council is bound by the provisions of the National Assistance Act 1948 (Choice of Accommodation) Directions 1992 to give people choice about where they are accommodated.

8.2 For these reasons (ie the need for choice and the statutory duty to provide accommodation that meets a service user's needs as identified in the community care assessment) the Council cannot commit that it will always use the frameworks for every individual placement. If any guarantee of exclusivity were given the Council would be at risk of breaching its statutory duties to individual service users.

Procurement Implications

8.3 What is being proposed to be set up here is a series of framework agreements, and there will be an individual call-off from one of these framework agreements each time that a service user requires residential accommodation and this can be delivered by a provider on the framework. At present it is not known how the call-off procedure will work if there is more than one provider on the relevant framework capable of meeting the needs of the service user, but this will need to be addressed.

- 8.4 Health and social services are Part B services under the European public procurement regime. This means that the procurement does not need to comply with these rules, both in relation to the tendering procedure and in relation to how framework agreements have to be structured.
- 8.5 In relation to Brent's internal requirements, participation in a collaborative procurement involving delegation of powers which leads to an award of contract or framework agreement that exceeds £500,000 in value requires Executive approval (Standing Order 85(a)). Here it is not clear how the framework will be structured, such that it is not clear whether Brent will be a party to the frameworks or will simply gain entitlement to make a call-off. However consent to participate is sought to cover the former structure applying because in that scenario Hillingdon will be awarding a contract on Brent's behalf. In addition, under Standing Order 85(c), the fact that the procurement does not follow Brent's own procedures also requires an exemption from the usual standing order tendering requirements under SO 84(a). The Executive has to be satisfied that there are good operational and / or financial reasons for granting the exemption.
- 8.6 Once the frameworks are in place, there is no requirement for further approval for the call-off contracts (placements) that will be made under the framework agreements, because there is a specific exemption under SO 86(e)(iii) in relation to contracts for individual personal services.

9.0 Diversity Implications

- 9.1 Proposals in this report have been subject to screening and officers believe there are no diversity implications. Residential and nursing care services will be available to meet all cultural requirements. If appropriate provision for a particular service user is not available from the frameworks it will be purchased elsewhere.

Background Papers

West London Alliance file

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Martin Cheeseman
Director of Housing and Community Care

Appendix 1

Timetable with OJEU notice at end September

ACTIVITY	TIMELINE
Publication of notice in OJEU	25 th September 2009
Market “warming” day	TBA
Closing date for return of PQQs	20 th November 2009
Shortlisting (allowed 3 weeks)	w/beg 23 rd November 2009
Issue / dispatch of Invitations to Tender	w/ beg 14 th December 2009
Closing date for submission of tenderers’ queries	8 th January 2010
Deadline for response by WLA to tenderers’ queries	15 th January 2010
Closing date for receipt of tenders	29 th January 2010
Evaluation period (including dates for tenderers’ presentations and post tender clarifications)	February to mid – March 2010
Decision on contract award by WLA/ boroughs	w/ beg 12 th April
Notification to unsuccessful tenderers (and feed-back where requested)	w/beg 12 th April
ALCATEL/ Standstill period ends	30 th April (allowing for “slippage” on sign-off)
Formal sealing/ signing of contract	w/beg 4 th May 2010
Contract mobilisation/ clienting/ briefing successful tenderers	w/ beg 4 th May 2010 (allow 4 weeks)
Contract start date	early June 2010
Publication of contract award	early June 2010
1 st contract review	September 2010

This is a collaborative project, hence timescales are “reasonable” rather than “minimum”.

Easter 2010 w/c 5th April.

Local elections are to be held on Thursday 6th May.

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	<p style="text-align: center;">Executive 19 October 2009</p> <p style="text-align: center;">Report from the Director of Housing and Community Care</p>
<p>Theme for main programme funding 2010/13</p>	

Forward Plan Ref: H&CC-09/10-06

1.0 Summary

- 1.1 This report informs Members of the new funding process for the Main Programme Grant (MPG) and the options for the next funding theme for the next financial year 2010
- 1.2 The report follows on from a previous report to the Executive last November where it was agreed to develop a new funding process for the MPG, which recommended a themed approach to funding and where a proportion of the MPG is allocated to a specific service priorities each year.
- 1.3 The decision to establish a new funding process was taken following a review of the voluntary sector funding carried out by a Scrutiny Task Group in May 2007.

2.0 Recommendations

Members are asked to:

- 2.1 Merge crime/community safety with regeneration and form a single theme.
- 2.2 Select Crime/community Safety and Regeneration as the funding themes for 3 years commencing April 2010, and consider 'sustainability as the funding theme for 2011.
- 2.3 Discontinue the grant to 17 currently funded organisations groups that fall within the proposed theme for 2010. Details of these groups are listed in Appendix A
- 2.4 Allocate £347,187 from the MPG budget to the proposed theme in 2010.

- 2.5 Renew funding to 12 organisations that fall within the theme of 'sustainability'. These groups will need to complete an application form for their annual funding at the same level as 2009/10. These organisations are listed in Appendix B.
- 2.6 To approve 3 months exit fund to organisations whose services fall within the proposed theme for 2020 but who may chose not to apply or may be unsuccessful in their bid for the new fund.

3.0 Detail

Background

- 3.1 The Council has a long tradition of supporting the local voluntary sector, however until recently many organisations did not have access to council funding. For years much of the funding was allocated on a historical basis and relatively the same organisations were funded each year and new organisations did not have access to funding.
- 3.2 A review of the MPG was carried out in May 2007, and the main recommendation was to link funding from the MPG to specific objectives, preferably to the Council's corporate and service priorities.
- 3.4 The recommendations to change the process were agreed and officers were asked to implement a new system that took into account the findings of the review. Proposals for a new process were reported back to the Executive on 17th November 2008
- 3.5 The main features of the new funding process are:
- A themed approach to funding, i.e. a portion of the MPG is allocated each year to a specific theme
 - The proposed themes to be taken from the Council's Corporate Strategy or current priorities. The selected themes were children and young people services, crime/community safety, regeneration and sustainability.
 - Projects to receive up to 3 year funding, offering longer term grants and better financial stability to organisations
 - Existing organisations to be mapped against the proposed themes and will need to re-apply when funding for their theme is advertised. This will enable the gradual shift to the new process.
 - To phase out the current funding process over 3 to 4 years
- 3.6 Members approved these proposals in November 2008, and the new funding process started in April 2009. The theme selected was children and young peoples' services. 22 projects were awarded funding totalling £774,597 over 3 years.

Funding Themes

- 3.7 As stated above, the themes for funding were approved by members in November 2008. Organisations in receipt of the MPG were classified against the themes that broadly represented their main area of work. The process took account of the organisations that provided services on more than one

theme and these were classified accordingly. The table below shows the number of organisations and the level of funding allocated to the 3 remaining themes.

Theme	Number of organisations	Funding level (£)
Crime/community safety	3	65,607
Regeneration	14	281,580
Sustainability	12	401,064

- 3.8 As the funding allocated to crime/community safety is lower than the other two themes, consideration could be given to merging this with regeneration as they address similar issues. Activities within one area usually results in improvement in the other and experience shows that successful regeneration projects also include activities designed to tackle crime and other social and economic issues. Merging these themes will also create a larger 'pot' of money for distribution. It is therefore recommended that these two areas are combined as a single theme.

Themes for 2010

- 3.9 Assuming the above proposal is accepted, the options for the next funding round are crime/community safety and regeneration or sustainability.
- 3.10 Sustainability has been taken in its wider sense, as seeking to provide the best outcomes for the human and natural environments both now and into the indefinite future. This covers our need to support and encourage our voluntary sector generally, as a crucial contributor to the overall wellbeing of Brent citizens as well as the overall Green agenda. Some of our voluntary sector funding has traditionally been invested in "umbrella" organisations such as BrAVA and BADP, with a focus on maximising the capacity of the sector to sustain itself.
- 3.11 We are actively working with these groups to enable them to develop stronger partnerships with each other, and secondly to enable the focus of these organisations to be developed in line with the Voluntary Sector Strategy, which is currently being prepared. Further, the Primary Care Trust is developing its approach to the sector, with the intention of building its capacity.
- 3.12 This is to ensure that they may provide more health and wellbeing services in the future, and we would want to ensure that we do not double fund or duplicate services. This work is ongoing and will take some months to complete. For this reason we would recommend converting the theme sustainability into three year grants in the third year.
- 3.13 The joint themes of crime/community safety and regeneration will provide additional resources to two areas where the council has identified that significant improvements are needed. Targeting MPG funding to deliver these priorities will contribute to the activities already stated in our strategic

plans such as the Regeneration Strategy and Brent Crime Prevention Strategy.

- 3.14 It will strengthen our commitment to develop safer and stronger communities and will provide opportunities for the voluntary sector to work in partnership with the statutory sector. This funding round will also support the new local performance framework (CAA) which is primarily about two things; improving quality of life in places and better public services (DCLG). As MPG funding will directly contribute and support our existing priorities, we would recommend that community safety and regeneration be selected as the next themes for funding. The total fund for distribution will be £347,187
- 3.15 Funding will be allocated to projects that focus on developing safer and stronger communities and which demonstrate the potential benefits to the local community. Projects will need to demonstrate a link between the Council's plans for regeneration and community safety. A draft funding criteria and timetable is attached as Appendix C.
- 3.16 As in the previous year funding will be restricted to £25,000 per organisation per year, however depending on the number and quality of bids, it may be necessary to reduce the funding level in order to fund eligible projects.
- 3.17 It is proposed that an open bidding process is used and the fund will be widely advertised to enable non funded groups to apply. Existing groups that fall within the themes and organisations already receiving 3 year funding will be invited to apply. However preference will be given to organisations not currently in receipt of the 3 year MPG funding programme. Preferences will also be given to organisations that raise match funding towards the proposed project. Three organisations will be affected by this decision Middlesex ITEC, Asian Women's Resource Centre and Victim Support.
- 3.18 With regard to the assessment process it is proposed that officers from the Regeneration Team and the Community Safety Unit will participate with the Voluntary Sector Team to assess the bids received.

Process for Allocating the Balance of the MPG

- 3.19 It is proposed that funding to existing organisations not affected by the themes proposed is renewed at the same level as in 2009/10. Funding to these organisations will be available for one year.
- 3.20 These organisations will be required to submit applications for renewal of funding, clearly stating the activities, outcomes and outputs to be provided with the MPG.
- 3.21 Decisions regarding the future funding for these groups will be made when a theme for the third year is agreed. Organisations that will have their funding renewed are attached as Appendix B.

4.0 Financial Implications

- 4.1 There is no plan to increase the current budget for this service it will remain the same 2009/10. The budget will be £1,976,749. We estimate that a payment of £940,930 will be made from this budget to the London Councils Grant Programme. This is based on the amount paid in 09/10, but Members should note this may change.
- 4.2 Based on the proposals in this report the table below shows how the current resources will be allocated.

Main Programme Grant Budget 10/11	1,976,749
Less London Council allocation for 10/11	940,930
Less Main Programme Grant to new funding theme 09/12 for three year programme - Children and Young People Services (year 2)	253,467
Less allocation to new themes i.e. Crime/Community Safety and Regeneration.	347,187
Less allocation to currently funded groups not within the theme (at the same level as 2009/10)	401,064
Capacity building fund for 2010/11	10,000
Balance <i>Three months exit fund to organisations that have their funding withdrawn</i>	24,101

- 4.3 The balance of £24,101 will fund the 3 months notice period to organisations that have their funding withdrawn as a result of this theme. This fund will be allocated on a pro-rata basis if bids exceed the amount available.
- 4.4 The recommendations made in this report can be implemented within the available budget.

5.0 Legal Implications

- 5.1 The Council has powers under s137 Local Government Act 1972 and s2 Local Government Act 2000 to make grants to voluntary organisations.
- 5.2 The decision to award a grant is discretionary. The Council's discretion must not be fettered by previous commitments they may have given and it should make its decision in the light of present circumstances.

5.3 The Council is bound to act reasonably and must take into account relevant considerations and to ignore irrelevant considerations and should consider its fiduciary duty towards local taxpayers.

5.4 As a public authority, the Council has general duties to promote equal opportunities relating to race, disability and gender and to remove discrimination. These duties are set out in the:

Disability Discrimination Act 2005 (DDA 2005);
Equality Act 2006;
Equal Pay Act 1970;
Race Relations (Amendment) Act 2000 (RRAA 2000);and
Sex Discrimination Act 1975.

5.5 The DDA 2005 requires public authorities, when considering disabled people, to promote positive attitudes towards disabled people and take positive steps, even if that involves treating disabled people more favourably than others.

5.6 To provide guidance on the duty there is a Statutory Code of Practice. The general duty is not absolute but it does require authorities in respect of all their functions to give due regard to disability equality.

5.7 The core general duties are similar for race and gender i.e.:

To promote equality of opportunity; and
To eliminate harassment and unlawful discrimination.

5.8 The Race Relations Act 1976 (as amended) places a statutory duty on public authorities to work to eliminate unlawful discrimination, and to promote race equality in all its functions. There are three complementary parts to the general duty:

Eliminating unlawful racial discrimination
Promoting equal opportunities
Promoting good relations between people from different racial groups

5.9 The Code of Practice issued under s71C Race Relations Act 1976 (as amended) is relevant and the council must have regard to it.

6.0 Diversity Implications

6.1 Consultation with the voluntary sector has been ongoing since 2006 when the Scrutiny Task Group Review first started. Discussions with Voluntary Sector representatives were undertaken and the Task Group met with organisations at two Voluntary Sector Liaison Forum meetings to discuss their proposal to change the funding process.

- 6.2 Overall there was a consensus that there was a need to change the process for allocating the Main Programme Grant. The information from the consultation process has been used to inform the new funding programme.
- 6.3 Following the first phase of the new process, a Predictive Equality Impact Needs Assessment was carried out and the outcome is attached as Appendix D. The assessment showed:
- The new process is likely to affect some organisations in the short to medium term but will have a positive impact on promoting equality for both service users and voluntary organisations
 - No adverse impact on people from diverse background will be affected by the new process
 - Will ensure information relating to all 7 equality strand are collected within the community
- 6.4 A positive change will be that the grant will now be available to all community and voluntary organisations and this should widen access to the fund to local organisations that previously did not have access to Council funding.
- 6.5 Another positive change is that the new funding programme will be based on a 3 year funding cycle which will provide groups with stability to assist their business planning cycle.
- 6.6 Projects recommended will reflect the diverse needs of service users across respective themes with due consideration being given to corporate and departmental objectives which are constantly reviewed in response to community needs. In addition the proposed themes will focus on the areas where the Councils consider community needs are greatest.
- 6.7 To address any adverse impact organisations that fail in their bid for the new fund or decide not to apply, they will be encouraged and supported to access alternative sources of funding to continue their services.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 There will be no staffing or accommodation implications resulting from this report.

Background Papers

- Voluntary Sector Funding – a report of the Overview and Scrutiny Task Group – May 2007
- Process for allocating the Main Programme Grant – 17th November 2008.

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Organisations providing activities within the proposed themes - i.e. Community Safety and Regeneration

	Organisation	Amount Funded in 09-10	Services currently funded	Themes
1	Asian Womens Resource Centre	£4,744.00	Towards the following proposed activities 1. Domestic Violence – Emergency Advocacy Support 2. Advice and Information – domestic violence and challenges associated 3. Domestic Violence Forum Currently funded from 3 year programme and not eligible to apply	Community Safety
2	Brent Neighbourhood Watch Association	£20,808.00	<ul style="list-style-type: none"> • Organise neighbourhood watch week and crime prevention events throughout the year covering 21 wards, set up and establish new neighbourhood watch schemes • Provide a website service to residents and police safer neighbourhoods teams to works towards creating awareness, fostering good relations and provide information relevant to local needs • Provide a representative to attend high level meetings and strategic policy forums 	Community Safety
3	Victim Support	£40,055.00	Provision of Drop-in sessions will provide emotional support including advice sessions for victims of serious crimes such as rape and murder at various locations. Currently funded from 3 year programme and not eligible to apply	Community Safety
4	Brent Addiction Counselling Service	£9,343.00	Counselling sessions for people living with substance abuse and alcohol misuse	Regeneration
5	Brent Arts Council	£10,404.00	As contribution towards delivery of 11 exhibitions (listed in item 6) in the Stables Gallery	Regeneration
6	Brent Indian Association Community Resource Centre	£75,949.00	To provide Immigration advice, Housing Advice, Welfare Benefit advice and general advice to Inhabitants of Brent in particular those of Indian origin.	Regeneration

7	Brent Irish Advisory Service	£37,558.00	Contribution towards the proposed project as follows: 1. Transition to Old Age Home visits 2. Housing Advice Service 3. Elders Project	Regeneration
8	Brent Refugee Forum	£25,500.00	As contribution towards the proposed services/activities: 1 - 5 Working Groups to produce 1 annual report and 2 -Organise and deliver 4 quarterly Open Forums	Regeneration
9	Cricklewood Homeless Concern	£10,404.00	As a contribution to deliver a training and employability programme to include basic skills training for 30 people.	Regeneration
10	Federation of Patidar Association	£10,404.00	To provide the following activities: South Indian Classical Dance Festival , South Asian Folk Dance and contemporary Diwali Dance Festival, Creative Art Workshop Mehndi Art and Creative Art Workshop Rangoli Art	Regeneration
11	Help Somalia Foundation	£6,428.00	Contribution towards salary of part-time coordinator who will offer services including: • providing housing resources and support to Somali community to access o Provide interpretation services regarding appointments and correspondence with BHP o Promote BHP services to the Somali community o Promote Somali forum within the community and assist with the communication of ideas o Attend and assist with communication with the Somali Forum o Carry out and follow-up oncommunity based issues	Regeneration
12	Horn of Africa Refugee Welfare Group	£3,413.00	As contribution towards advice and information sessions on welfare matters such as education, health, housing, immigration and employment to 1,600 refugees and asylum seekers	Regeneration

13	Middlesex ITEC	£13,514.00	As a contribution towards an 'Elders Health & Wellbeing' training programme to include: 1. Beginners course in IT 2. Internet Training 3. Email Training 4. Digital photograph & Photoshop 5. Advice and Information. Currently funded from 3 year programme and not eligible to apply	Regeneration
14	Pakistan Welfare Association	£18,036.00	Towards the provision of following activities: Computer Training, Women's Group and Senior's Section	Regeneration
15	Relate London North West	£13,525.00	As a contribution towards the proposed projects will delivers of sessions in three main areas to people experiencing relationship difficulties and in need of emotional support. These include: • Counselling sessions • Consultation counselling • Psychosexual therapy	Regeneration
16	Safestart Foundation	£30,141.00	As contribution towards the Irish Elders Healthy & Independent Living project, which will offer individual who are isolated and lonely an environment where they able to socialise with other users to build new relationships.	Regeneration
17	Samaritans of Brent	£16,961.00	As a contribution towards delivery of the proposed project to provide a range of core services to include: • Phone service • E-mail service • Text service • Face to Face service	Regeneration

£347,187.00

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Existing organisations not affected by the proposed theme				
	Organisation	Amount Funded in 09-10	Services currently funded	Themes
1	Age Concern Brent	£90,474.00	<p>To provide the following services</p> <ul style="list-style-type: none"> • Information and advice services to older people and their carers • Social inclusion – arranging welfare benefits and advocacy for BME members and refugees • Recruitment and support for volunteers to provide services for older people in Brent • Listening to the views of older people and making them known to service providers and campaigning on their behalf for adequate services • Raising funds to help develop new initiatives to support and improve the quality of life and well being of older people living in Brent • Collaboration and partnership working in Brent 	Sustainability
2	African Women's Care	£4,160.00	To provide quarterly community information workshops and monthly discussion group meetings to BME women of African unemployed refugee and asylum seekers especially women, children and families.	Sustainability
3	Association of Muslims With Disabilities	£10,404.00	To provide Drop-in Centre every Saturdays at Willesden Centre for Health & Care for Muslim disabled and elderly people and their families.	Sustainability
4	Brent Advocacy Concerns	£28,735.00	Provision of advocacy support for individuals in Brent with any type of disabilities. This can include group work but no group work relating to Learning Disability Day service issues.	Sustainability

5	Brent Association of Disabled People	£159,380.00	<p>Towards services as follows:</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Cost (£)</th> <th>Number of users</th> </tr> </thead> <tbody> <tr> <td>Core Activities</td> <td>55,606</td> <td>6,900</td> </tr> <tr> <td>Welfare Rights</td> <td>47,944</td> <td>1,800</td> </tr> <tr> <td>Resource Centre</td> <td>29,990</td> <td>600</td> </tr> <tr> <td>Information and Advice Service</td> <td>25,840</td> <td>4,434</td> </tr> </tbody> </table>	Activity	Cost (£)	Number of users	Core Activities	55,606	6,900	Welfare Rights	47,944	1,800	Resource Centre	29,990	600	Information and Advice Service	25,840	4,434	Sustainability
Activity	Cost (£)	Number of users																	
Core Activities	55,606	6,900																	
Welfare Rights	47,944	1,800																	
Resource Centre	29,990	600																	
Information and Advice Service	25,840	4,434																	
6	Brent Association for Voluntary Action	£31,212.00	<p>Towards:</p> <ul style="list-style-type: none"> • core costs including covering the following activities: <ul style="list-style-type: none"> o Volunteer bureau o Organisational development support and outreach appointments o BrAVA newsletter production/information and administration o Partnership working o Capacity Building advice and Training o Resource Centre • Monitoring LAA contribution to community work 	Sustainability															
7	Brent Heart of Gold Support Group	£4,692.00	<ul style="list-style-type: none"> • Towards hire of premises for twice weekly cardiac exercise session at Bridge Park • Exercise instructor's fees for sessions at Bridge Park • Contribution towards additional exercise and sports sessions at Vale Farm. 	Sustainability															
8	Brent Indian Community Centre	£14,014.00	Towards health activities, festival celebrations, computer classes and trips.	Sustainability															
9	Brent Mencap	£52,020.00	<p>Towards the delivery of the proposed services/activities:</p> <ol style="list-style-type: none"> 1. Social activities for people with a learning disability and carers; 2. Provision of general and specialist advice; 3. Employment & benefits for PWLD signposting; 4. Awareness raising and training and 5. Provision of information about learning disability issues to PWLD, carers and partners. Currently funded from 3 year programme and not eligible to apply 	Sustainability															

10	Kingsbury Asian Elders Group	£1,665.00	Towards a wide range of activities such as various functions such as cultural programmes, talks, cookery (ladies only), card games, reading; news papers, magazines, coach trips (during summer period) to the seaside.	Sustainability
11	Magnolia Senior Citizens Club	£1,248.00	Contribution towards activities of older people	Sustainability
12	Middlesex Association for the Blind	£3,060.00	As a contribution towards the proposed 'Hospital Information Service.	Sustainability

£401,064.00

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**London Borough of Brent
Main Programme Grant 2010-13**

PROPOSED FUNDING CRITERIA & TIMETABLE

Introduction

The Council has agreed that the second theme for its three year funding programme commencing on 1st April 2010 to 31 March 2013 will be **Crime/Community Safety and Regeneration**. We are therefore pleased to announce that the Main Programme Grant is now open for bids from community and voluntary organisations that provide projects in these categories. The ceiling for this grant is £25,000 per year.

The following are an example of the projects the Council would wish to fund under this theme.

Regeneration

Projects that are based on the strategic priorities of the Council's Regeneration Strategy including:

- Regeneration projects that benefits one or more of the following priority areas i.e. South Kilburn, Harlesden, Stonebridge, Church End and Roundwood, St Raphael (including Brentfield and Mitchelbrook) or Chalkhill
- Projects that break down barriers, bring people together and build a sense of community in a local area
- Activities that improve the physical or mental health of residents e.g. sporting activities, encouraging cycling, walking and other activities to support health and wellbeing
- Increase the use of green and or open spaces by residents; this could include new activities or physical improvements
- Providing work experience and/or training that help residents get the job they want and raising the aspirations and confidence of adults and young people around entering employment
- Support around identifying, applying for and sustaining work, volunteering or apprenticeships
- Provision of information, advice and guidance to resolve issues around debt, benefits and tax credits advice (including those in employment and on a low income)

Community Safety

Services/projects must have active links to the Brent Crime Reduction Strategy and have knowledge of the partnership priorities and are able to:

- evidence crime or the fear of crime issues and provide solutions, that follow best practice, reassure residents and reduce the fear of crime to the most vulnerable
- involve community members and groups in joint action to reduce crime and the fear of crime
- raise the knowledge and awareness of crime prevention in Brent through the enhanced use of Information Technology
- actively involved in crime prevention events, that match National events e.g. Not in my Neighbourhood Week, tackling drugs week etc.,
- skill local people to become more active in the field of crime prevention and encourage others to become involved
- Support victims and witness of Anti-Social Behaviour, burglary and other crimes, particularly those most vulnerable.

Criteria

Organisations must comply with the following criteria:

- Provide projects relating to crime/community safety and regeneration as stated above
- Good organisational structure with an effective management committee of minimum 6 people
- Effective financial management
- Provide quality services that gives value for money
- Commitment to equal opportunities in staff management and service delivery
- Involve users in management and service development
- Be either based in Brent or deliver services for residents of Brent
- Be able to produce an Exit Strategy of how the project will continue after the three year funding has ceased.
- The organisation must be a non profit making organisation and must have been in operation for at least 12 months.
- The organisation must be able to provide clear details of how the grant will be used over 3 years i.e. provide clear outcomes and outputs and how these will be monitored.

In assessing applications the Council will also consider the following:

- Projects that involve partnership working with either the statutory or voluntary sector e.g Tenants and Residents groups, statutory agency partners such as Primary or Secondary Schools (particularly those with extended services); Children's Centres; Libraries; Leisure Centres; Housing Associations; Brent in 2 Work (employment support service); Safer Neighbourhood Teams and the South Kilburn Partnership.
- Other sources of funding that will contribute to the service or project
- Quality systems such as feedback from users, quality assurance systems and quality standards
- Preferences will also be given to organisations that raise match funding towards the proposed project.

The following should also be noted:

- Organisations will be required to comply with the Council's Standard Conditions of Grant Aid
- The funding period is from **1 April 2010 to 31 March 2013**, and the grant will be paid in quarterly instalments.
- Organisations will be required to complete self assessments and progress reports about their services to enable the monitoring of their services.
- **Priority will be given to organisations not currently in receipt of the 3 year MPG funding programme**
- Organisations are advised to include all the documents stated in the application form and any necessary additional information about their service or project to support their application
- CRB checks will be required
- As part of the assessment process officers may carry out a site visit to meet staff, users and members of your management committee. These visits will take place week commencing **19 January 2010**.

Voluntary Sector Team
October 2009

APPENDIX C

MAIN PROGRAMME GRANTS TIMETABLE 2010-13

Task	Date	Length of time	Officer Responsible
Send advert to BrAVA and BRAIN (newsletter & website)	2 November 09		Dipti
Advertise the fund – 2 local papers	4 November 09	4 weeks	Dipti
Applications to be logged on systems and allocated to officers and finance as they come.			Dipti
Workshops for voluntary organisations	24 November 09	2 sessions AM and PM	All Officers
Closing date	7 December 09		
Final date to allocate applications to officers	9 December 2009		Dipti
Start assessment	9 December 09	5 weeks	
Chase references (funders/partners working with the groups)	9-16 December 09	1 week	All Grant Officers
Consultation with other departments	9-16 December 09	2 weeks	
Completed reports to go to BF as and when completed			All Grant Officers
Deadline for 1 st draft to Beverleigh	15 January 2010		All Grant Officers
Officers panel/pre recommendations	18 January 2010	1 days	VST Team
Draft report with pre recommendations for consultation	19-22 January 2010	4days	All Grant Officers
Visit to groups to be funded (if needed)	19-22 January 2010	4days	All Grant Officers
Cover report and appendices to be drafted	25-29 January 2010		Beverleigh
Final reports to BF	29 January 2010		VST Team
Final Panel recommendations	1 February 2010	1 days	VST Team
Report and appendices to be finalised	2-3 February 2010		Beverleigh
Report submitted to Committee for Executive	3 March 2010		Beverleigh
Executive Committee	15March 2010		
Organisations notified of decisions	29 March 2010		Dipti/All Grant Officers
Projects to commence	1 April 2010		
Agreements to be drawn up	10 April 2010		All Grant Officers

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Appendix D

**London Borough of Brent
A new Funding process for allocating the Main Programme Grant to
Voluntary Organisations**

London Borough of Brent

A new Funding process for allocating the Main Programme Grant to Voluntary Organisations

Background:

Over a number of years the council has provided funding from the Main Programme Grant to local community and voluntary groups to provide a range of community based projects and activities.

Each year applications are received from the community sector which is then assessed by officers and successful organisations are awarded funding for a period of 12 months.

Many of the current funded organisations have received MPG funding from the council for a number of years. There has been very little change in the organisations receiving MPG funding and the levels of funding provided to each organisation.

This 'historical' funding pattern presents a number of issues:

- It is difficult for agencies not currently in receipt of MPG funding to access resources
- The quality of the bids received are often poor they lack detail in terms of outcomes and outputs and their relationships to the corporate priorities are often vague
- Rigorous monitoring and assessment of value for money is difficult to achieve due to the nature of the bids
- Many organisations use the MPG for 'core costs'

Following a Scrutiny Task Group review of Council's Main Programme Grant held in 2006/7 and extensive consultation with funded and non-funded groups it was agreed that this historic process of funding voluntary sector organisations in the borough would need to change. From discussions held, the Task Group concluded there was a consensus of opinion about the main issues and concerns and the need to change the process for allocating funds from the MPG.

This EIA relates a new funding approach for the Main Programme Grant. The main elements of which are:

- Introduction of a themed approach to funding where a proportion of the MPG is allocated each year to specific service themes that meet the current priorities of the Council.
- Development of longer term funding arrangements of up to 3 years with voluntary organisations in receipt of the MPG.
- Improved access to MPG funding for community groups to ensure that provider diversity is duly reflected across different communities of interest.

The aim of this EIA is twofold, firstly, to identify and address differential/adverse impact under the new arrangements and secondly to strengthen and improve the equality outcomes for users from diverse backgrounds.

What is the name of the service/policy/procedure/project etc to be assessed?

Main Programme Grant (MPG) funding to Voluntary Organisations allocation – a Themed Approach to Funding

Briefly describe the aim of the Service/policy

Equality Impact Assessment

The aim of this policy is to:

- Introduce a themed approach to MPG funding.
- Prioritise and allocate a proportion of the fund each year to the Council's services priorities. The new funding process to commence April 2009.
- Allocate resources for the current funding round and administer the MPG based on a phased rollout of the other themes agreed by the executive.

What needs or duties is it designed to meet?

The broader policy objective of effective engagement with the voluntary sector is designed to:

- Promote and maintain community cohesion.
- Ensure Effective targeting of excluded groups and those most in need.
- Diversify the provider base to include local voluntary sector organisations in service provision and community development activities through meaningful partnerships.
- Promote volunteering and equal opportunities.
- Improve community involvement and participation through civil society organisations.

How does it differ from any existing Policy etc in this area?

This new voluntary sector funding policy is different in a number of ways from any previous arrangements as outlined below:

- The new MPG funding is closely aligned to council priorities and linked to addressing local need.
- The new funding process seeks to be more transparent, accessible and accountable.
- The new funding cycle administered over a 3 year period offers the voluntary sector an increased degree of certainty and stability.
- The new funding arrangement supports the voluntary sector to make the transition from asking to fund which is a central plank of the government's voluntary sector reform agenda.
- The new funding arrangement offers an opportunity to raise service standards, improve outcomes for service users, provide value for money to the council, and strengthen capacity within the voluntary sector.

Are the aims consistent with the Council's Comprehensive Equality Policy?

Yes, implementing the proposed changes to the MPG Funding Process will have a positive impact on user and provider diversity issues. It will result in establishing a strategic alignment between the councils ability to address diverse community needs in keeping with identified priorities thereby complementing and adding value to current statutory service provision.

Is there any evidence to suggest that this would affect some groups of people?

Yes, the new funding arrangement is likely to affect some currently funded voluntary sector service providers who may experience a differential impact within the short to medium term. It is also expected to affect the level and quality of service provision and have a positive impact on promoting equality for service users and providers alike.

The affect on provider organisations stems from the revised funding arrangement that is based on a ring fenced a proportion of the Main Programme Grant to the council's service priorities. The effect is likely to occur as existing funding is

Equality Impact Assessment

progressively allocated under priority themes and as the current level of general grant funding is either reduced or withdrawn.

The extent to which respective providers will be affected will depend upon two factors, firstly the amount of funding that is remaining and available within the MPG after it has been allocated to a specific theme and secondly the decision of respective providers on whether they wish to continue to bid for MPG resources and the subsequent outcome of those applications.

Initially the themes selected will be similar to the services provided by funded organisations creating opportunities for them to access the new funding. This gradual shift will ensure can still access funding from the Main Programme Grant in the short/medium term.

The themes recommended for the first 3 to 4 years are: **Crime, Services to Children Young People, Regeneration and Sustainability**. Details of the 48 currently funded organisations providing services within these themes, and the funding allocated are below:

Theme	Services	Number of organisations*	Total Funding
Crimes	Domestic Violence Crime Prevention	3	67,758
Children and Young People	Education Sports and Leisure	12	127,815
Regeneration	Green Agenda Sports and Leisure Education Employment Health Homelessness Volunteering Community Engagement	25	273,815
Sustainability (to enable Independent living)	Older People Disabled People Vulnerable Adults	16	414,148
Total			883,546

*some organisations provide services in more than one theme.

Over the next 3 to 4 years these organisations will be required to re-apply for their grant.

Is there an adverse impact around Age, Race, Gender, Disability, Faith, and Sexual Orientation? What are the reasons for this adverse impact?

There is no direct evidence that suggests any adverse impact on people from diverse backgrounds. However, the EIA has highlighted significant gaps in the provider diversity profile as outlined below:

Of the 42 providers funded under the current MPG round there is a slight overrepresentation of organisations providing age specific services to children, younger and or older people. This in part, could be attributed to the introduction of the theme of CYP.

Equality Impact Assessment

15 BME organisations are funded under the current MPG round is broadly representative of the ethnic diversity profile within the borough. However based on initial analysis, further work will need to be undertaken to support providers from under represented groups such as the Sikh, Bangladeshi and other BME communities.

Of the 47 providers funded under the current MPG round, the following 2 organisations provide services specifically for women:

- African Women's Care
- Asian Women's Resource Centre.

Currently no funding is allocated to men only groups and overall our data shows that more women benefit from the MPG than men.

5 of the providers funded under the current MPG round offer services to people with disabilities. While two providers represent services offered to blind and people with learning disabilities the remainder reflect services offered to people with a physical disability cross the board.

However, specific work will be required to be undertaken in order to understand the different client groups that are actually represented. Work will also be required to ensure that mainstream voluntary sector providers include people with disabilities in the services they provide.

Only two providers funded under the current round represent services offered across faith communities. With the exception of Muslim community groups other faiths including agnostic and atheist groups remain largely unrepresented. Overall, there is no representation of providers across the sexuality strand of diversity and equally of those offering services to Gypsies and Traveller Communities.

A financial resource allocated under the current MPG round across the provider diversity profile shows the following:

- Older Peoples - £ 140,643
- Adults - £185,664
- Children and Young People £117,071

Note:

- Annex 1 outlines provider diversity profile of organisations funded under the current MPG.

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, disability etc)

As part of the EIA process officers have collected and analysed information about the awards from the application form submitted in 2008/9. This included

- Information on the range and scope of services provided by respective voluntary organisations.
- Issue specific diversity information relating to age, gender, ethnicity, disability, faith/belief and sexuality.
- Provider information relating to equal opportunity policies, strategies etc.
- Feedback from voluntary sector forum meetings and consultation events held during the year.

Equality Impact Assessment

- In addition the experience and knowledge of the voluntary sector team staff who have been involved with voluntary organisations and projects for several years has also been used to form our judgement.

Note

- Annex 2 includes the equalities monitoring form and the MPG prospectus used to gather provider information.

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

We do not ask funded groups to collect sexual orientation information on their service users however we will profile this equality strand in the grant applications form for the 3 year funding programme. Also at present voluntary organisations providing services specifically for gypsies and travellers and LGTB and are not in receipt of MPG funding and positive action will be taken to promote the existence of the funding opportunity to organisations providing services to these groups.

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

Consultation on the new funding programme has been ongoing since 2006 when the Scrutiny Task Group review first started. The information from the review has been used to inform the new funding programme. The consultation included:

- Discussions with individual voluntary sector representatives and Council officers
- Members of the Tasks Group also attended the Voluntary Sector Forum on 14th March 2007 and carried out a consultation session with a number of voluntary groups.
- Prior to publicising their findings the Task Group met members of the voluntary sector Forum on 27th June 2007. To discuss their findings and their proposal to change the funding process.
- The Strategy Planning and Performance Manager Officers have provided regular update on the funding process to the Voluntary Sector Forum Meetings on 19th September 2007 and 27th February 2008
- The Grant Officers have had discussions with funded organisation about the new funding process as part of their annual monitoring visit.
- Specific consultation on this EIA will be carried out through the VSF.

Have you published the result of that consultation if so, where?

The Scrutiny Tasks Group recommendations were approved by the Executive and the report was published in July 2007. The report was summarised and published in Brava news, a newsletter for local voluntary organisations. The newsletter is distributed to over 800 organisations in the borough. In addition Grant Officers Sent an electronic version of the report to funded and non-funded groups on the Voluntary Sector database. Organisations were also able to access the report on the Council's website.

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

There is no public concern that the new funding programme is being operated in a discriminatory manner.

Equality Impact Assessment

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

Funding for the new programme will be taken from existing resources and this will result in currently funded groups having funding reduced or withdrawn over the next 3 to 4 years. Organisations that find their funding reduced or withdrawn will be affected. Council officers will work with respective organisations through the provision of capacity building support to secure both council and other mainstream resources.

A positive change will be that the grant will now be available to all community and voluntary organisations and this should widen access to the fund to local organisations that previously did not have access to Council funding. Another positive change is that the new funding programme will be based on a 3 year funding cycle which will provide groups with stability to assist their business planning cycle.

Projects recommended of funding will reflect the diverse needs of service users across respective themes with due consideration being given to corporate and departmental objectives which are constantly reviewed in response to community needs.

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

N/A

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

The main area where improvements can be made is in relation to advertising and publicising the availability of the grant including clearer explanation of the purpose of the grant the eligibility criteria and the application process.

There are plans to make the application forms available on the Council's website and We will investigate the feasibility of providing the application form in other languages, also workshops where officers can meet and discuss grant applications with organisations prior to submission will be introduced.

Another significant area of work is to increase the capacity of mainstream voluntary sector organisations to address issues of performance management and develop inclusive services for people with disabilities and from LGBT backgrounds.

The council will seek to do this through its corporate learning and development offer which will be accessible to all voluntary sector partners.

Within the next 12 months there are also plans to develop a Voluntary Sector Strategy that clearly sets out their proposals for funding the sector and how it will work with them to achieve more for local people.

What is the justification for taking these measures?

To increase the number of organisations accessing the councils MPG programme.

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

- Through data provided by each group with their application. Groups will be asked to submit details of the age range, disability ethnicity, gender etc of the

Equality Impact Assessment

people using their services; groups will also need to submit their equal opportunities policy showing how they promote equalities in their services in terms of their employees and services delivery.

- Through self evaluation forms completed by groups and monitoring visits carried out by officers in the Voluntary sector Team
- Through feedback from groups that attend the Voluntary Sector Forum

Name of the officer responsible for monitoring the new funding process:

- Beverleigh Forbes – Acting Manager of Voluntary Sector Team

What are your recommendations based on the consultation and comments of this assessment? Should you:

- ***Take any immediate action?***
- ***Develop equality objectives and targets based on the conclusions?***
- ***Carry out further research?***

The following immediate action will be taken:

- Raise awareness of the availability of the grant and the process including promoting the MPG especially to LGBT and organisations providing services to gypsies and travellers.
- Introduce grant surgeries to help and support groups through the application process. This will allow groups to meet grant officers and receive support and guidance on completing the grants application form.
- Investigate the possibilities of producing the grant application form in ethnic minority languages

With regards to equality objectives and targets:

- Collect information on sexual orientation, travellers and gypsies receiving services from the MPG

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

These will be developed based on the first year's review of MPG in consultation with respective providers and the VSF.

What will your resources allocation for action comprise of?

The resources for supporting organisations affected by the change in funding process will be provided from existing resources.

Signed by the Manager undertaking the assessment

<i>Full Name (in capitals please)</i>	Beverleigh Forbes
<i>Position:</i>	Acting Manager Voluntary Sector Team
<i>Service Area:</i>	Service Development and Commissioning Voluntary Sector Team
<i>Date:</i>	

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

N/A

Equality Impact Assessment

Once you have completed the form please take a copy and send it to:

The Corporate Diversity Team

Room 5

Brent Town Hall

Forty Lane Wembley

Middlesex

HA9 9HD

Appendix 1 – Organisation Diversity Profile

Equality Impact Assessment Main Programme Grant to Voluntary Organisations

AGE

Of the 42 organisations funded by the Main Programme Grant in 2008/9

Older People

- Age Concern
- Brent Heart of God
- Brent Indian Association
- Cricklewood Homeless Concern (also provide Adult Services)
- Kingsbury Asian Elders
- Magnolia Senior Citizen Club

Adults Services

- African Women's Care
- Asian Women Resource Centre
- Brent Indian Association
- Brent Irish Advisory
- Brent Alcohol counselling
- British Muslim Women (also provides Children and Young People Services)
- Cricklewood Homeless Concern
- Middlesex ITEC (also provides Children and Young People Services)
- Pakistan Welfare Association (also provides Children and Young People Services)
- Relate
- Safestart
- Salusbury World (also provides Children and Young People Services)

Children and Young People

- Afghan Association of Paiwand
- Band Edutainment
- Dram Workhouse
- London Progress Table Tennis Club
- Oxford Kilburn Youth trust
- St Michaels Youth Trust
- The Tamil Association of Brent
- British Muslim Women
- London Tamil
- Middlesex ITEC Pakistan Welfare Association
- Salusbury World
- St Kitts and Nevis

Organisations providing services to varied age group

- Association of Muslims with Disabilities
- Brent Advocacy Concern
- Brent Arts council
- Brent Association for the Blind
- BrAVA

Equality Impact Assessment

- Brent Association for Disabled People
- Brent Indian Community Centre
- Brent Mencap
- Brent Neighbourhood Watch
- Brent Refugee Forum
- Federation of Patidar
- Help Somali foundation
- Horn of Africa
- Victim Support
- Roadpeace Samaritans

DISABILITY

Organisations producing services specifically to people with a disability are:

- Association of Muslim with Disability
- Brent Advocacy Concern
- Brent Association for Disabled People
- Brent Association of the Blind
- Brent Mencap

RACE (Primary ethnic group)

White

British	Irish	Eastern European	Gypsies and Travellers	Other
	BIAS	Afghan		
	Cricklewood	Salisbury		
	Safestart			

Asian

Indian	Pakistani	Bangladeshi	Other
Brent Indian association	Pakistan Welfare association		AWRC
Brent Indian community Centre			Assoc of Muslims with Disabilities
Fed of Patidar			British Muslim Women Welfare Association
			Kingsbury Asian elders
			London Tamil
			Tamil Association

Black

Caribbean	African	Other	
BANG	African Women's Care	Assoc of Muslims with Disabilities	
Brent Heart of Gold		Brent Refugee Forum	

Equality Impact Assessment

St Kitts and Nevis		British Muslim Women Welfare Association	
St Michaels		Help Somalia Foundation	
		Horn of Africa	

GENDER

Of the 42 groups the following 2 organisations provide services specifically for women:

- African Women's Care
- Asian Women's Resource Centre

Currently no funding is allocated to men only groups and overall our data shows that more women benefit from the MPG than men.

FAITH

There are 2 organisations that currently provide services to people from a specific faith group. These are:

- Association of Muslims with Disabilities
- British Muslim women Welfare Association

SEXUAL ORIENTATION

None

GYPSIES AND TRAVELLERS

None

Equality Impact Assessment

Appendix 2

Example of Equality and Diversity Information requested in Grant Application Forms

2.6. Service Users

2.6a. How many people currently use your services?

(i) Residents in Brent

(ii) Residents outside Brent _____

2.6b. From the above numbers, how many are

Numbers

(i) Female _____

(ii) Male _____

(iii) Disabled people _____

(iv) Older people _____

(v) Young people _____

(vi) Gay _____

(vii) Lesbian _____

(viii) Trans-sexual _____

(ix) Bi-sexual _____

Does your organisation provide services for Gypsies and travellers: Yes No

2.6c. Please specify which of the following age groups you provide services to and give us the numbers

Age Range	Under 5's	5-12	13-16	17-25	26-35	36-45	46-55	56-65	65 +
Numbers									

2.6d. Please enter into the box below a single option from the list below representing the primary ethnicity group that is addressed by your organisation.

Then list the ethnic breakdown (numbers) of other users .

Ethnicity	No. of Users	Ethnicity	No. of Users
White UK		Chinese	
White Irish		Chinese British	
White Other Specify		Chinese other please specify	
Mixed White and Black Caribbean		Asian Indian	
Mixed White and Black African		Asian Pakistani	
Mixed White and Asian		Asian Bangladeshi	
Mixed Other Please Specify		Asian British	
		Asian other Please specify	
Black Caribbean		Black African	
Black British		Black Other please specify	
Any other groups Please specify			

Appendix 2

Example of Equality and Diversity Information requested in Main Programme Grant Self Monitoring Reports

5. Service Users

Please state the number of people who have directly benefited from the services funded by the London Borough of Brent MPG in the last 12 months:

Users	Numbers	Users	Numbers
Men		Women	
Children and Young people		Over 65	
Disabled People		Gay	
Lesbian		Trans-sexual	
Bi-Sexual		Gypsies and Travellers	

6. Ethnicity

Please give details of the ethnic and cultural breakdown of those who have benefited from the service.

Asian	No.	Mixed	No.	Black	No.
Asian or Asian British		White & Black Caribbean		Black British	
Indian		White & Black African		Black Caribbean	
Pakistani		White & Asian		Black African	
Bangladeshi		Other mixed background <i>(Please specify)</i>		Black other <i>(Please specify)</i>	
Other Asian groups <i>(Please specify)</i>					

Chinese	No.	White	No.
Chinese		British	
Chinese British		Irish	
Chinese other <i>(Please specified)</i>		Other <i>(Please specified)</i>	

How have you made your services available to all ethnic communities?

 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and a banner, surrounded by the words 'BRENT COUNCIL' in a circular arrangement.</p>	<p style="text-align: center;">Executive 19 October 2009</p> <p style="text-align: center;">Report from the Director of Housing and Community Care</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p>Safeguarding Vulnerable Adults – Update on CSCI Action Plan and Mental Capacity Act, Deprivation of Liberty requirements</p>	

Forward Plan Ref: H&CC-09/10-4

1.0 Summary

- 1.1 This report provides an update following the report to Executive in July 2008, detailing the outcomes and action plan from the CSCI inspecting of safeguarding vulnerable adults, which is now completed and ongoing monitoring will be carried out by the Safeguarding Adults Board, which reports to the Adult Strategic Partnership
- 1.2 The report summarises and updates on national and London developments concerning safeguarding adults legislation and procedures.
- 1.3 It also provides information on Brent developments for safeguarding, including arrangements with NHS Brent for the implementation of the Mental Capacity Act Deprivation of Liberty safeguards from April 2009.

2.0 Recommendations

- 2.1 Members note the progress made in implementing the CSCI action plan.
- 2.2 Note the national and local developments concerning safeguarding adults, and joint arrangement with NHS Brent on the Mental Capacity Act Deprivation of Liberty Safeguards.
- 2.3 To affirm the decision that has been made to secure an Independent Chair for the Safeguarding Adults Board.

3.0 Detail

Background

3.1 The CSCI Safeguarding Action Plan concluded Brent's arrangements were adequate, praising the strategy, and partnership board and quantitative monitoring. Areas identified for development were in casework, recording and the need to address variability across teams. A key development was to have a quality assurance framework to address the lack of qualitative data available to managers, and the Safeguarding Adults Board. These were incorporated into the action plan attached to the report to the Executive July 2008. The updated action plan has been submitted to the Care Quality Commission (CQC) the successor body to CSCI from April 2009.

3.2 The quality assurance framework has taken forward these areas, as set out in the action plan.

The majority have been implemented. Where there has been delay this has been due to external factors beyond the control of the Council, such as the local London procedures not yet being agreed, and the DoH national monitoring guidance not yet being issued. This has affected the local community strategy which anticipated using new procedures as a method to raise awareness of existing and new requirements. However, other opportunities have been taken to raise awareness. A specific area of awareness raising has been undertaken by an external consultant with BME communities which is ongoing during 09/10.

3.3 A particular issue of the quality assurance framework has been to ensure and validate increased management oversight of cases, and improved casework recording. There have been 4 quarterly audits of a sample of cases (one by an external consultant) since July 2008. Whilst these revealed variability in recording they have provided managers with better information on staff learning and development needs and areas to follow up with teams and individuals. These audits will continue on a regular basis, and inform Heads of Service on a monthly basis of particular case issues.

3.4 Volume of referrals.

The area of safeguarding adults is complex and requires constant vigilance from managers to ensure procedures and processes to be followed. Whilst the actual numbers do not seem high, compared to children's services, these have to be seen in the context of a high number of general referrals for assessment and care services. Overall there were 254 referral 07/08 an increase of 20% on the previous year. The highest number of referrals related to older people and mainly concerned allegations of financial abuse. Whilst the adult social care transformation has strengthened safeguarding arrangements, this will need to be kept under close review, particularly if there is a significant and steady increase in referrals of suspected abuse.

3.5 Supervision of cases

The Quality Assurance framework has ensured the case audits consider management oversight evidenced on Framework i. A separate audit of supervision files was commissioned by Learning and Development to look at supervision records across community care cases not just safeguarding in January 2007. This has resulted in an action plan to improve consistency of process across community care which will be monitored through the

Community Care Management Team chaired by the Assistant Director Community Care.

3.6 New safeguarding issues

Whilst the inspection action plan has been progressed, new developments have required additional actions. The children's safeguarding concerns following 'Baby P' and the Haringey issues have been considered internally with the Chief Executive, statutory partners and the Safeguarding Adults Board. Agreement has been given to seek an independent chair for the Safeguarding Adults Board, to ensure a robust quality assurance system is overseen, independent of the multi-agency partners, as with children's safeguarding board. NHS Brent has agreed to jointly fund this and the post will be advertised shortly for up to 30 days per annum. Funds will be from the joint development fund. Recruitment for this post will be done from September 2009.

3.7 Mental Capacity Act 2005 Deprivation of Liberty requirements.

These are important new safeguards for any adult who is suffering from a mental disorder (including learning disability), who lacks capacity to decide where they should live, but who, for their own best interest, needs to be deprived of their liberty, either in a residential/nursing home or hospital. The training and implementation of these new provisions in Brent has been used to emphasis and promote dignity in care and to ensure the least restrictive options are taken when providing for adults without capacity. Accordingly deprivation of liberty is to be avoided if there are less restrictive care options which can manage the risk to the individual. Deciding when care arrangements amount to a deprivation of liberty, rather than restraint or restriction, can be difficult but may, for example, arise in circumstances where the family and possibly the client want the client to live outside of the care home, but others involved in the client's care are concerned about neglect or abuse if they leave and decide that the client should remain in the care home/hospital.

The Mental Capacity Act 2005 requires an application from the home or hospital to the LA or PCT which then appoints assessors to report on a range of issues. The LA or PCT then decides whether to grant or refuse authorisation for the deprivation of liberty. The process involves consideration of whether there is a less restrictive option.

The Council has had a lead to raise awareness within the Local Authority and in the health sector and private and voluntary sectors. Furthermore because of the role the LA plays in the process new procedure and systems needed to be put in place from April 2009.

In order to implement DOLS The Council was required to train social work staff to be accredited as 'Best Interest Assessors'. A number of Brent social workers were interested and have been accredited. However, all staff involved with clients who lack capacity need to be aware of the requirements and training has been rolled out on this.

A considerable amount of awareness raising was done at provider events, and through a scoping document sent to all residential providers in Brent to

establish an estimate of the number of clients the new provisions would affect. The result so far has been 6 requests and 1 authorisation has been granted. Authorisations cannot be for more than a year and are subject to review. DH is closely monitoring to determine whether implementation is reaching all the individuals it should. Locally, the Assistant Director Community care chairs the Mental Capacity Act Implementation Network and this group will audit progress and issues. Legal services have taken a key role in training and setting up systems and assisting in determining the balance between restriction and deprivation of liberty.

A S75 Partnership agreement has been reached with NHS Brent who agreed to a joint process for consultation and applications. NHS Brent contributes 20% of the cost of a Deprivation of Liberty post based on DH estimates of assessments expected. However, so far no requests have been made from hospital settings.

3.9 Safeguarding team

Following the inspection changes have enabled the establishment of a small safeguarding team, as part of the transformation of adult social care. The team now consists of a more senior safeguarding manager, two senior practitioners and two support officer posts for the qualitative data, servicing the Board, and the 'Deprivation of Liberty' arrangements. They provide advice, not just across community care, but to all statutory and other providers. The manager is also the chair of the London wide safeguarding network.

3.10 London region network

Deprivation of Liberty Safeguards(DOLs):

The DH is closely monitoring Deprivation of Liberty requests on a national and regional basis. There are significant variables between NHS and local authorities on numbers referred and numbers of DOLs authorised. A London region network is examining this, as there are a lot of variable factors, such as types of homes, hospitals and population needs to take into account. Brent has low number of referrals, however this is consistent with a number of other boroughs.

Safeguarding Adults:

The development of Pan London procedures has continued over the past 6 months. Recently a small multi-agency editorial group has been established to take this forward and it is envisaged that a revised draft will be available in the autumn. The Brent Safeguarding Adults Board will have an opportunity to comment on the draft and also consult more widely, as appropriate, prior to a final version being issued.

3.11 Safeguarding adults annual report 2008/09

The annual report will summarise actions as outlined in this report, and the developments for 2009/10. It will be presented as usual to Scrutiny in October 2009. The Director of Housing and Community requested an internal audit to assist with the developing of a robust quality assurance framework, and this commenced end of June 2009. Any weaknesses or further areas for development will be reported to the Safeguarding Board and an action plan

drawn up. This will also be reported to Scrutiny, along with the annual report, in October 2009.

4.0 Financial Implications

- 4.1 There are no specific financial issues arising from this report. The implementation of the Mental Capacity Act and deprivation of liberty requirements are met by a DH grant over 3 years. The grant to the Local Authority was for £112,275 for 08/09, £172,504.00 for 2009/10 and £164,789.00 for 2010/11. The main expenditure is on salaries and the contract with Cambridge House, who is providing the Independent Mental Capacity Act Advocacy service required by the Mental Capacity Act.

5.0 Legal Implications

- 5.1 The Mental Capacity Act 2005 (as amended by the Mental Health Act 2007) sets out the requirements for lawfully depriving an incapacitated person of their liberty. The legal changes were introduced by the Government to protect such individuals' human rights following the case of HL v UK (ECHR 2005). HL was kept informally in a psychiatric ward against the wishes of his previous carers, with the staff having complete and effective control over his movements, medication etc, The Court decided HL had been deprived of his liberty and that contrary to Art 5 ECHR there was no lawful process for doing so. The provisions under the Mental Capacity Act 2005 for the deprivation of liberty set out procedural safeguards for such individuals, including an assessment and decision making process and reviews. This authorisation process applies to person who are in registered care homes or hospitals and it is the Local Authority or PCT who grant the authorisation. For persons in other care settings an order of the Court is needed to lawfully deprive a person of their liberty. The new legal provisions came into effect on 1st April 2009 .

6.0 Diversity Implications

- 6.1 The implementation of Deprivation of Liberty Safeguards has been subject to on Equality Impact Assessment (EIA). The intention is to ensure those who are most disabled due to lack of capacity have appropriate safeguards in place. There will be an annual retrospective EIA to consider progress and gaps.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 None.

Background Papers

Contact Officers

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Martin Cheeseman
Director of Housing and Community Care



Executive
19 October 2009

Report from the Director of Housing and Community Care

Wards Affected:
ALL

Key issues in implementation of personalisation of adult social care – Direct Payments

Forward Plan Ref: H&CC-09/10-12

1.0 Summary

- 1.1 The Adult Social Care service has been in the process of implementing the Putting People First policy since December 2007, a key part of which is Direct Payments. The next steps require some specific decisions and a strategic review. The decisions required will resolve the difficulties arising from a procurement exercise for Direct Payment support such that the service is secured pending a wider strategic review.

2.0 Recommendations

- 2.1 The Executive note the discontinuation of the tender process in 2009/10 for a new Direct Payments support service
- 2.2 The Executive approves a short extension of up to 3 months to a contract with the Penderels Trust for a Direct Payments support service from the current expiry date of 31 October 2009.
- 2.3 The Executive to delegate authority to the Assistant Director of Community Care to negotiate with Penderels Trust about the terms for the extension described in paragraph 2.2.
- 2.4 The Executive approves the transfer of this Direct Payment support service and associated resources from Penderels Trust to the Council on expiry of the contract extension referred to in paragraph 2.2.

Meeting
Date

Version no.
Date

- 2.5 The Executive note that bringing the service in-house as described in paragraph 2.4 will result in a TUPE transfer of the current Penderels staff to the Council.
- 2.6 The Executive approves the Director of Housing and Community Care undertaking a strategic review of all relevant support services and resources required to implement the Putting People First policy and report back in February 2010.

3.0 Detail

The Background:

- 3.1 Brent Council has been developing the implementation of the Putting People First policy (known as personalisation) since it was issued in December 2007, chiefly through the Adult Social Care Transformation Board. The progress of this was endorsed in the CSCI Inspection of these services in 2008. The Older Peoples' and Physical Disabilities assessment and care management services have been restructured in 2009 to align the processes and staff to the new arrangements for personalisation as well as deliver efficiencies to the value of £400k.
- 3.2 The development of person centred assessments of need, self directed support, personal budgets, and reviews of care services has been progressed in terms of staff training, pilots of new arrangements, and changes in ways of working. An example of this has the transfer of customer contact with the public and people seeking services to the Council's One Stop Shop, which started on September 14, 2009, and has rapidly improved the responsiveness and reliability of the advice, information and onward referral to the public.
- 3.3 There are further developments needed to complete the range of services and support required to implement the new approach. These include, systematically expanding advocacy, brokerage and self directed support services in the community. It will be essential to achieve this in a manner that safely delivers the quality, reliability and choice of service users and their carers wish at the pace and manner that best meets their circumstances. It will be equally essential to do this within existing budgets and deliver efficiencies over time. In addition there have been an increasing number of users and carers with Direct Payments falling into difficulties over the last year with audit and other issues leading to the withdrawal of the Direct Payments facility.
- 3.4 In view of the issues outlined in paragraph 3.3, a strategic review in Adult Social Care is proposed to look at other models of practice, the range of potential options both in-house, partners (such as NHS) and independent sources of such services, and the costs attached before longer term decisions are taken.
- 3.4. There has been a support and advice service to those in receipt of Direct Payments for the past 5 years delivered through a contract with a charity,

Penderels Trust (“Penderels”). This contract was initially for 3 years and has had a series of extensions while a competitive tendering process took place for the new contract. A procurement exercise started in July 2008 with a view to awarding a 3 year contract, however officers decided in September 2009 to discontinue this process. Following the receipt of tenders, officers commenced evaluation of quality and price evaluation criteria. Whilst officers were able to score the quality criteria, a series of clarification exercises with tenderers regarding price was necessary. This clarification was required due to the differing approaches tenderers had taken to completion of pricing schedules and as a result of further clarification of anticipated future demand for the service. On receipt of the final pricing clarification it was noted that the tenderers had submitted details of revised staffing levels significantly different from those originally submitted which thus impacted on the evaluation of the quality criteria. Following further clarification of the revised staffing levels with tenderers, the procurement panel decided that the tender exercise could not proceed as originally specified and no award of contract could be made. This decision, when linked with the need for a wider strategic review, has led to the recommendations in this report.

- 3.5. In order to address the need for a continuing and expanding support and advice service, it is proposed to bring the service in-house. The service needs to expand because of increasing numbers of service users moving to Direct Payments and so requiring this support. The options considered before reaching this decision are set out below. The key decision which the Executive is asked to approve, is recommended as best dealing with the consequences for the service at this stage, and without prejudice to outcome of the review.

The options considered include:

- a) Further extension of the contract until another tender is completed, which is not recommended due to the escalation in volume and cost of the service as currently constituted which is not affordable. In particular the payroll element of the Penderels service would be over the threshold for VAT with the expansion of the service and thereby incur the Council that VAT cost without reimbursement;
- b) Ceasing the service, which cannot be done if the legislative and policy duties of the council in relation to direct payments are to be fulfilled under the Health and Social Care Act 2001;
- c) To seek an extension for up to 3 months for the contract with Penderels and bring the service in-house. This is the preferred option. This will include a TUPE transfer of staff (3.9 FTE) to the Council. The detailed business case for this option is set out in Appendix 1 below. The key advantages are that this would allow for the continuity of service without continuing longer than necessary with current arrangements, whilst seeking efficient controls of costs as the expansion occurs. The element of pension costs that may be additional would be considerably less than the VAT element of retaining the contract for longer.

4.0 Financial Implications

- 4.1 The current annual budget for the Direct Payments Support Services is £128,737
- 4.2 If the contract with Penderels is extended for the 3 months from 1st November 2009 to 31st January 2010, the cost of the extension will be £32,184 i.e. based on current budget levels. A summary budget and staffing details is attached in Appendix 1 of the Business Case
- 4.3 The cost of delivering the service in house as detailed in Appendix 1 assumes that all staff chose to join the council's pension scheme immediately, this will increase costs as staff do not currently enjoy an employer's pension contribution. It also assumes that vacant posts are filled, although this may not be necessary as it is possible that management can be absorbed in current management responsibilities. The cost for the months February – March 2010 is assumed to be £29,791, including full pension payments and a full staff group. The full year cost will be in the region of £130,746. This also assumes all vacant posts are filled and that staff chose the council's pension scheme. This can be managed within current Adult Social Care budgets.

5.0 Legal Implications

- 5.1 The Council is authorised, and in some cases required, to make Direct Payments to individuals under the Health and Social Care 2001 and Regulations made under it.
- 5.2 In the event that the Council takes the current Penderels service in-house it is highly likely that the Penderels staff currently assigned to the contract will transfer to the Council's employment as a result of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) on their existing terms and conditions of employment. However it will always be open to individuals to object to transferring to the Council in which case they will not do so. It will also be open to individuals to agree with the Council improvements in their terms and conditions post-transfer so as to ensure harmonisation of their terms and conditions with other Council staff. Assuming a TUPE transfer will take place, the Council has obligations under TUPE to ensure the transferring staff's representatives, and the trade union representatives of any existing Council staff who may be affected by the transfer, are informed of the implications of the transfer for these staff. Further, the Council will become liable for any claims the transferring staff may have against Penderels arising out of their contract with Penderels. The Council's contract with Penderels requires Penderels to indemnify the Council against some but not all of such claims.
- 5.3 As Officers have in the past extended the contract with Penderels under powers delegated to Officers under para. 2.5. of Part 4 of the Constitution and Contract Standing Order 112, any further extensions of the contract require the approval of the Executive.

5.4. This service is a Part B service under the Public Contracts Regulations (EU regulations). As such the procurement of this service is not subject to the full application of the EU Regulations but it is still subject to the overriding obligations of fairness and transparency.

5.5. Given the difficulties identified in this report for the aborted tender process, with regard to the clarification of pricing and the evaluation panel identified there were quality implications in the revisions to the tenders submitted, it is appropriate that Officers decided to discontinue the procurement exercise.

6.0 Diversity Implications

6.1 Experience elsewhere shows that Direct Payments can be an effective means for those from ethnic and other minority communities to ensure they source services appropriate to their culture and needs. This aspect can be expanded under the Council's management of the service.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 There are 3.9 FTe staff currently employed in the Penderels working on the Brent Direct Payments Service who would be transferred with the reassignment of the contract to the Council as an in-house service in adult Social Care. They would be entitled to access to the Council's pension scheme. They could continue in the rent free accommodation currently used in the New Millennium day Centre.

7.2. The Penderels will need to be supported to ensure information about the implications of the transfer of the staff, as required by law, is provided to the staff and that such consultation, as may be required by law, is held with the staff. It is recommended that an early meeting with the affected staff is held. This information will need to include any changes that might be proposed post transfer. Such changes are likely to include the harmonisation of their terms and conditions for either an economic, technical or organisational reason, and the management arrangements that will exist for them post transfer. Harmonisation is likely to avoid other legal implications such as equal pay claims.

7.3 Harmonisation of their terms and conditions is likely to increase costs but until full due diligence is undertaken it is not possible to be more accurate about these.

7.4 A TUPE transfer into a larger organisation such as the Council ought to be seen as a positive step for the staff as this will open up development and career opportunities for the staff. A TUPE transfer will require proper due diligence and this will reveal whether any potential liabilities exist which may require indemnity from Penderels.

Appendices

Appendix 1

Business case for the Direct Payment Support Service

Background Papers

Executive Report 8 October 2007 - Extension of Contract with Penderels Trust and Authority to invite Tenders for a Direct Payments Support and Advice Services Contract

Executive Report February 2009 - Extension of Contract with Penderels Trust for a Direct Payments support and Advice Service Contract

Executive Report June 2009 - Extension of Contract with Penderels Trust for a Direct Payments support and Advice Service Contract

Contact Officers

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Martin Cheeseman
Director Housing and Community Care

Business Case and Project Plan

Project Name	Transferring the Direct Payment Support Service In house		
SRO (Sponsor)	Keith Skerman		
Project Manager			
Financials verified by			
Project Start date	October 2009		

Decision Summary			
What is the Executive asked to approve?			
<ul style="list-style-type: none"> To bring the Direct Payment Service In House when the current contract with Penderels Trust (“Penderels”) terminates. 			
Why is this approval being sought?			
To allow a review of the support required by service users with Self Directed Support including direct payments, advocacy, information and brokerage			
To ensure that a Direct Payment (“DP”) support service continues for service users after the current contract terminates.			
To take greater control of the Direct Payments Support Service and related costs at a time when demand for the service is increasing rapidly and unpredictably			
What investment is required?			
No new investment at this stage is required. The proposed review report may identify additional investment required for the range of services involved and sources from efficiencies or other sources.			
The current DP support service contract costs £128,737 per year. This is funded from the Physical Disabilities care management budget. In addition the Managed Account Service costs c£13,685 (the cost fluctuates as the number of managed accounts varies). The total spend for the current year will therefore be in the region of £142,422			
It had been intended to set up a new direct payment contract which was anticipated to cost in the region of £300,000 per year due to increasing demand for the service. The intention was that this would be split between existing care management budgets in ACM, LD and BMHS and Children and Families. This will still be the case. It is not anticipated that there will be additional costs above the existing budget involved in bringing the service in house or in carrying out the review.			
Project Description – Our desired outcomes are:			
Bringing the service in house will allow us to:			
<ul style="list-style-type: none"> Carry out a time-limited and strategic review to look at the size and nature of future demand 			

for all Self Directed Support (“SDS”) support services including brokerage, advocacy and direct payment support without the pressure of a contract re-tendering project timetable

- Ensure a good quality service Direct Payment Support Service is maintained to the users of the Direct Payment Service during the period of review
- Improve our control of the quality, costs, priorities and future direction of the Direct Payment Support Service
- Improve alignment of the service with care management, financial assessments and financial monitoring to improve the quality of the information available to care managers and finance staff and improve the standard of the service provided to service users
- Ensure alignment with any brokerage services which are developed during the pilot of personal budgets
- Consider the benefits of an in-house service compared to an externally procured service

Context

Adult social care services in England are facing two key challenges:

Higher expectations of service users.

Demographic changes that are placing increasing demands on the social care system.

Service users are demanding greater choice and control over the planning and delivery of their support. In addition, greater life expectancy combined with an increase in complex cases is leading to a growing recognition of the inability of the existing model to cope with future need.

The Brent Adult Social Care Transformation Programme is a departmental-wide programme with the following aims

- To transform the lives of people who need our support so that they enjoy maximum control over their own destinies and achieve best outcomes in their everyday lives.
- For those who need personal support, to transform social care in Brent into a system of Self Directed Support.
- To help people achieve wellbeing by reducing barriers which prevent people from accessing mainstream services, including transport, housing, leisure, work and financial services

Some key targets for the ASC transformation programme are:

- To ensure we have 50% less people in Residential Care by 2010
- To ensure we have 50% of our service users on Self Directed Support by the end of 2010/11- our target is a minimum of 3157 people
- Care Management role will be to support people in achieving independence and control over their lives
- A significant increase in Direct Payments across all service user groups. At August 31st 2009 570 people were either receiving a Direct Payment, or had been referred for one, compared to 450 in 2008/9.

The situation with regard to Self Directed Support and Direct Payments has moved on significantly since the contract to be re-tendered was specified. We have set the challenging target of enabling at least 3157 people to be on Personal Budgets by March 2011. Personal budgets have just started to be piloted and it is clear from the work undertaken so far that enabling large numbers of people to have more choice and control of their services will require not only an effective Direct Payment service, but also brokerage, advocacy, information and other services to support people.

The existing contract with Penderels for the Direct Payment Support Service plays an important part in helping us to deliver these targets and improve choice and control for people in Brent. The service specification includes practical training and support to those service users who want to set up their own care arrangements, about establishing personal care arrangements, recruiting carers and advice on payroll and financial management. The contractor also provides a payroll and managed account service and a DP user forum. The contractor is required to work closely with Council's care managers to actively promote and raise the profile for the service within Brent. The current service is now used by c500 people every year. 34 people use the Penderels managed account service. Numbers have increased significantly over the past 2 years as personalisation has become a departmental priority. However, we are now clear that supporting people with their Direct Payments will in future form only part of the work required to support SDS and re-tendering of this contract with approximately the same specification but increased capacity will not achieve the results we need to bring about personalisation.

We now have the opportunity to take a wide view of future requirements to support the introduction of SDS. The current provider is unlikely to agree to a contract extension beyond a few months. By bringing the service in house we will ensure a direct payment support service is maintained and have the opportunity to undertake a wide review of the support people need with Self Directed Support.

Benefits

The tangible benefits of delivering this project are:

The Performance Indicators for the in house service will be agreed within those for the department. The Performance Indicators which were stated in the specification include those listed below. These will be considered, refined and targets set when the service is brought in house:

- Number of Service Users commencing and pending receipt of Direct Payments during the quarter, broken down by client groups.
- Number of people referred for the Service and details of those that have **not** accepted Direct Payments and reasons for refusal according to client group
- Total number of Service Users receiving Direct Payments (listed by client groups, gender, age and ethnicity)
- Number for people cancelling the Service and reason for cancellation for each client group
- Total number of referrals waiting to be allocated (if applicable) listed by the client groups
- Level of support offered to individual Service Users categorised as independent, high, medium or low

- Number of home visits made this quarter
- Activities undertaken to promote/publicise Direct Payments i.e. leaflets, newsletters etc.
- Number of Service Users on Third Party Managed Account
- Number of information/training group sessions provided together with numbers of people attending
- Target audience of training sessions i.e. professionals /Users
- Number of Peer support meetings organised
- Dates of drop-in sessions and number of people attending and nature of enquiry
- All contact made during the month by initials or post-code.

It is anticipated that we will see improvements in the following aspects in particular:

- Number of people who have refused Direct Payment reduced
- Number of people who have not made financial returns in line with their DP agreement reduced
- Number of people on managed accounts reduced
- Number of home visits increased
- Satisfaction levels raised
- Number of peer support and numbers of people attending peer support sessions increased
- Number of people cancelling the service reduced

In addition, the intangible benefits of delivering this project are:

Closer working between DP support staff and other staff in Care Management and Finance

Closer communication with service users to understand the nature of their requirements and inform decision making

Time saved in receiving information from the service- better monitoring of performance

Reduction in complaints from staff and service users about the interface between the council and the service.

Information sharing with staff accessing the same case recording systems

Giving time to carry out a full review of the need for support services under personalisation

Intangible benefits of the review of the service are:

Opportunity to obtain service user, staff and stakeholder organisations views on future requirements and ensure that these influence future service models

Opportunity to ensure that direct payments service, advice and information about SDS and brokerage services are considered together

Enable the specification of a service fit for the future

Cost –

The costs that will be incurred to obtain these benefits are summarised below:

There are no new costs to be incurred to obtain the above benefits. The costs for the 3 months 1st November 2009 to Jan 31st of the extension contract will be £32,184.

The service can be brought in house and managed in house at the same cost as the contract.

A summary budget and staffing details is attached as Appendix A.

The cost of delivering the service in house assumes that all staff chose to join the council's pension scheme immediately, this will increase costs as staff do not currently enjoy an employers pension contribution. It also assumes that vacant posts are filled, although this may not be necessary as it is possible that management can be absorbed in current management responsibilities. The cost for the months February – March 2010 is assumed to be £29,791, including full pension payments and a full staff group.

The full year cost will be in the region of £130,746. This also assumes all vacant posts are filled and that staff chose the councils pension scheme. This can be managed within current budgets

Guidance and Legislation

National policy makers have responded to the challenges of changing expectations and increasing needs by setting a new strategic direction for adult social care in England. *Our Health, Our Care, Our Say* (2006) propose that service users, as citizens, should be given more choice and control over their support.

In December 2007, the Government's new strategic direction was endorsed by the *Putting People First* concordant. Government, local authorities, health authorities, professional bodies and voluntary organisations agreed to the strategy and on the necessity of replacing the existing model of social care delivery with a system focused on prevention, early intervention, re-ablement and tailored on-going support services.

Our Health Our Care Our Say and *Putting People First* propose that the adult social care system should therefore be built around enhancing the independence of service users by giving them more control over how their support needs are met.

National policy has also set new priorities that focus on prevention, early intervention, choice and designing support around the personalised outcomes of individual service users and carers. The focus on new priorities is designed to achieve better outcomes for service users and to make better use of resources.

The new national priorities for social care delivery are:

- increased focus on prevention
- facilitation of greater choice
- reduction in inequality and improved access to service
- increased support for long term needs
- Personal dignity and respect

National and local governments are now in the process of making the transition from a

model of direct service provision to one where the service user is empowered to take control of their own care through the medium of a flexible personal budget.

The Local Authority Circular (LAC (2008) 1 *Transforming Social Care*) introduced guidance on how local authorities should move towards SDS, and provided for grants to assist the process. This was further expanded in the circular LAC (DH)(2009)1: *Transforming Adult Social Care* which set out expectations regarding how the grant was to be spent and guidance on how services are to be re-designed and re-shaped. This included the expectation that “choice and control should extend to individuals in every setting and at every stage; ranging from advocacy and advice services, prevention and self-management to complex situations where solutions are developed in partnership with professionals”

Guidance issued in September 2009 gives very clear direction on how support services should be developed in future. This states that:

“Experience has shown that developing support services is a key determinant of successful implementation of self-directed support. Insufficient investment in support services makes it much more difficult for councils to promote personalisation of services and achieve greater uptake of direct payments”. The guidance suggests that “When discussing direct payments with people, councils should consider, wherever possible, putting them in touch with a support group or ULO such as a local centre for independent living, or a peer support group of people who already receive direct payments” This will also benefit people funding their own care and support. “Councils might decide that they can provide a support service directly, in partnership with a local voluntary organisation, or by some other means. The experience of existing recipients of direct payments is that they find it easier to seek advice from someone who is independent of their local council” We need to look at how best this can be developed locally and carrying out a review with stakeholder organisations and service users will give us the opportunity to do this.

The legislation governing Direct Payments is:

- section 57 of the Health and Social Care Act 2001(the 2001 Act)
- the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2003, and
- section 17A of the Children Act 1989 (the 1989 Act)
- the Health & Social Care Act 2008
- Guidance on direct payments for community care, services for carers and children’s services (Sep 2009 – DOH and Dept of Children and Families)

The legislation collectively means that Councils have a duty to offer Direct Payments to anyone who:

- is disabled (within the meaning of section 29 of the National Assistance Act 1948)
- is assessed as meeting the eligibility criteria for services under the Fair Access to Care criteria (FACS)
- is eligible for services under section 46 of the National Health Service and Community Care Act 1990, or section 2 of the Carers and Disabled Children Act 2000, or section 17 of the Children Act 1989.

Benchmarking

Good practice relevant to the project includes

Information on other local authorities bringing DP service in house is being obtained.

Dorset has recently advertised an "Advice, Guidance and Support on DP and Support Planning service" tender. This is the type of wide ranging service anticipated to be identified during the review, to meet personalisation agenda. Many other boroughs are proposing to tender a wide ranging service such as this in the coming months.

Barnet, Islington and Hounslow are 3 local authorities who have transferred services in house over the past 1-5 years and report improved collaborative working between care management and support service staff and also reduced costs on managed accounts.

Options

The options that have been considered are:

Option One- Ceasing the service

If this route is taken the direct payments contract will terminate on 31st October and 500 people will be left without a direct payments support service. This is clearly unacceptable as the service is used by vulnerable people to manage their direct payments and payroll for personal assistants, an obligation under the NHS and Community Care(Direct Payments amendment);

In particular, arrangements need to be made for the managed accounts and payroll aspects of the service, which enable vulnerable people to pay their personal assistants on a regular basis.

Option Two- Re-tendering the existing contract

Negotiating a longer contract extension with the current provider in order to allow time to re-tender the existing service again will result in a contract in the independent sector, thereby allowing us to offer people independent advice with Direct Payments, but which will not provide a range of support and advice required as the personalisation agenda moves forward in Brent- such as help with support planning, brokerage, advocacy etc. The contract would probably need to be re-tendered again within 2 years. This will be costly in terms of tendering costs and misses the opportunity to consider all the support services needed to support personalisation.

Option Three- Re-assign the contract to another provider for a short term service.

This could not be achieved without a competitive process which would take longer than the time available before the end of the contract. In addition, although re-assigning the contract would have the benefit of retaining an independent support service, it would be disruptive for service users in the short term as their details are transferred between organisations. Staff would be required to transfer to another provider, and given that only a short term contract could be awarded (to cover the review and any future tendering period) this would cause concern and disruption for staff which may impact on service stability and therefore standards. However, it may be an option for the Managed accounts and Payroll elements of

the service, depending on the outcome of negotiations with Penderells.

Option Four- Negotiate a short extension with Penderells and transfer the staff to Brent Council to provide the service in house

The key advantages are that this would allow for the continuity of service without continuing longer than necessary with current arrangements, whilst seeking efficient controls of costs as the expansion occurs. The element of pension costs that may be additional would be considerably less than the VAT element of retaining the contract for longer. This approach would allow us to maintain, control and improve the service at a time that our focus is on meeting challenging Personal Budgets targets, whilst giving time to review longer term needs for advocacy, support planning and brokerage, direct payments support and other support services required under personalisation.

The preferred option is:

Option Four

Risks	Mitigating actions
Staff may not wish to transfer to the council, or may be offered other posts by Penderells, leaving no experienced staff on the project	Early identify manager and early discussions with staff identify in house staff and agency staff 3 month contract extension to allow to speak to staff
Managed accounts service is complex to administer	Early discussions with Penderells and with other providers of managed accounts to agree way forward
Office location is dispersed from new management structures- staff not integrated	Agree management to be located at office base asap
Tight timescales for notifying staff and service users	Project plan to include communications strategy with staff and users
Dip in performance at a time when we are relying on increased Direct Payments to help us meet challenging SDS PI targets.	Manager to identify detailed risks and agree approach to new referrals during transition period
Contract cannot be managed within current budget	Review of new service requirements to include detailed budget estimates based on anticipated demand for services and a full review of all care management and support services required

Appendix A – Project Budget

1. Current Staffing Details

Staff	Hours PW	FTE
Team Leader (VACANT POST)	18.5	0.51

Independent Living advisors X 4	107	2.97
Clerical Officer	15	0.42
TOTAL	140.5	3.90

2. Summary Costs

Costs for period Feb-March 2010

Salaries	14,041
Pensions	3,229
Office costs	4167
total costs	21,437

Full Year Costs in house service

Salaries	84,245
Pensions	19,376
Office costs	25,000
total costs	128,621

Current Contract price	£128,737
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Surplus	£116
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	<p style="text-align: center;">Executive 19 October 2009</p> <p style="text-align: center;">Report from the Director of Communication and Diversity</p>
<p style="text-align: right;">Wards Affected: All</p>	
<p style="text-align: center;">Petition for changes to consultation process</p>	

Forward Plan Ref: Cent-09/10-1

1.0 Summary

- 1.1 This report has been prepared in response to a petition presented to Brent Council – to request that all future consultations include every voter on the electoral register who is resident in the consultation area.

2.0 Recommendations

- 2.1 Members note the report but instruct officers not to adopt the petitioners' suggestion that the electoral register be used for all future consultations for the following reasons:
- 2.2 There are two versions of the electoral register – the Full Register which contains the names of all registered electors and the Edited Register which only contains the names of those electors who have agreed to have their details publicly available.
- 2.3 Access to the full register is strictly controlled under the Representation of People legislation (2002). It may only be used for a very limited number of reasons and consultation by the local authority is NOT a permitted use of the full version of the electoral register.
- 2.4 The edited version of the electoral register can be used for consultation purposes but such usage would exclude significant numbers of electors who have opted not have their contact details publicly available.
- 2.5 There is no evidence that the use of the edited version of the electoral register for consultation purposes would provide value for money.

- 2.6 Service areas are recommended to ensure that consultation documents make it clear that consultations are open to all residents within a single household.

3.0 Detail

The Petition

- 3.1 A petition to ensure '*that all future consultations include every voter on the Electoral Register who is resident in the consultation area*' was received on 15th June 2009 via the Council's One Stop service. The petition has been verified by officers in the legal and democratic services department, and comprises in excess of fifty signatures signed by local residents.

- 3.2 The petitioners signed under the heading:

Petition Brent Council that all future consultations include every voter on the Electoral Register who is resident in the consultation area.

Use of the electoral register

- 3.3 There are two versions of electoral register – the 'Full Register', which contains the names of all registered electors and the 'Edited Register', which contains the names of those electors who have agreed to have their details publicly available. There are approximately 203,000 entries on the full version and 104,000 on the edited version. Access to the full version is strictly controlled and may only be used for a limited number of reasons. The full version of the register cannot be accessed for consultation purposes by the local authority. The edited version may be used for any lawful reason including direct marketing and for consultation purposes. The edited version is therefore the only version usable for the purposes suggested by the petitioners.
- 3.4 The option of using the electoral register, (edited version) for consultations is already known to service areas. The edited version in data format can be purchased from legal and democratic services for £219.50.

Current Consultation Practice

- 3.5 Borough wide consultations can be undertaken in a number of ways, e.g. posted or distributed to residents, or completed on-line through the Council's internet site. With regard to opinion survey questionnaires the most cost effective distribution method is to use the Brent magazine. The Brent Magazine is delivered to 98,000 households and distribution of questionnaires using the Magazine avoids postal charges.
- 3.6 Borough wide consultation can be undertaken on a research basis, e.g. the Place Survey and the Residents' Attitude Survey. This type of consultation generates data from a representative sample of residents. Correct sampling can yield data accurate to $\pm 3\%$ from a numeric response of 1,100. The 2008 place survey and the 2009 residents' attitude survey had numeric responses of 2,300 and 2,100 respectively. Oversampling has taken place in both of these surveys in order to generate ward level data.

3.7 In the case of local consultations, e.g. local traffic or parking schemes, planning issues etc, these are generally targeted at residents living in the area affected. In the case of traffic schemes, the consultation area may include additional addresses, not directly involved in the proposed traffic scheme, but potentially affected by displacement or other knock-on impact of a scheme. Address files for local consultations are generated using the planning service database. Although the planning service database does not contain residents' names, it does contain address and full postcode details off all properties in Brent. Use of the planning service database ensures that every property affected will receive the consultation documents.

Impact of the proposal

3.8 Use of the edited version of the electoral register for a borough wide consultation would exclude 90,000 electors. This is the difference between 203,000 electors whose details are currently on the full version of the register and the 104,000 who have agreed to have their details publicly available.

3.9 For a borough wide survey, (printed questionnaire including envelope and postage at a combined unit cost of 75p) and using the edited version of the electoral register, the estimated costs would be a prohibitive £78k per consultation. This is considerably more expensive than the current practice of using the Brent Magazine for the distribution of borough wide consultation material.

3.10 For a local consultation, use of the edited version may identify named residents, (e.g. those residents living in the consultation area who are also on the edited version of the electoral register), but is only likely to identify a limited number of addresses in that area. In these circumstances more residents are likely to be excluded from the consultation than included.

3.11 Under the current arrangements for postal surveys, consultations are open to all residents. There is no bar to additional consultees living at a single address participating in these surveys. Consultation evidence is weighed alongside a range of other factors in deciding policy or service direction.

4.0 Financial Implications

4.1 There is no specific budget allocation for this proposal and there are cost implications if this proposal were to be adopted – see para 3.9.

5.0 Legal Implications

5.1 The Local Authority often has a duty to consult the public either generally, or to consult specific groups of people. This may arise as a result of a statutory provision relating to the particular decision to be made. Alternatively consultation may be required under the general principles of administrative law, namely to take into account all relevant considerations when making a decision, including the views of those who may be affected.

5.2 The Local Government and Public Involvement in Health Act 2007 Section 138 amended the Local Government Act 1999. The provision requires that where a Local Authority considers it appropriate for representatives of local persons to be involved in the exercise of any of its functions, it must take such steps as it considers appropriate to secure those persons involvement. This new duty, which came in to force in April 2009 does not replace other consultation provisions but requires the Local Authority to consider whether any additional actions are required over and above any specific duties to consult and involve. The Statutory Guidance 'Creating Strong and Prosperous Communities' comments on the various types of involvement and consultation under this new provision and states that different approaches will need to be adopted for different functions.

5.3 In relation to use of the Electoral Register, an edited version has been available for sale for public use since 2002 (The Representation of the People (England and Wales) (Amendment) Regulations 2002). Use of the full Electoral Register is limited by the Representation of the People (England and Wales) Regulations 2001 (as amended). It does not allow use by Local Authorities for consultation purposes.

Diversity Implications

6.1 None.

5.0 Staffing/Accommodation Implications (if appropriate)

7.1 None.

Background Papers

Petition

Contact Officer: Owen Thomson, Head of Consultation, Tel: 020 8937 1055, email: owen.thomson@brent.gov.uk.

Toni McConville
Director of Communication and Diversity

	Executive 19 October 2009 Report from the Director of Policy and Regeneration
<p>For Information Wards Affected: ALL</p>	
Annual Complaints Report 2008/09	

Forward Plan Ref: PRU-0910-02

1.0 Summary

- 1.1 This report provides information about complaints against Brent Council considered by the Local Government Ombudsman; comments on the Council's performance under our own performance; and reports on developments in the Council's complaint handling. The annual reports on the operation of the statutory social care complaints process are presented with this report to give Members a comprehensive picture of complaints made against the Council.

2.0 Recommendations

- 2.1 This report is for information only.

3.0 Detail

- 3.1 The detail is contained in the attached report and appendices. The key points are:

- Complaints made to the Local Government Ombudsman were at the lowest for many years. No formal reports were issued. The local settlement rate was very low and the Ombudsman commented positively on the quality and timeliness of the Council's responses to his enquiries, and on the way the Council deals with complaints generally
- Complaints made under the Council's procedure also fell but improvements are still needed in compliance with corporate targets

and service standards. This was also highlighted in the internal audit of the process. Increasingly the emphasis needs to be on resolving complaints and providing appropriate redress at the earliest opportunity.

4.0 Financial Implications

4.1 The complaints process remains a relatively quick, cheap and effective way of resolving grievances, avoiding time-consuming investigations by the Local Government Ombudsman or court proceedings with their attendant high costs. However, dealing with complaints is expensive in staff salary costs, and as many complaints as possible need to be resolved at the first opportunity. The council could save about £200,000 a year in staff costs alone if all service areas were to meet the corporate targets for escalation between the three stages of the complaints procedure.

5.0 Legal Implications

5.1 There are no legal implications arising from this report. The Council has taken all necessary steps to adapt its processes to reflect the changes in the Local Government Ombudsman's jurisdiction.

6.0 Diversity Implications

6.1 The Council's complaints procedure covers all spheres of Council's service delivery and is available to everyone who lives in, works in or visits the Borough and all service users. It is important that people know about and are confident about using the complaints procedure. So the Council needs to tailor the service to make it easily accessible to all, and to ensure that no section of the community is excluded from using the procedure or discriminated against unfairly

7.0 Staffing Implications

7.1 To implement all the recommendations arising from the internal audit of the corporate complaints process has implications for the resources dedicated to dealing with complaints.

Background Papers

Local Government Ombudsman's Annual Review 2008/09

Contact Officers

Susan Riddle, corporate complaints manager

Email: susan.riddle@brent.gov.uk

Direct line: 020 8937 1041

Phil Newby

Director of Policy and Regeneration

Annual report of the corporate complaints manager

This is the tenth annual report on the operation of the Council's corporate complaints procedure.

The complaint managers for Children's and Community Care services are required to report on complaints made under the statutory social care procedures. Their reports are appended to this report with appendix A, being Children & Families and appendix B Community Care. These reports will give Members a comprehensive overview of complaints made about the Council.

1. Complaints made to the Local Government Ombudsman

- 1.1 As from 1 April 2008, the Local Government Ombudsman service changed its way of working by the creation of a central Advice Team which is the single point of contact for all enquiries and new complaints. This followed a change in legislation which now allows the LGO to accept complaints made by telephone, as well as written and emailed complaints.
- 1.2 Direct comparison with previous years' figures is difficult because of the LGO's new way of working. In 2008/09 the LGO Advice Team received 151 enquiries about Brent. Of these, 68 were passed to the LGO Investigation Team to consider. Of the remaining cases, some were referred to the Council as 'premature complaints' to consider under our complaints process. In 43 cases the LGO gave advice. The LGO does not give councils details of these callers, so we do not know whether those people subsequently used the Council's complaints procedures.
- 1.3 The LGO made decisions on 77 complaints against Brent Council in 2008/09. This is the lowest number for many years. Once again, the LGO did not issue any formal reports against the Council. The following table shows the distribution of complaint outcomes.

Local settlement Decisions by letter discontinuing investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant	9
No maladministration Decisions by letter discontinuing investigation because the LGO has found no, or insufficient, evidence of maladministration	25
Ombudsman's discretion Decisions by letter discontinuing an investigation in which the LGO exercises discretion not to pursue the complaint, typically because there is no, or insufficient, injustice to warrant pursuing the matter further.	32
Outside jurisdiction Cases which were outside the LGO's jurisdiction	11
Total	77

- 1.4 The 9 complaints which resulted in local settlements represented just 14% of the complaints the LGO decided and which were within jurisdiction. Nationally the average local settlement rate was 27.4%. Of the remaining 68 complaints, no fewer than 55 of the complaints considered by the LGO had already been considered by the Council under all three stages of our complaints procedure, and the LGO found no reason to question the Council's judgement. This underlines the importance of good complaint handling in achieving positive outcomes both for individuals and in terms of the LGO's assessment.

1.5 Two of the local settlements involved housing applicants who went to live in another local authority's area and were then categorised as 'out of borough' applicants. In both cases there was muddle and confusion about the applicants' status and they were given misleading information about the chances of being rehoused in Brent. Compensation of £650 was paid in one case, and £1,000 in the other. Two local settlements involved Brent Housing Partnership. One resulted from BHP's delay in dealing with a leak through a window. £375 compensation was paid in addition to the £450 already paid under BHP's internal complaint process. The other concerned a complex complaint from a group of leaseholders about service charges for many properties on an estate. BHP agreed to credit a total of £1,200 to four leaseholders, and £20 to about 20 others. One complaint about the Benefits service resulted in the Council agreeing to pay benefit to a commercial landlord whose tenant had been more than eight weeks in arrears, after the Benefits Service had failed to do so. Two complaints about Council Tax arrears and recovery which resulted in local settlements involved tax payers who could be regarded as vulnerable. The LGO found that the Revenues Service had failed to have sufficient regard to the anti-poverty strategy in deciding what would be an appropriate form of debt recovery. Two local settlements related to the planning enforcement service and their failure to keep aggrieved neighbours informed of what was happening. Compensation payments of £750 and £250 respectively were made.

1.6 The following table shows the outcomes of the complaints considered by the Ombudsman and their distribution across Council departments.

	Central	C&F	E&C	H&CC			BRBS
				BHP	H&CS	CC	
Local settlement	0	0	2	2	2	0	3
No maladministration	0	0	6	4	8	1	6
Ombudsman's discretion	1	3	8	8	8	1	8
Outside Jurisdiction	2	0	2	1	1	0	4
Total 2008/09	3	3	18	15	19	2	21

NB The figures differ slightly from the LGO's figures as some complaints considered by the LGO spanned more than one council department

1.7 As in previous years complaints about the Council's housing services and Brent Housing Partnership make up the greatest proportion of the complaints decided by the LGO – about 42% - followed by complaints about the Revenues and Benefits service (26%), and Environment and Culture (22%). This profile is very different from that of complaints made nationally to the LGO where environmental matters make up the largest proportion (29%), followed by housing (22%) and housing benefit and council tax accounts (10%). This difference no doubt reflects the demographic make up of the borough, and the problems facing its residents.

Local Government Ombudsman's Annual Review

1.8 This is the seventh year that the LGO has written to local authorities to give his appraisal of the complaints he has dealt with over the year, and on the way the Council deals with complaints generally. The format has changed slightly from previous years and is now called the Annual Review. The full text can be found on the Council's website at www.brent.gov.uk/complain.nsf or on the LGO's website www.lgo.org.uk. The Annual Review report forms part of the Council's Comprehensive Area Agreement.

- 1.9 Continuing the pattern of previous years, the Ombudsman gives positive feedback on the way Brent Council deals with complaints made to his office and under our own procedure. The Council's average response time to the LGO's enquiries was 23 days, well within the LGO's target of 28 days. The LGO commented positively on both the timeliness and the high quality of the responses, as well as the low rate (14%) of local settlements.

Comparison with other councils

- 1.10 Brent Council was joint 17th among London councils for the raw number of complaints decided by the LGO. However only three councils achieved a lower local settlement rate and only six achieved a shorter average written response time although all but one of those councils had higher rates of local settlements. Overall, only Richmond-upon-Thames had both a lower local settlement rate and a quicker average response time than Brent.

2. Complaints considered under the Council's procedure

- 2.1 The table below shows the numbers of complaints received at each stage of the Council's corporate complaints process.

Service Area:	Stage 1		Stage 2		Stage 3		Total	
	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08
Housing & Customer Services	391	401	87	92	30	29	508	522
Community Care	177	168	16	15	3	3	196	186
BHP	805	769	180	146	43	65	1028	980
Revenues & Benefits	487	686	82	142	32	40	601	868
Environment & Culture	*664	843	93	108	37	37	794	988
Children & Families*	*150	120	22	22	6	7	178	149
Central services	0	4	0	1	0	2	0	7
Total	2674	2991	480	526	151	181	3305	3699

*changes partially as a result of BACES transfer from Environment & Culture to Children & Families in October 2008

- 2.2 For the second year, the overall number of complaints received at the first stage of the complaints procedure has fallen, this year by 10%. The most significant fall in complaints at Stage 1 has been those about the Revenues and Benefits service, which have fallen by 29% from 2007/08, and by 55% since 2006/07.
- 2.3 The Council has a target of replying to 85% of all complaints within the relevant time scale at each stage. The table below shows the percentage of complaints responded to within this target. As in previous years, only the Revenues and Benefits service met the target at both Stages 1 and 2. Performance in other service areas varies considerably among units and some perform poorly. This is a critical area for improvement.

	Stage 1 Within 15 working days		Stage 2 Within 20 working Days		Stage 3 Within 30 working days	
	2008/09	2007/08	2008/09	2007/08	2008/09	2007/08
Housing & Customer Services	80	83	68	73		40
Community Care	63	62	50	67		50
BHP	88	86	68	71		50
Revenues and Benefits	94	96	96	95		60
Environment & Culture	79	76	71	65		73
Children & Families	62	54	75	55		
All	78	76	71	71	50	55

2.4 The following table shows the percentage of complaints escalating through the three stages of the Council's procedure.

		% complaints escalating from Stage 1 to Stage 2 Target: 20%	% complaints escalating from Stage 2 to Stage3 Target 20%
Housing & Customer Services	2008/09	22	33
	2007/08	23	32
Community Care	2008/09	9	19
	2007/08	9	20
BHP	2008/09	22	24
	2007/08	19	45
Revenues & Benefits	2008/09	15	39
	2007/08	21	28
Environment & Culture	2008/09	14	40
	2007/08	13	34
Children & Families	2008/09	15	27
	2007/08	18	32

Only the Community Care service met the target at both stages. It is clearly in the interests of complainant and Council alike for complaints to be resolved at the earliest

opportunity. The staff costs involved in dealing with complaints could be reduced considerably if complaints were dealt with comprehensively at the first stage of the process. To address this, the target for escalation between Stages 1 and 2 has been reduced to 15% as from 1 April 2009

2.5 The next table shows the percentage of complaints upheld either fully or in part at each stage of the complaints process. Ideally more justified complaints should be upheld at the first stage, rather than complainants having to escalate their concerns. A worryingly high percentage of complaints are still being upheld to some degree at the third stage, although there has been improvement in all areas except Housing and Customer Services. Interestingly, although 40% of complaints dealt with at Stage 3 by Environment and Culture were pursued to Stage 3, only 24% were found then to be justified. This seems to reflect some strongly held dissatisfaction with the merits of some decisions, for example around Controlled Parking Zones or planning decisions.

	Stage 1		Stage 2		Stage 3	
	2008/09	2007/08	2008/09	2007/08	2008/09	2007/08
Housing & Customer Services	32	25	24	34	46	43
Community Care	49	51	60	60	0	60
BHP	68	66	43	72	39	57
Revenues and Benefits	42	46	37.5	55	42	60
Environment & Culture	47	46	37	43	24	34
Children & Families	59	56	75	50	33	33

2.6 The final table shows the amount of compensation paid at each stage of the complaints procedure. Overall, compensation has reduced by 21% since last year. Given the very small sums of compensation recommended by the LGO, it would seem that the Council is providing remedies which reflect what the LGO would consider appropriate. In terms of providing early redress for customers, it is important that compensation, where appropriate, is paid as early as possible. But in many cases more compensation is paid at stage 2 than at stage 1. This suggests that service areas are not resolving complaints at the earliest opportunity. We have therefore introduced a target as from 1 April 2009 that 60% of all compensation should be paid at Stage 1. In 2008/09 the figure across all services was 48%. In Housing and Customer Services it was 12%, and in Environment and Culture only 8%, whereas Brent Housing Partnership paid 58% of compensation at Stage 1.

		Stage 1	Stage 2	Stage 3	LGO	Total
Housing & Customer Services	2008/09	1,567.00	6,445.00	3,068.00	1,650.00	12,730.00
	2007/08	6,940.00	4,615.00	4,930.00	950.00	17,435.00
Community Care	2008/09	13,458.00	3,050.00	0	0	16,508.00
	2007/08	9,665.00	6,575.00	1,150.00	250.00	17,640.00
BHP	2008/09	32,058.00	20,666.00	4,455.00	375.00	57,554.00
	2007/08	35,607.00	18,638.00	17,779.95	820.00	72,844.95
Revenues & Benefits	2008/09	6,600.00	9,916.00	1,125.00	0	17,641.00
	2007/08	8,721.55	8,861.78	6,985.10	1841.25	26,409.68
Environment & Culture	2008/09	505.00	2,792.00	1,475.00	1,000.00	5797.00
	2007/08	115.00	1,730.00	730.00	150.00	2,725.00
Children & Families	2008/09	525.00	350.00	1,000.00	0.00	1,857.00
	2007/08	110.00	1,550.00	3,000.00	1,125.00	5,785.00
Other	2008/09	0	0	500.00	0	500.00
	2007/08	0	0	130.00	0	130.00
Total All services	2008/09	54,173.00	43,219.00	11,623.00	3,025.00	112,587.00
	2007/08	61,158.55	41,969.78	34,705.05	5,136.25	142,969.43

3. Developments in complaints handling

Developments in the Local Government Ombudsman service

- 3.1 Part 10 of the Local Government and Public Involvement in Health Act 2007 introduced a number of changes to the LGO's jurisdiction which applied as from 1 April 2008. One key change is that the LGO can now accept complaints made other than in writing, so the service can now accept complaints made by telephone, email or text.
- 3.2 The LGO can now prepare a public 'statement of reasons' instead of issuing a formal report. The LGO is currently consulting local authorities about the format of such

statements, which are expected to be introduced as from the autumn of 2009 on a pilot basis, and from 2010 generally.

- 3.3 The Act also confirms that where a local authority carries out a function entirely or partly through an arrangement with another person, the action taken by the other person shall be treated as action taken on behalf of the authority. This confirms the LGO's long-standing view that where a council provides a function through a contract or partnership with another body (be it public, private or third sector) accountability rests with the local authority. It is important that all council contracts and service agreements contain clear arrangements for dealing with any complaints that arise. Officers from the corporate complaints team and Legal Services are developing a set of model clauses which can be included in all new service agreements.
- 3.4 The Apprenticeships, Skills, Learning and Children Bill contains proposals to give the LGO new powers to investigate complaints about the internal management of schools. Officers responded to a consultation exercise, but no date has been set for this significant widening of the LGO's powers.
- 3.5 The Health and Social Care Bill contains provisions to allow the LGO to investigate complaints from people who self-fund their social care. Again, no date had been set for this.
- 3.6 The LGO has issued revised good practice guidance on Running a Complaints System. We will consider this to ensure that the Council's complaints handling reflects the LGO's expectations.

Learning and development

- 3.7 The corporate complaints team continues to deliver training across the council under the corporate learning and development programme. In 2008/09 training was provided to about 200 staff on effective complaint handling and dealing with LGO enquiries. In addition Investigators from the LGO service delivered two training sessions at a more basic, introductory level for front line customer service staff. In addition, a member of the corporate complaints team attends every corporate induction event to emphasise to all new joiners the importance Brent Council attaches to complaints. Whilst the feedback from people attending all these events has been extremely positive, it is difficult to assess the effectiveness of the training. However the fact that complaint numbers appear to be falling is perhaps an indication that the training provided has a positive effect.

Learning from complaints

- 3.8 Complaints continue to provide valuable insights into services which need improving or procedures that need revision. Two examples from this year's casework are the need for clear procedures to deal with disrepair in temporary accommodation, and the need for a coordinated response to an increasing of complaints about problems of nuisance and anti-social behaviour arising from Houses in Multiple Occupation.

Corporate complaints database

- 3.9 Work has continued to configure and roll out iCasework as the council's corporate database. However user acceptance in January 2009 revealed ongoing problems with the workflow and, more especially, with the reporting capabilities. The software company have undertaken a gap analysis and officers are continuing to work with them to ensure that the system is fully fit for purpose. In the meanwhile the Respond software package continues to be used as the recording and reporting tool for 70% of complaints.

Customer satisfaction

- 3.10 A satisfaction survey was conducted of all complainants whose Stage 1 complaints were dealt with between October and December 2008 and which had not progressed to the next stage. 60 completed survey forms were returned. Despite the small number, the feedback has provided useful insight into complainants' views and preferences which will help shape the way complaints are dealt with in future.
- 3.11 Encouragingly, three quarters of complainants experienced no difficulty in making their complaint. (This is at odds with the results of the 2008/08 Brent Place Survey which showed that 60% of those surveyed felt ill-informed about how to complain about public services.) Overwhelmingly, complaints were made in writing (66%), or by telephone (28%). Only 16% of those surveyed has made their complaint on line or by email. The number of complainants choosing to telephone reflects the importance they attach (evidenced in other surveys and reflecting national trends) to discussing their complaint directly and feeling personally involved in the process. 47% of respondents were unhappy with the extent to which they had been involved in the complaint process.
- 3.12 Worryingly, 16% of respondents said that they had not received an acknowledgement of their complaint, and 40% said they were not told the name of the person who would be dealing with their complaint. This reflects the finding of the internal audit of the complaints process that acknowledgements had not been sent in over a third of cases in the sample. In addition, 22% said they had not been told how to pursue their complaint to the next stage.
- 3.13 More positively, only 18% of respondents were unhappy with officers' politeness and helpfulness and, only 20% were dissatisfied with the clarity of response letters. Overall, 37% of respondents were satisfied or very satisfied with the outcome of their stage 1 complaint. This figure is comparable to other public sector organisations.

Equality and diversity

- 3.14 In order to understand which groups of people use the complaints process, and which might have difficulty accessing it, we attempt to collect information across the six equality strands. In practice this is difficult because many people do not provide it when they make a complaint and cross referencing them against the records held by service areas is extremely time-consuming. We will be working to improve our data collection rates.
- 3.15 In the meanwhile the data collected by Brent Housing Partnership and through the satisfaction survey provides a helpful picture of who complains. 61% of BHP complainants were female, and 36% male (the remainder were either 'unknown' or complaints made by more than one person). In the survey, respondents were equally divided between male and female. Only 16% of BHP complainants provided information about their ethnic background. 23% described themselves as being black; 22% as white

and 9% as Asian. The corresponding figures from the satisfaction survey were 27% black, 30% white and 17% Asian. This limited analysis indicates broad comparability with the 2001 census data, other than for the Asian community who appear to be underrepresented. 24.5% of BHP complainants and 17% of those completing the satisfaction survey said that they have some form of disability.

- 3.16 We continue to publicise the complaints service as widely as possible, particularly to advice and other community organisations that might assist people to make complaints. In future, we will use information from the new Brent Evidence Base to identify areas of the borough where we need to target outreach initiatives.
- 3.17 During the year, we have run service desks at a number of service user forums. I met representatives of Brent Community Law Centre with the complaints manager for housing services.
- 3.18 We set up a Community Complaints Circle, aimed at drawing together representatives of as many local community groups as possible. We invited over 90 organisations and held two meetings, in April and November 2008. The attendance at the second was very poor, which was very disappointing, especially as it was organised jointly with the LGO. On balance it does not appear cost-effective to continue to hold meetings of the Circle, although we will continue to contact the organisations with information and during consultation exercises.

Partnership complaints

- 3.19 Continuing the work begun in 2007/08, the Local Strategic Partnership Board in February 2009 adopted a complaints procedure for complaints about decisions taken by the Board, and a set of general protocols covering complaints spanning a number of the partner organisations.
- 3.20 In conjunction with the Borough Solicitor I am working on a set of model terms and conditions and service specifications for complaints handling to be included in all contracts and service level agreements which will provide a clear and consistent framework for complaints about services delivered through partnerships.

Early redress

- 3.21 Following the Government White Paper *Communities in control: Real People, Real Power*, CLG set up a Redress Review Team to consider how to extend early redress for citizens where council services fail to meet agreed standards, and the wider issues of how to put customers at the heart of local service delivery. We contributed to the review, and one of the review team spent a day in Brent, including time with the One Stop Service.
- 3.22 Arising from the review, in June 2009, CLG issued *Getting it Right and Righting the Wrongs*, the aim of which is to provide practical support for local authorities to take forward the three main drivers of customers' experience – the service and remedy pledge, the importance of the front line, and customer-focused partnerships – and to provide practical tools to help councils improve local services and remedy arrangements, and to make best practice common practice.
- 3.23 We will take account of the advice in the forthcoming review of the complaints policy. Providing adequate remedies at the earliest opportunity has always been at the heart of the council's complaints process and continues to be emphasised in all training. But we

need a sharpened focus on this in order to increase customer satisfaction and to avoid unnecessary resources being devoted to complaints which ought to have been resolved very early on in the complaint process.

Internal audit of the corporate complaints process

- 3.24 As part of the 2009/2010 Internal Audit Plan, Deloitte have undertaken an internal audit of the systems of control in place around complaints handling. The scope was to look at five key areas - awareness of the complaints procedure, receipt and logging of complaints, processing of complaints, compensation and refunds, and monitoring and reporting.
- 3.25 The fieldwork took place in May 2009, looking at complaints received and/or dealt with in 2008/2009, and a draft report was issued in July. In due course the report will be finalised and submitted to the Audit Committee.
- 3.26 The audit revealed a number of areas where service areas have inadequate controls in place. These have led to inconsistent compliance across all service areas with agreed standards for dealing with complaints, inadequate quality assurance of stage 1 responses, inconsistent and tardy reporting of complaints performance information, and no regular gathering of feedback from complainants.
- 3.27 The audit report contains a number of recommendations which are set out in the appendix C to this report. I am drawing up an action plan to address these recommendations but many of them need the corporate management team to accept the need to dedicate resources to complaint management in all departments, and/or a radical overhaul of the way the council deals with complaints.

Priorities for 2009/2010

- 3.28 The priorities for 2009/2010 are
- To put measures in place to improve compliance with the corporate targets and service standards
 - To develop arrangements for dealing with complaints about services delivered through partnerships
 - To take action to address the areas of concern highlighted by the internal audit
 - To review the Council's corporate complaints policy

Susan Riddle
Corporate complaints manager

**HOUSING & COMMUNITY CARE
COMMUNITY CARE COMPLAINTS
ANNUAL REPORT 2008/2009**

<u>Section</u>	<u>Contents</u>
1	Context/Overview
2	Stages of the Procedure and Summary of Figures
3	Stage 1 Complaints
4	Stage 2 Complaints
5	Stage 3 Complaints
6	Ombudsman Complaints & Enquiries
7	Learning the Lessons/Practice Improvements
8	Compensation Payments
1.	CONTEXT / OVERVIEW AND GENERAL INFORMATION
1.1	This report provides information on complaints made about Adult Social Care Services during the period 1.4.08 -31.3.09 under: <ul style="list-style-type: none"> • the Health and Social Care (Community Health and Standards) Act 2003 and the Local Authority Social Services Complaints (England) Regulations 2006 • the Council's corporate complaints procedure.
1.2	There is a statutory requirement placed on the local authority to produce an annual report relating to the exercise of its functions under the Regulations.
1.3	We aim to provide a sensitive, customer-focused service for representations and complaints and to provide help and advice to people who may wish to make a complaint so that they understand the options available for resolution; within the complaints procedure or through alternative routes of remedy and redress.
1.4	The Department has a Designated Complaints Manager for Community Care Services whose responsibilities include: assisting in the coordination of the consideration of complaints under the Regulations; promoting local resolution and providing guidance, advice and support to managers and staff; monitoring complaint handling arrangements; managing, developing, resourcing and administering the complaints procedure; overseeing the receipt and investigation of complaints at stage 2; appointing external investigators, Review Panellists and Independent Persons as appropriate; maintaining complaint records; and compiling the annual report.
	In addition, the department's complaints section consists of a Complaints Manager, Housing Services, and two Complaints & Representations Officers, one reporting to each of the Complaint Managers. The

complaints staff are all based on the 6th floor at Mahatma Gandhi House and aim to provide an integrated departmental complaints service. Details of complaints about Housing Services are detailed in the Corporate Annual Report on Complaints.

- 1.5 We aim to ensure that we provide appropriate, accessible and high quality services. However we are aware that we do not always get things right and it is important that we acknowledge this and learn from complaints, identifying the action we need to take to improve services in the future. We accept a person's right to complain and when complaints are received we encourage staff to be open and honest, calm and polite; to consider what the complainant says; to acknowledge the complainant's point of view and to have an 'open mind'. Complaints from the people who use our services, their carers and others in the local community should be regarded as an indicator of areas where we need to examine how services are delivered. Complaints provide the Council with valuable information that can be used to improve services, enhance service user's experiences, reduce the anxieties of individuals, their families and carers and prevent further problems and complaints. When we fail to correct a service failure or mistake and do not provide an adequate remedy for the complainant we run the risk of the same thing happening again and an escalation of the person's dissatisfaction. Constructive responses to complaints help to provide high quality services and more responsive service to our diverse community.
- 1.6 There are three stages to the complaints procedure. These being:
- Stage 1 - local resolution
 - Stage 2 - investigation
 - Stage 3 - review
- 1.7 We aim to resolve issues and concerns before they become complaints and resolve as many complaints as possible at the first stage of the complaints process within the service area concerned. Stage 1 of the complaints procedure is primarily a problem solving and local resolution stage and an opportunity for local managers to remedy any service failures that have occurred, to inform and to maintain and develop goodwill between the Council and the complainant. When responding to complaints, managers are required to provide an explanation of what has happened and why and an explanation as to how a justified complaint will be remedied. It is the Council's policy to give an apology if the Council is found to be at fault. Where maladministration and injustice has occurred, a compensation payment can be made.

The Council's aim is to get complaints right at the earliest stage possible. Complaints escalating to the subsequent stages of the complaints procedure can indicate that this is not always the case, and that complaint responses at the early stages may be either inadequate or not sufficiently

open and transparent when things have gone wrong. Investigating and reviewing complaints at Stages 2 and 3 is expensive in terms of officer time as well as costs involved in commissioning external investigators and panel members. Also increasing amounts of compensation may be paid at subsequent stages of the procedure when service failures have occurred and injustice has been suffered. Responding in a positive and timely way at the outset saves money in the long run, significantly enhances the Council's reputation with its customers and reduces anxiety for those involved.

- 1.8 Where complaints are seen as being justified, putting things right sometimes relates to an individual case and on some occasions indicates a need for a general improvement or development in respect of the service. It is important that we learn the lessons from complaints, using the information to review practice, put things right if they have gone wrong and to stop mistakes happening again.
- 1.9 External Service Providers regulated under the Care Standards Act by the Commission for Social Care Inspection (Care Quality Commission from 1.4.09) are required by law to have their own complaints procedure. Therefore complaints about care standards provided by such providers will often be received directly by them and these are not detailed in this report. However, our Service Units maintain care management and contract management responsibilities in respect of the services that they arrange through such external providers and services are monitored through such processes and through meetings with contractors and reviews that are held. Service users and their representatives in receipt of such contracted services can pursue their complaint through the Council's procedure if they wish.
- 1.10 The number of complaints detailed in this report should be seen in the context of the range and level of services that are provided; the number of referrals for services; the number of assessments and the total number of users across the service units. When looking at complaints in this context the number received is relatively small. The information in this report demonstrates that there is evidence of some good practice and complaint handling. However, we cannot afford to be complacent. We need to continue to ensure that our customers know about and have confidence in our complaints procedure; that complaints are not overlooked; that time targets are met; escalation rates reduced; and that a good quality response is provided.
- 1.11 As a working guide, a complaint is generally defined as "an expression of dissatisfaction or disquiet about our actions, decisions or apparent failings which requires a response". The intention is not to be too rigid in the way that complaints are defined and if it is possible to resolve the matter immediately, there is no need to engage the complaints procedure.

Complaints can be made in writing, by telephone, on-line, in person, by e-mail or by fax. We try to make it easy for people to raise their concerns.

- 1.12 Social Services complaints legislation details those persons who can make a complaint under the statutory complaints procedure. This includes the service user, someone acting with the agreement of the service user and someone acting on behalf of a service user who is not able to make the complaint themselves.
- 1.13 We have carried out further training during the year for staff and contractors around complaint handling and investigation. Also, in the current year 2009/10 there has been well-attended briefings on the new statutory adult social care complaints procedure and specific courses have been held on investigating such complaints, these courses being run by the LGO office. The NW London Complaints Managers Group also arranged a training and introductory session on mediation for the independent investigators on our jointly administered pool. Some of the independent people on the pool also attended the LGO investigation courses.

During 2009/10 there will also be generic courses on effective complaint handling and introduction to complaints, and the corporate complaints team is also running a course on cross unit complaint handling.

2. THE STAGES OF THE COMPLAINTS PROCESS AND SUMMARY OF FIGURES.

It should be noted that the figures provided in this report in respect of complaint responses and outcomes relate to the complaints received during the year.

2.1 Stage 1 complaints

Service units and external contractors providing services on behalf of the Council are expected to resolve as many complaints as possible at this initial point. The Council's corporate complaints procedure requires complaints at stage 1 to be responded to within 15 working days. The statutory procedure details a maximum period of 20 working days for a response; however the Department of Health expects local authorities to deal with the majority of complaints within 10 working days.

Section 3 provides details of the 177 stage 1 complaints that were recorded. (168 received in the previous year)

2.2 Stage 2 complaints - These are usually considered by the Assistant Director, often following a full investigation by either a Senior Officer or an external investigator. Some complaints have been resolved without the need for a full investigation, following enquiries and consideration by a relevant senior manager.

Stage 2 complaints falling within the statutory complaints procedure should be dealt with in 25 working days, although in certain cases when a

complaint is complex this can be extended to 65 working days. Complaints considered under the corporate procedure should be responded to within 20 working days.

Section 4 provides details of the 16 stage 2 complaints that were received. (This compares with 15 stage 2 complaints last year)

2.3 Stage 3 complaints - The third stage of the complaints process is a review. Section 5 of this report provides details of the three stage 3 complaints that were made. (In the previous year there were also three stage 3 complaints received).

Complaints about our statutory social services functions require a Complaints Review Panel to be established. The panel makes recommendations to the Chief Executive who then makes a decision on the complaint and the action to be taken. Complaint Review Panels are chaired by an independent person, and also involve other independent people. There are various timescales relating to stage 3 complaints. These relate to the setting up of the Panel - within 30 working days; the production of the Panel's report - within 5 working days and the local authority's response - within 15 working days.

There was one Panel hearing held during the year, and the other two complaints were dealt with under the corporate complaints procedure.

2.4 Percentage escalation

Stage 1 to Stage 2	9% (9% in the previous year)
Stage 2 to Stage 3	19% (20% in the previous year)

The escalation rate for complaints going from stage 1 to stage 2 is well below the Council's target of no more than 20%. The escalation rate for complaints going from stage 2 to stage 3 is also within the Council's target of no more than 20%.

2.5 Comparative Community Care Complaint figures – London Family and Neighbouring authorities

Figures have been sought from other London local authorities but many have not responded.

Local authority	Stage 1	Stage 2	Stage 3
Barnet	78	12	7
Brent	177	16	3
Camden	92	7	5
City of Westminster	77	10	1
Croydon	Figures requested but not provided		
Ealing	Figures requested but not provided		
Enfield	Figures requested but not provided		
Hammersmith & Fulham	66	9	
Haringey	Figures requested but not provided		
Harrow	66	5	1
Hounslow	162	2	1
Kensington & Chelsea	Figures requested but not provided		
Lambeth	Figures requested but not provided		
Lewisham	Figures requested but not provided		
Waltham Forest	65	8	2

Care should be taken in reaching conclusions about comparison of such figures as numerical data on its own does not take account of differing interpretations, complaint handling practices and other service related issues across local authorities. Over recent years Brent's figures have been higher than most other London local authorities.

3. STAGE 1 COMPLAINTS

3.1 There were 177 recorded complaints during the year, nine more than last year. Service Units have been positively encouraged to record complaints received and to acknowledge and deal with expressions of dissatisfaction as formal complaints when issues and concerns are not resolved within 24 hours of receipt.

Of the complaints where an outcome was determined (excluding withdrawn and pending complaints and those where consideration was given under an alternative procedure; 48% were upheld to some degree (either fully or partially). This is a lower figure than last year (54%). 69% of Contractor complaints were upheld to some extent; the figures for the main service areas being 56% for Older People's Services; 53% for Learning Disability Services; 46% for Physical Disability Services and 19% for Mental Health Services. The figure for Finance was 33%.

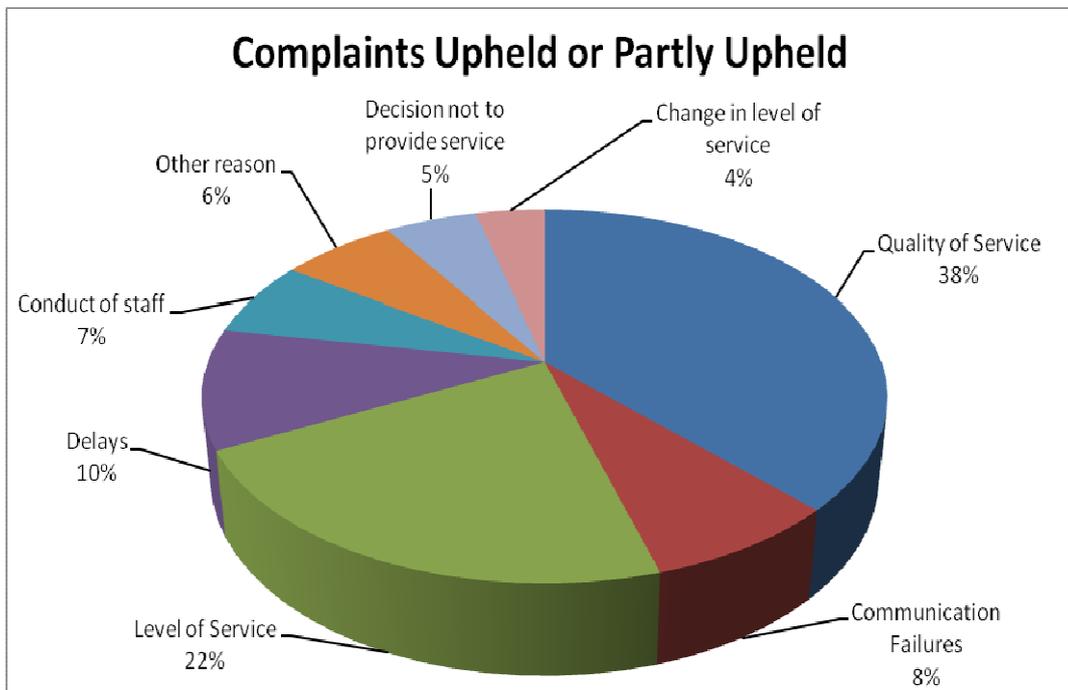
Each statutory complaint is assessed as to its complexity; with a target timescale of 10 working days being attached to a non-complex complaint and 20 working days being attached to a complex complaint. A complaint being dealt with under the corporate complaints procedure should be responded to within 15 working days. Of all the complaints that were determined, 62% were responded to within the required timescale. This is the same figure as last year. This figure falls short of the Council's aim of 85% of responses being sent within target time. However, it should be noted that from April 2009, new statutory complaints regulations apply and these move away from specific timescales and a process driven

approach to a much more flexible arrangement with timescales being set by the local authority in conjunction with the complainant; the time period for dealing with the complaint to take account of the complexity and nature of the issues being raised. This would indicate that the government now accepts that a rigid timescale for dealing with all complaints is not appropriate.

Of the 177 complaints that were made about Community Care Services, 57% were made by the service user; a high majority of the others being made by relatives.

Complaints that are logged formally can be tracked and monitored, and if things have gone wrong managers can ensure that matters are put right. Service Units have been encouraged to recognise and record complaints and report these to the Complaints Team. The figures show a relatively low percentage of complaints being received and recorded at the local level, at least in some Service Units, with only 20% of recorded complaints being received directly by the Service Unit which the complaint related to. (this is a similar figure to the previous year). 55% of the complaints were received directly by the Complaints Team. (this compares with 45% in the previous year).

A large number (37%) of the complaints received related to the overall quality of the service provided; with a further 20% being about the level of the service. Of the complaints that were upheld or partially 38% related to the quality of the service provided and 22% to the level of service provided; with delays accounting for 10%.



3.3 COMMUNITY CARE STAGE 1 COMPLAINTS BY SERVICE UNIT, RESPONSE TIMES, OUTCOME AND WHERE RECEIVED

Service Unit	Joint – OPS and Finance		Older Peoples Services		Physical Disability Services		Brent Learning Disability Partnership		Brent Mental Health Services		Contracted Services		Finance		Central Functions (incl EDT)		TOTAL
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	
NUMBER OF COMPLAINTS	3	(2)	60	(34)	37	(21)	20	(12)	26	(15)	13	(7)	12	(7)	6	(3)	177

Response Times

Within required timescale	1	(33)	28	(47)	22	(59)	6	(30)	18	(69)	10	(77)	6	(50)	3	(50)	94	(53)
Outside required timescale	1	(33)	20	(33)	14	(32)	9	(45)	6	(23)	3	(23)	5	(42)	-	-	58	(33)
Withdrawn	1	(33)	9	(15)	1	(3)	2	(10)	-	-	-	-	-	-	-	-	13	(7)
Dealt with under other processes	-	-	1	(2)	-	-	-	-	1	(4)	-	-	-	-	3	(50)	5	(3)
Pending	-	-	2	(3)	-	-	3	(15)	1	(4)	-	-	1	(8)	-	-	7	(4)

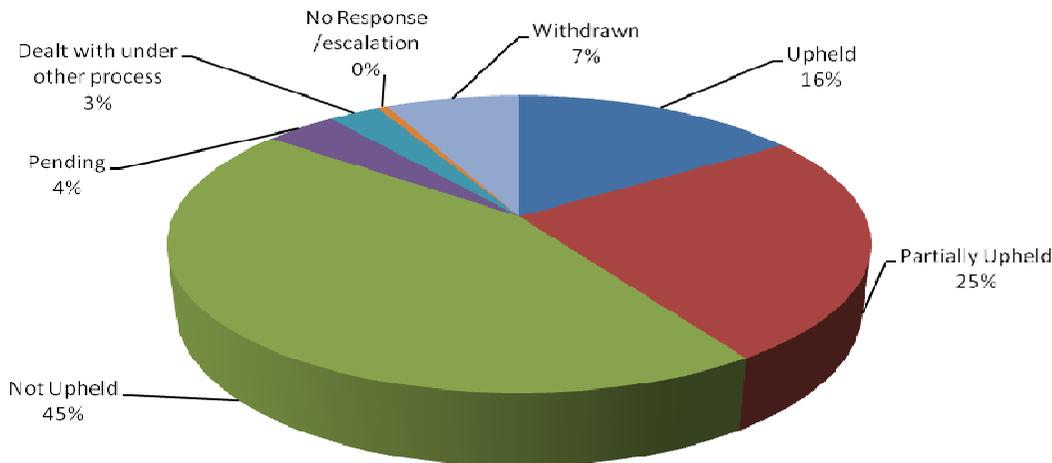
Outcomes:

Upheld	-	-	9	(15)	6	(16)	3	(15)	-	-	7	(54)	2	(17)	1	(17)	28	(16)
Partially Upheld	1	(33)	18	(30)	10	(27)	5	(25)	5	(19)	2	(15)	2	(17)	1	(17)	44	(25)
Not Upheld	1	(33)	21	(35)	19	(51)	7	(35)	19	(73)	4	(31)	7	(58)	1	(17)	79	(45)
Withdrawn	1	(33)	9	(15)	1	(3)	2	(10)	-	-	-	-	-	-	-	-	13	(7)
No response - escalation	-	-	-	-	1	(3)	-	-	-	-	-	-	-	-	-	-	1	(1)
Dealt with under other process or direct to S2	-	-	1	(2)	-	-	-	-	1	(4)	-	-	-	-	3	(50)	5	(3)
Pending	-	-	2	(3)	-	-	3	(15)	1	(4)	-	-	1	(8)	-	-	7	(4)

Where Complaint received:

The Service Unit	1	(33)	12	(20)	13	(35)	2	(10)	2	(7)	4	(31)	1	(8)	1	(17)	36	(20)
Dept Complaints Team	2	(66)	32	(53)	16	(43)	10	(50)	19	(73)	7	(54)	9	(75)	2	(33)	97	(55)
One Stop Shop	-	-	3	(5)	4	(11)	2	(10)	3	(12)	1	(7)	-	-	-	-	13	(7)
Director or Asst. Dir.	-	-	10	(17)	2	(5)	3	(15)	-	-	-	-	2	(17)	3	(50)	20	(11)
Corp. Complaints Team	-	-	-	-	-	-	1	(5)	-	-	-	-	-	-	-	-	1	(1)
Chief Executive	-	-	-	-	1	(3)	-	-	-	-	-	-	-	-	-	-	1	(1)
Other Department	-	-	1	(2)	-	-	2	(10)	-	-	1	(7)	-	-	-	-	4	(2)
NHS Trust	-	-	1	(2)	-	-	-	-	-	-	-	-	-	-	-	-	1	(1)
Other Council Unit	-	-	1	(2)	-	-	-	-	1	(4)	-	-	-	-	-	-	2	(1)
Local Govt Ombudsman	-	-	-	-	1	(3)	-	-	1	(4)	-	-	-	-	-	-	2	(1)

Outcome of Stage 1 Complaints



3.2 COMMUNITY CARE STAGE 1 COMPLAINTS BY SERVICE UNIT AND NATURE OF COMPLAINT

Service Unit	Joint – OPS and Finance		Older Peoples Services		Physical Disability Services		Brent Learning Disability Partnership		Brent Mental Health Services		Contracted Services		Finance		Central Functions (incl EDT)		TOTAL
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No.	%	
NUMBER OF COMPLAINTS	3	(2)	60	(34)	37	(21)	20	(12)	26	(15)	13	(7)	12	(7)	6	(3)	177

Nature of Complaint

Communication Failure	1	(33)	3	(5)	1	(2)	2	(8)	2	(7)	-	-	1	(8)	4	(40)	14	(7)
Service Delay	1	(33)	6	(10)	4	(10)	-	-	-	-	1	(6)	1	(8)	-	-	13	(7)
Level of service	-	-	12	(19)	11	(26)	7	(29)	7	(24)	2	(13)	1	(8)	-	-	40	(20)
Conduct or attitude	-	-	2	(3)	3	(7)	1	(4)	1	(3)	3	(19)	-	-	-	-	11	(6)
Quality of service	1	(33)	26	(42)	9	(21)	11	(46)	9	(31)	10	(63)	4	(33)	3	(33)	73	(37)
Decision not to provide service	-	-	7	(11)	8	(19)	-	-	5	(17)	-	-	-	-	-	-	20	(10)
Change in level of service	-	-	2	(3)	2	(5)	1	(4)	2	(7)	-	-	1	(8)	-	-	8	(4)
Failure to take action	-	-	-	-	1	(2)	-	-	-	-	-	-	-	-	1	(10)	2	(1)
Alleged discrimination	-	-	-	-	1	(2)	-	-	-	-	-	-	-	-	-	-	1	(1)
Other Reason	-	-	4	(6)	2	(5)	2	(8)	3	(10)	-	-	4	(33)	2	(20)	17	(9)
Total	3		62		42		24		29		16		12		10		199	

4 STAGE 2 COMPLAINTS.

4.1 There were sixteen 2 complaints during the year. This compares with fifteen in the previous year. Nine complaints related to the statutory complaints procedure and seven to the corporate procedure. Nine of the complaints were investigated by independent people; such investigations being very time-consuming and involving interviews with a number of people and consideration of a significant amount of documentation. The other seven complaints were investigated by internal managers.

Of the sixteen complaints, four were fully upheld; six were partially upheld; four were not upheld and two independent investigations are still ongoing at the time of the writing of this report.

There were many and varied issues referred to in the complaints that were made. Six of the complaints were responded to within the required timescales; eight complaints were responded to outside of the timescales and the two pending complaints will also be dealt with in excess of the timescale.

4.2 The people making Stage 2 complaints:

Service User/s	8 (50%)
Relative/Partner	6 (38%)
Organisation	2 (13%)

4.3 Stage 2 Complaints - Equalities Information

Service Unit	Older Peoples Services	Physical Disability Services	Brent Mental Health Services	Brent Learning Disability Partnership	Finance	Quality & Support	Central Functions	Total
No.	6	-	4	1	1	1	3	16

Racial Origin of Service User

White British	3	-	1	1	1	-	1	7
White Other	1	-	1	-	-	-	-	2
Black Caribbean	-	-	1	-	-	-	-	1
Asian Indian	1	-	-	-	-	-	1	2
Asian British	1	-	-	-	-	-	-	1
Asian Other	-	-	1	-	-	-	-	1
Group	-	-	-	-	-	1	1	2

Gender of Service User

Service Unit	Older Peoples Services	Physical Disability Services	Brent Mental Health Services	Brent Learning Disability Partnership	Finance	Quality & Support	Central Functions	Total
Male	2	-	2	1	-	-	-	5
Female	4	-	2	-	1	-	2	9
Group	-	-	-	-	-	1	1	2

Disability (including mental health problems)

	5	-	4	1	1	-	3	14
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4.4 Stage 2 complaints by Service Unit, Response Times and Outcome

Service Unit	Older Peoples Services	Physical Disability Services	Brent Mental Health Services	Brent Learning Disability Partnership	Finance	Quality & Support	Central Functions	Total
No.	6	-	4	1	1	1	3	16

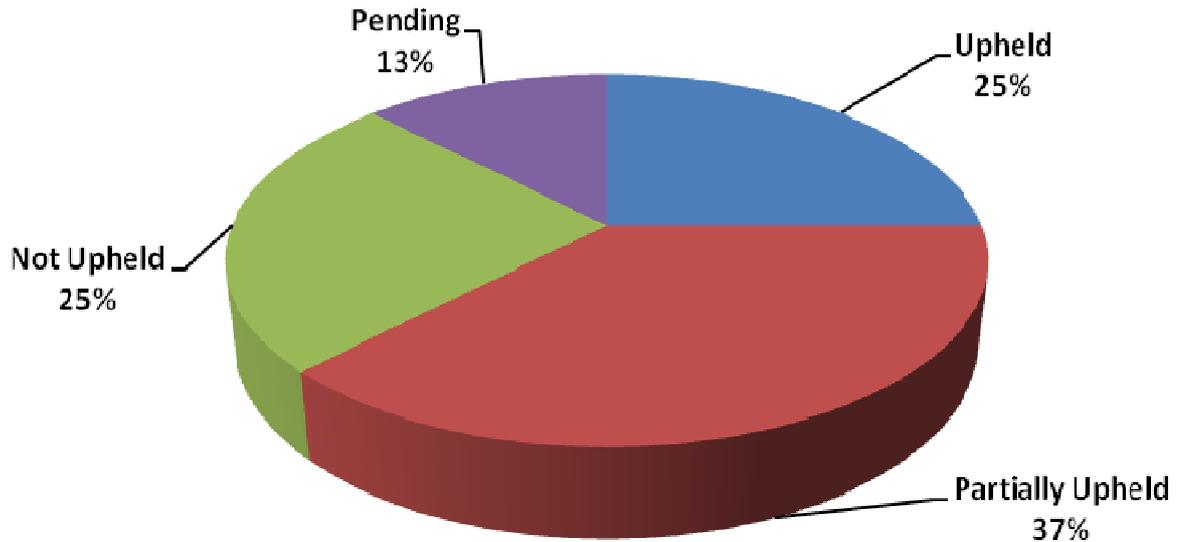
Response Times:

Within corporate time period	1	-	2	-	-	1	-	4
Outside corporate time period	1	-	1	-	-	-	1	3
Within initial statutory time period	-	-	-	-	-	-	-	-
Within allowed extended statutory timescale	1	-	-	1	-	-	-	2
Outside allowed statutory timescale	3	-	1	-	1	-	2	7

Outcome:

Upheld	-	-	2	-	-	-	2	4
Partially Upheld	3	-	-	-	1	1	1	6
Not Upheld	2	-	1	1	-	-	-	4
Pending	1	-	1	-	-	-	-	2

Outcome of Stage 2 complaints



4.5 Stage 2 complaints by Service Unit and Nature of Complaint

Service Unit	Older Peoples Services	Physical Disability Services	Brent Mental Health Services	Brent Learning Disability Partnership	Finance	Quality & Support	Central Functions	Total
No.	6	-	4	1	1	1	3	16

Nature of Complaint: (n.b. multi-coding)

Staff Conduct	1	-	1	-	-	-	3	5
Level of service	1	-	1	-	-	-	-	2
Quality of service	4	-	3	1	-	-	3	11
Service request not agreed	3	-	2	-	-	1	-	6
Delays	1	-	-	-	-	-	-	1
Failure to communicate effectively	4	-	2	1	1	1	3	12
Withdrawal of or Change in Service provision.	-	-	1	-	-	-	1	2

Service Unit	Older Peoples Services	Physical Disability Services	Brent Mental Health Services	Brent Learning Disability Partnership	Finance	Quality & Support	Central Functions	Total
Failure to carry out action	-	-	1	-	-	-	-	1
Other	-	-	-	-	1	-	3	4
Total	14	-	11	2	2	2	13	44

5 STAGE 3 COMPLAINTS

5.1 There were three stage 3 complaints this year. This is the same number as last year. There was one Complaints Review Panel held. This complaint was about the level of compensation paid for failure to communicate effectively. Two complaints were considered under the corporate complaints procedure; one being about the refusal of a blue badge and the other about the level of compensation in respect of the manner in which a Protection of Vulnerable Adults referral was handled. None of the complaints were upheld.

There are various timescales relating to statutory stage 3 complaints:

- A Panel should be established within 30 working days – the timescale was met.
- Following the hearing, the Panel is required to produce a report within 5 working days detailing their recommendations – the timescale was met in this case.
- The local authority should send a response within 15 working days of the Panel's report – this did not happen; the response being sent after 17 working days.

Under the corporate complaints procedure a response should be sent within 30 working days. This timescale was met in both cases.

5.2 Stage 3 complaints by Status, Service Area, Timescales and Outcome.

STATUS	SERVICE UNIT	TO SET UP PANEL	PANEL REPORT PRODUCED	COUNCIL RESPONSE	OUTCOME
Statutory procedure	BLDP	30 working days	1 working day	17 working days	Not Upheld
Corporate procedure	Older People's Services	N/A	N/A	14 working days	Not Upheld
Corporate procedure	Older People's Services	N/A	N/A	30 working days	Not Upheld

6. OMBUDSMAN COMPLAINTS AND ENQUIRIES.

6.1 Complainants can refer their complaint to the Local Government Ombudsman at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under our procedure. During the year, three complaints about Community Care Services were considered by the Local Government Ombudsman. The conclusions reached by the Ombudsman are detailed below.

Service Area Outcome of Ombudsman Consideration	Older People's Services	Brent Mental Health Services	Joint Physical Disability Services and BMHS	TOTAL
No or insufficient evidence of maladministration	1	-	-	
Ombudsman's Discretion	-	-	1	1
Premature	-	1	-	1
Total	1	1	1	3

7. LEARNING THE LESSONS / PRACTICE IMPROVEMENTS

7.1 Complaints provide senior managers with useful information in respect of the way that services are delivered. When complaints are upheld it is necessary for managers to consider whether there is a need for any service improvements to be made with a view to ensuring that similar failings do not recur. The consideration of complaints has resulted in reviews and changes to procedures; guidance and training for staff and improvements being identified and made in relation to service delivery and practice. I detail below some specific examples of service improvements which were identified in complaint responses.

7.2 Some required service improvements identified from the consideration of complaints.

Complaints about Older People's Services

- Clarification to staff about correct arrangements for Freedom Pass renewal process.
- Staff reminded of policies and requirements relating to customer care standards.
- Staff reminded of the importance of arranging respite care in a timely manner.
- Mechanisms put in place to ensure timely response to referrals received.

- Procedures put in place to ensure that the caseload of members of staff who are on long term sick leave is monitored and prioritised in a timely manner.
- Staff reminded of the need for both service users and carers needs to be assessed to identify their individual needs.
- Staff reminded of the importance of responding to all relevant issues when replying to correspondence.
- Practice to be improved so that when decisions are made not to disclose information that has been requested and/or not to amend records which have been challenged, the reasoning that has informed the decision/s to be provided, along with details of how to appeal against the decisions.
- The cost implications for services to be explained to service users.
- Need for clarity and guidance about the Council's position in relation to requests to electronically record discussions.
- Managers to be reminded of the need for them to accurately explain to complainants the basis on which they have reached their conclusions in respect of matters complained about.
- Where case recording in respect of matters complained about is not explicit managers to request those persons whose conduct is subject to complaint to submit a signed and dated written statement in response to the complaint about their actions.
- Managers to be reminded of the need for examination of case notes as an intrinsic part of a complaint investigation.
- Further complaint training for managers to include the need for discussions with the complainant to take place at an early stage to ensure clarity and agreement in respect of the nature of the complaint, the desired outcome and the arrangements that are to be made for investigating and responding to the complaint.
- Staff to be reminded of the need for case recording to be factually correct, objective and written in a clear and accessible manner. Also, that where any opinion or interpretation is expressed, this is clearly identified as such.
- The issue of best practice in recording to be discussed within the context of the regular practice meetings. Line managers/supervisors to be advised of the need to periodically monitor case recording to ensure that appropriate standards are being achieved and maintained by their staff.
- Review of the guidance given to staff about the need for showing respect for individual privacy and property; and to ensure that best practice is followed and that actions of members of staff are not intrusive or inappropriate.
- Staff to be reminded of the importance of giving adequate notice and information to people who are being visited of proposed appointments and the reasons for them. Also that they should not leave messages with a third party, other than an involved relative/carer or when there are language or capacity issues.
- Managers to be reminded of the need, following any controversial or potentially controversial incident, to ensure that the

circumstances arising, and any ongoing action that is required, is considered and a case decision is made, recorded and communicated to the services user. This to be done in a timely way and for the communication to include information as to how the matter is to be progressed.

- Need for apology to be given when complaints are being upheld.
- Review of the way that POVA enquiry was conducted and subsequent review of the training needs of officers involved. Also arrangements put in place to review the recording and monitoring systems in place with a view to ensuring that appropriate and timely action is taken following POVA related referrals being received.

Physical Disability Services

- Arrangements for respite care raised with team managers, to remind staff of the importance of arranging respite care in a timely manner, ensuring all parties are kept informed at all times.
- The management of customer enquiries and customer care policies to be reviewed as a result of an inappropriate response being given to an enquiry.

Brent Mental Health Services

- Manager to ensure systems are in place to ensure that inappropriate delays do not occur in responding to your requests for information.
- Changes to Freedom Pass criteria and review of individual's eligibility for renewal of pass.
- Need for Freedom Pass reviews to be administered more effectively. Review of cases relating to individuals involved in Freedom Pass appeals or stage 1 complaints to ensure appropriate information has been given about the Freedom Pass review.
- Managers to consider the need for compensation to be made when there is evidence of distress being caused to any individual because of the way that matters had been dealt with.

Finance

- Review and changes to the hourly rate that was being applied when a service user required two carers for specific tasks to meet their needs. This led to the charge being reduced to reflect the number of hours of care provided, and not doubled when two carers were required.
- Need for clear and understandable language to be used when dealing with customer enquiries.
- Need for relevant information to be provided when a cheque is sent out; making it clear what it relates to.
- Review of the circumstances that require two officers to undertake a visit. Staff reminded of need to explain in advance, wherever possible, to the person being visited when more than one officer is going to be involved.

Brent Learning Disabilities Partnership

- The need for more detailed, appropriate and timely investigations into safeguarding referrals and more effective consultation and quality assurance mechanisms put in place. Introduction of monthly monitoring and auditing of safeguarding cases so that timely follow-up is now part of standard practice.
- Continue to ensure all staff have access to autism specific training.
- Review of recruitment arrangements and consider longer term plans to recruit to current vacancies within ASSPECTS on a permanent basis
- Senior managers informed of lack of clarity around funding arrangements for young disabled people aged 18-19.
- Improved signage and notice boards to be put in place in care home

Learning Disabilities Day Care Consultation

- Need for improvements in the way consultation is carried out with clearer internal and external communications and organisational arrangements. Need for the consultation process and arrangements to be seen as open, transparent and inclusive and the need for proposals to take account of the outcome of person-centred assessments. Need for the Council to rebuild trust and to improve the Council's relationships with service users, relatives and carers and to develop a more collaborative approach that includes the Council being more receptive to feedback. Need for review of the advocacy and support arrangements and the working of the Partnership Board.

Contractor

- Need for closer monitoring of carers in respect of arrival times and completion of tasks as per care plan. Spot-checks to monitor time- keeping and adherence to policies and procedures.

8 COMPENSATION PAYMENTS

The Council has a compensation policy and payments are considered if, after a complaint has been investigated or as part of an Ombudsman's investigation, it is concluded that:

- the Ombudsman would find that there has been maladministration by the Council causing injustice to the complainant; and
- he would recommend that compensation should therefore be paid to the complainant.

During the year compensation totalling £16,508.66 was paid following consideration of complaints. Payments related to the following service areas.

Overall compensation is lower this year compared with the previous year; down from £17640 last year.

The corporate complaints team have introduced a new indicator that 60% of all complaint compensation should be paid at stage 1. The Community Care figures reflect that 82% was paid at stage 1.

Service Unit	Stage 1	Stage 2	TOTAL
Older People's Services	£11114.66	£2500	£13614.66
Physical Disability Services	£ 1569		£ 1569
Brent Learning Disability Partnership	£ 775		£ 775
Brent Mental Health Services		£ 550	£ 550
TOTAL	£13,458.66	£3,050	£16,508.66

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July 2009

CHILDREN AND FAMILIES COMPLAINTS ANNUAL REPORT 2008/09

1.0 SUMMARY

- 1.1 The annual report for 2008/09 on complaints about Children and Families services is attached.
- 1.2 The report provides information about the context and operation of the complaints procedure, the number and type of complaints made during the year and how these were dealt with.

1.3 Figures indicate:

- Numbers of Stage 1 complaints received in 2008-09 increased by 25% - but this reflects the move of Brent Adult & Community Education Service (BACES) from Environment & Culture back to Children & Families.
- Stage 2 and Stage 3 complaints remained at the same level – 22 and 6 respectively.
- 62% of Stage 1 complaints were responded to within timescales compared to 54% and 48% in previous years. This is a welcome improvement.
- Stage 2 timescales were met in twelve cases, 75%. This is based, for social care complaints on the extended statutory timescale. There are particular difficulties in meeting the social care statutory timescale because of the complexity of complaints raised. In addition the use of external investigating officers and Independent Persons raises availability issues in scheduling interviews with staff in order to complete a full and thorough investigation. However complainants are kept informed of progress during the investigation.
- The escalation rate from Stage 1 to Stage 2 was 15%, compared to 18% and 16% in previous years, but was within of the Council target of 20%.
- Of Stage 1 complaints closed during the year 43% were not upheld and 56 % fully or partly upheld. These percentages are not significantly different from the previous year.
- At Stage 2 24% were not upheld, but 71% fully or partly upheld. It is recognised that particularly for social care complaints the issues raised at Stage 2 may be wider and more detailed than at Stage 1 but the figures seem to indicate that more thorough and comprehensive investigations at Stage 1 were needed.
- Six Stage 3 complaints were received compared to 7 in the previous year. This gives an escalation rate of 27% for Stage 2 to Stage 3, higher than we would have wished. It should however be noted that 4 of the 6 Stage 3 complaints were not upheld.
- A key performance indicator is the provision of a timely response. Compliance with time targets at both stages 1 and 2 of the procedure remains below requirements, and work needs to be done to improve this.
- There were no formal Ombudsman reports or findings of maladministration

- 1.4 One of the most important parts of complaint handling is making sure that lessons are learnt and appropriate procedural and practice changes are made if things have gone wrong. Complaints in 2008/09 continued to provide some important learning points and some key improvements are shown in section 13.
- 2.0 RECOMMENDATIONS
- 2.1 Report is for information.
- 3.0 FINANCIAL IMPLICATIONS
- 3.1 There are no specific financial implications. However better handling of complaints at stage 1 of the complaints procedure, and reducing rates of escalation produces savings as stage 2 complaint investigations and stage 3 reviews incur additional costs, particularly as the social care statutory procedure requires the use of Independent Persons.
- 4.0 STAFFING IMPLICATIONS
- 4.1 None
- 5.0 LEGAL IMPLICATIONS
- 5.1 Complaints about children's social care are governed by Children Act 1989, The Children Act Representations Procedure (England) Regulations 2003, and Getting the Best from Complaints [guidance issued under Section 7 of the Local Authority Social Services Act 1970]. The regulations require an annual report to be presented to Committee.
- 6.0 DIVERSITY IMPLICATIONS
- 6.1 The Council's commitment to equalities and diversity is reflected in the complaints procedure and the way that service users' dissatisfaction is handled. Leaflets and responses will be provided in any language or format on request, and young people and their families and carers encouraged to use interpretation and advocacy support as required.

<u>Section</u>	<u>Contents</u>
1	Context
2	Numbers of Complaints Received
3	Number [and Percentage] of Complaints Responded to within Timescales
4	Early Referral to the Ombudsman
5	Local Government Ombudsman's complaints
6	Escalation Rates
7	Analysis of Complaints by Teams
8	Nature of Complaints
9	Outcomes of Closed Complaints
10	Compensation paid
11	Mediation and Alternative Dispute Resolution
12	Advocacy for Children and Young People
13	Key Service Improvements from Complaints
14	Analysis of Persons Making Complaints
15	Where / How complaints received
16	Payments for Statutory Stage 2 Investigations and Stage 3 Review Panels
17	Training for Staff
18	Information for Children, Young People and their Families
Key	Definitions and Stages of the Complaints Procedure

1. Context

This report is made in accordance with requirements in the Representations Procedure (Children) Regulations 2006 [regulation 13 (3)] and related guidance.

The Children & Families department is required to deal with complaints about specified social services functions for children in accordance with the above statutory regulation. Other complaints about non-statutory social service functions and about education responsibilities are handled in accordance with the Council's corporate complaints procedure. This report provides information about all complaints recorded by the Complaints Team during the twelve months between 1 April 2008 and 31 March 2009.

The Key at the end of this report contains information about the definition of a complaint, who can complain and the stages of the complaints procedure and timescales.

It needs to be noted that some complaints, eg about special educational needs assessments and school admissions offers, have separate appeals procedures and are not dealt with under the complaints procedures. Each school is also required to have its own complaints procedure.

2. Numbers of Complaints Received

There were 150 Stage 1 complaints recorded during the year, compared with 120 in 2007/08. Children & Families department took back responsibility for Brent Adult & Community Education Services (BACES) from Environment & Culture during the

year – and this generally accounts for the increased number of Stage 1 complaints. Numbers of Stage 2 complaints and Stage 3 complaints remained steady.

	Stage 1			Stage 2			Stage 3		
	08/09	07/08	06-07	08/09	07/08	06-07	08/09	07/08	06-07
Total	150	120	161	22	22	26	6	7	2

There has been some fluctuation in the level of complaints over the past three years, but it is difficult to identify why this should be. Staff training continues to emphasise the importance of all officers being pro-active in dealing with queries and concerns and that if issues progress to a complaint they should be addressed in a timely and comprehensive way in accordance with procedures.

3. Number [and Percentage] of Complaints responded to within timescales

Stage 1 Corporate 15 working days : Statutory 10 working days

Stage 2 Corporate 20 working days : Statutory 25 working days

Stage 3 Corporate 30 working days : Statutory 30 working days to set up, 5 working days to produce report, and 15 working days for response

Division	Stage 1			Stage 2		
	2008-09	2007-08	2006-07	2008-09	2007-08	2006-07
Social Care	15 [33%]	43 [47%]	45 [40%]	6 [67%]	7 [47%]	4 [22%]
Achievement & Inclusion	18 [75%]	8 [73%]	8 [80%]	1 [100%]	4 [100%]	2 [100%]
Finance & Performance	34 [81%]	13 [76%]	16 [73%]	4 [80%]	1 [50%]	3 [60%]
Strategy & Partnership	4 [80%]	2 [100%]				
Total	71 [62%]	66 [54%]	69 [48%]	12 [75%] *	12 [55%]	9 [35%]

*includes one complaint about Occupational Therapy services [part of Housing & Community Care]for a disabled child

Stage 1

Overall the department responded to 71 complaints [62%] at Stage 1 within the appropriate timescales, an improvement over previous years. There were difficulties in meeting timescales for social care complaints, where the statutory complaints procedure specifies 10 working days for standard [non-complex] complaints, compared to the corporate timescale of 15 working days. In view of the nature of complaints within social care, managers are encouraged to hold meetings with complainants before responding in writing which inevitably

has an impact on percentage responses within timescales. However it is recognised that there is room for improved performance and managers are taking steps in this regard.

Stage 2

The Department responded to 12 complaints [75%] at Stage 2 within the appropriate timescales [which for social care complaints was based on the extended complex complaint timescale]. This represents 75% of all complaints closed during the year and compares favourably with previous years.

Most Stage 2 statutory social care complaints raise multiple and sometimes long-standing issues and the department uses external Investigating Officers. It is also required to appoint an Independent Person, to work alongside the Investigating Officer, to provide oversight of the process of the investigation. The use of two contracted persons, whilst providing a reassuring element of independence for the complainant, does cause some availability issues and delays in scheduling interviews with staff in order to complete the investigation.

Stage 3

Six complaints progressed to Stage 3. Of these two were under the statutory procedure and completed in accordance with the specified timeframes.

5. Local Government Ombudsman's complaints

The Ombudsman dealt with 3 complaints about Children & Families during 2008-09, compared to 9 in 2007-08. All three were closed without further enquiry as Ombudsman discretion.

6. **Escalation Rates** – percentages based on the number of complaints received at Stage 2 (3) divided by the number of complaints received at Stage 1 (2)

Council target = 20%

Division	Stage 1 to Stage 2			Stage 2 to Stage 3		
	2008-09	2007-08	2006-07	2008-09	2007-08	2006-07
Social Care	18%	17%	15%	33%	40%	8%
Achievement & Inclusion	15%	36%	20%		25%	
Finance & Performance	11%	12%	23%	40%		
Strategy & Partnership		50%				
Total	15%	18%	16%	27%	32%	8%

The increase in escalation rates for Stage 1 to Stage 2 remains within the corporate target of 20% and although the Stage 2 to Stage 3 rate has been higher in recent years actual numbers remain small and outcomes generally are not a cause for concern. Variations across divisions within Children & Families generally reflects changes in areas of responsibilities.

7. Complaints Received - Analysis by Teams

	Stage 1			Stage 2			Stage 3		
	2008-09	2007-08	2006-07	2008-09	2007-08	2006-07	2008-09	2007-08	2006-07
Social Care									
Children in Need	20	23	61	4	4	5	1	3	
Referral & Assessment	28	16		5	5		1		
Leaving Care + Unaccompanied Minors	13	23	20	1	2	1		1	
Placements	4	7	15	1	1	6	2	1	2
Youth Offending	1	2							
Commissioning / Reviewing	1			1					
Total	67 (45%)	90 (75%) -19	129 (80%) -33	12 (54%)	15 (68%) -3	19 (73%) -7	4 (67%)	6 (86%) -1	2 (100%)
Achievement & Inclusion									
Disabled Children [previously part of Social Care]	18	[18]	[30]	3	[3]	[6]		[1]	
Occupational Therapy provided by team in Community Care [previously part of Social Care]	2	[1]	[3]	1		[1]			
Special Educational Needs	3		2	1		1			
Other Education & Youth Services	7	4	5						
Total	30 (19%)	11 (9%) +19 -7	10 (6%) +33 -3	5 (23%)	4 (18%) +3 -4	2 (8%) +7 -7		1 (14%) +1 -1	
Finance & Performance									
School Admissions	6	12	13		1	4			
Casual Admissions & Support Services	5	5	9	1		1	1		
Asset Management + Finance	4			1	1		1		
Brent Transport Service [previously part of Achievement & Inclusion]	7	[7]	[3]		[4]	[1]		[1]	
Brent Adult & Community Education [transferred from E&C wef 1/10/08]	24	[28]	[31]	[2]	[4]	[0]	[0]		
Total	46 (31%)	17 (14%) +7	22 (14%) +3	5 (23%)	2 (9%) +4	5 (19%) +7	2 (33%)	+1	
Strategy & Partnership									
Early Years	4	2			1				
Children's Centres	3								
Total	7 (5%)	2 (2%)			1 (5%)				
Total C&F	150	120	161	22	22	26	6	7	2

During 2008-09 Children & Families resumed responsibility for Brent Adult & Community Education Services (BACES) from Environment & Culture and total numbers of Stage 1 complaints reflect this. Numbers of complaints about education services remained overall fairly consistent.

The department's responsibilities for children in need, particularly around child protection, continued to generate a significant number of complaints from parents and carers. The restructure of social care during the early part of 2009 placed additional pressures on services, but the appointment of additional principal officers for the Localities teams is expected to assist with complaint handling over the coming year, and hopefully lead to some reduction in escalation to Stages 2 and 3.

8. Nature of Stage 2 complaints received

Nature of Complaints at Stage 2	2008-09	2007-08	2006-07
Non-Provision of service	5	0	6
Level of service	1	4	8
Quality of service	6	11	1
Delay in service provision	4	2	2
Withdrawal, reduction or change in service		1	1
Failure to appropriately consult or involve	3	6	1
Other failure to communicate effectively	3	6	6
Failure to carry out other required action	4	5	8
Inappropriate conduct or attitude of staff	5	7	5

These figures do not equate to the number of complaints at Stage 2, as some complaints cover multiple issues.

There were a number of complaints about non-provision of service – although no service received more than one, so there is no general trend here. The complaints about the quality of the service provided were about transport services and about social care. Almost all of the social care complaints also raised issues around communication, involvement and taking prompt and appropriate action.

9. Outcomes of Closed Complaints

Some complaints registered in 2008/09 are still live (having entered our monitoring system before 31 March and not yet concluded) they will be included in the next business year's set of figures).

Outcome	Stage 1			Stage 2			Stage 3		
	2008-09	2007-08	2006-07	2008-09	2007-08	2006-07	2008-09	2007-08	2006-07
Not Upheld	57	50	53	4	11	13	4	4	3
Partially Upheld	28	27	35	8	7	4	1	1	1
Fully Upheld	46	45	44	4	4	8	1	1	
Withdrawn *	13	7	13	1		1			
Total closed	131	129	145	17	22	26	6	6	4
Pending	10	7	16	7	2	2		1	

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

10. Compensation paid at Stages 1, 2 and 3 and as a result of Ombudsman recommendations

The Council has a compensation policy that is applied if, after a complaint has been investigated or as part of an Ombudsman's investigation, it is concluded that the Ombudsman would:

- find that there has been maladministration by the Council causing injustice to the complainant; and
- recommend that compensation should therefore be paid to the complainant.

A total of £1775 compensation was paid, compared to £5785 and £4760 in the two previous year.

Division	Stage 1	Stage 2	Stage 3	Ombudsman
Social Care	500		250	
Achievement & Inclusion				
Finance & Performance	25	250	750	
Strategy & Partnership				
Total = £1775	525	250	1000	

11. Mediation and Alternative Dispute Resolution

The Guidance on statutory complaints supports the use of alternative ways of resolving complaints. Meeting the complainant to discuss their concerns is often a useful way forward when considering Stage 1 complaints and is also offered following the Stage 2 response.

Formal mediation or ADR has not been used but further consideration will be given to this in the light of the new complaints procedure introduced from 1 April 2009 for adult social care and health complaints by the Department of Health. At present the new procedure does not apply to complaints about children's services but changes to the current Children Act procedure could be made in the future.

12. Advocacy for Children and Young People

Children and young people requesting or receiving social care services are entitled to independent and confidential advocacy support, in accordance with guidance in 'Get It Sorted: Providing Effective Advocacy Services for Children and Young People making a Complaint under the Children Act 1989'. The Complaints Service explains about advocacy to all young people wishing to make complaints.

During the year five young people were supported by advocates, either provided by Aidhour – the agency contracted by Brent to provide a service - or arranged by the young person independently. The direct cost of the service was £ 2,500 approximately. All except one of these complaints were resolved at Stage 1.

13. Key Service Improvements from Complaints

- Clearer guidance given to staff about managing kinship carers' requests and expectations around support on re-housing or accommodation issues.
- To seek clarification from the Children & Adolescent Mental Health Service about their procedures and requirements around parental consent for therapeutic treatment for children.
- A Working with Dangerous Families Protocol to be established and adopted by the Brent Local Safeguarding Children Board. The LSCB also agreed to produce a Working with Vulnerable Adults and Child Protection Protocol for use by all agencies and Brent Council departments.

14. Analysis of Persons Making Complaints

Complaints made by:	2008-09 %	2007-08 %	2006-07 %
Child / young person	12 (8%)	19 (16%)	29 (18%)
Parent / person with parental responsibility	119 (79%)	81 (68%)	105 (65%)
Foster carer	7 (5%)	3 (2%)	4 (2%)
Special Guardian			2 (1%)
Person with sufficient interest in the child's welfare	5 (3%)	4 (3%)	6 (4%)
Others	7 (5%)	13 (11%)	15 (9%)

The proportion of complaints made directly by young people fell in 2008/09 to 8% of all complaints made in Children and Families, and these were mostly social care complaints. Departmental complaint managers and other officers working directly with young people met during the year to review the way information about complaints is presented to young people and to consult with young people on the way they would prefer to raise comments, concerns or complaints about services they are receiving. This work is continuing with the aim of improving access to the complaints process for young people.

Equalities Information

It has not been possible to provide equalities monitoring information for all complainants, but details for the fairly small numbers of children and young people who made complaints themselves about their services are given below.

Ethnicity of Child or Young Person	2008-09 %	2007-08 %	2006-07 %
Asian or Asian British		5%	14%
Black or Black British African	25%	} 53%	} 48%
Black or Black British Caribbean	33%		
Black or Black British Other / Unspecified	17%		
Black African		10%	
Mixed / Black and White or Mixed / Other		-	14%
White / British	8%	16%	} 5%
White / Irish	8%		
White / Other	8%	16%	

15. (a) Where complaints received at Stage 1 and Stage 2

	Complaints Team			Director / AD			Team / Unit			Chief Exec			One Stop Service		
	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07
S 1	34%	58%	66%	8%	7%	7%	40%	25%	18%	1%	2%	1%	15%	8%	8%
S 2	72%	59%	73%	5%	-	12%	23%	32%	15%	-	5%	-	-	5%	-

It is clear that most complaints are received by the Complaints Team, but work continues with teams to make sure that any complaints made directly to staff are recorded and processed in accordance with the complaints procedures.

(b) How complaints received at Stage 1 and Stage 2

	Letter/Fax			Telephone			Email			Form/YPform			In person		
	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07
S 1	44%	33%	37%	21%	39%	37%	27%	19%	21%	5%	7%	4%	3%	2%	>1%
S 2	18%	54%	47%	18%	18%	43%	64%	23%	8%	-	5%	2%	-	-	-

16. Payments for Statutory Stage 2 Investigations and Stage 3 Review Panels

	2008-09 £K	2007-08 £ K	2006-07 £ K
External Investigating Officers	12	22	19
Independent Persons	2	6	6
Review Panellists	2		
Total	£16	£28	£25

Expenditure on Stage 2 investigations was significantly lower in 2008-09, the reason being that a number of cases began towards the end of 2008-09 and were carried over to the next year. As a result the costs associated with these ongoing investigations will be reflected in the 2009-10 expenditure figures.

17. Training for Staff

Briefing on the basic requirements of the complaints procedure is provided as part of Children & Families Induction for all new staff. A one-day course on resolving complaints for managers was offered as part of the corporate complaints training programme and a number of complaint sessions delivered to various team meetings. These sessions included discussions with children centres and a respite unit for disabled children about handling day-to-day concerns and complaints and cross boundary issues.

18. Information for Children, Young People and their Families

Complaint leaflets and posters are available for display in all reception areas. Complainants raising concerns about social care services for children and young people in need are also sent information sheets about the statutory social care complaints procedure and about advocacy requirements.

Gillian Burrows
Complaints Manager
July 2009

KEY:

Definition of a Complaint

Corporate

An expression of dissatisfaction, not resolved immediately to the customer's satisfaction, about the level quality or nature of a service which the customer feels should have been provided.

Statutory

An expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response – and which is about specified services under the Children Act 1989 and the Adoption and Children Act 2002.

Both definitions include services provided by people or organisations acting on the Council's behalf.

Who can make a Complaint?

Corporate

Anyone who uses or is affected by our services can make a complaint. This includes residents, people who work in or visit the borough, local businesses and community groups.

Statutory

As defined by the Children Act 1989 and related legislation and guidance, a 'Qualifying Person' including a child or young person looked after by the authority or in need, or leaving care; his parent or a person having parental responsibility; a Special Guardian; a foster carer; adopted persons, their natural and adoptive parents and former guardians.

Stages of the Complaints Procedure

The complaints procedure has three stages.

Stage 1 – Local Resolution This is the most important stage of the complaints procedure. The Department's teams and external contractors providing services on our behalf are expected to resolve as many complaints as possible at this initial point.

Timescales are:

Meeting
Date

Version no.
Date

- corporate procedure - 15 working days
- statutory procedure -10 working days with a possible extension to 20 working days for complex complaints.

Stage 2 – Formal Investigation The complainant may request a Stage 2 investigation if s/he is dissatisfied with the findings of Stage 1. The investigation is conducted by either an internal manager or an external Investigating Officer. For complaints falling within the Children Act 1989 statutory complaints procedures an Independent Person is also appointed to oversee the investigation. An Assistant Director adjudicates on the findings.

Timescales are:

- corporate procedure - 20 working days
- statutory procedure - 25 working days with a possible extension to 65 working days for complex complaints.

Stage 3 – Review The third stage of the complaints process is a review of the complaint and the response is sent by the Chief Executive. Corporate complaints are reviewed by the Corporate Complaints Team, but for statutory complaints, the Council is required to establish a Review Panel composed of three independent persons. The Panel writes a report and makes recommendations to the Council. There are various timescales relating to statutory Review Panels. These include:

Timescales are:

- corporate procedure - 30 working days
- statutory procedure - 30 working days to set up the panel, 5 working days to produce the report, and 15 working days to send out the Council's response.

A further option for complainants is the **Local Government Ombudsman (LGO)** who is empowered to investigate where it appears that a Council's own investigations have not resolved the complaint. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under our procedure first.

The new statutory complaints procedure, which was introduced from September 2006, provides for **Early Referral to Ombudsman** - an alternative option to a Stage 3 review panel for complaints meeting specified criteria. The criteria are that the Stage 2 investigation has resulted in a very robust report, a complete adjudication and an outcome where all complaints [or all significant complaints relating to service delivery] were upheld. In these cases if the complainant and the local authority agree, an approach can be made to the Local Government Ombudsman to ask him to consider the complaint without first going through a Stage 3 review panel.

Summary of draft recommendations arising from the internal audit of the corporate complaints process

Priority 1 recommendations

1. Service Area Procedures and Review of Corporate Policies and Procedures

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Recommendation	Rationale
<p>It is recommended that all Service Areas implement service-specific complaints and handling procedures based on the overarching corporate policies and procedures, and that the procedures specifically address complaints relating to service areas. The procedures should also include guidance on making compensation payments.</p> <p>With regards to guidance on making compensation payments, Service Areas may wish to wait until the Corporate Guidance on Remedies and Compensation Payments is reviewed in line with the new Local Government Ombudsman’s Remedies Guidance on Good Practice.</p> <p>In addition, it is recommended that all relevant policies and procedures regarding complaints should be formally reviewed on at least an annual basis.</p>	<p>Implementing service specific complaints and handling procedures helps to ensure that staff members in each service area are aware of how the complaints process should be handled in their department. The corporate policy requires service areas to develop departmental guidelines on the payment of compensations and to define authorised offices within the guidelines. In addition, reviewing policies and procedures annually helps to ensure that processes are operating with maximum efficiency and inline with any changes in statutory regulations or best practice advice.</p> <p>The corporate complaints and compensation policies and procedures are available on the Intranet. However, they have not been reviewed on a regular basis. The Corporate Complaints Policy was last reviewed by the Policy & Regeneration Unit in September 2006 and the Compensation Policy and Corporate Guidance on Remedies For Complaints were last reviewed by the Corporate Complaints Team in March 2006. The tenet with regards to complaint handling in Brent, is that all Service Areas should be free to follow their own procedures using their service specific knowledge and experience, provided that they meet the corporate targets and reporting requirements. Discussions with the Complaints Managers across the various Service Areas identified that, whilst all Service Areas follow different procedures, only two of them have documented these procedures and the rest rely on the corporate complaints procedure.</p> <p>Where procedures are not defined in sufficient detail for each service area, there is an increased risk that complaints may be handled incorrectly or inappropriately. In addition, there is an increased risk that complaint handling performance may not be measured effectively due to the lack of a formal framework to measure against. Where policies and procedures are not reviewed regularly, there is an increased risk that superseded policies and procedures may be followed by staff members, potentially resulting in operational inefficiencies or inappropriate actions being taken.</p>

2. iCasework support contract and full migration to iCasework

Recommendation	Rationale
<p>It is recommended that management should liaise with Tagish in order to agree a support contract for iCasework as a matter of priority.</p> <p>It is also recommended that senior management meet with Tagish as soon as possible to reconcile any differences of opinion in the development of the software, and to use that meeting to agree a definitive date for its satisfactory implementation.</p>	<p>Putting in place a support contract with Tagish will help to ensure that the development needs of the iCasework system can be met, and that faults can be rectified promptly as and when identified.</p> <p>Through discussion with the Corporate Complaints Team we understand that, overall, iCasework has a greater degree of functionality and that the intention has been to move towards this as the sole complaints system. However, full implementation has been protracted, largely due to issues regarding reporting functionality within the system. Discussions with management identified that there is no support contract with Tagish, the providers of the iCasework software. Management explained that, due to the absence of a contract, rectification of the reporting issues has not been handled with high priority by Tagish. Due to protracted implementation, complaints information is currently logged onto two systems. From a sample of 20 complaints recorded on Respond that have reached stage 3, it was identified that the complaint was not entered on to iCasework in two cases. Of the 18 that were, 17 of these were not correctly cross-referenced to a corresponding iCasework record.</p> <p>Where support is not provided by the system developer in a timely manner, there is an increased risk that the Council may fail to fully utilise system capabilities or to address any technical limitations, thereby undermining achievement of complaints handling objectives. In addition, dual logging to the two systems not only increases workload but also increases the risk of potential input errors or discrepancies which may impact the accuracy and completeness of iCasework as a historical data source</p>

3. Review of stage 1 complaint responses

Recommendation	Rationale
<p>It is recommended that management should consider putting in place a review system for stage 1 complaint responses, including monitoring of compensation payments.</p> <p>If it is not deemed practical to review all responses prior to these being sent out, consideration should be given to undertaking checks on a sample basis. This may be considered as an area of responsibility for the Service Area Complaint Managers.</p> <p>As part of such a review, management should take account of points raised in the stage 3 reviews undertaken by the Corporate Complaints Team, checking to ensure that feedback from those reviews is being addressed. In all cases, records of the review / checking process should be maintained and these should be analysed periodically to determine whether there are any common areas of weakness which require addressing, for example through additional training or guidance. This should be fed back to the Corporate Complaints Forum as a standing agenda item.</p>	<p>Reviewing stage 1 complaints will help to ensure that complaints are being responded to in an appropriate and timely manner, thereby helping to ensure a lower escalation rate is attained.</p> <p>Examination of stage 1 complaints handling process and discussions held with Service Area Complaints Managers identified that the quality of responses made by the officers dealing with stage 1 complaints is not currently subject to any form of review or monitoring.</p> <p>It is acknowledged that reviews are undertaken of the process followed where a complaint reaches stage 3, and that feedback is given on areas for improvement, but by this point the complaint has already been escalated through two stages.</p> <p>Where the quality of stage 1 responses is not reviewed or monitored, there is an increased risk of a higher than necessary escalation rate.</p>

4. Monitoring timeliness of complaint acknowledgement

Recommendation	Rationale
<p>It is recommended that management should consider how best to monitor timeliness of acknowledgment at all stages.</p> <p>Where systems do not generate suitable monitoring information, management should consider undertaking spot checks as a detective control.</p> <p>If delays are identified, as was the case from our sample testing, management should determine an appropriate course of action to address this, for example through the provision of additional training to staff or formal reminders on the importance of meeting the target.</p>	<p>Undertaking checks on the timeliness of acknowledgement would help to ensure that the five day target is being met.</p> <p>Discussion with Complaints Managers identified that there is currently no formal process in place to monitor the timeliness of acknowledgement of complaints being sent out, except for BHP and Housing. It is noted that the systems in use, Respond and iCasework, automatically attach completion dates to complaints and generate an automatic prompt as a reminder. However, from a sample of 30 complaints tested, an acknowledgement letter was not sent within the five day target in 11 cases.</p> <p>Where timeliness of acknowledgement of complaints is not monitored, there is an increased risk that the corporate target may not be met. This in itself may increase the risk that complaints may be escalated due to customer dissatisfaction with the timeliness of response.</p>

Priority 2 recommendations

5. Complaint Officer's appraisal performance

Recommendation	Rationale
<p>It is recommended that management should consider determining which staff have a significant responsibility for dealing with complaints and have complaint performance monitored as part of their one-to-one meetings and annual appraisals.</p>	<p>Having complaint handling performance fed into staff appraisals helps to ensure that there is a staff performance metric for a complaint that incentivises staff to meet Council objectives regarding complaints handling.</p> <p>A shortfall of authority in the reporting line was also identified in some Service Areas. These occur where complaints managers do not have line manager status over staff handling the complaint. In conjunction with this, it was identified that staff who regularly handle complaints typically do not have complaint response performance fed into their one-to-ones or annual appraisals.</p> <p>Where performance relating to complaints handling is not fed into appraisals for staff who regularly handle complaints, there is an increased risk that Council targets and standards may not be achieved as a result of lack of incentive.</p>

6. Retaining correspondence from complainants

Recommendation	Rationale
<p>It is recommended that management should formally remind all relevant staff of the importance of scanning all correspondence and relevant supporting documentation in relation to each complaint.</p> <p>In addition, checks should be introduced to</p>	<p>Scanning all customer correspondence helps to ensure that a complete audit trail is maintained for each complaint in the event that this is challenged at a later date, as well as helping to ensure that all relevant information is made available to officers dealing with the complaint if it is escalated through the stages. In addition, it helps to ensure that potentially confidential information is not lost.</p> <p>From a sample of 20 complaints recorded on Respond, correspondence from complainants</p>

monitor compliance with this. In the event that documentation continues to not be consistently scanned in full, management should determine an appropriate course of action to address this.

could not be located in a case file or as a Respond attachment in four cases. In addition, the correspondence was retained on file but not as a Respond attachment in 10 cases.

Where correspondence is not scanned in full, there is an increased risk that an officer dealing with an escalated complaint may be unable to determine the full details of the complaint, which may lead to an inappropriate or inadequate response being made. This may further increase the risk of the complaint being escalated further. In addition, the Council may not be able to fully support the actions taken if challenged on this, and potentially confidential information may be lost.

7. Documented procedures for inputting complaints on iCasework

Recommendation	Rationale
<p>It is recommended that documented procedures should be produced for inputting complaints onto iCasework.</p>	<p>Having up-to-date procedure notes for the input of complaints onto the iCasework system will help to ensure that complaints are fully and accurately recorded, and that staff are able to do so in an efficient and timely manner.</p> <p>It was identified during the course of the audit that there are no procedures outlining how to input and handle a case on iCasework. There are procedures for Respond and NonStopGov, the system from which iCasework was developed, but these have not been updated to account for the new system.</p> <p>Without documented procedure notes for the input of complaints onto iCasework, there is an increased risk that data may not be fully and accurately recorded, or that doing so may take excessive amounts of time, thereby representing an inefficient use of staff resources.</p>

8. Recording compensation cases and retaining approval documents

Recommendation	Rationale
<p>Staff should be reminded of the need to record all compensation payments on the Respond / iCasework system.</p> <p>It is recommended that staff members are reminded of the need to maintain copies of the compensation approval forms in all cases.</p> <p>It is suggested that these should be scanned on to system so as to form part of the electronic audit trail.</p>	<p>Recording compensation on systems helps to ensure that management information is extracted in an efficient manner to monitor amount and nature of complaints.</p> <p>Scanning compensation approval forms helps to ensure that a complete audit trail is maintained for each payment in the event that this is challenged or queried at a later date, as well as helping to ensure that all relevant information is made available to officers dealing with the complaint if it is escalated through the stages. In addition, it helps to ensure that potentially confidential information is not lost.</p> <p>Discussions with Service Area Complaints Managers identified that compensation payments are not always recorded on the iCasework or Respond systems and approved compensation forms are not scanned on to the system. It is noted that there is a reporting limitation with iCasework and a breakdown of compensation amounts by complaint stage cannot be extracted at present. Management are aware of this issue, and explained that the next release of iCasework will contain the necessary features to extract required management information.</p> <p>Where compensation payments are not recorded and approval documents not maintained, there is an increased risk that an officer dealing with an escalated complaint may be unable to determine the full details of the complaint and actions taken, which may lead to an inappropriate or inadequate response being made. In addition, the Council may not be able to fully support the actions taken if challenged on this, and potentially confidential information may be lost.</p>

9. Quarterly reports

Recommendation	Rationale
<p>It is recommended that management should determine an approach to enforcing the submission of quarterly complaint return statistics from Service Areas to the Corporate Complaints Team.</p> <p>One option for consideration may be to link appraisal criteria for Service Area Complaints Managers to this requirement. Consideration should also be given to escalating the issue within the Service Areas.</p>	<p>Prompt submission of quarterly statistics helps to ensure that the Corporate Complaints Team is able to monitor performance of the complaints handling process, identify issues and take remedial actions as appropriate in a timely manner.</p> <p>Discussions held with the Head of Corporate Complaints identified that of the 24 quarterly reports expected from six service areas in 2008/09, only 10 were submitted. For the 10 submitted, these were submitted more than a month late in all cases.</p> <p>Where quarterly performance statistics are not provided to the Corporate Complaints Team there is an increased risk that the Council loses oversight of the performance of the complaints process and loses its ability to take appropriate remedial actions in a timely manner.</p>

10. Complaints Forums to discuss compensation issues

Recommendation	Rationale
<p>It is recommended that a discussion of compensation payments is made a standard item on the Complaints Forum agenda.</p>	<p>Regular discussion of compensation payments within the Complaints Forum will help management to gain a better understanding of the compensation process and potential issues within Services Areas, as well as elevating the importance of compensation within the complaints process. This may help to reduce the extent to which complaints are escalated through the stages.</p> <p>It was noted that, whilst the Terms of Reference for the Complaints Forum cited compensation as a remit of the group, there was no discussion around this subject in the meeting minutes.</p> <p>Where compensation is not discussed at a senior level, there is an increased risk that the issue is not treated as a key element of the complaints process, potentially resulting in higher escalation rates.</p>

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11. Survey of customers

Recommendation	Rationale
<p>It is recommended that the Council should consider the need for ongoing surveys of complainants who have been through the complaints process.</p>	<p>The Corporate Complaints Policy states that "regular surveys of customers who have made complaints should be undertaken and the feedback used to help improve both service delivery and the complaints procedure."</p> <p>Conducting surveys of complainants who have been through the complaints process helps to ensure that areas of weakness in the way complaints are handled are identified so that corrective actions can be taken in a timely manner.</p>

It was identified that no Service Areas are undertaking any form of survey of complainants who have been through the complaints process.

Where complainants are not given the opportunity to feedback their views regarding the efficiency and effectiveness of the complaints process, there is an increased risk that the overall process, whilst meeting Council set targets, may not meet the expectations of residents.

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	Executive 19 October 2009 Report from the Director of Finance and Corporate Resources
Wards Affected: ALL	
Authority to tender contracts for banking services, card acquiring and bill payment services	

Forward Plan Ref: F&CR-09/10-11

1.0 Summary

1.1.1 This report concerns the future provision of the Council's Banking Services, Card Acquiring, and Bill Payment Service contracts. This report requests approval to invite tenders in respect of the proposed Card Acquiring contract to start 2 January 2011 and the Banking Service and Bill Payment Services contracts to start 1 April 2011, as required by Contract Standing Orders 88 and 89.

2.0 Recommendations

2.1 The Executive to give approval to the pre - tender considerations and the criteria to be used to evaluate tenders for the Council's Banking Services, Card Acquiring, and Bill Payment Services as set out in paragraph 3.13 of the report.

2.2 The Executive to give approval to officers to invite tenders in respect of the Council's Banking Services, Card Acquiring, and Bill Payment Service contracts and evaluate them in accordance with the approved evaluation criteria referred to in paragraph 2.1 above.

3.0 Detail

3.1 The Banking Service contract provides for a comprehensive banking service to the Council (see Appendix A for full details). The contract was tendered in 2003 and in 2004, National Westminster Bank was awarded the contract for a 5 year term with an option to extend for two

further years. This option to extend has been exercised to extend the contract to 31 March 2011. Transaction fees were fixed for the period of the contract with a revised fee in line with APR for the 2 year extension option period.

- 3.2 The Card Acquiring contract enables the Council to accept payment by credit and debit card (see Appendix A for full details). The contract was awarded to Streamline Card Services in January 2006 for 3 years with an option to extend for a further 2 years. Commission charges are reviewed annually based on the volumes and value of the Council wide transactions. The annual turnover has increased year on year and currently stands at approximately £20M. The option to extend was exercised and this contract ends in January 2011. The end date of the new contract will be aligned to the other contracts and therefore the proposed term of the new contract is 5 years and 3 months, with an option to extend for a further 2 years.
- 3.3 The Bill Payment Services contract enables the Council to use bar codes on its invoices so customers can pay at retail outlets and Post Offices (see Appendix A for full details). The contract was awarded to the Co-Operative Bank in January 2007 for 3 years with an option to extend for a further 2 years. The option to extend has been exercised to extend the contract to 31 March 2011 to align it with the main Banking Services contract. Charges under the contract are based on the volume of transaction on a tiered basis.
- 3.4 To improve the range of payment methods available to customers, the Council will offer Bill Payment facilities (bar codes) on all invoices raised from the Oracle financial system. This is expected to increase the volume of transactions for the Bill Payment service and may reduce the volume of Card Acquiring and/or Banking Services transactions.
- 3.5 The introduction of a charge to customers paying by credit card, as agreed by the Executive in March 2007, is expected to change the behaviour of customer payment from credit card to debit card. The tariff applied by the new contractor is expected to be affected by such change in volumes to card types.
- 3.6 By 2011 all service units will use Oracle Financials as the accounting system which brings with it the ability to increase the use of BACS to pay the Council's suppliers etc, to use more electronic data transfer facilities and the ability to offer more customers Direct Debit as a method of payment. While these are included in the current contract for Banking Services the operation of the bank accounts and facilities required have changed. The knowledge that major change to the way financial operations and accounting systems were to occur led the Council to extend all 3 contracts.
- 3.7 Annual Council Tax and Business Rates billing preparations begin in October each year. It is critical that these contracts be in place to

ensure any change of provider of the Banking Services, Card Acquiring and or Bill Payment Service is included in the 2011/2012 annual billing project plan. A long lead in time of six months is considered appropriate to ensure any new service providers are able to commence delivering the service in a seamless manner on expiry of the existing contracts.

- 3.8 In view of the limited market for Banking Services, Card Acquiring and and Bill Payment Services, Officers consider that the most appropriate procurement procedure is the Open (Single Stage tender) procedure. Adopting this procedure will also reduce the tender timetable.
- 3.9 Banks and other financial service providers are required to operate within highly regulated parameters and would be unlikely to depart significantly from their usual terms of business given the relatively low value of the 3 contracts. This means that it may be necessary for there to be discussion/clarification with potential tenderers regarding some of the terms and conditions of the contract. To enable this to occur, it is proposed to build into the procurement process an extended period following the advertising of the tender. This will enable the Council to issue to potential tenderers its usual terms in relation to the 3 contracts. Potential tenderers may then suggest amendment to the Council's usual terms and following full consideration, the Council may decide to adopt or reject the suggested amendments. Prior to the deadline for receipt of tenders, but allowing sufficient time for detailed consideration, the Council will issue revised terms reflecting accepted amendments. Tenderers will then tender on the basis of the revised terms and hopefully past problems of receiving only non-complaint bids because all tenderers wanted to contract on their own terms and conditions, will be avoided.
- 3.10 Officers consider that the Council may achieve economies by letting all three contracts (the Banking Services contract, Card Acquiring contract and the Bill Payment Services contract) to the same service provider. Therefore, they will be tendered together (as separate lots) but may go to two or three different providers if this proves to be the better option for the Council upon evaluation of the tenders. Those tenderers tendering for more than 1 lot will be asked to indicate any discounts that apply if being appointed for more than 1 lot, or all 3 lots.
- 3.11 Procurement and Legal Services will assist with the tender process and identify any other associated areas where further savings and improvements can be made. Consultation will take place with Finance & Corporate Resources senior management, Revenue & Benefits, departmental finance officers across the Council and external contractors who use the service on Brent's behalf to identify additional services or changes required
- 3.12 Following evaluation of tenders in respect of all 3 contracts, it is proposed that a further report will be brought before members in August 2010 to seek approval for the award of the contracts thereby

enabling a long lead in time for the contracts as for the reason identified in paragraph 3.7.

- 3.13 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Executive.

Ref.	Requirement	Response	
(i)	The nature of the service.	See Appendix 1	
(ii)	The estimated value.	<p>Banking Services contract - £525K over the life of the contract (including the optional 2 year extension).</p> <p>Card Acquiring contract - £1.1M over the life of the contract (including the optional 2 year extension).</p> <p>Bill Payment Services contract - £980K over the life of the contract (including the optional 2 year extension).</p>	
(iii)	The contract term.	<p>Banking Services contract - 5 years with an option to extend for 2 years.</p> <p>Card Acquiring contract - 5 years 3 months with an option to extend for 2 years.</p> <p>Bill Payment Services contract - 5 years with an option to extend for 2 years</p>	
(iv)	The tender procedure to be adopted including whether any part of the procedure will be conducted by electronic means and whether there will be an e-auction.	European Public Procurement Open (Single Stage Tender) Procedure for Service Contracts. This means that there will be no separate pre-qualification stage but that the information that is seen at pre-qualification stage with a two-stage tender will be submitted with the tender. This information can then be considered before tenders are evaluated.	
v)	The procurement timetable.	Indicative dates are:	
		Adverts placed seeking expressions of interest and tenders	November 2009

		Deadline for return of tender submissions	March 2010
		Panel evaluation and interviews	April 2010
		Panel decision	April/May 2010
		Report recommending Contract award circulated internally for comment	June 2010
		Executive approval	August 2010
		Mandatory minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers	August/Sept 2010
		Contract start dates	
		<ul style="list-style-type: none"> Banking Services 	1 April 2011
		<ul style="list-style-type: none"> Card Acquiring 	2 January 2011
		<ul style="list-style-type: none"> Bill Payment Service 	1 April 2011
(vi)	The evaluation criteria and process.	<p>Tenderers will be asked to complete the Council's pre qualification questionnaire to ensure they meet the Council's financial standing requirements, technical capacity and technical expertise. The panel will then evaluate the tenders against the following criteria:</p> <p>Banking Services</p> <p>(1) Price 40%</p> <p>(2) Quality 60%, consisting of</p>	

		<ul style="list-style-type: none"> • Service delivery approach as set out in the service specification requirement • Risk Management • Continuous Improvement <p>Card Acquiring</p> <p>(1) Price 60%</p> <p>(2) Quality 40%, consisting of</p> <ul style="list-style-type: none"> • Service delivery approach as set out in the service specification requirement • Risk Management • Continuous Improvement <p>Bill payment</p> <p>(1) Price 45%</p> <p>(2) Quality 55%, consisting of</p> <ul style="list-style-type: none"> • Service delivery approach as set out in the service specification requirement • Risk Management • Continuous Improvement
(vii)	Any business risks associated with entering the contract.	No specific business risks are considered to be associated with entering into the proposed contract, apart from the risk of having no service should the procurement fail. Financial Services and Legal Services have been consulted concerning this contract.
(viii)	The Council's Best Value duties.	The Corporate Best Value Strategy is to provide best value services and to serve our community. The competitive tender for Banking Services, Card Acquiring and Bill Payment Services will ensure value for money and provide a wide variety of methods of payments to be made by and to our community.
(ix)	Any staffing implications, including TUPE and pensions.	None
(x)	The relevant financial, legal and other considerations.	See sections 4 and 5 below.

3.14 The Executive is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

4.0 Financial Implications

4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval to invite tenders and in respect of other matters identified in Standing Order 90.

4.2 The estimated value of these services contracts are

Banking Services £525K
Card Acquiring £1.1M
Bill Payment £890K

4.3 The estimated value of future contracts has assumed that;

- The tariff charged by the contractors will not increase significantly
- Any increase will be offset by changing the behaviour of customers to electronic income and payment facilities which may alter the volumes and types of transactions for each contract
- The future structure of financial management within the council will require less bank accounts leading to lower charges for electronic banking systems.

4.4 Efficiency savings may be achieved ;

- if the number of contractors are reduced from the existing three companies.
- by reducing manual processing and increasing automated electronic data transfer between banking and accounting systems.

4.5 It is anticipated that the cost of this contract will be funded from service unit budget provisions for banking service costs. The budget for electronic banking facilities is held by Finance & Corporate Resources.

4.6 Procurement fees, legal assistance and advertising cost are expected to be £15K for which a budget has been allowed by Finance & Corporate Resources.

5.0 Legal Implications

5.1 The estimated values of each of the Banking Service, Card Acquiring and Bill Payment contracts are higher than the EU threshold for Services and the nature of these services means they all fall within Part A of Schedule 3 of the Public Contracts Regulations 2006 ("the EU Regulations"). The tendering of the services is therefore governed in full by the EU Regulations. As the estimated value of each of the contracts over its lifetime is in excess of £500k, the procurement and award of the contracts are subject to the Council's own Standing Orders in respect of High Value Contracts and Financial Regulations.

- 5.2 As detailed in paragraph 3.8, Officers have identified the Open (Single Stage tender) procedure as the most appropriate given the limited number of service providers in the market capable of providing these services. Once the tendering process is undertaken, Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.
- 5.3 As this procurement is subject to the full application of the EU Regulations, the Council must observe the requirements of a mandatory minimum standstill period imposed by the EU Regulations before the contract can be awarded. This standstill period may in due course be governed by regulations currently being drafted to bring in to operation in UK law the provisions of the EU Remedies Directive. The new regulations are scheduled to come into effect on 20 December 2009 by amending the main EU Regulations and therefore may impact on the award of the three contracts depending upon whether the amendments to the EU Regulations are given any retrospective effect. It is possible that they will only have prospective effect, in which case the commencement of this procurement in November before the effective date of 20th December 2009 will mean that the revised provisions do not apply. However if the revisions do apply, draft regulations confirm the existing requirements of the EU Regulations, namely to notify all tenderers in writing of the Council's decision to award, to observe a 10 calendar day standstill period and providing additional debrief information to unsuccessful tenderers on receipt of a written request. As under the existing EU Regulations the standstill period will provide unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable, and greater remedies are available to tenderers in some circumstances. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.
- 5.4 Due to the nature of these contracts, tenderers are unlikely to be willing to depart significantly from their own terms and conditions. As detailed in paragraph 3.9, an attempt to overcome these difficulties whilst ensuring that the tender process is compliant with EU Regulations is proposed whereby any amendments that tenderers wish to make will be considered prior to the deadline of submission of tenders. Revised terms will then be issued and it is on these revised terms that tenders will tender.

6.0 Diversity Implications

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

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from retendering the contract.

8.0 Background Papers

- 8.1 Banking Services Procurement File excluding confidential information in breach of an obligation to confidence.

Contact Officer(s)

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Exchequer & Investment,
Finance & Corporate Resources,
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Duncan McLeod
Director of Finance & Corporate Resources

Appendix 1

Nature of the Service

Banking Services

The London Borough of Brent requires banking services to enable income to be collected and payments to be made for all Council services and to meet other Council responsibilities.

Council departments have their own bank accounts either for operational, purchasing, imprest or deposit requirements. Electronic banking systems and data transfer facilities are required to process banking data more efficiently.

The Banking Services contract will require the service provider to provide a comprehensive range of banking services to the Council, to include:

- To open and maintain bank accounts
- Issue cheque books, paying in books and bank statements
- To provide and support web based electronic systems to enable high volumes of transactions to be processed efficiently
- Provide a Service Support team to deal with queries and trace payments promptly and efficiently.
- To calculate and notify the Council of bank charges on a quarterly basis
- To make the Council aware of any new services offered
- To inform the Council of any changes in banking regulations
- To accept income through the branch network and bulk deposit facility
- To offer a treasury management facility
- To enable non standard arrangements to meet the Council's specific needs
- To meet with Council officers on a regular basis to review performance, new initiative and continue to develop the relationship
- Extend our contract terms and rates to Brent's ALMO and allow free banking for the Mayor's charity account

Card Acquiring Service

The Council offers to customers a wide range of payment methods including credit and debit card in person, on-line and via the telephone. Under the Card Acquiring contract, the service provider's duties will include;

- To provide Service User Numbers (SUN's) for each income source
- To provide secure equipment and software to process all transactions
- To produce summaries of transactions and invoices on a monthly basis
- To provide a helpdesk to assist with queries
- To minimise the risk of fraud by continual innovation and prompt response to enquiries.

Bill Payment Service

The Council prints bar codes on invoices for customers to pay by cash at Paypoint outlets or cash, cheque and debit card at Post Office counters. Under the Bill Payment contract, the service provider's duties will include;

- Assistance with bar code set up and technology if required
- Providing secure web based electronic data and money transfer facilities
- Providing clear charging and billing to enable balancing and costing for each service using bar coded bills
- Prompt resolution of queries and tracing payments
- Honour missing payments on production of a receipt
- Being responsive to requests for new Paypoint outlets as and when a need is identified in any area of the Council.
- Maintaining contracts with the Post Office, Paypoint and any other supplier who provides the payment network required to operate the contract

Going forward, the contract will require the service provider to:-

- Improve efficiency, accessibility and adhere to the principles of the E-Government strategy via provision of Web based systems and user access via a secure Internet link.
- Apply changes in legislation with prior consultation and adequate notice.
- Be able and willing to work with the Council when changes to the service specification requirements are needed as a result of the outcome of the One Council Review and any future re-organisation.

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	<p style="text-align: center;">Executive 19 October 2009</p> <p style="text-align: center;">Report from the Director of Finance and Corporate Resources</p>
<p style="text-align: right;">Ward Affected: Harlesden</p>	
<p>Proposed Disposal of 38 Craven Park Road, Harlesden, NW10</p>	

Forward Plan Ref: F&CR-09/10-10

The report has the following attachments:

- Appendix 1 –location plan

1.0 Summary

- 1.1 This report seeks the Executive’s approval to the disposal of a building currently used for adult education purposes but which will become surplus to requirements subsequent to the relocation of the service to Harlesden Library.

2.0 Recommendation

- 2.1 The Executive authorise the Head of Property and Asset Management to dispose of the property with vacant possession by way of auction, on such terms as he considers appropriate provided that such reserve price as he considers appropriate is achieved.

3.0 Detail

- 3.1 The Council holds the freehold of 38 Craven Park Road. It was built at the turn of the century and is situated over four storeys. It is located, as shown on the attached plan, at the junction of Craven Park Road and Manor Road. Originally a residential property it is currently occupied by Brent Adult and Community Education (BACES), and is used for educational purposes. BACES are moving to new mezzanine floor space currently being created for their use within Harlesden Library which is due to re-open following extensive refurbishment in early 2010.

- 3.2 The premises at Harlesden Library will be more suitable for BACES needs as the space to be occupied by BACES has been designed specifically for their requirements and will be DDA compliant. Furthermore, the Harlesden Library has been designed to be a hub of library and community space in one centre and is another “Library Plus” building.
- 3.3 The potential availability of this property for alternative Council uses was highlighted at the Council’s Assets and Capital Board. Whilst there was some initial interest no bids were received and therefore the property is considered to be surplus to requirements. In accordance with the Council’s policy on assets where no alternative uses are identified the property is then considered for disposal.
- 3.4 It is therefore proposed, subject to Member approval, to place this property into auction as soon as vacant possession has been obtained. Clearly possession will only take place at a time convenient to the BACES which will need to maintain continuity of service until it is able to relocate to Harlesden Library.

4.0 Financial Implications

- 4.1 It is proposed that an auction reserve price be agreed with the appointed auctioneer at a figure considered by the Head of Property and Asset Management to reflect a realistic market value for the property.
- 4.2 Provision shall be made from the sale proceeds for the disposal costs, including Auctioneers commission, legal costs, and the administrative costs of Property and Asset Management.
- 4.3 The current Environment and Culture capital programme includes a sum of £250k as a contribution to the total costs of the Harlesden Library refurbishment project, to be funded from the capital receipt arising from the sale of this property. If this contribution is not arising it will put pressure on the remaining capital programme to provide the funding to meet this element of the project costs. In addition the overall resourcing of the capital programme includes a forecast target of £1.576m in 2009/10 to be derived from the Corporate Property Disposals Programme, any net sums arising from the sale of this property in excess of the required library funding will contribute to this target. The reserve figure applied to this sale at auction will be in excess of the £250,000 required to be achieved as part of the council's capital receipts programme.

5.0 Legal Implications

- 5.1 The value of this property is in excess of the value of properties which can be sold under the delegated authority of the Head of Property and

Asset Management. As such the Executive needs to agree to this disposal before this can be undertaken.

- 5.2 Under Section 123 of the Local Government Act 1972 the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease. The essential condition is that the Council obtain (unless it is a lease for 7 years or less) the best consideration that is reasonably obtainable
- 5.3 Disposals on the open market, including by way of auction, after proper marketing will satisfy the best consideration requirement.

6.0 Diversity Implications

- 6.1 Whilst this is currently a building in community use and a loss of such use would be resisted the Council is making improved alternative provision in the near-by public library which is currently undergoing extensive refurbishment at a cost of £2.5M.
- 6.2 The plans for the new site, however, have not been able to accommodate the relocation of the crèche from the current BACES site in Harlesden. This will mean that those learners with children studying at the BACES site will need to be supported to find suitable alternative crèche provision within the Harlesden area or at the nearby BACES site in Stonebridge.
- 6.3 Whilst the exact numbers of users of the crèche provision cannot be predicted, the average number of children using the crèche at any one session in the 08/09 academic year was low at just under 3.5 children per session, and the number of learners being supported with crèche provision at any one session would approximately be the same.

7.0 Staffing/Accommodation Implications

- 7.1 Most of the staff currently working from the BACES Harlesden site will transfer to the new Harlesden Library Plus site. This includes teachers, managers and administrators. However, because the new site cannot accommodate the crèche BACES will not be able to run a crèche on this site.
- 7.2 One part-time crèche manager post and 1 part-time crèche assistant post will therefore be at risk. Staff will be offered suitable redeployment opportunities within BACES and across the Council. The posts will become redundant from 31st March 2010 if no suitable redeployment opportunities can be found. This will be managed in accordance with the Council's 'Managing Organisational Change' policy.

8.0 Background Papers

- 8.1 Property Files of the Head of Property and Asset Management, Finance and Corporate Resources Department.

Contact Officers

- 9.1 Dipal Patel, Estates Surveyor, Property and Asset Management, Finance and Corporate Resources Department, Room 1A, Town Hall Annexe, Forty Lane, Wembley HA9 9HD.

Any person wishing to inspect the above papers should contact the above officer on tel: 020 8937 1318.

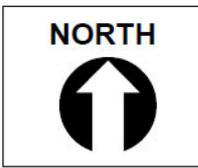
DUNCAN McLEOD
Director of Finance and Corporate Resources

EXECUTIVE COMMITTEE

**38 Craven Park Road,
Harlesden NW10 4AB.**



Premises shown edged
and cross-hatched black.
Plan for information purposes only.
PREPARED BY PROPERTY & ASSET MANAGEMENT
"Unlocking the Potential"



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	<p style="text-align: center;">Executive 19 October 2009</p> <p style="text-align: center;">Report from the Director of Policy and Regeneration</p>
<p style="text-align: right;">Wards Affected: Kilburn</p>	
<p>NDC Succession Strategy and South Kilburn Neighbourhood Trust Business Plan</p>	

Forward Plan Ref: PRU-0910-7

Appendix 1 is not for publication

1.0 Summary

- 1.1 The Executive previously considered and approved reports in November and December 2008, setting out proposals to establish the South Kilburn Neighbourhood Trust (SKNT) as part of the NDC Succession Strategy. In March 2009 the executive approved the sale of two Council sites in Carlton Vale to SKNT, on the basis of an “overage” agreement, for the development of 50 homes for Affordable and Intermediate housing. In July 2009 The Executive considered a further report on South Kilburn which included more detailed proposals for the NDC Succession Strategy and were informed of the Communities and Local Government requirements in relation to signing off NDC Succession Strategies.
- 1.2 This report and the appendices comprise the comprehensive NDC Succession Strategy for approval by LB Brent, as required by CLG Guidance Notes 44 and 44a, including a business plan for South Kilburn Neighbourhood Trust. The report also seeks further approvals in relation to the sale of the “Texaco” site and the potential site for the Healthy Living Centre in support of the SKNT Business Plan.

2.0 Recommendations

- 2.1 To approve the key elements of the comprehensive NDC Succession Strategy as outlined in this report and appendices; this complies with CLG Guidance Notes 44 and 44a, and has been approved by South Kilburn Partnership Board, see Appendix 2 attached.
- 2.2 To approve an amendment to the terms of the “overage” agreement with South Kilburn Neighbourhood Trust in relation to the sites at 58 Peel Precinct as referred to in paragraph 3.8 below and Appendix 1.

- 2.3 To agree in principle to the transfer of the proposed Healthy Living Centre site in Peel Precinct to the South Kilburn Neighbourhood Trust at nil consideration, subject to a further report to The Executive from the Directors of Finance and Policy and Regeneration, setting out the detailed terms of the proposed disposal.
- 2.4 To approve the South Kilburn neighbourhood Trust Business Plan as attached in Appendix 3

3.0 Detail

- 3.1 As explained in the report to the July 2009 Executive in order to comply with government (CLG) requirements in relation to succession arrangements for the New Deal for Communities programmes a comprehensive succession strategy and business plan for SKNT will need to be submitted to GoL and CLG by the end of October 2009. The Succession Strategy must be approved by the Accountable Body (LB Brent) and the key partners before submission to CLG. Following submission to CLG the Succession Strategy will be appraised by a panel of specialists as part of the approval process and any perceived omissions or issues with the business plan will be referred back for further consideration. The basic terms of the Succession Strategy were approved by the South Kilburn Partnership Board at their meeting on the 28th July and the report is attached as appendix 1.

SKNT Business Plan

- 3.2 At their meeting in July 2009 The Executive noted the establishment of the South Kilburn Neighbourhood Trust (SKNT) as a key component of the succession strategy for South Kilburn new Deal for Communities and noted the various elements for SKNT's future vision and business plan which would be brought before members for approval in September 2009. In order to inform the business plan process the Trust Board asked The Executive to note the following as key components of the future vision for the role of The Trust:
- SKNT works in partnership with those agencies delivering the Master Plan to commission social and economic regeneration projects to build capacity in the local community to protect past investment and future sustainability.
 - SKNT has a small staff team (directly employed or seconded) to service and support the South Kilburn Partnership Board and its Committees beyond the end of New Deal for Communities funding in March 2011.
 - SKNT identify opportunities to contribute to the delivery of the Master Plan by utilising its capital resources, likely to be between £1.5 - £4.5m in the period until 2011, in partnership with LB Brent.
 - SKNT to raise grant funding from a range of funding bodies and charitable trusts to support the commissioning of regeneration projects.
 - SKNT to potentially play a role in the delivery of a Healthy Living Centre in South Kilburn, including the provision of some "community space" in the building. This has been a long held aspiration of the local community

who see the Healthy Living Centre as an essential “legacy” from the NDC programme.

- SKNT to play a key role in developing the voluntary and community sector in South Kilburn, primarily through the management of the “Fusion” fund on behalf of South Kilburn Partnership.
- 3.3 The SKNT Board has built on this “vision” in developing a detailed business plan which is attached at Appendix 3. The business plan was approved by the SKNT Board on 9th September subject to some minor revisions which have been made to the attached draft. The business plan includes a narrative identifying the opportunities and challenges in South Kilburn; the vision and strategic objectives for The Trust; current and future project areas; risk strategy; and a five year cash flow. The financial spreadsheets show that SKNT can be financially viable into the medium term and should be able to retain the capital receipts for future investment in South Kilburn.
- 3.4 The Risk Analysis identifies ten risks as requiring on-going review and management but in each case there are actions identified to mitigate these risks. One of these risks is that the PCT does not proceed with the Healthy Living Centre and the mitigation for this risk is to use the site for an alternative use that can generate an income stream. It is possible that, in the event of the HLC not proceeding, the review of the Master Plan for Peel Precinct might suggest a use for the site that is not appropriate for SKNT as it does not generate a sufficient income stream; in this event it is proposed that the Council transfer an alternative site to SKNT that will generate the income stream required. There are two assumptions built into the business plan that require specific approval from The Executive at this stage before submission to CLG; one relates to the Healthy Living Centre proposal and the other to the development of the site at Castle Vale.

Healthy Living Centre

- 3.5 Any NDC “succession vehicle” will require an income stream to cover core costs which are difficult to fund through the usual grant giving organisations that prefer to fund project activity. In most cases the succession vehicle acquires an asset, usually with NDC funding, that generates an income stream in perpetuity; this is recognised by CLG who will exempt the asset from “clawback” provisions as part of approving the succession strategy. For some months there have been officer discussions about how to identify an “asset” that could give SKNT an income stream into the long term to support core costs and the development of the Healthy Living Centre has been identified as the best opportunity.
- 3.6 The provision of a Healthy Living Centre in South Kilburn has been high on the list of priorities for the local community and since the development of the first proposals in 2004 it has been seen as a potential NDC legacy project for the community in South Kilburn. The GPs from the four local practices have joined together and retained Assura as their development partner to develop a proposal and business plan for a healthy living centre in Peel Precinct; this has the support of Brent NHS (PCT). The site identified is owned by the Local Authority and currently occupied by the South Kilburn Partnership team. The

Local Council can support the long term sustainability of the SKNT by granting a long lease of the site at nil consideration to enable SKNT to lease it to Assura and receive an annual ground rent. The initial estimates in the absence of a formal valuation indicate that SKNT would receive an annual payment of c. £100k and it is this figure that is built into the business plan. At this stage The Executive is being asked to give an “in principle” decision to this arrangement; until there is a valuation of the site the specific financial transaction cannot be agreed. An “in principle” decision, to transfer this site will give sufficient comfort to submit the business plan to CLG as part of the South Kilburn NDC succession strategy.

Sale of the Site at Carlton Vale

3.7 In March 2009 the Executive agreed the following recommendations:

“That the Council either (a) enters into an agreement with South Kilburn Neighbourhood Trust to dispose of the two sites, identified on the plans in Appendix 1, to an RSL or other agreed purchaser at a price determined by the Head of Property and Asset Management, or (b) disposes of the two sites to South Kilburn Neighbourhood Trust for nil consideration on the basis of an “overage” agreement as detailed in paragraph 4 below, and that in either case nomination rights are provided in favour of the Council.

That the decision on whether to proceed under (a) or (b) above and the approval of the detailed terms of the sale agreement is delegated to The Borough Solicitor and the Director of Finance and Corporate Services.

That any capital receipt received by the Council from the disposal of these sites be used to support the delivery of the Masterplan for South Kilburn

To note that Government Office for London and CLG have approved the use of NDC funding for the acquisition of the Texaco site by the South Kilburn Neighbourhood Trust.”

3.8 In practice, whilst an agreement to transfer the two Council owned sites to SKNT has been concluded they have not actually been transferred to SKNT as there has been a difficulty in the Council proving title to some small areas of land in Peel Precinct to the satisfaction of the Land Registry. This is in the process of being resolved. The terms of the sale of the assembled site involved an “overage” agreement which was explained in the March Executive report as follows:

“The newly formed South Kilburn Neighbourhood Trust (SKNT) has successfully negotiated with Crossier Properties to acquire their site based on a site appraisal and valuation for affordable housing and has successfully bid for New Deal for Communities capital grant to fund the acquisition. The proposal has also been approved by The Government Office for London and CLG as required in the NDC scheme of delegation. This is on the basis

that the Council contributes its two sites to create a larger area (together with the Crossiers' site) for affordable housing. In light of the benefits to the Council of 46 units of affordable housing, and the requirement from GoL that the Council contributes its two sites, it is intended that the Council will enter into a binding agreement with SKNT to transfer its sites to an RSL or other purchaser agreed by the parties or to transfer its sites at this stage direct to SKNT. Under the latter arrangement, it is proposed that the Council dispose of their two sites to the SKNT for nil consideration, but subject to an "overage" agreement in the sale contract."

Officers now recommend that the terms of this overage agreement be amended in accordance with the revised terms set out in Appendix 1 which explains the reasons for this proposed change..

4.0 Financial Implications

- 4.1 There are a number of financial implications for the Council in relation to the recommendations in this report and these are identified in the paragraphs below. Potentially the most significant of these relates to the CLG approval of the overall NDC succession strategy. It is clear in CLG Guidance note 44 that in making NDC Grant allocations over the last three years the Accountable Body has been aware that these allocations were conditional on submitting a succession strategy for CLG approval that is "fit for purpose". The key elements of the Succession Strategy presented in this report and appendices meets the CLG criteria but the consequences of not having a CLG approved strategy in place before the end of the NDC programme could potentially involve repayment of NDC Grant and "clawback" of NDC Grant used to purchase assets.
- 4.2 The SKNT business Plan shows that this new "legacy" vehicle can be financially sustainable and continue to make a significant contribution to the regeneration of South Kilburn for the foreseeable future. Key elements of the business plan include capital receipts for the sale of the "Texaco site" of £1.3m and £2.9m for repayment of the NDC grant used to buy out leaseholders in Marshall House to kick start the physical regeneration programme. The interest from these receipts will initially be used to support revenue costs with the capital being reinvested in South Kilburn over the next five years. The Risk Strategy incorporated in the business plan, see para 3.4, is robust and identifies the key financial and reputational risks with mitigating actions. A CLG requirement is that any "legacy" vehicle must be financially viable and therefore this condition is met.
- 4.3 Appendix 1 explains the reasons for adopting an "overage" agreement in relation to the sale of the Texaco site that protected, as far as possible, the SKNT capital receipt of £1.3m. Adopting this approach rather than a 60:40 split could reduce the potential capital receipt for the Council, for example if the site is sold for a net receipt of £1,6m the Council would receive £640k on the basis of a 60:40 split but only £300k on the basis of the recommendation in this report. However, the SKNT capital receipt will be used to further the regeneration of South Kilburn and therefore in practice the resources available for South Kilburn will not be reduced by adopting the proposal in this report.

- 4.4 The transfer of the site for the Healthy Living Centre to SKNT for nil consideration will result in the Council waiving the right to a capital receipt; or part of a receipt if not all the value of the site is passed to SKNT. At the time of writing this report there has been no formal valuation of the site so at this stage it is the principle of the land transfer that is the subject of the recommendation in this report. The ground rent generated from the lease of this site is critical to the financial sustainability of SKNT as it makes a major contribution to core costs and enables the organisation to make a significant contribution to the regeneration of South Kilburn. Without this income stream it is likely that SKNT would have to use capital receipts, not just the interest from the receipts, to fund revenue costs which would reduce the capital available to reinvest in the physical regeneration and eventually erode the financial base of the organisation. It should be noted that SKNT will be able to lever in significant external funding to support the regeneration of South Kilburn and from 2010/11 it is estimated that this will average c. £150k / annum. The “loss” of the capital receipt for the Council is likely to be more than offset by this additional funding and the contribution SKNT makes to the neighbourhood management and regeneration of the South Kilburn area. It should be seen as an investment in SKNT for the long term benefit of South Kilburn rather than a cost.

5.0 Legal Implications

- 5.1 Under section 2 of the Local Government Act 2000, the Council has the power to do anything which is likely to promote or improve the economic, social or environmental wellbeing of the whole or any part of its area. It is considered that the establishment of the successor body falls within this power. In exercising this power, the Council has to have regard to its Community Plan. A critical role of any successor body will be to align the resources it generates with the priorities set out in the Community Plan, in particular focussing on employment, health and well being, a safe place and a lively place.
- 5.2 The Council has the power under section 123 of the Local Government Act 1972 to dispose of any land that it owns. Accordingly, it has the power to transfer land to the successor body if so desired. However, where the disposal is a transfer of the freehold or grant of a lease for more than 7 years, the Council must obtain the best consideration that is reasonably obtainable unless the consent of the Secretary of State is obtained. The Secretary of State has issued a general consent which allows local authorities to dispose of a property without obtaining his or her specific consent, where the Council is of the opinion that the disposal will help to secure the promotion or improvement of the economic, social or environmental wellbeing of their area and the difference between the price paid to the Council and the open market value of the land does not exceed £2million. Again, regard must be had to the Community Plan if appropriate. Accordingly, if the Council wishes to transfer land to the successor body at below market value it would either have to comply with this general consent or obtain the Secretary of State’s specific consent.
- 5.3 It is now anticipated that the Council will not receive any overage payment from the two sites at 58 Peel Precinct. However, since the undervalue to the disposal will not exceed £2m, the general consent can be relied on provided

that members consider that the disposal will promote the social, environmental or economic wellbeing of the Council's area or part of its area. It is considered that this does apply in this case for the same reasons as set out in the report of 16 March 2009 i.e. that the benefits of obtaining nomination rights on new properties, the scope for decanting, and the payment to SKNT in order to take forward its succession role will clearly help to promote the social, environmental or economic wellbeing of the South Kilburn area.

6.0 Diversity Implications

6.1 The population of South Kilburn still remains relatively deprived despite the last eight years of NDC funded programmes. There have been some major improvements relative to the wider Borough but much remains to be done. The recent MORI survey showed the significant changes in the demography of the population including the significant increases in the African Caribbean and Asian households with 46% of the adult population not speaking English as their first language and around 20% of the households having lived in South Kilburn for less than two years. The recent economic recession and increasing levels of unemployment, particularly amongst the 16-24 year old age group will present new challenges.

6.2 This report proposes that we continue to develop specific initiatives and interventions in South Kilburn to build on the work of the NDC and protect the CLG and Council investment over the last ten years. The beneficiaries of this continuing programme will include women, the disabled and BME communities who are over represented in South Kilburn compared to the Borough average.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 There are no staffing and accommodation implications arising from the recommendations in this report.

8.0 Background Papers

9.0 Contact Officers

Andrew Donald, Assistant Director, Policy and Regeneration, email: andrew.donald@brent.gov.uk

PHIL NEWBY
Director of Policy and Regeneration

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<p>Item Number: 4</p>	<p>South Kilburn Partnership</p>  <p>Report from: Mike Wilson, Chief Executive</p>
<p>FOR : Action</p>	
<p>Report Title: SKP Succession Strategy SOUTH KILBURN PARTNERSHIP BOARD AND SOUTH KILBURN NEIGHBOURHOOD TRUST</p>	

1. SUMMARY

The purpose of this report is to seek the Partnership Board's views on the vision for the legacy for the South Kilburn Partnership which includes both the South Kilburn Partnership Board and the South Kilburn Neighbourhood Trust. The vision has to be developed within the framework of the CLG Succession Strategy Guidance for NDCs which is attached as an appendix to this report. A recent update to this Guidance note, Note 44a, requires us to submit a detailed Succession Strategy to CLG by October 2009.

The outline NDC Succession Strategy was approved by the NDC Board in July 2008 and at the LB Brent Executive meeting on the 4th August 2008 when it was agreed to set up the South Kilburn Partnership Board to deliver the last two years of the NDC funded programme and also to explore the potential for setting up a Community Trust. Subsequently, on the 15th December 2008 the Executive approved the setting up of the South Kilburn Neighbourhood Trust and agreed the draft Constitution. The South Kilburn Neighbourhood Trust was constituted and registered as a Co. Ltd by Guarantee in December 2008 and in March 2009 received charitable status. At their meeting of the 15th July 2009 The Executive considered a comprehensive report on South Kilburn which included references to and recommendations on the SKP Succession Strategy and these are detailed below in the body of this report.

2. RECOMMENDATION

- That the Board note the requirements of CLG guidance Notes 44 and 44a

- That Board members consider and comment on the proposals outlined in the 'Vision' (para. 3.8)
- That Board Members brief their organisations on the potential on-going commitment beyond March 2011.
- That LB Brent consults partners through the Local Strategic Partnership to seek approval for, and commitment to, the South Kilburn Succession Strategy.

3. DETAIL

3.1 Communities and Local Government (CLG) recently issued Guidance Notes 44 and 44a to provide a framework for NDCs developing their Succession Strategies; these notes build on other guidance previously issued and make it a requirement for NDCs to submit their Succession Strategies to CLG for approval. The SK Succession Strategy must be approved by LB Brent and be supported by partner agencies before submission to CLG and it is therefore necessary for all these key stakeholders to have a shared vision of, and commitment to, the Succession Strategy. To quote Guidance Note 44:

"This guidance gives a framework within which succession strategies must be prepared. It intends to support improvements being sustained and continued within the area, in a way that is consistent with local priorities, strategies and delivery mechanisms. Any succession strategy will only be effective if it has the committed support of local partner agencies, including, but not only, the local authority. To that end, Government will be seeking evidence of this local commitment in approving each strategy."

3.2 There is a clear expectation that there will be a strategy for the South Kilburn NDC area beyond March 2011, which is has the full commitment of the Local Authority and supported by partners when the NDC funding comes to an end. This Strategy should show how local partners will be involved; be relevant to the local area and support the investment already made through the NDC programme. Guidance Note 44 states:

"By the end of the programme, Government will have provided grant funding for the 39 NDCs for a period of ten years. The budgets for 2008-09, 2009-10 and 2010-11 were allocated on the basis that all NDCs must develop succession strategies. Government's key policy aims for succession strategies are that they must:

1. Demonstrate clearly how the improvements made within the NDC area will be sustained beyond Government funding and into the long term (at least 5-10 years). Particular requirements are that:

- *Outcomes to be delivered are aligned with Local Area Agreements (LAA) outcomes and other local priorities;*
- *The community continues to be empowered and the community leadership established is continued*

2. Ensure assets generated by the NDC grant are safeguarded to continue to benefit the NDC area residents into the long term, and

3. Financial viability, including financial viability of any successor body.

We want succession strategies to be clearly placed in the context of the local delivery landscape clearly showing the contribution they will make to the LAA and other local strategies. Agreement from local partners will be needed. NDCs already work in partnerships with local authorities and other strategic and delivery partners, and this is an important factor in improving neighbourhoods. It is important that key partners are involved in the development of the area's strategy and also working together to deliver improvements for the area, for example, by making use of the Local Strategic Partnership (LSP)."

3.3 We have already made significant progress in relation to the above:

- Set up the South Kilburn Partnership Board
- Set up the South Kilburn Neighbourhood Trust
- Aligned the SKP NDC funded Delivery Plan to LAA targets
- South Kilburn Partnership 15 year Regeneration Strategy for South Kilburn currently under development
- Received LB Brent and GoL approval for the elements of the Succession Strategy
- LB Brent Executive approval in principle to the "vision" for SKPB and SKNT.

The SKNT has already been very active in the first three months of its existence and has achieved the following:

- Acquired the "Texaco" and two small Council owned sites with NDC funding
- Will receive a net capital receipt of £1.3 – £1.5m from sale of assembled site, anticipated to be in September/October 2009.
- Secured £47k NDC start up funding
- Taken responsibility for managing the South Kilburn £100k "Fusion" to support local small groups and organisations.
- Responsible for holding £200k fund to subsidise St Augustine's sports hall "pay and play" and representing South Kilburn on the Steering Committee.
- May receive up to £3m from LB Brent from sale of site 11, Albert Road, as repayment for NDC funding the leaseholder buy-backs.
- In negotiation with LB Brent in relation to the future ownership of the site for the Healthy Living Centre to provide an income stream to fund core costs.

The Challenges for a Succession Strategy in South Kilburn

3.4 It is clear from a range of sources, including a recent IPSOS MORI survey in 2008 that South Kilburn still exhibits the characteristics of a deprived area. The IPSOS MORI poll also indicated that there had been a 20% “churn” in the population of the SK area in the last two years and that nearly 50% of the adult population had English as a second language. There is still a significant job to be done to transform South Kilburn into a more “balanced” neighbourhood where the life chances of residents is more similar to those for Brent residents as a whole.

3.5 The delay in the delivering the housing Master Plan has created a disjuncture between the physical and socio-economic regeneration of the area – the NDC funded programme comes to an end in March 2011 at a time when the housing redevelopment will only be starting with the prospect of a 15-20 year programme ahead. The lessons of the last 20 years experience of Regeneration have been difficult to translate into “best practice” but one basic tenet is that “new homes are not enough” and that social and economic community regeneration is essential if physical transformation is to be sustainable – a message reflected in CLG’s Guidance Note 44.

3.6 Although NDC funding ends in March 2011 there is a very significant decrease in revenue funding in the final year to c. £900k which will require a substantial reduction in SKP staffing costs to justify continuing with the programme. The capital allocation in 2010/11 is £2.7m which reflects the delayed start to the housing programme; £21m of the initial NDC Grant was allocated for housing. The SKP team, which is employed by LB Brent with an establishment of twelve, is responsible for delivering the NDC programme, winding up the programme and supporting the South Kilburn Partnership Board. When the NDC funding finishes the SKP team will be unfunded and no longer able to support the SKPB, unless partners wish to contribute towards the costs from their mainstream budgets or alternative funding sources can be found.

A vision for the Succession Strategy

3.7 As noted above much has already been achieved but what remains to be done relates to developing a shared vision for the South Kilburn Partnership Board and SKNT which is embraced by both these parties, the LB Brent and other key partners. It is very clear from the CLG Guidance that the South Kilburn Partnership Board has a key role to play in the future of South Kilburn and must be an important element of our Succession Strategy continuing beyond the end of NDC funding in march 2011; what form this might take will be the subject of a future report to the Board. The vision for SKNT will be reflected in its business plan which should be available in draft by the end of July and finally agreed by The Trustees and LB Brent by end September 2009. We are required to submit the SKP NDC Succession Strategy to CLG by October 2009 by which time we will have addressed all the outstanding issues and hopefully have agreed a shared vision for SKNT and SKPB with LB Brent and our key partners.

3.8 In order to meet this October timescale The Independent Chair and SKP Chief Executive developed a draft “vision” for presentation to the LB Brent South Kilburn Chief Officers Group in May. This had a particular focus on the SKNT as the arrangements for this new legacy body had been developed very quickly and there was a lack of knowledge and understanding of its role, and even some apprehension of its independence. The key elements of the Vision were agreed by Chief Officers and incorporated in a report to LB Brent Executive on 15th July when they were approved in principle.

The key elements of the vision are that:

- The South Kilburn Partnership Board and the theme committees continue beyond the end of the NDC funded programme in March 2011 to strengthen local governance of the South Kilburn area and provide an on-going opportunity for resident involvement as part of the Succession Strategy. The SKPB is an essential element of the Succession Strategy and in line with CLG Guidance Note 44 the SKPB could operate as a local LSP to co-ordinate and influence mainstream funding and delivery of the LAA. The SKPB could develop joint bids, pilot innovative ways of working and strengthen local delivery mechanisms.
- SKNT has a small staff team (directly employed or seconded) to service and support the South Kilburn Partnership Board and it’s Committees.
- SKNT works in partnership with those agencies delivering the Master Plan to commission social and economic regeneration projects to build capacity in the local community to protect past investment and future sustainability. It could be a valued partner in any Joint Venture that might be set up as a delivery vehicle.
- SKNT identify opportunities to contribute to the delivery of the Master Plan by utilising its capital resources, likely to be between £1.5 - £4.5m in the next couple of years, in partnership with LB Brent.
- SKNT to bid for grant funding from a range of funding bodies and charitable trusts to support the commissioning of regeneration projects.
- SKNT to play a role in the delivery of a Healthy Living Centre in South Kilburn and potentially fund the provision of some “community space” in the building. This has been a long held aspiration of the local community who see the HLC as a “legacy” from the NDC programme.
- SKNT play a key role in developing the third sector in South Kilburn through the management of the “Fusion” fund and engagement with the voluntary and community sector.

As stated above a further report with a particular focus on the key role of SKPB in the future of South Kilburn and what form this may potentially take will be subject to a further report to the Board.

3.9 This Vision is exciting and challenging and offers a real opportunity to continue the much needed regeneration of the South Kilburn area in partnership with LB Brent and other key stakeholders. It offers an opportunity to deliver the LB Brent aspiration to operate as “One Council” by co-coordinating service delivery and simplifying customer access to services. It will be attractive to GoL and CLG as it reflects their vision of an effective Succession Strategy. However, it will only be effective if the key strategic partners on the SKPB commit to attending the meetings, working in partnership and using the opportunity to improve the delivery of services to the South Kilburn community.

Funding the Vision

3.10 As noted above, partners and in particular the LB Brent, will need to support the funding of SKNT if The Vision is to become a reality. SKNT already has some revenue start up funding and an expectation of significant capital receipts from recycled NDC capital grants. Further discussion will be required with our partners to decide if the capital receipts should be used solely for capital projects or retained, in whole or in part, to revenue fund staff and other core costs.

3.11 The development of the Healthy Living Centre is an opportunity for SKNT to capture a revenue stream in perpetuity to contribute to funding core costs. This would involve the LB Brent transferring the site to SKNT at nil consideration and SKNT granting a long lease to a developer in return for an annual ground rent. Initial indications are that the annual ground rent might be in the region of £80-100k with increases linked to inflation. However, discussions with the PCT, GPs and their development partner Assura are at an early stage and other models may emerge through future discussion.

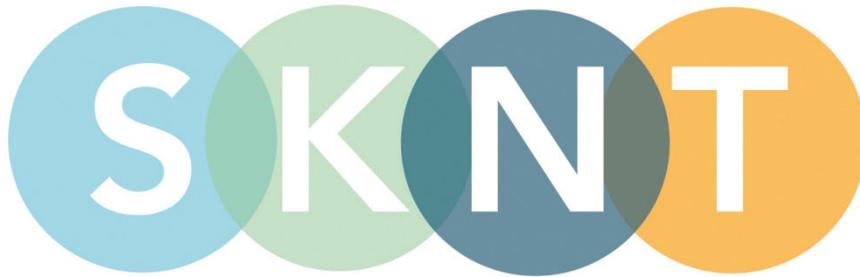
3.12 SKNT will be producing a draft Business Plan over the next 3 months; to be meaningful The Plan will need to reflect an agreed “Vision” as the income and expenditure projections needs to be based on a realistic business strategy. The discussion and decisions in relation to this paper will contribute to clarifying both the future role of SKNT and the NDC Succession strategy as both are inextricably linked.

4. FINANCIAL IMPLICATIONS

See above particularly 3.10 – 3.12

5. STAFFING/ACCOMODATION IMPLICATIONS

See above particular 3.6



South Kilburn Neighbourhood Trust

DRAFT

Business Plan 2009/10 – 2013/14

Version 11

17 September 2009

South Kilburn: *'alive with opportunity!'*

Appendix 3
Executive report – 19 October 2009

The South Kilburn Neighbourhood Trust is a company limited by guarantee.

Registered in October 2008.

Company Registration Number – 6773665

VAT Registration Number –

Charitable status was received in March 2009

Charity Registration Number –

Registered Office Address

2A Canterbury Road, Kilburn, NW6 5SW

Business Plan prepared by
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Introduction

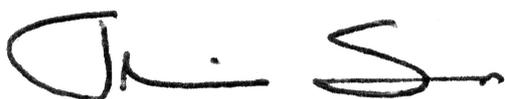
As the Independent Chairperson of the South Kilburn Partnership and the South Kilburn Neighbourhood Trust, I am delighted to introduce this 5 Year Business Plan.

As we approach the end of the DCLG New Deal for Communities (NDC) programmes across the UK, we herald the beginning of new commitments and opportunities in establishing legacy vehicles. I am proud to be able to say that we have been one step ahead in South Kilburn with the establishment of the over-arching South Kilburn Partnership (SKP) and its delivery arm, the South Kilburn Neighbourhood Trust (SKNT). We also have the support of a fully worked out regeneration strategy which has been set in train for the next 15 years.

In setting up the SKNT, we were able to harness a fresh commitment from a wide range of stakeholders; and I am delighted to report that we have a renewed emphasis from both the resident members and the representatives of the statutory agencies with whom we work. In this recession bound world in which we live, where we must always achieve more for less, the strength of our partnerships will be what enables us to succeed. With all political parties committed to some form of localism, the community will be increasingly at the centre of current government regeneration thinking and this, coupled with the fact that we are entering an exciting new phase of housing renewal (under the aegis of the Homes and Communities Agency) means we have all to play for in South Kilburn.

The South Kilburn Partnership and its delivery arm, the SKNT, are not just concerned with physical development; however, we are intent on the creation of a real place, with opportunities for all. With the high proportion of young people in the area (33% under 26) we seek a new approach for a new generation, linking support to the community with the change to the built environment in an integrated plan.

The South Kilburn Neighbourhood Trust will be providing neighbourhood leadership in the months and years ahead - creating a positive change for all in South Kilburn. I commend this Business Plan and I look forward to more working with you.



Jackie Sadek
Independent Chair
South Kilburn Neighbourhood Trust
South Kilburn Partnership

Summary

The South Kilburn New Deal for Communities Programme started in April 2001. While the programme has made a real difference to the lives of people in this area, one of the poorest parts of the country, the population has changed over the years and people still suffer from the cycle of deprivation. It is vital that the investment, partner commitment and knowledge in the area, built up through this programme, are not lost and that future efforts build on successes to date.

The South Kilburn Neighbourhood Trust has been set up to learn from the experience of others, develop strategies to continue the efforts of the past decade and ensure that the expertise of local people - which has been vital to the success to date, is used to good effect.

This business plan sets out the SKNT's intentions for the next 5 years, namely –

- To sustain the benefits of the SKNDC programme - by maintaining the culture of partnership working, formalised through the South Kilburn Partnership and its sub groups with their key objectives around generating positive change in the areas of Housing; Healthier Communities; Young People & Education and Access to Employment & Skills.
- To complete unfinished business - by recognising the area is still suffering severely from multiple deprivation; by driving partners to deliver on-going support to narrow the gap; by continuing to work on estate renewal.
- To sustain resident and community involvement - by continuing support to Fusion, the umbrella organisation representing the substantial community and voluntary sector, built up through SKNDC support; and by continuing support to the community leadership and skills development programme.
- To be able to respond to new challenges and opportunities in regeneration - by making the most of available resources, able to attract funding through its charitable status and by its embedded partnerships with all key stakeholders in the area.

Vision

SKNT will work in partnership with key stakeholders to generate lasting change for the communities of South Kilburn, which will become the Jewel in North West London's Crown, a great place to live.

South Kilburn: Alive with Opportunity

Objectives

- SKNT will service and support the South Kilburn Partnership Board to deliver the South Kilburn Regeneration Strategy.
- SKNT will work in partnership with those agencies delivering the Master Plan to continue to commission social and economic regeneration projects building capacity in the local community to protect past investment and future sustainability. It will be a valued partner.
- SKNT will identify opportunities to contribute to the delivery of the Master Plan in partnership with LB Brent, by utilising its capital resources, likely to be in the region of £6m in the five years.
- SKNT will maximise resources for the area for the benefit of residents and the community - through mainstream services; opportunities offered by forming partnerships with the private sector; and from grant funding from a range of funding bodies and charitable trusts.
- SKNT to play a lead role in the delivery of a Healthy Living Centre in South Kilburn. This has been a long held aspiration of the local community who see the HLC as a legacy from the NDC programme.
- SKNT will play a key role in developing the third sector in South Kilburn through the management of the Fusion Fund (see pg18) and engagement with the voluntary and community sector.
- SKNT will work to connect South Kilburn to the wider London economy, encouraging an outward looking, enterprising approach within its diverse population and promoting cross borough relationships at a range of stakeholder levels.
- SKNT will work to improve and promote the positive image for South Kilburn, creating a place people are proud to live and work in, which is also attractive as a retail business location.

History - South Kilburn Neighbourhood Trust

South Kilburn is an area that has historically suffered from multiple deprivations. It has been the target of a number of Government initiatives to regenerate and develop the area, most recently a New Deal for Communities programme, currently reaching its end in March 2011.

While these programmes have targeted a number of issues, South Kilburn has continued to change and grow, the demography has altered and become more transient with continuing serious employment, housing, crime and health issues.

Early in 2008 the South Kilburn New Deal for Communities Board made a commitment to review its structure, purpose and requirements to take the programme forward into 2011 and beyond. It had long been recognised that there was a need for an established legacy vehicle that was formally constituted; that could effectively make links between physical development activities and community development; that could generate funding, encourage partnership working and ensure the benefits already achieved by the SKNDC Board were taken forward after its lifetime.

The South Kilburn Neighbourhood Trust was established as the key element of the NDC succession strategy. It is a company Limited by Guarantee and is registered as a charitable body. The Board comprises seven trustees, four of whom have been appointed, whose areas of expertise and interest cut across the public, private, community and voluntary sectors ensuring a balance of purpose driven by experienced professionals. (See Appendix 1 for biographies).

The Trust has been fully operational from the end of the 2008/9 financial year and therefore is in an excellent and early position to take forward the legacy of the SKNDC programme in 2011. It has benefitted from SKNDC capital and revenue funding in 2008/09 to acquire assets and support start up costs. From 2009/10 SKNT will be financially independent and this business plan will provide a basis for managing this financial independence in order to deliver the strategic objectives agreed by the Trustees.

Background of South Kilburn: A Diverse Community

South Kilburn is located in north-west London, in the London Borough of Brent. The area is made up (full and part) of 6 Lower Super Output Areas within Kilburn and Queens Park wards. Its location is second to none. South Kilburn shares boundaries with Camden to the west and Westminster to the south and borders the affluent residential areas of Maida Vale, Queens Park and West Hampstead. Just a mile north of London's West End, the Bakerloo tube line and main line trains connect South Kilburn directly to major opportunity areas at Paddington, Wembley, and the West End. Kilburn High Road, a bustling town centre adjoins the area at its north easterly point. The potential for successful regeneration and developing an area of opportunity is considerable.

It is clear from a range of sources, including a recent IPSOS MORI survey in 2008 that South Kilburn still exhibits the characteristics of a deprived area; in fact on a number of indicators the "gap" is widening between South Kilburn and LB Brent. The IPSOS MORI poll indicated that there had been a 20% "churn" in the population of the SK area in the last two years and that nearly 50% of the adult population had English as a second language. There is still a significant job to be done to transform South Kilburn into a more "balanced" neighbourhood where the life chances of residents is more similar to those for Brent residents as a whole.

In the 2007 Index of Multiple Deprivation (IMD), four of the Lower Super Output Areas located within the South Kilburn area ranked in the 10% most deprived in England. It has become clear as the New Deal for Communities programme reaches its final stages, new approaches are required to effect sustainable and lasting change in the area.

The Population

Population estimates for South Kilburn vary from 6,822 (according to 2007 ONS Mid Year Estimates) to 7,748 (applying a proportion of Mid Year Statistics with likely rise in population across the Borough).

The 6822 estimate does not perfectly correspond to the NDC area and may miss pockets of population that live outside of the four LSOAs in question but still within the area. As such this business plan uses the South Kilburn Partnership accepted figure, an estimate derived from research consultancy Management Focus using all 6 LSOA's in the footprint of the regeneration area in full or in part as appropriate. This suggests a population figure of 7235.

The breakdown of population by age is as follows:

Age Range	Number of People	Percentage
0 to 9	1203	16.6%
10 to 24	1192	16.5%
25 to 44	2792	38.6%
45 to 64	1309	18.1%
65 plus	739	10.2%
TOTAL	7235	100%

(Data taken from ONS Mid-Year Estimates for 2007: the most recent population figures available).

It is clear that the population of South Kilburn and in Brent as a whole is growing and using the highest estimate (based on likely rise across the borough) this could be in the region of 10% on the 2001 Census. Additionally South Kilburn is a designated growth area in the Local Development Framework and consequently the population of the area is likely to double in the next 10 to 15 years, with most new residents expected to be home owners. This will have a very significant impact on the character of the area and over time will help to erode the physical boundaries which currently exist.

The makeup of the existing population is also changing, and whilst those of pensionable age remain broadly the same, recent figures indicate an increase in young people of age 0-15 and an increase in the 30-44 age range. There is however a reduction of near 4% of the population aged 16-29 years.

According to these figures, approximately 33% of the population of South Kilburn NDC is under 24 years of age. Meeting the needs of this young community is an important aspect of future investment.

The character of the South Kilburn area stems from the diversity of its resident population. According to the 2008 MORI Survey of South Kilburn NDC area, 31% define themselves as White; this figure includes a large Irish population (however this has decreased from 9% of the South Kilburn population in 2002 to 4% in 2008, according to data from earlier MORI surveys). There are large African-Caribbean (18% of the total population), African (24%) and Asian (10%) populations in South Kilburn. This reflects a big change on the figures shown in the original 2001 New Deal for Communities Delivery Plan for the area, when 50% of the population was White and only 7% was Black African and 2% Asian.

Different ethnic groups in South Kilburn have varying age structures. The White British & White Irish populations tend to be older, while the 'White Other' population is relatively younger. The Black African population in South Kilburn is young compared to the general population of South Kilburn. These groups have different needs, and these have to be recognised by both statutory service providers and any new programmes targeted to achieve change for the better in the area.

Whilst 30% of residents were 'very satisfied' with their accommodation, 43% described themselves as fairly satisfied, reflecting a slow but steady increase in satisfaction levels with accommodation since 2002. Those most satisfied with their accommodation tend to be white, retired and over 45 years of age. For younger people, those aged 35 to 44, those with a disability and those defining themselves as 'Black', satisfaction levels are much lower.

The Challenges

The Place

The delay in the delivering the housing Master Plan developed as part of the NDC programme has created a disjuncture between the physical and socio-economic regeneration of the area. Significant socio-economic funding comes to an end in March 2011 at a time when the housing redevelopment will only be starting with the prospect of a 15-20 year programme ahead. The lessons of the last 20 years experience of Regeneration have been difficult to translate into “best practice” but one basic tenet is that “new homes are not enough” and that social and economic community regeneration is essential if physical transformation is to be sustainable – a message reflected in CLG’s Guidance Note 44.

There is traditionally a low level of home ownership in South Kilburn – just 14% according to the 2008 MORI NDC Survey. This survey also found that, out of the 85% of residents who rent their homes, 82% do so from the Local Authority, 11% from Housing Associations, whilst just 7% rent privately. The expected growth in the population over the next 10 to 15 years will change the split of housing tenure and some issues important today will become hidden, with new issues arising. Effective management of the public realm in South Kilburn will be critical to both the quality of life and driving value.

Transformation of the South Kilburn Estate is essential for the long term regeneration and development of the environment and the community. The area’s housing stock needs significant renewal, and there is a need to replace some of the worst stock with new build housing. More homes are also required to accommodate the increasing population. A fresh Master Plan for the area will be available by 2010.

Underpinning this transformation is a shared vision to reconnect South Kilburn to its surrounding neighbourhoods by providing a range of high quality, mixed tenure homes. This will mark the end of the municipal housing estate. Many of the tower blocks will be removed, and replaced with high quality, medium rise flats with generous space standards. The existing park will be expanded and there will a new primary school located at one end. A new health centre will be provided and new sports facilities will be introduced into the neighbourhood.

The first of these is a new community sports hall, provided in partnership with St Augustine’s School on a site opposite Kilburn Park Tube Station. A new heart for South Kilburn will be created, but at the same time encourage local communities to be outward facing in order to make use of the many facilities, amenities and opportunities around the fringes of the area.

Community Safety

The most recent Home Office data (financial year 2008/09, Metropolitan Police Service) indicates that the South Kilburn area now has a similar crime rate to the Borough, for the first time in so many years. This is due to a significant 9% reduction in crime in the SK over that year. However, these reductions are not across all crime categories and unfortunately whilst

some crimes seldom affect South Kilburn as a largely residential neighbourhood, there are others that are disproportionate to the borough average. These appear to be in violence against the person and criminal damage. Interestingly, drugs related activity – a primary and long standing resident concern – achieved a 54% reduction from the previous year and is now in line with the Brent average. Nevertheless SKNT is aware that this significant reduction will need to be maintained if South Kilburn is to remain on a level par with the borough, partnership effort will be required to ensure that these successes are not reversed.

Education and Skills

Educational Attainment in South Kilburn continues to be low, with 25% of residents having no qualifications according to the 2008 MORI Survey. Taking the working age population based on the ONS 2007 Mid-Year Population Estimates, this equates to around 1132 individuals. For these local people with no qualifications, wages are usually low and remain low: most in this category are 45 years or older. In general, people with disabilities or a long-term illness have far lower levels of qualifications than people without disabilities (about 54% of people with a disability have no qualifications).

GCSE results are improving in South Kilburn as in Brent as a whole, although South Kilburn still lags behind Brent. In 2007, 45.7% of pupils resident in South Kilburn achieved 5 passes at grades A* to C (figure taken from the national NDC evaluation programme (<http://extra.shu.ac.uk/ndc/>) compared to 64.6% in Brent (figure taken from ONS Neighbourhood Statistics).

Key Stage 2 success at English, which showed an increase from 76% attaining level 4 or above in 2002 to 79% in 2007 (80% being the bench mark target), is not mirrored by similar successes at Maths, in which the percentage of pupils attaining level 4 or above fell from 80% in 2002 to 63% in 2007 (data taken from national NDC evaluation programme as detailed above).

In October 2007 (most recent data available), 38 young people were locally identified as Not In Education, Employment or Training (NEET) and work undertaken locally indicates that there are many more at risk of falling into the 'NEET' category if preventative work is not undertaken (This data will not be updated until later in 2009. Whilst more recent data is available at the ward level, and hence for Kilburn as a whole, figures are not collected as regularly for specific NDC areas).

Health

The number of local people who see their health as 'not being good' stands at 20%. The groups most describing their health as not good were those with disability (52% within this group), those on a low income (49% of those with a weekly household income of under £100), the retired (39% of respondents over 65), and the workless (25% of unemployed people) (Source: MORI Survey 2008).

The numbers of people 16 years + living in South Kilburn with long term limiting illnesses remains high (around 23% of the local population according to the 2008 MORI survey), and there are large numbers of people with mental health problems (the mental health admission

rate at 83 per 10,000 residents is nearly 50% above the average admission rate for Brent 56 per 10,000). South Kilburn has a higher than expected mortality rate, taking into account the age and gender profile of the area's population and a higher low birth weight rate of newborns in the area (in 2006, the mean birth weight of newborns in South Kilburn MSOA was 3174.20 grams or 6.99 pounds, compared to 3225.64 grams or 7.11 pounds for Brent and 3257.00 grams, and 7.18 pounds for London: latest data, from Gavurin Insight).

Employment

There is a major task still to be accomplished in terms of reducing the numbers of people who are in receipt of unemployment or incapacity benefits. Around 411 people claimed Jobseekers Allowance in April 2009, a figure representing 9.2% of the working age population of South Kilburn. (Data provided by Gavurin Insight). In November 2008 (latest available data), 275 people in South Kilburn claimed Lone Parent Income Support and 535 people claimed Incapacity Benefit or Severe Disablement Allowance (data from NOMIS). Incapacity Benefit claimants form the target group for job brokerage activity.

The Opportunities

The SKNT will have a key role in ensuring partners continue to deliver services to meet the needs of the community as well as working to contribute towards delivery of the Regeneration Strategy. Specific projects will be developed and listed below are current project areas where the SKNT is already involved.

Much of its work will be through influencing partners, encouraging investment in the area and applying for additional funding sources when they are available and appropriate.

It is anticipated that SKNT will be a delivery partner for any public-private sector partnership set up to deliver the South Kilburn Master Plan. It is in a strong position to commission socio-economic and community regeneration projects to support the physical redevelopment of the area.

1) Development Opportunities

The SKNT is not a property development company but has financial investment and involvement in some key sites that are pivotal to enabling successful implementation of the Master Plan to achieve transformation of the area. SKNT will have in the region of £4million capital by April 2011. It is anticipated that some of this funding may be invested in the healthy Living Centre and potentially Peel Precinct. There are a number of key development sites where SKNT will be able to influence design, use and resources, directing community investment and support to social regeneration. The board will consider what its priorities are for re-investment of this capital funding during 2009/10 and develop a capital expenditure strategy by 2011/12.

- **Master Plan**

SKNT will have a role in contributing to the delivery, development & community consultation of the Master Plan. Brent Council will take forward transformation of the South Kilburn physical environment, possibly through a joint venture with a development partner. There will be a need to continue social and economic regeneration to align with the physical development as transformation of South Kilburn must include community capacity building and cohesion and encourage personal development and aspiration.

SKNT will be in a position to match fund resources obtained through Section 106 agreements and other Brent Council funding streams to help deliver the social elements of any development programme. It will also be in a position to apply for external funding.

- **The Healthy Living Centre**

Close to the community's heart is the development of a Healthy Living Centre. This has always been seen as a necessary requirement for the area as well as an

opportunity to draw in people, create small businesses and provide an iconic building as a focal point for community use and statutory service provision. The HLC will offer space for GPs, a pharmacy, holistic health and well being services, community space and offices for the SKNT and partners. The community / office space should generate a rental income which it is assumed will at least cover SKNT's office related running costs.

The HLC offers a significant opportunity for SKNT to capture a revenue stream in perpetuity to contribute to funding core costs. The basis of this funding stream involves the LB Brent transferring the site to SKNT at nil consideration and SKNT granting a long lease to a developer in return for an annual ground rent. Initial indications are that the annual ground rent might be in the region of £100k with increases linked to inflation. However, discussions with the PCT, GPs and their development partner Assura are at an early stage and other models may emerge through future discussion.

- **Zone 14 B – The Texaco Site**

This project involves the acquisition of land and planning consent for the construction of 42 homes for affordable rent and 8 intermediate tenure homes on the site identified in the revised SK Master Plan as Zone 14B. The site comprises the Texaco garage (privately owned) and the land immediate adjacent to it (council owned).

Once the land parcel has been assembled and planning consent gained it will be sold on to a Registered Partner who will build the site out. The sale will return a capital receipt to SKNT of an estimated £1,300,000.

A condition of sale will be that the nomination rights will be used to decant SK residents currently living in the Bison blocks 3A – 3C (the poorest quality housing on the SK estate) so that these can then be emptied, demolished and their replacement brought forward. The project provides an opportunity to increase the decant capacity and choice for local residents. In so doing, it fully complements "Delivering Phase 1 of the SK Master Plan (Zone 11) and provides a pragmatic means of bringing forward the Bison block decant and kick starting the long overdue physical regeneration of the South Kilburn.

- **Releasing sites - Leaseholder buy-back**

The SKNDC has funded the buy-back of leasehold interests in Zone 11 using SKNDC grant funding outlined in the SKP Delivery Plans for years 2008/9 and 09/10 (Housing and Built Environment). Zone 11 has one residential block comprising 36 properties (24 tenants and 12 leaseholds). All the tenants will be re-housed into new Granville homes by mid 2009, potentially leaving the leaseholders in situ. SKNDC funded the buy-backs to facilitate the early clearing and release of the site which will then be demolished to provide an opportunity to build over 150 homes in Phase 1, for

decanting tenants living in the Bison blocks located in Zone 3A – 3C, the worst housing on the South Kilburn estate.

Over the mid-term, the project is cost neutral since the grant will be repaid to the SKP successor body SKNT on the sale of the site for redevelopment and recycled to support further priorities in relation to improving housing and the built environment. A legal agreement to this effect has been put in place. The SKNT estimates a capital receipt of £2,900,000 to be returned by January 2012 at the latest.

- **Peel Precinct**

There is potential to influence planning for wider development of Peel Precinct linked to the development and construction of an iconic Healthy Living Centre. The two sites adjoin and offer potential for residential and commercial re-development of a worn, unwelcoming and underused shopping area. The development could provide a community hub and SKNT potentially have an important role to play here to ensure plans include development of appropriate community facilities and meet the needs of the residents where commercially possible. To this effect SKNT may choose to use funding from its capital receipts to pump prime appropriate investment in the area.

- **St Augustine's**

Brent Council has secured significant funding to support the local community in terms of a subsidy for the on-going revenue costs of St Augustine's Sports Hall (open to the public in April 2010) in partnership with the City of Westminster and St Augustine's School. The funding is part of a Section 106 agreement and is held in trust by SKNT. It is a major step forward in partnership working across borough boundaries and provides much needed community sports facilities for the residents of South Kilburn. The Business Plan assumes the subsidy lasts for 12 years but it is intended to bid for external match funding to extend this support for the foreseeable future.

2) Neighbourhood Leadership

There are a number of issues around closure of the NDC programme and delivery of the new Masterplan and regeneration strategy, which will be taken forward by the SKNT. This will include influencing the priorities of the remaining investment in the SKNDC final year, monitoring performance of on-going investment projects in the area and ensuring the sustainability of investment in the area.

- **South Kilburn Partnership Board**

SKNT will provide the secretariat for servicing the SKPB and its four sub groups covering the priority areas of Housing, Health, Employment Support and Young People.

- **Regeneration Strategy**

SKNT will monitor progress, co-ordination of partners, on-going consultation to deliver the objectives and outcomes of the regeneration strategy.

3) Community Development

SKNT sees the on-going involvement, support and participation of local residents and stakeholders as partners as crucial. A variety of methods to actively involve residents and stakeholders has been developed by South Kilburn Partnership and will be continued by the Trust to ensure full and meaningful community involvement. Some of this work includes on-going capacity building, reaching out to gain a wider representation of residents' involvement as well as increasing the ability of the many community and voluntary sector groups in the area to become self sustaining.

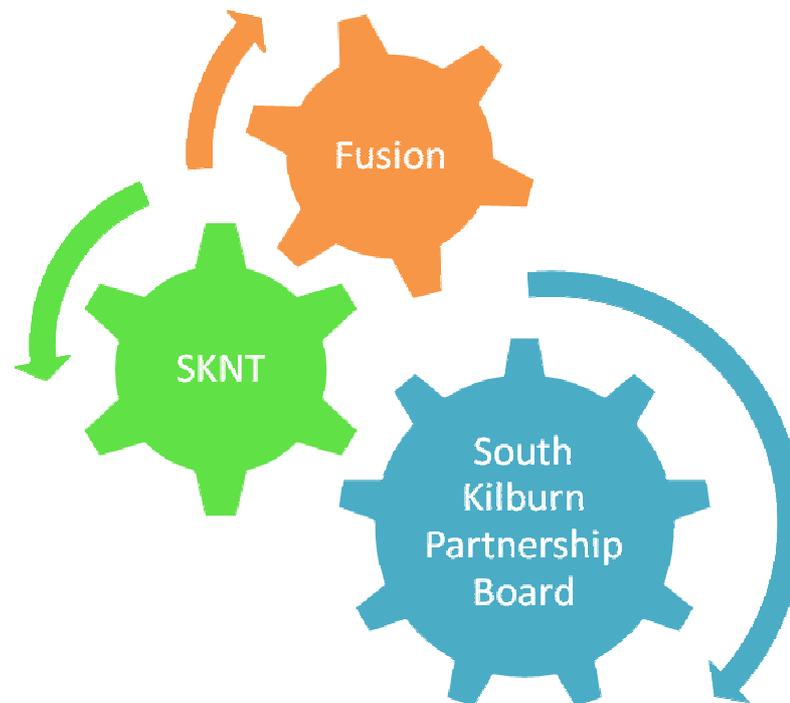
- **Community Engagement**

Management of the community and voluntary sector grant support, the £90k Fusion Fund, has been transferred to the SKNT with an additional £10k for community engagement related activities. (See pg 18 for further details on Fusion).

- **Community Leadership**

It is also envisaged that SKNT will take forward the ground breaking Community Leadership Programme developed by SKP under support from the West London Working City Strategy Programme.

Partnership Working



The South Kilburn Partnership Board represents all key stakeholders and sets the strategy for investment and regeneration of South Kilburn. It is responsible for co-ordinating and reviewing the delivery of the 15 years South Kilburn Regeneration Strategy, and re-directing services to meet the changing needs and priorities of the community. Its membership includes senior decision makers in Brent Council with close links to the Brent Local Strategic Partnership.

The South Kilburn Neighbourhood Trust is the business arm, it will have both capital and revenue funding, the investment of which will be informed by SKPB priorities, as laid out in the Regeneration Strategy and agreed by the theme groups. It will have a detailed SKNT annual business plan (delivery plan), which reflects up to date priorities. This delivery plan will undergo consultation with SKPB and their views taken into account.

Brent Council are strongly represented In the SKPB and have a Framework Agreement with SKNT, approved 9 September 2009. The agreement commits SKNT to align with the Council's Local Area Agreement priorities and Community Plan when developing its annual delivery plans and agreeing its spending commitments.

The community of south Kilburn is represented and fully involved through resident membership on SKPB, SKNT and close association with Fusion, the community and voluntary sector representative body in the South Kilburn area.

The South Kilburn Partnership Board



The South Kilburn Partnership Board, as stated above, has a key role in influencing the direction and investment of the South Kilburn Neighbourhood Trust. The SKPB was established late in 2008, to take forward the needs of this priority area whilst bringing a wealth of experience and commitment from all of the interested parties. It has an 'umbrella' steering role as a strategic partnership overseeing investment in South Kilburn, be it statutory or from additional funding sources.

SKPB includes individuals with professional backgrounds in housing, health, community safety, children & families, regeneration, business and the community & voluntary sector. It includes key decision makers from across Brent council. It incorporates four sub-groups, each of which is chaired by a representative from the main board who has chosen to champion that sub-group's focus.

There are four sub groups that address key issues within the 15 year South Kilburn strategy:

- Housing & Infrastructure
- Access to employment & skills.
- Young People & Education
- Healthier Communities

The South Kilburn Partnership Board and the sub groups continue beyond the end of the NDC funded programme in March 2011 to strengthen local governance of the South Kilburn area and provide an on-going opportunity for resident involvement as part of the Succession Strategy. The SKPB is an essential element of the Succession Strategy and in line with CLG Guidance Note 44 the SKPB could operate as a local LSP to co-ordinate and influence mainstream funding and delivery of the LAA.

The Regeneration Strategy



The 15 year South Kilburn Regeneration Strategy, "*South Kilburn in 2025*", produced by South Kilburn Partnership provides the long term framework for generating sustainable and

lasting change in the area. It sets out detailed analysis of the current position, challenges to the area, visions and long term outcomes. It represents the views of all key partners and stakeholders. The strategy should be read in conjunction with this business plan.

The current staff team at South Kilburn Partnership is delivering the final stages of the NDC programme and developing future opportunities to ensure continued investment in the South Kilburn area. It is envisaged that beyond March 2011 the staffing compliment at the SKNT will service the South Kilburn Partnership Board who will oversee the delivery of the Regeneration Strategy.

Fusion



Working in partnership with key stakeholders Fusion is a social enterprise network set up to support community organisations in South Kilburn. The network offers support and expertise to ensure that the vibrant voluntary and community sector in the area can thrive. Fusion provides tailor made support for each local group. The purpose is to help them attract external funding and run sustainably. A key part of this process is to deliver one to one support within each organisation over a period of time to ensure that each one is helped to achieve its goals.

Fusion also runs events to bring South Kilburn groups together for networking, sharing and learning lessons from each other's experiences. The events offer opportunities to showcase achievements and meet funders.

Fusion is helping to develop existing or new consortiums of complementary local groups. This process supports more effective networking, reduces duplication and boosts fundraising efforts.

Each year local groups can apply to the Fusion Fund - a grants programme that supports community projects in South Kilburn on a match funding basis.

Communications Strategy

The South Kilburn Partnership has commissioned the London Communications Agency (LCA) to develop an informed and professional communication strategy for SKP and SKNT. As part of this the company will be focussing on raising the profile of the area, enhancing the media profile of SKP and SKNT, positioning of the Trust and Partnership with all key stakeholders and making sure SKNT stay ahead of the game in this current challenging economic climate.

Ensuring that our communications strategy is a comprehensive, well thought out document will not only help define the communications objectives of SKNT, but also help SKNT stay focused, in control and provide a framework for evaluating the success of our communications processes.

There is an existing framework for this and the LCA will work closely with the South Kilburn Partnership Board, on behalf of SKNT, to ensure that this meets the Trust's, as well as the Board's, objectives. This will help streamline the day-to-day communications processes. For this purpose a 'live' document is being developed, which will be reviewed and updated on a regular basis to ensure all objectives are being met especially as new projects get under way.

This communications strategy will include the following elements:

- Current context, relevant background and issues – the situation in the Borough, the wider regional and national regeneration agenda, the role of SKP and its partners, upcoming milestones and issues to watch;
- Communications objectives – this will include the overall objectives for SKP and SKNT, as well as specific targets for individual regeneration areas;
- Identifying key stakeholders – this will help ensure that SKNT's public affairs strategies are fit for purpose, audiences clearly identified, and that SKP and SKNT are talking to the right people at the right level and has systems in place for managing any potentially unsupportive individuals/organisations;
- Key messages, according to audience, project and situation in the Borough and beyond;
- Media relations – including proactive and reactive strategies, comprehensive media mapping, key media lists (translating to a media database), a media plan including creative ideas and a forward features grid;
- Internal communications – mostly focused the relationships within the SKNT and SKP Boards.

- Establishing a core communications group of the main partners to ensure that everyone is kept up to speed and has an opportunity to feed into the process and secures buy-in.
- A project plan for communications work – developed in consultation with SKNT and key stakeholders to include key milestones (internal and external), relevant events (including trade shows, conferences, etc), project meetings, media work and generally bring together all project communications; and
- Evaluations systems (KPIs) – setting out clear and robust ways of measuring the success of the strategy which could include monitoring and analysing media coverage, reviewing progress at dedicated project meetings.

Communications Media

The South Kilburn Partnership has well rehearsed and recently refreshed mechanisms for reaching its communities through its Bi-monthly magazine and website. The SKNT will continue support to these media which have proved invaluable in terms of out-reach, consultation and information sharing with all parts of the communities.

- **Connect SK**

There is a current bi-monthly news magazine, Connect SK, circulated to all residents of the South Kilburn regeneration area. The magazine serves to share success stories, information on projects and all regeneration and development activities in the area. It provides a forum for exchange of ideas, information and community consultation. This magazine is currently funded through the SKNDC programme and will continue to be an important vehicle for effective communication with all parts of the community. SKNT will continue to financially support the bi-monthly production and circulation of Connect SK.

- **Website**

<http://www.skpartnership.net>

The current website reflects considerable revision and investment over 2008/09 to provide a modern, easy to read source of information about the South Kilburn Partnership, the NDC programme and the area as a whole. It has been designed with the needs of the community in mind and similar to the above will continue to be an important communication mechanism. Funding will continue to be provided to support on-going updating and maintenance of the web site.

Organisational Structure

BOARD

Professional Chair

Drawn from a background conversant with holistic regeneration – an expert in best practise, up to date with current government thinking and experienced in all aspects of physical, economic and social change within neighbourhood areas.

The Chair will provide leadership to the South Kilburn Partnership sub board on Housing and Infrastructure.

Biography at Appendix 1.

Trustees

The Trustees will be representative of both the community and the key priority areas where the SKNT hopes to effect change. Trustees are drawn from a wide background of community representatives, health, education, public and private sector to assist with the strategic direction of the SKNT and able to influence key partners.

Biographies Appendix 1

Secretariat

A small staff team of multitalented people experienced in project delivery and regeneration activity, preferably with community development expertise.

The team will comprise of a Director, two project managers and an externally funded project support/team PA officer.

The team is supported by professional services covering legal and financial aspects as well as a professional company delivering publicity services.

Administration, project support and team personal assistant services will be provided a member of staff either shared with a key partner or seconded on a part time basis to SKNT. It is expected partner in kind contributions will cover this cost. The director and project managers will provide leadership and support to the SKP sub boards on Employment & Skills, Young People & Education and Healthier Communities.

Staff structure at Appendix 3.

Job Description for the Director at Appendix 4.

Job Descriptions for project managers at Appendix 5.

Cash Flow

The business plan includes a 5 year summary of estimated income and outgoings, identifying a number of funding streams. See spreadsheets. Assumptions are included on the spreadsheets and must be read in conjunction with the figures used.

Risk Analysis

	Risk	Effect	Action	Implications
1	HLC does not progress due to PCT funding issues.	HLC not built, lose accommodation & revenue receipt	Find alternative use/developer, e.g. use site for community hub & residential premises.	Cost – delay in receipts, alternative accommodation required in short term, potential for increased income to increase value of site if use becomes residential.
2	Stakeholders funding towards salary costs and admin support not forthcoming.	Insufficient funding for salary team of three with seconded/ shared admin support.	Reduce size of team. Develop specific business case to clarify seriousness of implications on lack of stakeholder resource support.	Failure to support SKP & SKNT Boards. Failure to deliver business plan and regeneration strategy.
3	Funding bids unsuccessful for grants to support socio-economic activities.	Gap in support to deprived communities. Loss of confidence within the community.	Start early bids for funding using current SKP staff funded through the NDC programme & LDA support. Develop funding strategy by December 2009.	SKNT becomes a partnership body with no real socio-economic delivery and no leverage power. Capital could be used to fund revenue projects as an interim measure.
4	Inability to recruit suitable staff.	Delays in ability to support SKP & SKNT boards and sub groups.	Start recruitment process early e.g. September/October 2010.	Negative impact on partner relationships and commitment.
5	Residential value of site in phase 1 is less than £2.9m.	Delay in receipt of repayments until sale of phase 2.		Delay in receipt of capital receipt to 2013. Reduction in receipt of revenue stream for interest on capital.
6	Trustees not recruited to vacant positions	Board not correctly balanced	Take up aggressive recruitment campaign	Cost

7	Site 14 not sold in 2009/10	£1.3m Capital receipt not received in 2009/10	Find alternative purchaser, re-market the site.	Cost on additional marketing. Cash flow affected - No interest received for revenue stream.
8	Site 11 phase 1 delays in commencement of work.	£2.9m capital receipt delayed	Intensive partnership working required to drive project forward to time constraints	Cost – capital receipt delayed, affects ability to drive forward Peel Precinct development & affects cash flow due to delayed receipts in interest on capital.
9	Assumptions and estimates in cashflow on revenue costs on conservative side.	Cashflow revenue balance creates a deficit.	Borrow from the capital funding streams in the short term and repay as cashflow issues are revised against actual and income streams reviewed.	Small loss to revenue income from interest payments on capital.
10	Lose “preferred partner” status for delivery of socio-economic activities	Primary driver for existence of SKNT removed.	Communication strategy & Director need to deliver objectives.	Business Plan revision to review potential role and objectives of the organisation.

P R O B A B I L I T Y	Very High 90%					
	High 70%		⑤ ⑥			
	Medium 50%				③ ①	②
	Low 30%		⑨		④	
	Very Low 10%			⑦	⑧ ⑩	
		Very Low 10%	Low 30%	Medium 50%	High 70%	Very High 90%
RISK	I M P A C T					

Risk Strategy

Actions required managing risk to the business plan -

- Allocate risks as above to SKP team members to monitor where appropriate.
- Assess risk more thoroughly and produce an options analysis to enable the development of strategies to accept, avoid or reduce the potential risks.
- Update Risk analysis on a quarterly basis and provide electronic reports to SKNT Board members and other appropriate stakeholders.
- Provide a quarterly risk report to the SKNT Board.
- Establish a project assurance committee from April 2010 to provide an independent audit function to:
 - Assist in the continued development of the business plan.
 - Verify and monitor the business plan against external events and projects' progress.
 - Ensure value for money is constantly re-assessed.
 - Monitor changes and identify impact on the business plan.
 - Verify and monitor the business plan to ensure continued alignment to the South Kilburn regeneration strategy.

Appendices

- Appendix 1 – Trustees' Biographies
- Appendix 2 – Memorandum and Articles of SKNT
- Appendix 3 – Staff Structure Chart
- Appendix 4 – Job Description SKNT Director
- Appendix 5 – Job Description SKNT Project Managers

Appendix 1

SKNT Trustees' Biographies

Linett Kamala – MA, NPQH, FRSA, FCoT

Kamala is passionate about improving the lives of young people and this has not only been demonstrated through her achievements in the education sector, but also through her involvement in numerous organisations across the private, public and voluntary sectors. She is a fellow of both the RSA and College of Teachers, as well as being a Chartered London Teacher.

At present Kamala is Senior Vice Principal at The Crest Girls' Academy in Brent. In addition, she has worked extensively with the National College for Leadership of Schools and Children's Services and is a founding member of Future Leaders, an organisation which trains leaders for urban complex schools.

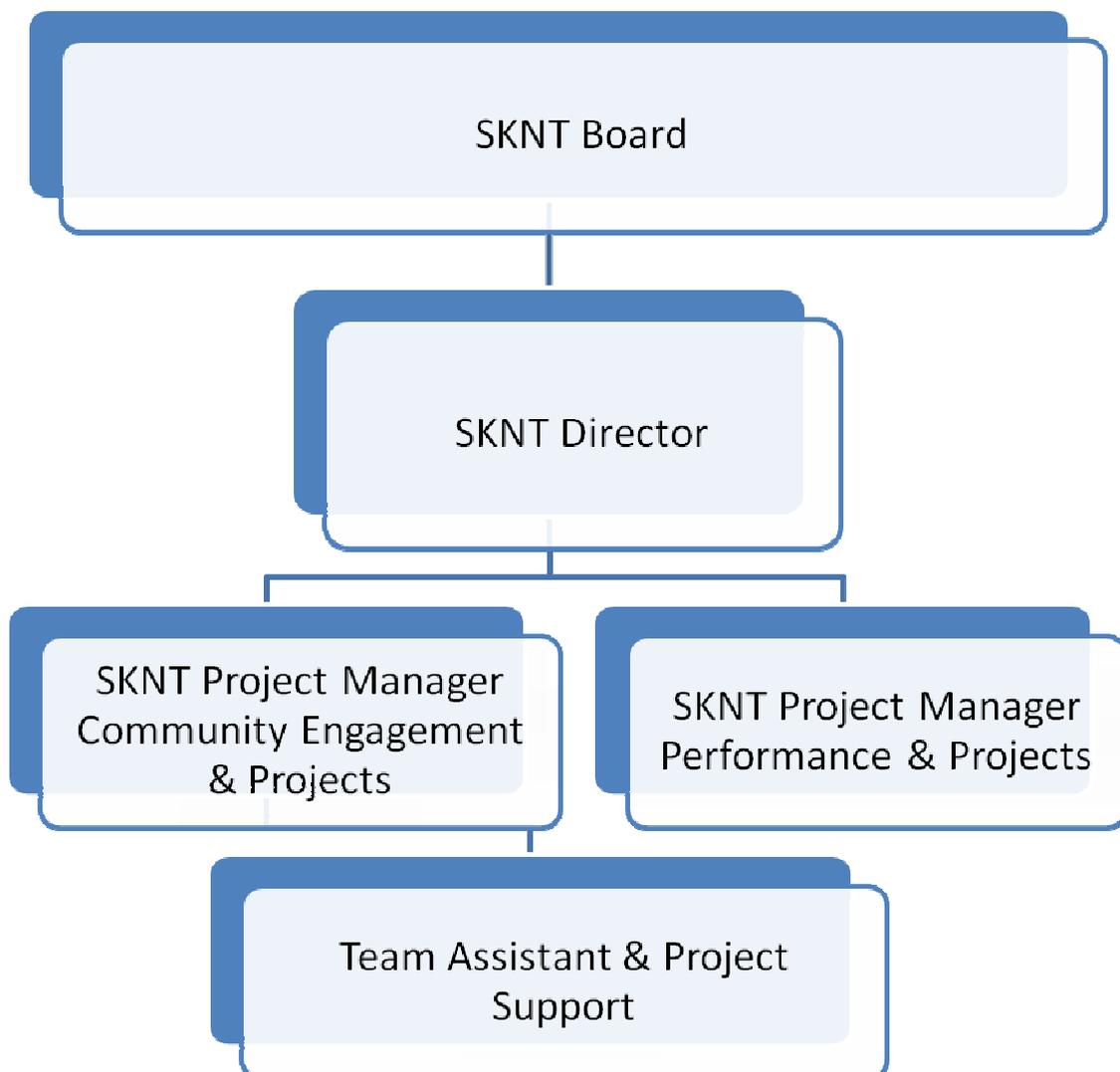
In the late 1990's she pioneered one of the UK's first spray can arts companies 'Kamala Arts'. The company brought art, education and the community together through various projects which over the years gave hundreds of young people the opportunity to create artwork alongside professional artists.

Kamala is a South Kilburn resident, Chair of the South Kilburn Neighbourhood Partnership Education and Young People's subcommittee group and Vice Chair of the South Kilburn Neighbourhood Trust.

Appendix 2

Memorandum & Articles SKNT

Appendix 3
Staff Structure
Chart



Appendix 4

Job Description - SKNT Director

Purpose

To provide leadership to the South Kilburn Neighbourhood Trust secretariat team, working closely with the SKNT Board and South Kilburn Partnership Board. The Director will have overall responsibility for delivery of the SKNT Business Plan and South Kilburn Regeneration Strategy Objectives.

Qualifications:

A degree or equivalent higher level qualification.
PRINCE 2 or equivalent.

Job Requirements:

1. Develop and maintain a comprehensive understanding of the issues that need to be addressed within the South Kilburn area, the barriers to and opportunities for change and the contributions made by mainstream public service providers.
2. Develop and maintain sustainable, strategic partnerships with and between relevant organisations in the statutory, voluntary, not-for-profit and private sectors and ensure their active involvement in the regeneration and physical development of the area.
3. Directly manage one of the SKP Thematic Sub-Groups; working closely and pro-actively with the Sub-Group Chair to ensure that the sub-group functions effectively, including through proper agenda planning and provision of robust, relevant and comprehensive information and reports to aid decision-making. To support the Chair in developing and delivering the action plan.
4. To work with external stakeholders to develop and deliver a strategy for the Theme Sub-Group and provide the necessary leadership and guidance.
5. Maintain a watching brief on all 4 SKP Theme Sub-Groups.
6. Manage the development of comprehensive strategies and programmes of activity to deliver the SKNT Business Plan and achieve objectives of the South Kilburn Regeneration Strategy.
7. Identify and exploit opportunities for additional funding and other forms of external assistance that will contribute to the achievement of the SKNT aims and strategies. This will include liaising/negotiating with funding bodies, central and regional government agencies, private sector organisations and partners.
8. Provide leadership to project managers to ensure that interventions are developed, delivered, managed and monitored in an effective and efficient manner, which adheres to all relevant guidance and supports the SKNT's aims, values and core strategy.
9. Develop and maintain a positive personal profile and reputation with staff, Board and Sub-Group members, partners, residents and other stakeholders. Provide a positive role model and be an effective ambassador for SKNT.
10. To keep up to date with and disseminate good professional practice, in line with changes in legislation. To be aware of, liaise and work with other regeneration projects, programmes and strategies in the LB Brent and elsewhere as appropriate.
11. Manage and quality control the contractors procured for delivery of the SKNT Communications Strategy. Ensure effective delivery of the Communication Strategy Objectives.
12. Work in a way that positively promotes and supports equality and diversity.

Key Competencies

Strategic thinking

Demonstrates and communicates a clear vision for future services and the SKNT.

- Understands the challenges facing services in the short and medium term.
- Develops strategies and plans for delivering the vision.
- Understanding of current policy and thinking on housing, regeneration and sustainable communities.

Working together/Partnership Working

Builds and maintains effective working relationships, with a range of colleagues, partners and stakeholders.

- Works alongside others to achieve a common purpose.
- Works effectively on an inter-agency basis, maintaining good relations with government departments, local authorities and third sector organisations.

Political Sensitivity

Adept at operating within the political setting of a Neighbourhood Trust.

- Understanding and sensitivity to political dimension in developing and supporting activities and initiatives.

Leading People

Leads and motivates others to deliver high performance and results.

- Effective in performance management, coaching and development of staff to realise potential.
- Leverages diversity to achieve innovation and creativity.

Focus on Improvement and Results

Continuously drives forward the services of all partners for the benefit of customers/residents.

- Uses data to identify performance issues and improvement opportunities.
- Challenges individuals and groups to deliver improvements to the quality, effectiveness and value for money of services.

Personal Effectiveness

Instils confidence and commands respect through a high standard of communication skills.

- Effective in expression of ideas, intentions, needs etc in a group setting, one-to-one or in writing.
- High levels of personal drive and resilience.

Decision Making

Reaches sound judgements, balancing all the issues and risks effectively and consulting people appropriately.

- Anticipates and manages problems, risks and opportunities for the SKNT.
- Ensures strategies, plans and decisions are based on an understanding of the needs of residents.
- Able to manage substantial budgets and deliver budget options.

Appendix 5

Job Description - Project Managers

Purpose

To be responsible for the programme management of a range of revenue and capital regeneration projects within the South Kilburn geographic area. To develop, implement, monitor and evaluate these projects. To be the “lead” officer for one of the South Kilburn Partnership Theme groups, this could be Access to Employment & Skills, Young People & Education or Healthier Communities.

Reporting to the South Kilburn Neighbourhood Trust Director, working as part of the SKNT Secretariat Team.

Qualifications

A degree or equivalent higher level qualification.
PRINCE 2 or equivalent.

Job Requirements

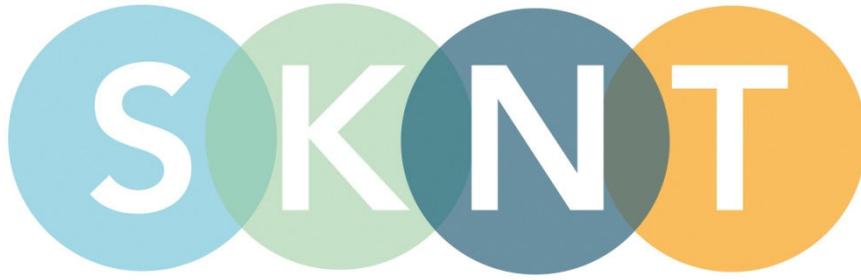
1. To be responsible for the successful development and delivery of the SKP Programmes and Projects falling under the post’s responsibility as assigned by the Director.
2. To represent and deputise for the Director when required.
3. Directly manage one of the SKP Thematic Sub-Groups; working closely and pro-actively with the Sub-Group Chair to ensure that the sub-group functions effectively, including through proper agenda planning and provision of robust, relevant and comprehensive information and reports to aid decision-making. To support the Chair in developing and delivering the action plan.
4. To work with external stakeholders to develop and deliver a strategy for the Theme Sub-Group and provide the necessary leadership and guidance.
5. Identify and exploit opportunities for additional funding and other forms of external assistance that will contribute to the achievement of the SKNT aims and strategies. This will include liaising/negotiating with funding bodies, central and regional government agencies, private sector organisations and partners.
6. Producing performance and monitoring reports on outputs and outcomes and reporting regularly to the South Kilburn Partnership Board and SKNT on performance and policy issues.
7. To ensure that projects provide accurate monitoring information regarding both funding, outputs and outcomes.
8. To work with projects and consortia to identify and implement improvements to achieve greater project efficiency. To problem solve, support project delivery and to develop opportunities for cross project/theme working.
9. To have a clear understanding of SKNT procedures and funding providers’ requirements, to manage the effective progress of project applications through the stages of the feasibility, tender procurement, and appraisal and approval systems.
10. To complete and produce project contracts, evaluation reports and other documentation for internal committees as required and to implement and maintain

effective filing and record keeping systems of all project information, including maintenance of clear audit trails.

11. To work with projects, and the SKNT Communication Strategy delivery body, to assist in the adequate marketing & publicity of projects and to ensure that consideration is given to opportunities to promote a positive profile of projects, programmes and the overall SKNT activities.
12. To keep up to date with and disseminate good professional practice, in line with changes in legislation. To be aware of, liaise and work with other regeneration projects, programmes and strategies in the LB Brent and elsewhere as appropriate.
13. To manage and maintain strong working relationships with partners, contractors and the local community.
14. To carry out any other additional work identified by the Director of in line with the overall purpose of the post.
15. Work in a way that positively promotes and supports equality and diversity.

Personal Specification - SKNT Project Manager

Attributes	Essential	Desirable	How Identified
Physical	<ul style="list-style-type: none"> • Good Health • Robust approach to work 		<ul style="list-style-type: none"> • Application form • Interview
Qualification	<ul style="list-style-type: none"> • Honours Degree or equivalent 	<ul style="list-style-type: none"> • PRINCE 2 or similar project management training. 	<ul style="list-style-type: none"> • Application form
Experience	<ul style="list-style-type: none"> • A minimum of 2 years relevant experience managing and developing strategic regeneration programmes or similar. • A minimum of 2 years experience of efficient monitoring of complex projects and/or performance management. • An understanding of community regeneration based on personal experience • Financial management experience and a knowledge of budget management • At least 2 years experience of partnership management in a similar environment • Experience of working in an inner city area • Experience of developing effective Partnerships and networks. • Experience of regeneration strategies in relation to at least one of the following: Employment, Health, Education and young people. 	<ul style="list-style-type: none"> • Previous experience of working with a community based regeneration partnership • Experience of working with local communities • Strategic regeneration experience monitoring and or development of projects e.g. work experience at a Regional Development Agency. 	<ul style="list-style-type: none"> • Application form • References • Interview
Circumstances	<ul style="list-style-type: none"> • Ability to work flexible hours when necessary including some evenings and occasional weekends. 		<ul style="list-style-type: none"> • Application form • Interview
Personal/ Disposition/ Attitude	<ul style="list-style-type: none"> • Professionalism in all aspects of your work • Ability to work under pressure • Ability to be pro-active and drive up performance targets • Ability to establish positive working relationships with people from a variety of different organisations and backgrounds • Innovative and flexible approach, always open to new ideas and ways of working • Self starter 		<ul style="list-style-type: none"> • Interview • References
Skills	<ul style="list-style-type: none"> • Excellent communication skills – both written and presentational • Excellent organisational skills and the ability to manage a varied workload • Able to plan ahead and prioritise workload • Programme management • Team worker • Excellent IT skills • Excellent project management skills 		<ul style="list-style-type: none"> • Interview • References



South Kilburn Neighbourhood Trust

SKNT Cashflow 5 Years	2009/10							2009/10	2010/11	2011/12	2012/13	2013/14	Financial Assumptions
	Sept	Oct	Nov	Dec	Jan	Feb	March	Total	Total	Total	Total	Total	
CAPITAL INCOME													
Texaco Site	0				1300000			1300000					Sale of Texaco Site estimated £1.3m January 2010
Sites 11 A&B		0						0	2900000	0			Sale of Site 11A estimated £2.9m April 2010. Sale of 11B 2013 would provide contingency to meet any shortfall
Balance Brought Forward								0	1300000	4196000	3941000	3941000	resulting from sale of site 11A being less than £2.9m.
Total Capital Income	0	0	0	0	1300000	0	0	1300000	4200000	4196000	3941000	3941000	
CAPITAL EXPENDITURE													SKNT Board will provide guidance on likely projects for reinvestment of capital funding from 2011 see Business Plan Pg 14.
Healthy Living Centre				0				0		250000			Potential SKNT contribution to HLC to buy increased space provision
Peel Precinct								0		0		0	Potential site for future consideration for capital investment.
Professional Fees Legal								0	4000	5000		0	Estimated legal costs associated with capital transactions
Total Capital Expenditure	0	0	0	0	0	0	0	0	4000	255000	0	0	
CAPITAL BALANCE	0	0	0	0	1300000	0	0	1300000	4196000	3941000	3941000	3941000	
REVENUE INCOME													
Working Revenue Brought Forward	83000							83000	321840	298220	243710	229134	
Rental income from Texaco Site	1000	1000	1000	1000	0	0	0	4000					Income from Car Cleaning business currently using the vacant site
Capital Interest							980	980	127600	122200	119900	119900	Estimated compound interest from Capital at 3% per annum likely to be higher.
Section 106								0			250000	250000	Speculative estimated S106 revenue stream for socio-economic activities
Partners Support Staff Costs								0		30000	30000	30000	Speculative - Partner contributions towards salary costs
Partners Support SKP Secretariat								0		10000	10000	10000	Speculative - Brent Council Contributions towards SKP support
Ground Rent HLC								0	50000	100000	100000	100000	Ground rent in negotiation, potential for premium upfront payment once building work started
Commercial Rent HLC								0		7500	10000	10000	Space within HLC will provide for 10 staff plus conference facilities enabling commercial income
Grant Funding								0		90000	135000	180000	Estimated target for raising funding from external grant providers, should be able to increase over time
Grant Management & Admin slice										10000	15000	20000	Estimated at 10% for successful bids for grant support
Ring Fenced													Interest received on any revenue balance for these monies will be retained within these streams.
Section 106 St Augustines					200000			200000					Ring fenced S106 funding to be released over a 12 year period to assist with running costs of sports facilities
Community Engagement	100000							100000					Ring fenced funding of Fusion Grant Fund 90k & 10k Community support
Total Revenue Income	184000	1000	1000	1000	200000	0	980	387980	499440	667920	913610	949034	
REVENUE EXPENDITURE													
Rent								0		15000	0	0	SKNDC will cover rent costs to March 2011, then rent free in HLC from Jan 2012.
Rates								0		9000	9270	9550	Estimated costs, dependant on actual floor space agreed.
Moving Costs								0		3000	0	0	Estimated relocation costs.
Utilities								0		6480	6700	6900	Estimated water, gas, electric.
Telephone & Internet										5150	5300	5500	Estimated telephone & internet costs.
Repairs & renewals								0		1500	2000	2000	Estimated general repairs and renewals to office space & equipment excluding IT.
Postage								0		1300	1340	1380	Estimated postage, courier services, parcel delivery.
IT support & renewal								0		6000	6000	6000	Estimated contract cost with IT company to support server & IT renewal.
Printing & Office Supplies								0		3240	3340	3440	Estimated costs for external printing & internal stationary needs.
Cleaning										3120	3220	3310	Estimated cleaning contract costs, will vary on office space & frequency negotiations.
Insurance								0		1780	1830	1890	Estimated Employers liability, contents etc based on 3 people.
Salary Costs								0		160000	165000	170000	Estimated starting salaries minimum £55k, £35k x 2 plus on costs at 22% & 3% pension contribution.
Finance Charges								0	3000	3000	3000	3000	Estimated bank charges.
Professional Fees Accountancy	420	420	420	420	420	420	420	2940	5040	5220	5376	5520	Estimated accountancy fees.
Professional Fees Legal	1250		1250		1250		1250	5000	7500	7740	7980	8220	Estimated Company Secretary fees & legal fees not eligible to be capitalised.
Consultancy & Fund Raising	5000			5000			5000	15000	15000	15000	15000	15000	Estimated budget for bid support & general consultancy advice & support.
Miscellaneous							5000	5000	5000	5000	5000	5000	Suggested contingency fund.
PR & Newsletter	1000						1000	16000	48000	49440	50940	50940	Contract with PR company + SK Connect newsletter & website, poss capitalisation of some costs.
SKP Board Support								0		5000	5000	5000	Estimated costs of Secretariat provision, catering, away days etc for SKP Board.
SKNT Board Support				1500			1500	3000	3000	3000	3000	3000	Estimated costs of Secretariat provision, catering, away days etc for SKNT Board.
Projects	0							0					
Section 106 St Augustines							4200	4200	16680	16680	16680	16680	Ringfenced
Fusion Fund				0			30000	30000	60000				Ringfenced
Community Development								0	10000	20000	50000	60000	10k in Yr 10/11 is part of ringfence Community Engagement funding. Others years estimated successful grant funding
Health & Well Being								0		9000	37000	60000	Estimated successful grant funding, conservative start in 11/12.
Young People & Education										16000	48000	60000	Assumed grant will be sought to support Theme sub group action plans.
Employment & Skills Support								0		45000	225000	225000	Yr 11/12 support raised through grants. 12/13 & 13/14 S106 less 10% towards M&A
SKNT Match Funding									60000	10000	10000	10000	Suggested match funding. Yr 2010/11 to be used towards employment support where there is a known gap.
Total Revenue Expenditure	7670	420	1670	6920	1670	420	47370	66140	201220	424210	684476	737330	
REVENUE BALANCE	176330	580	-670	-5920	198330	-420	-46390	321840	298220	243710	229134	211704	Actual available revenue budget less ring fenced moneys. Allows contingency for project grant support, higher recruitment & salary costs, higher running costs. Needs to maintain min level £75k to allow 3months bare minimum
Less Ring Fenced Income/Exp								56040	119100	81270	83374	82624	running costs excluding project spend.
Total Running Balance								1621840	4494220	4184710	4170134	4152704	

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	<p style="text-align: center;">Executive 19 October 2009</p> <p style="text-align: center;">Report from the Chief Executive</p>
<p style="text-align: right;">Wards affected: ALL</p>	
<p>Brent Civic Centre – Concept design proposals and authority to tender contract for a design and build contractor</p>	

***Appendices 4 and 5 of this report are not for publication**

Forward Plan Ref: Bus Tran-09/10-03

1.0 Summary

1.1 This report follows the report taken to Executive in March 2008 when Members agreed to the procurement and delivery of a new Civic Centre in the Wembley Regeneration area. In May 2008 Members approved the choice of site as the former Palace of Industry site, Engineers Way. Following subsequent reports Members approved appointments of project team members and the use of a Design and Build contractor for the construction phase. Significant progress has been made in the last 8 months and with the appointment of the design team, a concept design has now been prepared and the brief refined to further strengthen the business case. A central component of the Council's Efficiency and Improvement strategy and One Council vision, the project remains cost neutral, whilst providing scope for even greater benefits to Brent's residents. This report now requests approval for the concept design and approval for the tendering strategy for the Design and Build contractor.

2.0 Recommendations

- 2.1 That the Executive approve the Concept design as described in section 5 of the report.
- 2.2 That the Executive note the conclusions of the updated Strategic Business Case appended at Appendix 4.

- 2.3 That the Executive give approval to the pre-tender considerations and the criteria to be used to evaluate tenders for the Design and Build Contractor for the Civic Centre as set out in paragraph 8.3.
- 2.4 The Executive to give approval to officers to invite tenders for the Design and Build Contractor in accordance with European procurement regulations using the Restricted Procedure and to evaluate them on the basis and in accordance with the approved evaluation criteria referred to in paragraph 2.3 above.
- 2.5 That the Executive agree an exemption from standing orders to allow the appointment of Consarc as external Architectural Advisor without following a quotation process, for the good operational and/ or financial reasons set out in paragraph 8.5 of the report.

3.0 Detail

3.1 Introduction

- 3.1.1 The rationale behind the Civic Centre is now even stronger with the 'One Council' philosophy at the heart of the Council's approach to service delivery. The Civic Centre is a key component of the Council's Improvement and Efficiency Strategy 2008-2012 which aims to ensure that the Council builds its organisational capacity to deliver high quality public services that are relevant to the needs of local people and which secure the long-term economic and social well-being of the borough.
- 3.1.2 The window of opportunity to develop the Civic Centre has always been limited and the need for public sector intervention to catalyse Wembley regeneration is now more critical than ever before. There is also an opportunity to realise the lower base cost arising from the recessionary effect. Greater efficiency savings are being explored within the accommodation portfolio, there is an increasing positive interest from partners wishing to locate their headquarters with us, thus increasing the chance for joint service delivery and the community hub element for the building is growing.

3.2 Background

- 3.2.1 The vision for a new Wembley, launched in November 2002, first announced the Council's ambition to create a civic facility for Brent. The subsequent endorsement by Executive to commence feasibility studies in 2003 led to a series of reports by a number of consultant teams. The Audit Commission's inspection in 2003 of Brent's buildings and a study by Jonathan Edwards Consulting in 2004 both concluded the portfolio to be inadequate, inefficient and unsustainable and that doing nothing was not an option.
- 3.2.2 In response to these findings, a number of potential sites were assessed for developing a civic facility. Executive approved the selection of York House and Brent House as the two preferred sites, and to follow a developer led turnkey procurement solution, in the final feasibility study of December 2006. Executive also gave approval to develop the Strategic Brief and authority to

tender for Surveying, Architectural and Financial consultancy services for the next procurement phase.

- 3.2.3 Working with the team of newly appointed consultants, a set of detailed proposals were reported to Executive and approved in March 2008. This report set out a formal Strategic Brief which clearly defined the vision for the project and the brief for the building. The report noted a change in direction to the procurement approach, suggesting the Council purchase a site itself and providing legal advice about recent case law on why the previous approach was no longer suitable. The report specified a site within the North West District of the Wembley Regeneration area be purchased. The report had appended a Communications and Consultation Strategy which listed key internal and external stakeholders that had been involved in the development of the Strategic Brief and identified opportunities for future engagement. Financial risks had been identified, working with the financial advisers.
- 3.2.4 In May 2008, the Executive agreed to enter into a long leasehold interest of 999 years with Quintain Estates & Development plc for a 2.5 acre site on Engineer's Way, opposite Wembley Arena and Arena Square. Further negotiation with the landowner enabled the freehold interest also to be acquired the following month.
- 3.2.5 In June 2008, a comprehensive procurement strategy for delivering the Civic Centre was presented to Executive. The strategy explained the potential procurement routes and why particular routes had been discounted, then explored in detail three suitable procurement routes. A team of officers had evaluated the three routes based on timescale for delivery, quality, cost and risk and recommended the Design and Build route to Members. Key advantages of this route were explained, such as the overlap of the production and construction allowing for a shorter programme for delivery, a very high number of construction projects use this route, it is considered a lower risk approach and shields the Council from costs associated with mitigating risk.
- 3.2.6 In August 2008, the Executive agreed to award contracts for project management, quantity surveying and CDM coordination. These consultants supplemented the legal, finance, architectural and real estate consultant advisory team that were already advising the project. The Executive also gave authority to tender for a design team. The architects firm Hopkins was appointed in March 2009, being an internationally renowned designer of sustainable buildings, leading a team of specialists in structural engineering, mechanical & electrical engineering, ICT, workspace design, catering and landscaping.
- 3.2.7 At the same time as the design team appointment, the internal Civic Centre team was expanded. Executive had given approval to establish a project team in March 2008 and in early 2009 the six person core team was recruited, including a dedicated stakeholder engagement manager and programme co-ordinators, led by Aktar Choudhury who was externally appointed as Civic Centre Programme Director. Further organisational change took place at this time with the creation of the new Business Transformation department, responsible for driving service improvement across the Council within the

context of the 'One Council' agenda, to facilitate the introduction of new and more effective ways of working to support improved service outcomes and to deliver efficiency savings. Also, with stronger project management in place, there is now greater likelihood that resources earmarked for project contingency can be released to achieve even greater efficiency savings. It has been well documented that the Civic Centre both facilitates and is dependent upon new ways of working being adopted across the Council and the Civic Centre Programme has therefore become a part of the new department.

- 3.2.8 It should be noted that the programme of work for the Civic Centre is structured around the work stages used by the Royal Institute of British Architects (RIBA) in their contract documentation, which can be summarised as follows:

Work Stage A: Appraisal
Work Stage B: Design Brief
Work Stage C: Concept
Work Stage D: Design Development
Work Stage E: Technical Design
Work Stage F: Production Information
Work Stage G: Tender Documentation
Work Stage H: Tender Action
Work Stage J: Mobilisation
Work Stage K: Construction to Practical Completion
Work Stage L: Post Practical Completion

Hopkins' appointment was on the basis that they would start with an update of the Strategic Brief already produced (Stage B update) and then move into Stage C.

4.0 Consultation and Stakeholder Engagement

Consultation at Stage B update stage

- 4.1 The first key milestone for the design team was to update the Strategic Brief, as approved by Executive in March 2008, in order to ensure the brief remained appropriate to meet the needs of the Council and its community, the Civic Centre remained cost neutral and could be delivered on time. The Strategic Brief has been completed so that Stage B has now been signed off, in accordance with the RIBA workstages.
- 4.2 An extensive consultation and stakeholder engagement programme was undertaken for the Strategic Brief update which enabled the design team to gain a better understanding of the Council's and its users' requirements by listening to their views on the original Strategic Brief and the Civic Centre concept. Many of the groups visited had also been involved in the original briefing process.
- 4.3 The Strategic Brief update was split into the following stages:
- Stage 1 Meetings with groups inside and outside the Council
 - Stage 1 Workshop

- Stage 2 Opportunities for groups to make further comments
- Stage 2 Workshop opportunities for groups to make further comments
- Civic Centre event 6th and 7th May – to confirm Strategic Brief

- 4.4 The first stage involved a series of meetings with groups from inside and outside the Council. The meetings began on 30th March and ended on 30th April 2009. Thirty-nine groups were involved in this part of the consultation. Hopkins attended the majority of the meetings along with representatives of the Civic Centre Programme Team. Hopkins' concept was presented to the groups. It was stressed to each group that the concept was not a formal design but an initial response to the original Strategic Brief. The first part of the process culminated in the Stage 1 Workshop on 17th May 2009. The workshop was attended by representatives from the groups met within the Council. Comments from the individual group sessions were presented. Further opportunities for feedback were offered at the workshop and for a number of days following.
- 4.5 In the second stage, groups were allowed to submit further comments on the original Strategic Brief and Hopkins' concept. A Stage 2 Workshop was held on 30th April to present the findings of the second part of the Stage B update. The workshop focused on issues, which had a direct bearing on the Strategic Brief, with the understanding that there were comments, which would be considered in Stage C and beyond.
- 4.6 The update period culminated in a two day event on 6th and 7th May, which was attended by over 50 senior Council officers from all service areas and representatives from the whole design team. The event began with an overview of the Council's vision from the Chief Executive, and then focused on the delivery of Council services on day 1 and how the Hopkins' concept responded to service delivery on day 2. Workshops and a number of presentations took place on both days.
- 4.7 The update process concluded that the original Strategic Brief, as approved by Executive in March 2008, remained valid although a number of key issues emerged from the consultation process which would be addressed in the next stage and are summarized as follows:
- Building Capacity – maximize the capacity of the building on the site, subject to site and planning constraints and maintaining the quality of the design; Flexible Community Hall and Civic Hall – provide a Community Hall which has the capacity to accommodate 800-1000 people, with necessary back of house facilities which meet current operational requirements and legislation;
 - Masterplan – opportunities for the Civic Centre design to influence the design;
 - Security – building is within the island site, also the threat risk to the building itself;
 - Car parking – numbers will be dictated by the planning process, other Council policies, the requirements of the Mayor of London's office and the resource envelope;

- Ceremonies – match days conflict and potential acoustic issues with adjacent facilities;
- Customer Services Centre and Library – reduce area and share space if possible, recognising that the current service delivery model for customer services is likely to change;
- Wembley Live - incorporate if possible;
- A training facility totalling approx 200sq m with DDA to replace current leased accommodation in Olympic Way.

4.8 Towards the end of Stage B update phase, Hopkins undertook an options appraisal based on their tender response design to present to Council officers. The Stage B update phase was completed and Stage C commenced on 11th May 2009, with formal sign off of the Stage B update by the Programme Board on 8th June. An accommodation brief was established in the first month of Stage C as the building concept was developed to an outline design. This allowed the design team to develop the proposals in the remaining period of Stage C, culminating in the Concept design described later in this report.

Consultation at Stage C

4.9 During Stage C, the Strategic Brief was developed into a full project brief. The layout of the building, its design and form were progressed to allow an estimate of the costs to be compiled for the Council's approval. The development of the brief and the Concept building design was carried out by Hopkins by further consultation with the Council and its stakeholders. Throughout this process the Programme Board shaped the outline proposals to ensure a realistic design was shown to the wider community.

4.10 In addition to developing each of the key issues as described in paragraph 4.7 above, the design team with Council officers sought to address the following:

- Develop outline proposals
- Planning department meetings
- Key stakeholder meetings
- Sustainability requirements
- Procurement
- Budget clarification
- Site surveys
- Traffic and highway issues

4.11 30 consultation events took place using existing user fora, public events such as the Respect Festival and the Big Lunch event as well as all the Area Consultative Fora. Staff consultation included a dedicated Improving Brent Seminar followed up with a staff "Drop In" day with the Civic Centre Programme team and the design team; a "Food for Thought" catering requirements survey; attendance at staff forums. In addition, staff and the public could send comments to the dedicated Civic Centre email address. All comments have been recorded and passed to Hopkins architects to inform their outline design.

- 4.12 Consultation took place with the Councillors' Advisory Group that was specially formed to take an active part in this important project. This will continue throughout the duration of the project.
- 4.13 Consultation with young people has included a specific focus group meeting for members of the Youth Parliament and Brent Matters 2. Primary and secondary school consultation started with a visit to Donnington Primary School and will continue after September 2009, following the exam period and summer holiday.
- 4.14 Discussions with potential partners have continued during the Stage C process. The Tokyngton Safer Neighbourhood Team will have a space on the ground floor. The ground floor will also contain a 'partner village' for partner presence. The Brent NHS has confirmed in principle their wish to locate their headquarters to the Civic Centre. Discussions will continue as part of Stage D.
- 4.15 In addition to the consultation and stakeholder engagement process, a communications strategy is being deployed to keep residents and staff aware of the project and its progress.
- 4.16 The issues raised during the Stage C process have been considered in the outline design and the full project brief as it has evolved. The building now has the capacity to accommodate 2000 staff, working flexibly, and provides the scope to vacate and release Brent House for a major regeneration scheme. Officers are in very early stages of developing proposals and there is considerable work ahead before specific proposals will be available for member consideration. Similarly, the option of relocating services from Gwenneth Rickus (GR) buildings is also proposed. Officers would need to develop and appraise options for relocation of the services and future use of the site. Consultation with existing users of the building and a report to Executive would then follow.

The concept design emerging from this process is described in the next section.

5.0 The Concept Design

- 5.1 Hopkins' initial concept design was an accomplished and imaginative response to the original Strategic Brief and has evolved as a direct response to the ongoing stakeholder engagement.
- 5.2 The Civic Centre design will complement the Wembley masterplan, sited at a crucial pivot-point within it and act as a key regenerator for the Wembley area. The building is orientated to address Arena Square to the south and capitalises on the existing public realm. Key routes are reinforced, such as the link between Arena Square and future development to the north, creating much improved permeability in the area.
- 5.3 The three main components of the building will accommodate public, democratic and staff functions. The public parts of the building comprise the Foyer, Council Services Centre, Library, Registrars and Community and Civic

Halls. Smart space planning will provide a variety of flexible spaces, which can be adapted for a number of different activities.

- 5.4 The design is based on a sequence of large volumes contrasting with smaller spaces which create drama and interest. A simple diagram with two wings forming an 'L' shape accommodates the Council's administrative offices. These wings embrace the civic accommodation, located in the south-east corner of the building. The two parts are joined together by an impressive Foyer, which is open to the public and links the functional areas of the building together. The original design concept was efficiently planned, creatively addressing the site's prominent location and the wider future regeneration proposals, so that it occupied approximately two thirds of the 2.5 acre site. The remaining one third is open space, to include a wedding garden, which will be larger than the existing garden at the Town Hall. Wedding drop-off, including coach set-down will be provided next to the wedding garden. Retail space, to be leased back to Quintain, will be incorporated on the north-east corner of the site.
- 5.5 From Engineer's Way, a plaza with ceremonial drop-off, indicates the main entrance to the Civic Centre. People will enter the building to the main Foyer with its reception desk and grand civic steps, which form a ceremonial and prominent route to the upper parts of the building. The Foyer will be a multi-use space for people to meet, watch events as part of the Wembley Live calendar and orient themselves within the building. To one side the Library will share space with the Council Services Centre with the 'partner village' providing animation and activity on all sides. The wedding suite and Registrars are located next to the wedding garden, which occupies the quieter space on the west side of the building. An adjacent café/restaurant on the south-western corner will provide further attraction for visitors and staff alike with tables and chairs spilling outside in good weather. This facility is one of a number of potential income generators for the Council.
- 5.6 Moving up the building to the first floor podium, a long gallery will be used for informal meetings and as a foyer to the Community Hall, which has been enlarged from the original brief, as a response from consultation to increase capacity. The Community Hall is capable of accommodating a range of seating layouts and capacity: 430 people banquet style, with options to use the outer ring or the winter garden to increase capacity to a maximum of 700 banquet style. The winter garden has views across Arena Square and can be used regardless of the weather. Theatre style seating can accommodate between 815 and 1012 people depending on configuration. For comparison, seating capacity of the Paul Daisley Hall is 952 theatre style and 600 banquet style or 500 banquet style with dance area.
- 5.7 Further up the civic accommodation, the Civic Hall will be capable of holding Council meetings as well as other large meetings. A series of committee rooms are arrayed around the Civic Hall, with sliding/folding partitions to enable flexibility in the room size. The Civic Hall will have its own separate terrace. Members' accommodation will be at the top with views across Wembley, in particular the common room, which overlooks the Civic Hall terrace and Arena Square beyond.

5.8 The office and administrative parts of the building for staff include areas for meetings and breakout and will be designed for 24 hour working. Subject to the final space requirements, a series of mini-atria will enable better connection of staff between departments. The offices will be subject to an 80% flexible desk factor whereby allowances made such that at any one time a percentage of the office population will be working outside the Civic Centre or absent from work. This will allow flexible working for up to 2000 people.

5.9 In summary, the floors will be arranged as follows:

Ground

- Main foyer and reception
- Library / Council Services Centre
- Registrar / Wedding Suite
- Partner organisations
- Café / Restaurant
- Retail (leased back to Quintain)

Mezzanine

- Library / Council Services Centre
- Registrar
- Administrative offices

First Floor

- Community Hall and Winter Garden
- Catering
- Public / staff café
- Upper lobby / gallery
- Training facility
- Administrative offices

Second Floor

- Administrative offices

Third Floor

- Civic Hall and Terrace / Roof Garden
- Committee rooms
- Administrative offices

Fourth Floor

- Members' accommodation
- Common room
- Mayor's accommodation
- Administrative offices

Fifth to Eighth Floors

- Administrative offices

Basement

- Mechanical and electrical plant
- Loading bay
- Car parking
- Motorcycle parking
- Bicycle parking
- Showers and changing areas

5.10 With a rich variety of complimentary attractions, the Civic Centre will create a new destination. The building will be transparent and open, simple to navigate with a hierarchy of signage incorporating symbols and colours. All parts of the Civic Centre will be accessible to people with disabilities and there will be clear lines of security between public and staff-only areas. Key dates in the Brent calendar will generate activity in the public areas of the building, incorporating aspects of the Wembley Live concept, including space for performance events, interactive play and community activities which will contribute significantly to the life of the Civic Centre.

5.11 A holistic approach to sustainable design is being implemented for the Civic Centre. BREEAM (British Research Establishment Environmental Assessment Method) is a method for assessing the environmental sustainability of a building. The design approach for the Civic Centre will achieve BREEAM 'Excellent', with an aspiration for 'Outstanding'. Brent aspires to be the first local authority to attain 'Outstanding' in the UK. To achieve this a combination of energy efficiency measures, an acceptable ventilation strategy and the appropriate application of low carbon renewable technologies such as CCHP (Combined Cooling Heating and Power) will be considered. Operational energy costs are expected to reduce by 40% compared to existing properties. CO₂ emissions are expected to reduce from 3088 tonnes annually to 1700 tonnes, which is equivalent to taking 450 cars off the road each year. The sustainability strategy will include:

- Passive design measures
- Renewable and low carbon technologies
- Meeting Brent and Greater London energy targets
- Water conservation, water run-off & flood defence
- Nature conservation, biodiversity & land use
- Reducing and recycling waste
- The wider masterplan - Envac waste management
- Combined heat and power systems
- Use of sustainable materials
- Sourcing fairly traded products
- Sustainable transport

The building will contribute to a sustainable community in Wembley and set an example for Brent and the rest of the UK. Sustainability is covered further in section 15 of the report.

Access and movement

- 5.12 The design and provision of access and movement to and within the Civic Centre is shaped by carefully balancing customer, policy, cost and wider infrastructure considerations.
- 5.13 National, regional and local transport and travel policies all promote the reduction of car use and a modal shift to more sustainable forms of transport.
- 5.14 **National**

Planning Policy Guidance 13 – with the objective to integrate planning and transport at the national, regional, strategic and local levels seeks to:

- *“promote more sustainable transport choices for the movements of people and freight;”*
- *“promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling;” and*
- *“reduce the need to travel, especially by car.”*

The Department for Transport (DfT), with Department for Communities and Local Government (DCLG), has published revised Guidance on Transport Assessment (March 2007). The guidance sets out a new approach to preparing Transport Assessments and identifies the following relevant considerations:

- *encouraging environmental sustainability;*
- *reducing the need to travel, especially by car;*
- *tackling the environmental impact of travel;*
- *the accessibility of the location;*
- *other measures which may assist in influencing travel behaviour;*

5.15 Regional

The London Plan 2008 is highly relevant and describes the imperative for a sustainable and integrated approach to development delivery in London. A raft of significant transport policy elements all come together to promote reduction of car use and greater use of sustainable travel. The key relevant policies are:

Policy 3C.1 Integrating transport and development; (*encouraging patterns and forms of development that reduce the need to travel, especially by car*)
Policy 3C.2 Matching development to transport capacity;
Policy 3C.3 Sustainable transport in London;
Policy 3C.4 Land for transport;
Policy 3C.16 Road scheme proposals;
Policy 3C.20 Improving conditions for buses;
Policy 3C.22 Improving conditions for cycling;
Policy 3C.23 Parking strategy (*The Mayor, in conjunction with boroughs, will seek to ensure that on-site car parking at new developments is the minimum necessary and that there is no over-provision that could undermine the use of*

more sustainable non-car modes. The only exception to this approach will be to ensure that developments are accessible for disabled people.)

5.16 Local

Data collected in 2008 encouragingly suggested that since 2006 there has been a notable reduction of 9.8% in the number of staff driving to work. However the same figures also suggest that 52% of all staff commuted to work alone by car. The Council's Travel Plan aims to promote the sustainable delivery of Council services, to reduce carbon emissions from the Council's own activities and estate, and to minimise the environmental impacts of all aspects of the Council's travel activity. This will be achieved by reducing the need for staff and Members to travel and ensuring that those who do travel are encouraged to select the most sustainable mode of transport appropriate for their journey.

Other objectives of the Travel Plan are to:-

- Raise awareness of sustainable travel options and benefits to employees and Councillors;
- Increase the use of public transport, walking, cycling, and car sharing by staff commuting to and from work and on business travel;
- Reduce the number of single occupancy private car users on Council business, commuting and accessing Council buildings; and
- Set an example of good practice to other organisations in the borough.

The targets set in the travel plan are as follows:

Target	2008 Baseline Value	2010 Target Value
Reduce single-occupancy vehicle use	52%	27%
Increase Car Sharing	1.1%	6.1%
Increase Cycling	2.4%	7.4%
Increase Walking	9.2%	14.2%
Increase Public Transport Use	32.4%	42.4%
Decrease Business Travel Mileage	98,400 Km (2006 figure)	47,000Km
Decrease Mileage Travel Costs	£311K (2006 figure)	£288K
Reduce CO2 Emissions	3327 Tonnes	2795 Tonnes

The Council's Local Area Agreement for 2008-2011 includes NI 185 (CO2 emissions from the Council's own estate and operations) and NI188 (adaptation to climate change).

Site specific

- 5.17 The Civic Centre site lies within the North West District of the Wembley Masterplan. A Transport Strategy review of the Wembley Masterplan completed in November 2008 raised questions regarding the Masterplan's deliverability in transport terms, given concern over the level of traffic forecast to result from the Masterplan development. The road network was anticipated to be substantially overloaded at key points during Masterplan Stage 1, worsening with each subsequent Masterplan stage, though action to provide

additional capacity on the road network was shown to assist in prolonging its life. However, the desirability of a highways based approach was also viewed as questionable, particularly considering the wider needs and objectives of the Masterplan which is predicated on a high quality living, working, retail and leisure environment. The delivery of these essential core qualities was deemed too important to be threatened by possible over reliance on a highways based access and movement philosophy. Other proposals within the North West District include a new (pedestrian only) retail street, a large public square and improvements to landscape quality on Empire Way.

- 5.18 The Civic Centre site will be well served by public transport (see table overleaf). Three Underground lines (Metropolitan, Jubilee and Bakerloo) and three mainline operators (London Overground, Southern and Chiltern Railways) serve the immediate area from the following stations: Wembley Park (7 minute walk), Wembley Stadium (7 minute walk) and Wembley Central (under 20 minute walk). One bus service (92) currently provides direct access to the site, whilst six further services are within a short walking distance. Funding has been secured from Quintain for future bus service diversions and extensions that would bring at least one further service (224) past this site.
- 5.19 The Civic Centre site will also be well served by parking facilities. As the table overleaf shows there are 151 spaces in Council owned car parks within a 15 minute walk and a further 80 spaces within a 20 minute walk. There are 2900 spaces in privately owned car parks, with a further 2000 spaces proposed as part of the Masterplan, within quarter of a mile of the Civic Centre site. On-street parking within a mile radius of the Civic Centre provides over 5000 spaces, with varying restrictions. Appendix 1 shows the close proximity of three public car parks to the north, west and east of the Civic Centre, all within walking distance. All of these parking facilities, together with the parking to be provided on the Civic Centre site itself (see paragraph 5.22), will be sufficient to meet all needs of the Civic Centre.

- 5.20 The Supplementary Planning Document (SPD) for the Council's Wembley Masterplan provides for accessibility and circulation in the North West District to be delivered through a set of principles which include some restricted publicly accessible on street parking and a multi level car park at the northern end. However, the SPD also places emphasis on encouraging a modal shift by making sustainable transport options more attractive. To achieve this, it proposes car free developments in areas of high transport accessibility, creation of car clubs and prioritising on-street car parking for disabled people. It recognises the special circumstances in operation during event days and proposes special measures to ensure inward investment is retained.
- 5.21 As a leading developer in the Wembley Masterplan area, the Council will be seen as the key exponent of the planning standards and smarter travel policies and should therefore set an example to other developers showing what can be achieved through exemplary development. The Civic Centre will be a venue for a variety of uses ranging from Council offices to community functions during weekdays, evenings and weekends and parking and other access needs will vary.
- 5.22 Cycle parking for 200 bicycles will be provided for staff and visitors in a secure location within the site, together with showering, changing and locker facilities. Current provision across the 14 properties to be vacated (see Appendix 3) is comparatively less with 49 bike bins/stands and just 6 showers. The basement beneath the building footprint will accommodate service vehicles up to 3.8m tall, 9.9m long and up to 15 tonnes, and there will be a loading bay for deliveries. The approach to the provision of car parking has not altered since the Executive approval of the Strategic Brief in March 2008. Consequently, the scheme is making provision for 125 spaces in the basement, which include 25 disabled spaces. Currently, the 14 properties to be vacated provide 494 spaces, catering for 18% of staff and 23 disabled spaces. Of the 494 spaces, only 15 short term bays are provided for visitors from two properties.
- 5.23 As explained earlier in the report, the building size has increased from the original Strategic Brief. Based on advice received from the design team, using the local development framework, which is not an adopted document and could be challenged, the total number of spaces that could be provided is 189. This figure includes car club users. In contrast, based on the adopted Unitary Development standards, advice from planning and transportation officers suggests that the maximum number of spaces to be circa 174. Both of these figures are in excess of the current proposed provision and is not recommended as increased parking spaces only considers the statistical allowances within our policy and does not consider the other SPD objectives. Maximising our own policy will not set an example to other developers. An increase in parking spaces is not included within the resource envelope or cost plan, and as space constraints mean extra spaces can only be accommodated within the current basement if a second level is added, the budget would need to be increased by £1.9m and it is likely there will be an adverse impact on achieving occupation by June 2013.

- 5.24 Building beneath the garden space to provide additional car parking allowed within policy, either single or double storey can also not be recommended. This option will take the project significantly above the resource envelope. Initial estimates from external advisors suggest the range of construction costs for a double storey basement under the garden would be in the region of £1,750 per m² - £2,000 per m². An additional 8% to 12% for fees should be added. The total Gross Internal Area that could be provided is 3500sq.m. which would provide approximately 100 car parking spaces. The total cost would therefore be up to £7.84 million for an extra 100 spaces. Costs exclude inflation and VAT and costs for raising the garden from the currently terraced layout dropping down to the north. There is again likely to be an adverse impact on achieving occupation by June 2013, and would exceed the resources available and place a major risk on our commitment to the residents of Brent that the Civic Centre will be cost neutral and will not impact on Council tax.
- 5.25 A further important consideration is that the spatial layout of the site enables the Council to potentially dispose of a significant part of the garden space. Notwithstanding the substantial cost of building additional underground carparking, expanding at this location will significantly devalue this area of the site and the potential for future disposal / alternative use may be lost.
- 5.26 Access to the basement is by means of a single ramp in both directions from Engineers Way. The proposed ramp would be inadequate to serve a basement car park of increased capacity when events finish at a single set time. Drawing on the experience of dispersing traffic from the car parks at the end of Wembley Stadium events, it is known that considerable extra time is required to disperse cars via one ramp, giving way to existing traffic on Engineers Way. Problems of driver frustration, delay and vehicle fumes in a basement car park would therefore be a consequence of such a proposal – turning a pleasant experience and satisfied customer into a dissatisfied one.
- 5.27 The strength of national and regional policies with respect to car use, CO₂ emissions and sustainable travel means that an over provision of car parking within the Civic Centre will place a major risk of the Civic Centre planning application drawing opposition from the Mayor and the Secretary of State, who would have the power to refuse the application and cannot be recommended in planning policy terms. Furthermore, we will compromise our own commitments with respect to the green agenda as set out in the Community Strategy.
- 5.28 The Council could pursue a framework contract with car parking providers whereby additional parking is provided for certain events at guaranteed prices for the event host. Such an arrangement would be an efficient use of available parking provision, representing a significant saving in Civic Centre building costs and meeting the Council's obligations under planning. There are current leasing arrangements in place which provide an optional 138 spaces for purchase for staff based at Brent House, Mahatma Gandhi House and Chesterfield House.

- 5.29 The management of the basement car parking for large events has been considered by officers and work will continue to ensure a clear strategy is developed. The strategy will ensure optimum use is made of the Civic Centre whilst complying with policies and promoting our sustainability objectives. Active measures will need to be implemented to ensure only those accessing services in the Civic Centre have use of the car park for a reasonable period to complete their activity. Allied to this a strategy to encourage users to leave the car park as soon as their transaction is completed will also need to be deployed, so that the use of car parking spaces is maximised. The site will also provide facilities for the setting down of visitors to the building by car, taxi, minibus and coach clear of the public highway.
- 5.30 The design response with regard to car parking has followed Council's policies and is appropriate on the grounds that this will ensure a benchmark is set for future sustainable development across the regeneration area, as well as reducing building costs (thereby freeing up budgets to enhance other facilities for the building) and minimising the risk of the planning application being refused. Additional visitor parking could then either be accommodated within the public car parks identified within the Wembley Masterplan for the regeneration area as a whole or secured in surrounding car parks for Wembley Stadium/Arena on an event-by-event basis.

6.0 A stronger Business Case for the Civic Centre

- 6.1 The Civic Centre will produce many benefits for residents, staff, the Council and its partners. The strategic, customer, community, operational and business benefits were articulated in the March 2008 Executive report and remain valid today. The project also remains cost neutral in that the funding for the project will not place additional demands on Council tax payers. The project costs will be met from the sale of existing buildings that are no longer required and from prudential borrowing, funded through the efficiency savings of implementing new ways of working and improved building technologies. The Business Case has now been consolidated into one document which is attached at Appendix 4, however the main benefits are summarised below.

6.2 Strategic

- 6.2.1 **One Council:** The Civic Centre will enable staff to work more cohesively as 'One Council'. By consolidating all Council departments into one building, staff will be able to communicate and work together more easily, to give them a better awareness of what is happening throughout the Council. More collaborative working will also enable staff to learn from each other and benefit customers seeking services from multiple departments.
- 6.2.2 **Regeneration catalyst:** The Council will lead by example to encourage high quality, sustainable development within the Wembley Regeneration area. As one of the development's early projects, the Civic Centre aims to set the bar high for quality and sustainability in future developments, whilst the Civic Centre's staff and visitors will provide an early potential market for retail and leisure outlets in the area.

- 6.2.3 **Fit for change:** The Civic Centre's flexible layout and capacity to expand will ensure that the Council is fit to adapt to future changes in service delivery models in local government and the wider public sector. The open plan layout of the office areas is such that changes can be accommodated to meet future business and service needs, with minimum disruption and cost. The Stage C scheme design retains the garden space which, if needed in the medium to long term, could be built on to provide further Council and/ or partner accommodation.
- 6.2.4 **Leadership in Sustainability:** As the March 2008 Executive report explained, the current Council buildings are not environmentally friendly and the options for improving them are both costly and limited due to the age of the buildings. In contrast, the Civic Centre will provide a sustainable low energy building which, subject to budget, targets the highest BREEAM (British Research Establishment Environmental Assessment Methodology) rating – 'Outstanding' - with a minimum target of 'Excellent'. If the target is achieved, Brent will be the first local authority in the UK to attain 'Outstanding'. By virtue of its location close to transport facilities and by locating in all departments in one main building, the number of journeys made by staff and customers will decrease.
- 6.2.5 **Attract and Retain Talented Staff:** The Civic Centre will bring the Council into line with other local authorities which have or are improving their offices. The attractive and productive work setting, location and facilities will attract and help retain highly talented staff in the competitive London job market.
- 6.2.6 **Pride:** By providing an excellent environment, Brent will demonstrate the value it places upon its staff and customers. This will improve staff morale and public pride in the borough.
- 6.2.7 **Profile:** The exceptional design and facilities of the Civic Centre will raise the profile of Brent as a visitor destination and as a beacon of good practice in local government. Brent will gain a reputation for high quality services and sustainability across London and more widely, the UK.

6.3 Community / Customer

- 6.3.1 **Transparency:** Transparency and the 'blurring' of boundaries between public, democratic and administrative functions are key features of the Civic Centre design. This will allow the public to see officers, Members and partners at work delivering services for them and increase awareness of the services the Council provides.
- 6.3.2 **Improved Customer Experience:** The building will offer a welcoming environment to reflect and support the high quality of service offer available to customers. The Council will encourage partners to share space to increasingly provide multi-agency services from one point and with the majority of back office services located in one building, there will be ready access to staff to respond to specialist queries. The Civic Centre will be designed to be accessible to people with special needs, a significant improvement for

customers who currently have to visit a range of buildings with varied levels of accessibility.

- 6.3.3 **A Community Centrepiece and a draw for visitors:** The Civic Centre will greatly improve on the offer of community uses provided in the Town Hall. It will offer a range of spaces that can be hired out for weddings and events and community meetings for local groups. This offer to local people in the heart of the Wembley Regeneration area will complement the other internationally renowned facilities in the area, but importantly the Civic Centre will draw people to animate the area throughout the year and not just on event days.
- 6.3.4 **An enjoyable visit:** There will be improved facilities for the public and staff. The state-of-the-art library and learning resource centre, café's and events that will feature in and around the Civic Centre will positively add to the customer experience and attract greater number of visitors during the day and evenings.
- 6.3.5 **Jobs for local people and businesses:** The construction of the building will provide jobs for local people as well as opportunities for work experience to young people from Brent. The Council will encourage local people and businesses to be involved in the building's construction. Proposals are already in place with the design team and project management consultants to provide work experience for young people from Brent in a range of roles, from architecture and structural engineering to construction, which will start in the next academic year. Through the use of appropriate clauses in contracts, the Council will seek to involve local people and businesses during the construction phase. Further detail is available in section 8.
- 6.3.6 **Support the Local Economy:** The building will support the local construction industry during the recession. Where possible, materials for the building will be sourced locally.
- 6.3.7 **Diversity and Cohesion:** By providing a focal point for the borough with a lively and active foyer, residents will be able to meet and interact with one another, sharing cultures and traditions. A full Equalities Impact Assessment (EqIA) is being prepared and will be monitored closely to ensure all aspects of diversity and cohesion are considered.
- 6.3.8 **Local Democracy:** As a state of the art building in a prominent location, the Civic Centre will highlight the importance of local democracy as well as offering a range of welcoming meeting spaces allowing extensive consultation to take place with the public. By providing high quality facilities such as a library and learning resource centre and a range of other community spaces, including aspects of Wembley Live, young people will be attracted to the new building more than they are to the Council's existing buildings and encourage them to get involved in local democracy and community activity.

6.4 **Financial**

- 6.4.1 **The estate will be cheaper to run:** As the 2003 Audit Commission report found, many of the buildings that the Council currently uses are:

- not fit for purpose
- in too many locations
- unsustainable
- carbon greedy
- coming to the end of their leases
- Inflexible, unwelcoming, inappropriate and often inaccessible

- 6.4.2 The Civic Centre will allow resources such as space, energy and facilities management to be used more efficiently leading to considerable efficiency savings. The high sustainability and environmental standards being incorporated in the design of the Civic Centre will produce long term cost savings in minimising resource use and tangibly demonstrate the Council's commitment to sustainability and adapting to the effects of climate change.
- 6.4.3 The Civic Centre will offer savings as it is a more cost effective option than renewing leases on the existing Council buildings which are not fit for purpose and in need of considerable renovation. The cost of maintaining/upgrading Brent's current buildings to a suitable standard is likely to be high and is a short term solution. Options are also limited by the state of the existing Council accommodation.
- 6.4.4 **Lower build cost - Timing:** Now is a good time to build the Civic Centre as the economic downturn means that land and construction costs are low.
- 6.4.5 **Cost efficiencies:** Cost efficiencies can be achieved through increased flexible working and partnership working. By providing space for partners to work in the building, there are opportunities for streamlining activities into shared service provision.
- 6.4.6 **Income generation:** The design of the spaces in the Civic Centre is such that there will be greater scope for income generation. Examples include the entrance Foyer and gallery; the Registrars with the wedding garden which can also accommodate marquees; the Community Hall with its foyer and the winter garden; the Civic Hall with its terrace and Committee Rooms; the training suite; catering areas such as the café / restaurant next to the main entrance and the café within the Library; and the large screen facing Arena Square.
- 6.5 **Operational**
- 6.5.1 **Flexible Working:** IT will be extensively deployed to allow staff to work more flexibly. Staff will be able to pick up their phone calls and emails from anywhere. IT connections between locality offices and the Civic Centre will be improved to allow staff to locate themselves closer to the customer and provide a consistent quality service across Brent. Staff will be able to spend more time with the communities they serve. For the growing number of mobile staff spending most of their time out in the communities, the Civic Centre will offer 'touchdown' spaces and meeting rooms that are more appropriate than a traditional desk.

- 6.5.2 **Partnership working:** The Civic Centre will allow the Council to work more closely with its partners in delivering services. The building will offer flexible office space in which partners can locate themselves and access IT and other facilities.
- 6.5.3 **Opportunity for innovation in service delivery:** The building will encourage staff to rethink the way they work. The Civic Centre will offer an open plan environment where many staff will hot desk rather than have a set desk.
- 6.5.4 **Project Work:** The building will support long and short term project work. The flexible layout will be such that project team areas can change according to need.
- 6.5.5 **Improve Productivity:** Saving travel time between buildings and greater scope for sharing and learning will lead to increase in productivity once the Civic Centre is built.

7.0 Jobs & Training

- 7.1 The Council is a key driver of local employment services, and has over many years developed a strong and credible reputation through Brent in2work for the delivery of local people into local jobs. In recent years the Council has taken significant steps to recognise the contribution it can make as an employer in its own right, and has introduced 'Working for Brent' workshops through Brent in2work providing support and work experience for local people who want to work for the Council. The Council has also recently introduced an apprenticeship scheme for local young people.
- 7.2 In terms of promoting employment specifically in Wembley, the Council has built a successful partnership with the National Stadium which has delivered construction jobs, end-user jobs (security, catering, cleaning) and event day jobs (through the 2012 volunteering programme). Similarly we have section 106 agreements in place with Quintain to secure construction and end user employment across their sites. A new on-site employment portal 'Wembley Works' is in place. As 'developer' of the Civic Centre, the Council has the unique opportunity to demonstrate the same commitment to local employment that we expect other developers to deliver and lead by example. It is suggested that a bespoke approach be developed that may include initiatives such as:
- Contractor commitments to provide details of all employment pipelines and opportunities to Brent in2work;
 - Contractor commitments to use Brent in2work as first point of call for all recruitment requirements;
 - Contractor commitments to a quota of trainees / apprenticeships;
 - Consultant team commitments to apprenticeships / trainees within professional disciplines – project management, design, sustainability etc.
 - Establishing a procurement database of local companies interested in working on the project and proactively communicating sub-contractor / supplier tendering opportunities.

7.3 The Civic Centre Programme Team will work with the Regeneration and Employment teams to develop a bespoke package of measures for implementation during construction and end use.

8.0 Procurement Issues – Design and Build Contractor and Appointment of Architectural Adviser

8.1 At its meeting in June 2008, the Executive approved the use of a Design and Build procurement route to deliver the Civic Centre. This decision needed to be made before the tender process for the design team.

8.2 In June 2009 the Civic Centre Programme Board considered a “Design and Build Procurement Strategy”. This was endorsed by the Programme Board. It contained the following key recommendations:

1. The Council will continue on the basis of a Design and Build construction contract and will not extend this to a Design, Build and Operate contract (whereby the chosen contractor also runs the building for a number of years after construction is complete). The main reason for not proceeding with this option was that the additional work to formalise a specification for this would delay the whole project, while the costs benefits were not clear.
2. The contractor will be procured using an EU Restricted Procurement route, but on the basis of a single stage process at the tendering stage (the alternative is for the tendering stage to be split into two, with technical solutions and preliminary costs and profits being assessed first, leading to an appointment for pre-construction work, and then a price for the whole works submitted subsequently by the contractor following pre-construction design work). The reason for not adopting a two-stage process was that cost certainty was delayed until the second stage, and could lead to delay the project while the second stage is negotiated.
3. The procurement will take place at the end of RIBA stage E. This is because only at the end of Stage E will the designs be developed to the detail required to produce the Specification (Employers’ Requirements) for the construction contract.
4. The Design Team is to be novated to the Design and Build contractor at the end of Stage E. At this point 50-55% of the design work is complete, based on fee drawn down, and it enables the Council to retain control over the design while still transferring some of the design risk to the contractor under the Design and Build contract.
5. The Council will appoint a separate independent architectural adviser (see below)
6. The form of contract will be based on a JCT 2005 (with 2007 amendments) Design and Build contract with further bespoke amendments. This is the most commonly used form of contract in the marketplace, so giving familiarity. It also has the advantage of being prescriptive in its description of the obligations of employer (client) and contractor, so giving certainty.

8.3 In accordance with Contract Standing Orders 89 and 90, and taking into account the factors set out at paragraph 8.2, pre-tender considerations have been set out below for the approval of the Executive.

Ref.	Requirement	Response	
(i)	The nature of the service.	A Design and Build contract for the construction of the Civic Centre with novation of Council's Design Team on appointment of contractor.	
(ii)	The estimated value.	See Appendix 5	
(iii)	The contract term.	<ul style="list-style-type: none"> • Appointment and commencement of further design development: • Start on site • End date: following completion of the building plus industry-standard defects liability period 	
(iv)	The tender procedure to be adopted	EU Restricted Procedure, with single-stage process at the tender stage. Tenderers will be required to submit a lump sum price	
(v)	The procurement timetable.	<p>Indicative dates are:</p> <p>Trade adverts and OJEU contract notice placed</p> <p>Expressions of interest returned</p> <p>Shortlist drawn up in accordance with the Council's approved criteria</p> <p>Dialogue with shortlisted contractors about acceptable terms and conditions</p> <p>Invite to tender</p> <p>Deadline for tender submissions</p> <p>Panel evaluation and interviews</p> <p>Conclusion of Panel assessment</p> <p>Executive approval to award contract</p>	<p>November 2009</p> <p>January 2010</p> <p>February 2010</p> <p>March – May 2010</p> <p>June 2010</p> <p>September 2010</p> <p>w/c 27 September 2010</p> <p>October 2010</p> <p>November 2010</p>

		Mandatory minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers Award date and Contract start date	November 2010 December 2010/ January 2011
(vi)	The evaluation criteria and process.	Shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines. This will involve interested parties submitting a pre qualification questionnaire and thereby meeting the Council's financial standing requirements, technical capacity and technical expertise. The Council's standard PQQ will be adapted to reflect the nature of the project and legal constraints. Once tenders are received, the evaluation panel will evaluate the tenders against the following criteria: (1) Cost (50%), divided into Fixed Lump Sum Offer Cost Profile (2) Quality (50%), divided into (a) Understanding Brent's objectives for the building (b) Robustness of Delivery Team and Supply Chain (c) Project Delivery and Liaison (d) Programme (e) Community Interaction (f) Quality Management (g) Health and Safety (h) Sustainability and BREEAM Objectives (i) Risk Management	
(vii)	Any business risks associated with entering the contract.	See section 11 below. In addition Financial Services and Legal Services have been consulted concerning this contract and risks associated with entering into this contract are set out sections 10 and 12 of the report.	
(viii)	The Council's Best Value duties.	The Council has a duty to achieve Best Value in all its procurement and service delivery activities. Tenders will therefore be assessed on the basis of quality and cost and the successful tenderer will be one that provides the most economically advantageous tender.	
(ix)	Any staffing implications, including TUPE and pensions.	See Section 14 below. There are no TUPE implications.	
(x)	The relevant	See sections 10 and 12 below.	

	financial, legal and other considerations.	
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8.4 The Executive is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

8.5 The contract for the design team will be novated to the Design and Build contractor at the end of RIBA stage E in the autumn 2010. From this point onwards, the contractor will become the employer of the design team and the Council will need to employ its own architectural advisor. This work will be tendered. In the meantime, Consarc architects have been working with the Council since September 2007 however their previous contract has now expired and cannot be further extended. In view of the advantage of continuity and the high quality of service that Consarc has provided, it is proposed to continue to use Consarc until autumn 2010. In order to engage them until then, the Council will incur expenditure of £30,000 - £40,000 which is above the level at which standing orders requires three quotes to be obtained. This report is seeking authority to retain their involvement on a retainer of £2,000 per month until the work is tendered, and consequently an exemption from the standing orders requirement to obtain three quotes is sought.

9.0 Next steps

9.1 In addition to the main procurement exercise just described, the design team have reviewed the overall project plan and identified that they are able to submit for detailed planning approval in November 2009. Consultation with the Council's planning officers has indicated support for this and considerable work has already been done to meet this date. Although it is not a requirement, a full project specific Equality Impact Assessment is being undertaken to form part of the planning application.

9.2 Ahead of the statutory planning consultation, Council officers and the design team have fed through the main comments arising from an extensive pre-consultation period. This was concluded on 20th August 2009, leaving the design team a clear 10-12 weeks to consider these comments.

9.3 Future consultation will cover the following key areas:

Between November 2009 and January 2010, the statutory Planning consultation process.

Stage D

- Consultation on detailed design including:
 - Office layouts
 - Disability access and movement through the building as well as other enabling measures
 - Noise attenuation
- Finalising Partner involvement

- Review the need, and if required, the method for providing the print shop, a crèche and gym
- Draw together requirements for catering provision
- Facilities Management
- Presence of 'Wembley Live' features
- Continuing engagement of staff and the public through roadshows, focus groups, involvement of schools

Beyond Stage D

- Getting staff ready for the move into the Civic Centre through smarter working, furniture testing etc

10.0 Financial Implications

10.1 The Civic Centre proposal has consistently been dependent on meeting 3 key financial tests:

- (i) It delivers value for money.
- (ii) It is affordable for the Council. This is defined as at least being cost neutral compared with the budget provision within the Medium Term Financial Strategy for retaining and upgrading accommodation in the current portfolio to a reasonable standard.
- (iii) It offers the opportunity for significant efficiencies as a single, modern building, gives flexibility to change service delivery methods and facilitates new ways of working for staff. The move to the Civic Centre is a major driver in the overall delivery of the Improvement and Efficiency Strategy.

10.2 At each stage of the project assumptions have been updated and tested by external financial consultants highly experienced in developing robust business cases for major capital projects. At this milestone in the project a full business case has been prepared and is attached as confidential Appendix 4. This contains the detailed financial analysis. The Executive is asked to note the business case.

10.3 Resource Envelope

The resource envelope is the amount available to the Council to finance the project. Ensuring the total cost of the project is kept within this envelope will mean the affordability test is met.

The resources available for the project consist of 3 main elements.

- (i) Capital receipts from the sale of freehold properties within the Council's current portfolio which will not be required when the Civic centre is utilised
- (ii) Revenue generated from:
 - The consolidation of the Council's current accommodation portfolio;

- Cashable efficiencies as a result of new working practices and running cost savings in a new building compared with a number of sites;
- Central resources allocated in the Council's medium term financial strategy for the upgrade of the current portfolio which can be allocated to the project;
- Increased income opportunities from partners utilising office space in the building and charges for facilities and activities.

(iii) Prudential Borrowing:

The Prudential Borrowing Regime allows authorities to adopt a more commercial approach to balancing capital costs and receipts over time with revenue generation and saving opportunities. This means that authorities are no longer prevented from pursuing more prudent options by virtue of artificial controls, which ration borrowing in the public sector. Using the Prudential borrowing is the favoured option to fund the capital elements of the scheme.

- 10.4 The above methodology identifies the total potential resources available to the project and this is then adjusted and reduced for a realistic assessment of risk. These risk factors include items, such as rises in interest rates, and also the construction and development of the building. The latter is in addition to a general contingency which will be held within the specific budget for the construction of the building.
- 10.5 Using the resource envelope in the way described ensures that, if risks are successfully managed during the development of the project, resources earmarked to cover these risks can be released either back into the project or taken as general efficiency savings for the overall Council budget.
- 10.6 Since the last major report in March 2008 to the Executive a number of changes are proposed which have been reflected in the financial model. Members are asked to note that the concept design provides sufficient capacity to fully vacate Brent House. This has increased the overall resource envelope. These are set out in more detail the Financial section of the Business Case (see Appendix 4), but include:
- (i) Removing Brent House and Gwenneth Rickus buildings from the portfolio and carry out the functions within the Civic Centre (apart from (ii) below);
 - (ii) Making separate provision for CCTV Room and a Data Centre currently in Brent House to be provided elsewhere;
 - (iii) Increasing the size of the Civic Centre to accommodate the staff displaced by the changes to the portfolio structure.
- 10.7 The Council's portfolio will be reduced by 14 separate buildings (see Appendix 3). Current estimates of the total operating expenditure, once all buildings in the business case are vacated, will reduce from £10.2m to £8m per annum. In terms of space costs, the reduced portfolio will reduce costs from £5019 per person to £3958 per person.

Accommodation Strategy

- 10.8 The Council's office accommodation strategy has, for a number of years, taken into account the potential effect of the Civic Centre in the retention and disposal strategy of the Council's main office portfolio. Accordingly since the March 2008 Executive report, the following actions have been implemented; an opportunity arose to purchase the freehold interest in Brent House, completed in May 2008. This provides office space for 1000 staff, of which 735 including agency staff work for Brent Council. Consequently this enabled the council to successfully negotiate with Air France, the other major occupier within Brent House, and acquire a wing of the building. This in turn allowed the Council to quit the lease on Elizabeth House which had expired and relocate the 70 ITU staff to the former Air France space in Brent House. The ITU office layout within Brent House has taken into consideration the flexible working style that all employees will be required to adopt in time for the opening of the Civic Centre. In addition the Council has also, during 2009, relinquished the lease on Triangle House with the 50 staff being absorbed within other existing Council offices.
- 10.9 The update of the Strategic Brief and subsequent design changes shows how the evolving design now enables more staff to be located in the Civic Centre. This will enable greater efficiency savings and improved working conditions for more staff by consolidating into the Civic Centre and enable the 'One Council' philosophy to be delivered more effectively if a higher proportion of Council staff are able to work in the new building. The release of Brent House presents a significant opportunity for efficiency savings and the scope to consider a mixed use redevelopment of the site and the adjoining sites. Officers are in very early stages of considering options for Brent House and there is considerable work ahead before information will be available for member consideration.
- 10.10 The accommodation strategy is seeking to make more efficient use of space and buildings well in advance of the building of the Civic Centre. The current roll out of improved ICT infrastructure, for example the replacement of Lotus Notes with MS Outlook and the installation of IP telephony will mean desk sharing/flexible working becomes a real possibility. The potential option of early vacation of some space in Chesterfield House (1500 m²) and London Road (1200 m²) along with Quality House (1200 m²) is being investigated. The potential relocation of services from the Gwenneth Rickus site (approx. 2200 m²), as discussed earlier in the report, would provide the scope to maximise the use of the purpose built training facility and other meeting spaces within the Civic Centre.
- 10.11 As the plan to centralise all the Council's operations into fewer buildings has been developed, it has been recognised that a strengthening of the Council's profile in neighbourhoods might be required. Work is underway to review the anticipated service requirements for the Council in the medium term. This will involve partners and help to shape the optimum property needs for efficient and effective delivery of services.

- 10.12 The business case for the new Civic Centre involves a disposal of the Council's freehold interest in Brent Town Hall. It is envisaged that steps will need to be taken towards the marketing of the site by the end of 2010/early 2011. The building is Statutorily Listed (grade 2) which means that there is a planning presumption in maintaining the existing buildings on the site. This does not mean that the building cannot be extended or altered or that a more commercial use could be introduced but any modification would need to be approved by the Council as local planning authority, undertaken sympathetically and have the support of English Heritage. In order to set out the planning potential of the site it is proposed that a planning brief be prepared. The brief would form part of the marketing package and provide greater certainty over how the site may be used and adapted in the future.
- 10.13 The Council's future disposal of the site is reflected in the recently agreed submission version of the Local Development Framework Site Specific Proposals. This allocation envisages a mixed use development including offices, local needs retail, residential, hotel and community uses. An examination in public by an Inspector will take place into representations received on this allocation in late 2010, and once the position is clear following the Inspectors report, the planning brief will be finalised and subject to consultation.

11.0 Risks

- 11.1 The project has adopted robust risk identification, assessment and monitoring arrangements. Risks with likelihood, consequence, mitigation and risk owner are clearly identified and regularly monitored by the programme workstreams and the Programme Board. A quantitative risk assessment (using monte-carlo analysis) has also been undertaken on the resource envelope. Further such analysis will be undertaken if any significant changes to the project costs occur to ensure that the project can be delivered to budget.
- 11.2 In June 2009, external organisation 4Ps conducted a Gateway review on the project. Accredited by the Office for Government Commerce, the 4Ps review aims to provide independent guidance to projects at each key stage in their lifecycle and provide assurance for delivery to the next stage. Although this was the first review on the project and ahead of the Gateway review schedule, Programme Board agreed the project was advanced far enough, and the review would be more beneficial, for a Gate 2 review to be implemented. Gate 2 assesses the business case and ensures an appropriate and robust procurement strategy is in place. After interviewing a panel of 26 officers/Members, the 4Ps review team concluded the approach to determining the optimum procurement delivery route was thorough, recommended the strategic business case be consolidated (see Appendix 4), commended the significant difference the dedicated core team has made to the standard and pace of progress of the project and the Council's clear commitment to the transformation programme.

12.0 Legal Implications

- 12.1 The proposed design and build contract is a works contract under the Public Contracts Regulations 2006 (“the EU procurement regulations”) and needs to be tendered in compliance with these. In addition the contract is a High Value contract under Brent’s Contract Standing Orders and so pre-tender matters and contract award both need to be approved by the Executive.
- 12.2 The Council’s powers to build a new Civic Centre are within section 132 of the Local Government Act 1972, which allows local authorities to acquire or provide and furnish offices. Other various powers exist to provide libraries and other facilities.
- 12.3 Section 2 of the Local Government Act 2000 is also relevant, as it allows local authorities to do anything which promotes or improves the economic, social or environmental well-being of their area. This power can be used to justify the subsidiary objectives of the Civic Centre project in relation to the environmental aspirations of the building, the social objectives of drawing together the local community, and increasing the supply of jobs and training opportunities. The Council is required to exercise this power with regard to its sustainable community strategy. In Brent this document is known as the Community Strategy. One of the values within this document is “We will celebrate our borough’s diversity and build upon our national reputation for nurturing successful community cohesion.” It is also notable that under the section in the Strategy called “A Borough of Opportunity”, there is a commitment “to make sure the transformation of Wembley is sustainable and creates new opportunities for growth across the borough”. In addition the commitment to make the borough “A green place” includes commitment to “minimise our contribution to climate change”. Therefore including requirements about the environmental specification of the building, the need for the building to draw together the local community, and seeking a contribution to the local economy, is in accordance with the Community Strategy and section 2 can be relied on by the Council to incorporate these subsidiary objectives into the project.
- 12.4 As a result of these subsidiary objectives it is therefore proposed to evaluate tenderers on, amongst other things, their ability to deliver on certain social and environmental issues. The relevant criteria are “Community Interaction” and “Sustainability and BREEAM objectives”. However despite government promotion of using procurement to deliver social and environmental objectives, there are other legal prohibitions. Any award criteria that relate to the terms and conditions of the contractor’s workforce will fall foul of prohibition on taking into account “non-commercial considerations” at any stage in the tender process, contained in section 17 of the Local Government Act 1988. In addition, the EU procurement regulations only allow the Council to use evaluation criteria that are “linked to the subject-matter of the contract”, and subject always to the over-riding requirement that such criteria are non-discriminatory (ie a tenderer not established in the UK will find it as easy to provide information in response to the criterion as a UK tenderer). Accordingly, it is acceptable to include environmental criteria about the

building's characteristics and construction methods within the award criteria presented to the Executive for approval, because this is not prohibited under the "non-commercial considerations" rule, is non-discriminatory and relates to the subject-matter of the contract.

- 12.5 In relation to social issues, it is harder to address these in the award criteria while still complying with the non-commercial considerations rule and EU law. Examples of such issues are ability to comply with the Council's Equalities requirements (soon to be updated once the Equality Bill is enacted – see section 13 below) and proposals for using local labour. In general, such issues cannot be included as award criteria because they are not linked with the subject-matter of the contract, are discriminatory (EU law) and are also non-commercial in that they relate to terms and conditions of the tenderer's workforce. However the EU procurement regulations (reg 39) do specifically allow for social considerations to be included within the contract conditions, as opposed to the award criteria. Furthermore when Best Value duties were introduced the prohibition of non-commercial considerations rule was relaxed, so that the Council could take into account non-commercial considerations insofar as was relevant to deliver best value. In this regard it can be said that an employer that respects equalities issues and is committed to training has a better motivated workforce and will deliver a better product. Therefore it is proposed that the contract conditions will require compliance with the Council's Equalities requirements and require the type of commitments listed in section 7 above.
- 12.6 That is not to say that social considerations cannot be considered as part of the award criteria at all, and can only be addressed in the form of contract conditions. However it is necessary to identify those that are linked to the subject-matter of the contract, are non-discriminatory and do not relate to the terms and conditions of the tenderers' staff. Accordingly it is proposed to look at community involvement within the award criterion "Community Interaction", and here officers ask about communication with local people about the project and available training and employment opportunities. Under "Sustainability and BREEAM Objectives", tenderers will be expected to demonstrate an understanding of the environmental impact of using non-local suppliers.
- 12.7 Once the tendering process is undertaken Officers will report back to the Executive in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award. As this procurement is subject to the full application of the EU procurement regulations, the Council must observe the requirements of the mandatory minimum 10 calendar days standstill period imposed by the EU procurement regulations before the contract can be awarded. The EU Regulations are shortly to be amended to give aggrieved tenderers greater remedies in the event of a successful challenge, but as it is not anticipated that this will be retrospective, this should not impact on this procurement as the adverts will be placed before the changes come into effect.
- 12.8 It is also proposed to directly appoint the architects Consarc as the Council's architectural advisers on an interim basis, with a tendering exercise following next year. As the contract value will exceed £20,000, Contract Standing

Orders requires that three quotes are obtained. However the Executive can agree an exemption from that where there are good operational and / or financial reasons for doing so. The Executive needs to be satisfied that such good reasons exist as set out in paragraph 8.5 of the report.

13.0 Diversity Implications

13.1 A comprehensive equality impact assessment (EqIA) is currently being completed and will be submitted as part of the planning application later this year. Previous impact assessments have been taken into account but the revised assessment explores in more detail:

- the construction phase impacts
- considers inclusive design within the forthcoming design stages
- independent mobility within the Civic Centre and accessibility from the surrounding area
- access to employment and business opportunities
- staff management
- community relations
- post construction considerations for the management of the Civic Centre

Once completed, the EqIA will be used as a live document and continually checked with the emerging design to ensure the Council's corporate policies in this area are being met and risks mitigated. The EqIA will be reviewed at the appointment of the Design and Build contractor.

13.2 As a public authority, the Council is required to comply with equality duties as laid for example by the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 2005 and the Equality Act 2006. Under this legislation, local authorities have duties to work towards the elimination of discrimination in relation to race, disability and gender inequality. As a matter of good practice, and to demonstrate our commitment to equality and diversity, the Council operates a six strand Single Equality Scheme, which in practice means that we have extended our equality duties across age, disability, gender, race, religion and belief, and sexual orientation.

13.3 The Equality Bill introduced to the House of Commons in April 2009 introduces a new streamlined public sector Equality Duty which will replace the race, disability and gender equality duties. The Duty will be extended to cover age, sexual orientation and religion or belief, and will additionally cover gender reassignment.

13.4 There is an additional strand, dealing with socio-economic deprivation which is currently part of the Equality Bill but the duties are more limited than the other seven strands. At the heart of the Civic Centre proposals is the aspiration to create a community centrepiece which is accessible and will benefit all sections of Brent's communities and act as a catalyst for the wider regeneration of Wembley, creating opportunities for employment and local businesses.

- 13.5 The approach to consultation and stakeholder engagement by the Civic Centre team fully reflects the Council's commitment to the six strands outlined in the Single Equality Scheme, in addition there will be a new emphasis on gender reassignment and socio-economic deprivation. As the March 2008 report explained

At the core and integral to this vision is a new civic building to be the community centrepiece of the redevelopment. A new "heart" for Brent. A building that should have exceptional levels of public access to a wide range of public services, including those provided by the Council. A building which will be state of the art for the 21st century and be a community asset for the residents of Brent for decades to come. A building which embodies our commitment to diversity and community cohesion by incorporating and reflecting best practice in relation to diversity.

- 13.6 The procurement process for the contractor will seek to construct the design team's detailed design with equality and diversity issues as a high priority in their approach. The design team have already been assessed on their ability to design a building that stands the test of time; can be used by and meets the needs of community groups in the borough and demonstrate examples of good engagement, for example through supporting local and small businesses through effective supply chains and availability of jobs and training opportunities. The tender process for the contractor will follow a similar approach. After requesting to participate, these companies will be asked in the PQQ to provide evidence of an equality policy and answer a range of equality questions. The Invitation to Tender pack will ask contractors to demonstrate how they will interact with the Council and all residents during the construction phase, for example availability of jobs and training opportunities for the long term employed, apprentices, other job seekers and school leavers; management of expectations on disruptions, whilst clearly demonstrating how they will ensure the design and construction process respects and reflects the diversity of the borough and makes a positive statement about the Council's relationship with all of its residents.

14.0 Staffing Implications

- 14.1 Brent currently employs 3,352 Council-based staff, 79 per cent are full time employees and 21 per cent work part-time. Thirty two per cent of staff are Brent residents. These figures do not include teachers.
- 14.2 The development of a high quality modern building will provide vastly improved office space and working conditions for Brent staff. While it is not envisaged that all staff will need to be located in the Civic Centre, its development provides an opportunity for the more strategic deployment of staff resources together with enhanced opportunities for better interdepartmental working in support of the 'One Council' agenda.
- 14.3 Recent staff survey results have shown that more than 1 in 2 of our staff are less than satisfied with their physical working conditions. A new Civic Centre could impact on retention of staff and work performance, especially longer-term, by improving staff morale and the associated positive traits in improved sickness levels and greater positive staff engagement. Working in a modern

flagship building at the heart of Wembley may also provide an additional incentive for staff to come to work at Brent.

- 14.4 The Civic Centre also presents an opportunity to take significant strides to improve service delivery through new forms of work organisation. Indeed it provides a focal point for developing a workforce, with the skills and working practices to deliver 21st century service excellence. Currently, the diversity of Brent's building stock limits opportunities for joint working and development across different directorate personnel. Put simply, staff spread over many different buildings reduces overall efficiency and effectiveness whilst reinforcing silo working. The new Civic Centre will allow all key service areas to be co-located for the first-time and provide a clear basis for more multi-disciplinary working and integrated planning and service provision. In the meantime, Brent's People Strategy and workforce development plans are already addressing the aim to increase skill levels, productivity, flexibility and adaptability of the workforce overall.
- 14.5 The Civic Centre project includes stretching targets to reduce the overall requirement for office-based workers. Flexible working (including tele or remote and home-based working) and work-life balance strategies will enhance productivity and performance in key service areas whilst also acting as a major recruitment and retention tool. Indeed there is considerable research to show that the opportunity to work flexibly is a major consideration when people are considering potential employers. The Civic Centre will support and enhance the opportunities for staff to work more flexibly. Brent Council is already recognised as a flexible, family friendly employer having recently been awarded the Workwise Mark of Excellence for smarter working practices. However, by increasing flexible working patterns through new remote technologies, in professional and senior levels, should provide us with an edge in hard to recruit areas. However, some of the changes will also require different forms of 'back-office' and strategic support involving new ways of working across the organisation.
- 14.6 More flexible and adaptable office space will be required as more staff require less 'desk' time and more team and project meeting space. It is also envisaged that all staff will have increased access to technology based learning opportunities and that space may be adapted for training and development purposes. Currently some staff lack access to basic IT facilities or e-learning facilities where they work. The Civic Centre could provide a central 'drop in' facility for staff needing to work or learn away from their home or office base.
- 14.7 Members, managers and staff need to be preparing now for new ways of working. As indicated earlier, Brent's People Strategy and workforce development plans are already addressing the need to meet changing demands and our future workforce requirements. HR policies together with L & D opportunities are being developed to support the changes required both in terms of new ways of working but also to support managers and staff manage change more effectively. While the Civic Centre provides a focal point or potential icon for these changes, they are in fact necessary regardless of the building issue. The Civic Centre will enhance the value of the changes we

are making to help ensure we can be a modern and forward thinking employer, attractive to our staff and potential workers, for the foreseeable future.

15.0 Environmental Implications

- 15.1 The Council aspires to be one of the most sustainable local authorities in the UK and be an exemplar of environmental practice and performance on sustainability issues. It also wishes to be seen as a leading light, pro-actively tackling the issue of climate change and dealing with its potential impact on the borough. In achieving this, residents and businesses are themselves encouraged to contribute to the local environmental, social and economic well-being of the borough in ways that will benefit both existing and future generations.
- 15.2 The Civic Centre is a major opportunity to bring about a sustainable vision for the Wembley area. The Community Strategy's 'mission statement' intends Brent to become a safe place, a clean place, a green place, a lively place, a borough of opportunity, a prosperous and healthy place with opportunities for all, a place where income and employment levels will be higher than the London average, where businesses thrive, where residents will enjoy good health and are able to make healthy choices, an inclusive community welcoming to all, where services will respond to the needs of young and old alike, supporting them to achieve independence, enabling them to take a full part in the life of the borough and providing help when the residents need it. The Civic Centre will demonstrate how this can be achieved by using a particular building to make a significant contribution within a regeneration area.
- 15.3 The Council recognises that the development of the Civic Centre is fundamental to achieving its vision for the future of the borough. Sustainability will be driven within the design process and all possible measures will be taken to deliver efficient, accessible and sustainable services to excellent standards; to develop tailored solutions to meet the needs of the individual, families and communities; and overall, to make Brent and particularly Wembley a prosperous and lively area that will thrive for generations to come.
- 15.4 The Council intends, taking advantage of this once-in-a-lifetime opportunity, to create a landmark Civic Centre that recognises the importance of the above issues and demonstrates that these are being tackled in sustainable ways. To achieve this, 'environment and sustainability' has been established as one of the four key priority themes for this development. The Council also aspires to have a BREEAM (Building Research Establishment Environmental Assessment Method) 'Outstanding' building and if this is achieved, it is envisaged that the Civic Centre will be a global icon for sustainability. However, whilst this may be possible, there is an additional cost involved in achieving 'Outstanding' from the current brief requirements for 'Excellent'.
- 15.5 It is intended that the Civic Centre will be designed to be an exemplar of best environmental practice and performance on sustainability issues. In addition, it will consider the future consequences of climate change, be able to cope with

future extreme weather events and reflect the objectives and proposals set out in the recently adopted Brent Climate Change Strategy and Action Plan.

- 15.6 More specifically, the Council is working with the design team to create, develop and set in place appropriate Key Performance Indicators and measurable targets to monitor and demonstrate continuous environmental improvements for the Civic Centre. These are set out in the Council's Sustainability Strategy for the Civic Centre (see Appendix 2) which describes the minimum expected of the building. KPIs have been developed in the following key areas:
- Energy Consumption;
 - Renewable/ Low-or-Zero Carbon Technologies;
 - Water;
 - Materials (Internal and External Finishes);
 - Waste/ Recycling;
 - Transport;
 - Land Use and Ecology;
 - Pollution
- 15.7 The Civic Centre will also contribute significantly to reducing the Council's carbon dioxide emissions and help achieve its CO2 targets for 2016. These targets are set out in the review of the Council's Carbon Management Strategy and Implementation Plan, reported separately to the Executive. The building will also include examples of renewable technologies for generating energy. Achieving such a reduction will help improve the Council's performance on both National Indicator 185 and the Carbon Reduction Commitment.
- 15.8 Importantly, the building will use less energy for heating etc and it is also intended that the new ICT equipment will be much more energy efficient. Similarly, it is hoped that the amount of waste produced in the building will be reduced, recycling and re-use increased and exemplary environmental behaviours adopted by staff.
- 15.9 The Civic Centre presents an important opportunity to demonstrate how environmentally sustainable measures and new technologies can be included in this type of building and the benefits that follow e.g. making financial savings. Such 'real-time' information (i.e. as it happens) can be used to inform and educate local residents and other interested parties in the borough as well as others. This can be achieved via public displays of information, organising supporting exhibitions, keeping some of the measures in the building available for public view, guided tours etc. This has been successfully tried elsewhere e.g. at Howe Dell primary school in Hatfield, Hertfordshire.

Background Papers

- A Vision for Wembley – November 2002
- Best Value Review of Property Services, Asset Management and Facilities Management – October 2003
- Outline Feasibility Study, Jonathan Edwards Consulting - 2004
- Delivery Options Evaluation Report May 2008
- Design Team Procurement Strategy July 2008
- Contractor Procurement Strategy June 2009
- INRA August 2008
- Travel plan
- Stakeholder Engagement summary report
- RIBA Outline Plan of Work 2007

Appendices

1. Car parking
2. Sustainability Strategy
3. Property Information

Confidential appendices

4. Business Case
5. Project Commercial Information

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Final Report

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Sustainability Strategy London Borough of Brent Civic Centre

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Executive Summary

Turner & Townsend have been appointed by the London Borough of Brent as sustainability consultants to produce a sustainability strategy for the new Brent Civic Centre development.

As a forward-thinking London Borough, Brent Council recognise the importance of this development and are committed to achieving a high level of sustainability, and so maximise the benefits to the local community. As such, it is important that the development does not simply comply with current and impending legislation, but also has best practice standards embedded within its design, construction and operation. This document considers associated policies and establishes key performance indicators to assist the London Borough of Brent and their appointed design teams in attaining this goal.

The document is set out to:

- Offer a description of sustainability in the context of the built environment;
- Review the legislative drivers for seeking best practice;
- Explain the impacts of climate change on the London Borough of Brent;
- Provide an overview of the London Borough of Brent's vision for sustainability;
- Outline methods for local community involvement in the project;
- Advise on the specialist consultants to be appointed;
- Produce a series of environmental key performance indicators (KPIs) to be addressed during the design stages;
- Discuss methods for monitoring environmental performance during both the construction and operation of the Civic Centre;
- Briefly explain the BREEAM 2008 method for quantifying the sustainable performance of the development and establish the minimum requirement for an 'Excellent' rating.

1 Sustainability in the Built Environment

In recent years, sustainability has been placed at the heart of UK policy, embodied by the UK Government sustainable development strategy *Securing the Future*, 2005. Sustainable development has been formalised in a range of government legislation, including the 2003 and 2007 Energy White Papers and the recent Climate Change Act, 2008, and has been integrated into planning and development policy on a national, regional and local level as a central doctrine. As *Planning Policy Statement 1: Delivering Sustainable Development* states:

"Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations."

In essence, sustainability is about achieving a balance between economic, social and environmental concerns to the benefit of both the present and the future. The UK government has used this definition to develop its strategy based around five key principles:

- Social progress that recognises the needs of everyone;
- Effective protection and enhancement of the environment, and the prudent use of natural resources;
- Good governance in all levels of society;
- Maintenance of high, stable levels of economic growth and employment;
- Responsible use of science and technology.

It can thus be appreciated that sustainability is rapidly becoming a key driving force behind all development in the UK and any construction project must rigorously address the principles of sustainability from early inception right through the project life-cycle.

1.1 Sustainable Construction

Approaches to addressing sustainability in construction have typically been focused on carbon and the need to reduce both the demand for energy and the carbon impact of buildings. While this continues to be extremely important, sustainable construction is also about the broader picture, such as creating community spaces that are healthy, economically viable and sensitive to social needs; which stimulate biodiversity; and which have low impacts in terms of resource use and pollution.

2 Legislative/ Policy Drivers

2.1 Securing the Future

The UK government produced a sustainable development strategy, *Securing the Future* in 2005, which set broad sustainability objectives for the UK. These included; community engagement; sustainable consumption and production; climate change and energy; protection of natural resources; and the creation of sustainable communities. These objectives were then delivered through a range of sub-policies specific to industry and/or region, including many of those examined in this report.

2.2 Energy White Papers

The Government established its strategy to address the challenges facing the energy system in the 2003 Energy White Paper, *Our Energy Future: Creating a Low Carbon Economy*. This paper outlined a long-term framework for developing policies to ensure that UK has access to sustainable, reliable and affordable energy, through competitive markets. Most importantly, the paper committed the UK to reducing its carbon dioxide emissions by 60% by 2050, “with real progress by 2020” through a combination of energy efficiency and renewable energy sourcing.

A revised *Energy White Paper* was released in 2007, making similar commitments on CO₂ reduction, energy efficiency and energy security. It expanded upon the 2003 paper, incorporating a changing context with regard to rising fossil fuel prices, increased carbon trading and the growing urgency to tackle climate change. The key energy strategies relevant to the Brent Civic Centre are:

- Driving investment to accelerate the deployment of low carbon technologies;
- Promoting policies to improve energy efficiency.

2.3 Climate Change Act

The *Climate Change Act* was passed on 26th November 2008, to formalise the Energy White Papers and establish a policy framework to enable the UK to achieve a 26% reduction in CO₂ emissions by 2020, and an 80% reduction in all Greenhouse Gas emissions by 2050, both against a 1990 baseline. A system of binding five year “carbon budgets” was also introduced, with requirements set out for the Government to report on their progress against these, and on other climate change impacts and policies, every 5 years.

2.4 Carbon Reduction Commitment

The *Carbon Reduction Commitment* (CRC) requires commercial and public sector organisations whose annual half-hourly metered electricity use is above 6,000 MWh, to take part in mandatory emissions trading. The cap-and-trade scheme will begin with a three-year introductory phase commencing in January 2010, before the first capped phase begins in January 2013.

This regulation will encourage large organisations to reduce their carbon emissions, while their reward will be the lower costs resulting from improved energy efficiency. To determine their annual half-hourly metered electricity use, organisations should have recorded their electricity usage during the 2008 calendar year.

2.5 Local Government Performance Framework

DEFRA established a performance framework to drive Local Authorities to reduce their environmental footprint. There are 13 National Indicators (NI) of which the two most relevant to the Brent Civic Centre development, are:

2.5.1 National Indicator 185: % CO₂ Reduction from Local Authority Operations

This indicator is intended to measure the progress of local authorities in reducing the CO₂ emissions from the buildings and transport within their estate.

The London Borough of Brent recognise this NI and have set a short term target of reducing their CO₂ emissions by 3% every year, until 2011. Leading on from this, the Brent '*Carbon Management Strategy and Implementation Plan*' commits to an overall reduction in CO₂ emissions of 20% by 2011, against a 2005/06 baseline.

2.5.2 National Indicator 188: Planning to Adapt to Climate Change

This indicator is intended to have Local Authorities embed the management of climate risks and opportunities across all their services, plans and estates. The London Borough of Brent thus require their Civic Centre to be designed having considered both the current climate and future climate predictions.

2.6 Energy Performance of Buildings Directive

The *EU Energy Performance of Buildings Directive* (EPBD) was introduced to drive a major reduction in the energy consumption and CO₂ emissions of buildings, as these generate around 40% of total EU carbon emissions. The key EPBD requirements, relevant to the Brent Civic Centre, are to:

- Consider the minimum requirements for energy performance of new buildings;
- Calculate the integrated energy performance of the Civic Centre using the new calculation methodology;
- Obtain an energy certification;
- Undertake regular inspections of boilers and air-conditioning systems in these buildings.

2.7 UK Building Regulations

The major provisions of the EPBD were transposed into UK law through the revised Building Regulations 2006. The 2006 amendments to Part L of the Building Regulations are explicitly designed to reduce CO₂ emissions from new and refurbished buildings. They state that 'reasonable provision' should be made for the conservation of fuel and power in buildings, by: reducing energy consumption through a combination of more efficient building services installations; improving the thermal performance of the building; and efficient control of the energy-consuming systems in the building.

Additional requirements of Part L, relevant to the Brent Civic Centre, are:

- New buildings must produce 28% less CO₂ than a 2002 Building Regulations compliant building;
- The projected CO₂ emissions of the building must be calculated using SBEM or an approved dynamic simulation model;
- An Energy Performance Certificate (EPC) must be provided as the building will be over 1,000m².

2.8 Waste Management

The *EU Waste Directive (75/442/EEC)* requires all Member States to take the necessary measures to ensure that waste is recovered or disposed of without endangering human health or causing harm to the environment. The *Landfill Directive (1999/31/EC)* aims to prevent or reduce as far as possible negative effects on the environment from the land filling of waste, by introducing stringent technical requirements for waste and landfills and setting targets for the reduction of biodegradable municipal waste going to landfill.

The UK Government set out its second vision for sustainable waste management in *Waste Strategy for England* early in 2007, and it is important the design team for the Brent Civic Centre consider its key objectives, namely to:

- Decouple waste growth (in all sectors) from economic growth by putting emphasis on waste reduction, re-use and recycling;
- Meet and exceed the Landfill Directive targets for reducing biodegradable municipal waste to landfill to 75% of 1995 figures by 2010, and to 35% of 1995 figures by 2020;
- Increase diversion from landfill of non-municipal waste and secure better integration of treatment for municipal and non-municipal waste;
- Get the most environmental benefit from their investment, through increased recycling of resources and recovery of energy from residual waste using a mix of technologies.

The *Site Waste Management Plan* regulations, 2008 were introduced to tackle the problem of construction waste to landfill. This stated that all construction projects in England, which commence after 1st July, 2008 and are worth over £300,000 (excluding VAT), must have a Site Waste Management Plan (SWMP). The SWMP is a live document for recording the quantities and types of waste that will be produced during a construction project, and for addressing the potential for reduction, re-use, recycling and disposal. The SWMP will be initiated during the pre-design stage and revised regularly for the most tangible results. It must be passed over to the Principal Contractor prior to the commencement of enabling works and continue to be updated throughout the construction period.

2.9 Strategy for Sustainable Construction

The construction industry is recognised as having a major influence on regional sustainability objectives, through its £100 billion/ year contribution to the economy, its annual utilisation of 400 million tonnes of raw materials and its annual production of 90 million tonnes of waste. BERR produced the *Strategy for Sustainable Construction* in June 2008, to drive forward the objectives of the UK Sustainable Development Strategy and encourage the creation of a built environment that considers ongoing sustainable performance during construction and operation.

The strategy proposes a range of output focused objectives, encompassing management of energy, water, materials/ waste, transport and ecology and biodiversity. These should be achieved through procurement, design, innovation, social inclusion, improved regulation and business support, in order to deliver substantial benefits to communities and the construction industry.

2.10 Planning Regulations

2.10.1 The London Plan

The London Plan is the Mayor of London's spatial development strategy for London. It was first published in February, 2004, to replace the previous strategic planning guidance for London, *Regional Planning Guidance 3*, with revised versions becoming statute in March, 2007 and most recently, in February 2008. Foremost, this document reiterates the need for Brent Civic Centre to be integrated into the local area, in order to maximise the benefits to the community. It states the design must:

- Be of a high quality, yet inclusive;
- Enhance the public realm;
- Respect the local history, context, character and communities within Brent;
- Provide a safe, secure and sustainable environment;
- Be practical and attractive to look at, and inspire, excite and delight;
- Respect the natural environment and enhance green networks;
- Address health inequalities;
- Contribute to adaptation to, and mitigation of, the effects of Climate Change.

The London Plan also sets out a series of planning requirements. Those of particular relevance to the Brent Civic Centre are:

- The use of 'decentralised energy' on, or around the site;
- An increase from 10% (as was originally set out in *The London Plan*, 2004) to a 20% reduction in Carbon Dioxide emissions from the development, through on-site energy generation from renewable energy technologies;
- A long-term reduction in Carbon Dioxide emissions from London, of 25% by 2020, and 60% by 2050, both against a 1990 baseline.

This policy is supported by further documents, of which the most important are:

- Supplementary Planning Guidance (SPG);
- Supplementary Planning Documents (SPD);
- Best Practice Guidance (BPG)
- The London Renewables Toolkit

In addition to these, the Communities and Local Government (CLG) have developed a series of Planning Policy Statements (PPS) to replace the Planning Policy Guidance Notes (PPG). The PPSs most relevant to this development include:

2.10.2 Planning Policy Statement 1: Delivering Sustainable Development

At the national level, PPS 1 sets out the Government's vision for planning and the key policies and principles which underpin the planning system. This document places sustainable development at the core of the planning system and establishes policies relating to sustainable design and construction.

The supplement to PPS 1, *Planning and Climate Change*, published in December 2007, deals specifically with climate change. It seeks to ensure that new developments secure the highest viable resource and energy efficiency, and reduction in carbon dioxide emissions to contribute towards delivering Government's climate change and energy policies.

2.10.3 Planning Policy Statement 13: Transportation and Land-Use

PPS 13 is a strategy for the integration of planning and transport, at a national, regional, strategic and local level. Its principle aims are to:

- Promote more sustainable transport choices for both people and freight;
- Improve the accessibility of jobs, shopping, leisure facilities and services to the community by encouraging public transport, walking and cycling;
- Reduce the need for private travel.

2.10.4 Planning Policy Statement 22: Renewable Energy

PPS 22 states that Local Authorities may require a percentage of energy used by the development to come from on-site renewable sources. In line with this national directive, The Mayor of London established a target for London to achieve carbon reductions of 20%, by 2010, relative to 1990 levels. These are set out in the Mayor of London's energy strategy, '*Green Light to Clean Power*'. The strategy also adopts an energy hierarchy which follows good practice in the design of low carbon buildings, namely; use less energy, use renewable energy, supply energy efficiently.

In addition to the above, other PPS guidance documents to consider include:

- PPS 6: Planning for Town Centres
- PPS 9: Biodiversity and Geological Conservation

- PPS 10: Planning for Sustainable Waste Management
- PPS 12: Local Spatial Planning
- PPS 23: Planning and Pollution Control
- PPS 25: Development and Flood Risk

2.10.5 Local Planning Policy

The facility must be designed with consideration given to all legislative guidance, including those relevant to, but not limited to, the following:

- London Borough of Brent planning guidance, including the Unitary Development Plan (UDP) and the subsequent Local Development Framework (LDF);
- CLG, Building Regulations.

2.11 Sustainable Operations on the Government Estate (SOG E): Targets

In June 2006, the Prime Minister launched the SOGE targets. These cover a range of sustainability aspects including energy, water and waste. Central Government departments are required to collect data for its own estate and report performance against these targets every year to the Sustainable Development Commission (SDC). While it is not a requirement for the London Borough of Brent to monitor and report on these targets, they are current best practice targets for the public sector and as such the Civic Centre should aspire to operating in line with them.

The full list of targets has been reproduced overleaf.

Table 1: SOGE Targets.

CLIMATE CHANGE/ ENERGY USAGE	
Carbon Emissions (from offices)	<ul style="list-style-type: none"> Reduce carbon emissions by 12.5% by 2010/11, relative to 1999/00 levels. Reduce carbon emissions by 30% by 2020, relative to 1999/00 levels.
Carbon Emissions (from road vehicles)	<ul style="list-style-type: none"> Reduce carbon emissions from road vehicles used for administrative operations by 15% by 2010/11, relative to 2005/06 levels.
Carbon Neutral	<ul style="list-style-type: none"> Central Government's office estate will be carbon neutral by 2012.
Energy Efficiency	<ul style="list-style-type: none"> Departments to increase their energy efficiency per m² by 15% by 2010, relative to 1999/00 levels. Departments to increase their energy efficiency per m² by 30% by 2020, relative to 1999/00 levels.
SUSTAINABLE CONSUMPTION AND PRODUCTION	
Waste Arisings	<ul style="list-style-type: none"> Departments to reduce their waste arisings by 5% by 2010, relative to 2004/05 levels. Departments to reduce their waste arisings by 25% by 2020, relative to 2004/05 levels.
Recycling	<ul style="list-style-type: none"> Departments to increase their recycling figures to 40% of their waste arisings by 2010. Departments to increase their recycling figures to 75% of their waste arisings by 2020.
NATURAL RESOURCE PROTECTION	
Biodiversity	<ul style="list-style-type: none"> Departments to meet or exceed the aim of having 95% of Sites of Special Scientific Interest (SSSI's) in sole ownership or control in target condition by 2010.
Water Consumption	<ul style="list-style-type: none"> Reduce water consumption by 25% on the office and non-office estate by 2020, relative to 2004/ 05 levels. Reduce water consumption to around 3m³/person/year for all new office builds or major office refurbishments.

3 London Borough of Brent: Mission Statement

3.1 Strategic Vision

Brent Council aspire to develop their council into one of the most sustainable in the UK and be seen as leading light, pro-actively working towards tackling the global issue of climate change. In achieving this, it is hoped that residents and businesses will be encouraged to contribute to the local environmental, social and economic well-being of the area, to the benefit of both existing and future generations.

Their vision is reiterated in the Brent Council Community Strategy 'mission statement' which intends for Brent to become "a safe place, a clean place, a green place, a lively place, a borough of opportunity, a prosperous and healthy place with opportunities for all, a place where income and employment levels will be higher than the London average, where businesses thrive, where residents will enjoy good health and are able to make healthy choices, an inclusive community welcoming to all, where services will respond to the needs of young and old alike, supporting them to achieve independence, enabling them to take a full part in the life of the borough and providing help when the residents need it".

To achieve this goal, Brent Council has established four key values. These are to:

- Providing excellent services;
- Improving the quality of life for all communities;
- Promoting diversity and community cohesion;
- Investing in our capacity

Brent Council intend to take advantage of this once-in-a-lifetime opportunity to create a landmark Civic Centre. To recognise the importance of the above issues, they have established 'environment and sustainability' as one of their four priority themes for this development. The building will be situated adjacent to Wembley Stadium and Wembley Arena, so to match the global recognition of these developments, continue to enhance the regeneration of the area and make a striking contribution to the borough, it is envisaged this Civic Centre will be a global icon for sustainability.

3.2 Corporate Social Responsibility

This project is considered a key element in the modernization and service improvement agenda for the council. It will be integral to business transformation, by co-locating the many disparate council and partner services within a state-of-the-

art public building, improving public access to key frontline services and encouraging investment throughout the borough. There are 8,000 local businesses within Brent, and this investment will help strengthen the local economy for these parties whilst also creating the potential for new businesses to develop. When placed in context of the Wembley development, with its unprecedented influx of sports, leisure, cultural and local community facilities, and its excellent transport links to Central London and the rest of the UK, there is a huge scope for economic development in the borough.

The centre will also provide a safe and welcoming community area for residents and customers alike, be easily accessible to all thanks to the exceptional public transport links, and create a focal point for civic pride. At present, Brent has a reputation as a peaceful, tolerant community, and the Civic Centre will further encourage the socially inclusive spirit of the borough.

3.3 Sustainability Theme

The new Civic Centre will need to be designed to be an exemplar of environmental practice and performance on sustainability issues. In addition, it shall consider the future consequences of climate change, be able to cope with future extreme weather events and need to reflect the objectives and proposals set out in the Brent Council Climate Change Strategy and Action Plan.

In addition to the hub of public services, the proposed centre will contain a state-of-the-art library, a learning resource centre, a café, and the best possible range of retail, leisure, housing and employment opportunities. It shall also act as a hub for improving public transport links, to enable local residents to access the opportunities brought about by this development.

The improved local public transport infrastructure will benefit the more deprived areas of Brent, especially the 37% of residences within the borough that do not have access to private transport. It will also serve to dilute the health and social impacts of the North-South divide across the North Circular Road. As part of the Mayor's London Plan, it is expected that there will be around 11,000 new homes in Brent over the next ten years, so it is vital to raise the bar in the field of sustainable communities and development in order to safeguard the future of the borough.

Brent Council recognise the Civic Centre development is fundamental to achieving their vision for the future of this borough. As such, they intend to drive sustainability within the design process and take all possible measures to deliver efficient, accessible and sustainable services to excellent standards; to develop tailored solutions to meet the needs of the individual, families and communities; and overall, to make Brent a prosperous and lively area that will thrive for generations to come.

4 Specialist Consultants/ Appointments

In addition to the above, the following surveys and/ or modelling should be undertaken, to ensure the design of the Civic Centre is suitable for all operations and occupants:

4.1 Occupant Comfort/ Satisfaction

- A Disability Discrimination Act (DDA) consultant, qualified as an RICS IEC consultant, an NRAC registered auditor, or equivalent, must be appointed to provide advice on access arrangements and ensure the building complies with Part M of the Building Regulations; *BS8300: 2009: Accessible Building Design*; and the DDA guidelines;
- Security Consultation to be undertaken by an Architectural Liaison Officer (ALO) or Crime Prevention Design Advisor (CPDA) from the local police force during Stages A/ B, to allow the development to be certified with *Secured by Design*;
- The M&E engineers within the design team must undertake a formal [Renewable Energy Feasibility Study](#) to assess the potential of Low-or-Zero Carbon (LZC) energy generation in this development. Detailed requirements for this have been outlined in *Section 6.2: Renewable/ Low-or-Zero Carbon Technologies*;
- An accredited energy assessor must be appointed to carry out [Energy Modelling](#), using the *National Calculation Method* (NCM) and produce an *Energy Performance Certificate* (EPC);
- The design team must carry out [Thermal Modelling](#), in accordance with *CIBSE AM11: Building Energy and Environmental Modelling*, to confirm the development meets *CIBSE Guide A: Environmental Design*;
- A qualified acoustician must be appointed to ensure all areas comply with *BS8233: 1999: Sound Insulation and Noise Reduction for Buildings*, and carry out pre-completion [Acoustic Performance Testing](#);
- The acoustician must also be tasked with undertaking a post-completion [Noise Impact Assessment](#) in line with *BS4142: 1997: Method for Rating Industrial Noise*, to confirm the development does not affect local noise-sensitive areas or amenity or wildlife areas.

4.2 Transport

- [Transport Planning](#) should be carried out, with a suitably qualified consultant appointed to produce a Travel Plan for the Civic Centre, and influence the site layout with regard to pedestrians, cyclists, and the car park;

4.3 Whole Life Costing

- A Life Cycle Cost Analysis must be carried out at Stages B (feasibility) and C (outline design), over a period of 25-30 years and again over 60 years, to ensure options specified in the design provide the greatest value. This analysis must address: Construction; Operation; Maintenance; and the End of Life of the building. In addition, two of the following four components must be analysed at both a strategic and system level: Structure; Envelope; Services; and Finishes; in line with *ISO 15686: Service Life Planning, Part 5 (Life Cycle Costing)*. The model must then be updated during Stages D (detailed proposals) or E (final proposals);
- Brent Council should use the LCC exercise and this Sustainability Strategy to identify key priorities for the development. The design team and cost managers should be aware of these, to ensure future 'value engineering' exercises do not design them out.

4.4 Building Systems

- Maintenance of the Civic Centre must be designed out as far as possible. To facilitate this, the design team should complete a [critical maintenance appraisal](#) complying with *ISO 15686: Service Life Planning, Part 1 (Buildings and Constructed Assets)*, and the *CIBSE Guide to Ownership, Operation and Maintenance of Building Services*.
- A [Specialist Commissioning Agent](#) must be appointed during the design stages. Their responsibilities should extend to providing: design input and carrying out commissionability design reviews; commissioning management input to both the construction programming and during the installation stages; and management of commissioning, performance testing and the handover/ post-handover stages. Guidance on the appropriate responsibilities of the specialist commissioning agent have been outlined in *Section 7: Monitoring Environmental Performance*.

4.5 Land-Use and Ecology

- An [Ecological Survey](#) must be carried out prior to the commencement of enabling works, to confirm the land with the lowest ecological value is being developed;
- The ecologist must also be tasked with providing guidance to both protect and enhance the existing site ecology, and in the longer-term, produce a [Landscape and Habitat Management Plan](#) covering a period of at least 5 years after project completion to safeguard the new ecosystem and help it thrive in the future;

4.6 Pre-Construction/ Site Investigation

- A Flood Risk Assessment must be carried out, to confirm the land-use has a low annual probability of flooding. This survey will then guide the Structural Engineer in their design of a suitable Sustainable Urban Drainage System (SUDS);
- A Site Investigation must be carried out, with groundwater conditions being assessed in line with *BS5930: Code of Practice for Site Investigations*; soil properties being assessed in line with *BS1377: 1990: Methods of Test for Soils for Civil Engineering Purposes*; and contamination, in line with *BS10175: 2001: Investigation of Potentially Contaminated Sites*. If contamination is detected, adequate remediation will need to be undertaken.

5 Community Involvement

The development must be a positive influence on the social well-being of building users and the neighbouring community. It must improve the health and lifestyle of all parties and provide them with future opportunities. To be assured of providing a building that is relevant to their needs, stakeholder consultation must be undertaken from the earliest stages. For the benefits of the Civic Centre to be fed back into the local area, it is also recommended that local labour and local materials be sourced.

5.1 Stakeholder Consultation

The design team will need to liaise with and draw important briefing information from a number of stakeholder groups from the outset. Brent Council have considered how to manage the formal involvement of the stakeholder groups. It has produced a Stakeholder Engagement Plan which includes the following:

- Members of the local community and appropriate stakeholders whom have been identified, including local residents; local businesses; employees; wildlife protection groups; local archaeological groups; and the Environment Agency;
- Identifying recent Civic Centre/ similar developments to establish partnerships and networks and learn lessons from their experiences;
- Timescales for consultation;
- Methods of consultation;
- Identification of the points at which consultees can contribute; how their proposals will be formally considered; and how they will be kept informed about the overall progress of the project.

5.2 Sourcing Local Labour

The London Borough of Brent also has an aspiration to promote the socio-economic health of the community throughout both the construction and the ongoing operation of the Civic Centre. The preferred method is to harness local employment where possible, as in the short-term this will reduce unemployment in the community and minimise the impacts of transport to the site, while in the long-term the transferable skills provided to these parties will enable them to find additional work in this sector. Businesses and the local economy will also benefit from the increased cash-flow.

KPI: Proportion of Employees from Local Areas

Brent Council have set an aspirational target for 10% of all parties employed on the construction of the Civic Centre, to be residents within the London Borough of Brent. Details on this target can be found using *Building One Stop Shop* and *BrentIn2Work*.

6 Environmental Key Performance Indicators (KPI)

The design team will work with the client team, to create, develop and set in place appropriate KPIs and measurable targets to monitor and demonstrate continuous improvement for the Civic Centre.

To assist this process, KPIs have been developed in the following key areas:

- Energy Consumption;
- Renewable/ Low-or-Zero Carbon Technologies;
- Water;
- Materials (Internal and External Finishes);
- Waste/ Recycling;
- Transport;
- Land Use and Ecology;
- Pollution

For further information, above that provided in this sustainability strategy, please refer to the *London Plan 2007*, *The Carbon Trust: Carbon Management Programme*; the *Sustainable Procurement Task Force: National Action Plan*; and the *BERR: SOGE Targets* guidance.

6.1 Energy Consumption

Brent Council aim to meet the requirements of NI 185 and NI 188, by implementing a best-practice approach to energy management in the Civic Centre. In line with the current view of sustainability, they consider this development to be an energy source as much as an energy sink and there is the potential for a high level of energy and carbon savings if the orientation; form; massing; and insulation of the Civic Centre are optimised.

In terms of intelligent building design, the Civic Centre must also set high standards for the efficient use of energy throughout its functional space. The passive Heating, Ventilation and Air Conditioning (HVAC) and Lighting systems will be configured to minimise the environmental impact of their operation, through:

Heating, Ventilation and Cooling: Maximise the use of natural ventilation and develop passive heating and cooling systems with appropriate flexibility; the capacity to operate efficiently under differing loads; and local controls, where room conditions demand. The London Borough of Brent team are seeking innovative solutions which

draw upon leading edge office environmental standards. Where practical they require the Civic Centre to utilise mixed mode, free cooling and energy efficient ventilation.

One option to investigate is the specification of a structure with a high thermal mass. This passive design will absorb excess heat from the building as the interior space warms and redistribute it as the development cools. The Civic Centre will then require lower heating and cooling loads, and so have a lower energy demand. An additional option is for the design team to integrate heating, ventilation and cooling services to allow heat removed from one area to be utilised elsewhere.

KPI: Ventilation Rates

In the office areas, the design team must ensure fresh air is provided in line with the British Council of Offices, *Guide to Best Practice in the Specification of Offices* which requires a rate of 12 litres/ second/ person. Ventilation rates in the remainder of the building should be in line with *Approved Document, Part F: Means of Ventilation* or *CIBSE AM10: Natural Ventilation in Non-Domestic Buildings*. These rates are intended to minimise the build-up of CO₂ or other pollutants within the Civic Centre. In addition to working to these standards, the design team should specify the use of air filtration units and CO₂ detectors in areas of variable use.

Thermal and Lighting Zoning: The design teams should consider the timings of operations, use and energy efficiency impact, with respect to form and function.

Lighting: Maximise use of natural lighting, and borrowed light, flexibility and zoning appropriate to functional space and grouping to optimise penetration of natural light within the building. Adequate glare control should be installed in all occupied areas and solar shading should also be considered, to limit solar penetration during the summer but allow this during the winter. This will also aid the heating/ cooling strategies of the building. Electrical lights should utilise high efficiency sources, logical switching including PIR and sensor switching, and automatic dimmer controls.

KPI: Daylighting

80% of the net lettable floor area within the Civic Centre should target an average daylighting factor of 3%, plus a uniformity ratio of at least 0.4. At a minimum, 80% of the net lettable floor area must have a daylighting factor of 2%.

KPI: Internal/ External Lighting Levels

High efficient lighting should be specified, to ensure that all internal areas achieve a lux level, as specified in the *CIBSE Code for Lighting 2002, Part 2*, and its *2004 addendum*, with the minimum energy consumption. In addition, areas with computer screens should comply with *CIBSE Lighting Guide 7: Office Lighting*.

All external areas should comply with *CIBSE Lighting Guide 6: Outdoor Environment*. In addition, all external light fittings for the building, access ways, pathways, signs and uplighting must have a luminous efficacy of at least 60 lamp-lumens/ circuit-Watt; while light fittings in parking areas, associated roads and in floodlighting must have a luminous efficacy of at least 80 lamp-lumens/ circuit-Watt.

Develop strategies for energy reduction at the earliest opportunity, by utilising:

- High thermal capacity envelope;
- Smart metering (for further information, see *Section 7: Monitoring Environmental Performance*);
- Heat recovery system;
- Energy efficient infrastructure, such as the specification of lifts and escalators designed in line with *ISO Draft Standard CD25745-1: Energy Performance of Lifts, Escalators and Moving Walks* and the *Electrical and Mechanical Services Dept., Code of Practice for Energy Efficiency of Lift and Escalator Installations*;
- Energy efficient equipment, such as white goods with an A+ rating under the *EU Energy Efficiency Labelling Scheme*;
- Stakeholder education and training;

In addition, sourcing energy from national infrastructure has been demonstrated to be a largely inefficient practice, due to the heat/ energy loss during transmission, so on-site energy generation should be maximised. Decentralised energy generation is a recognised objective in the London Plan.

KPI: Reduction of CO₂ Emissions

The design team will work with London Borough of Brent to examine and consider the options to produce a building which can be considered 'Zero Carbon' when compared to similar building types. In this context, 'Zero Carbon' is defined as being the net carbon dioxide emissions resulting from energy consumed in the *operation* of the building (i.e. through space heating/ cooling, hot-water systems, ventilation, internal lighting, and other process related energy consumption). The intention is to have the energy consumption at a minimum, using intelligent building design and responsive ICT, with as much of the energy required as feasible being sourced from local LZC technologies.

In line with the aspiration of developing a global icon for sustainability, the design team should investigate whether the Brent Civic Centre could pre-empt the UK Government's commitment for all new public sector buildings to be 'Zero Carbon'

from 2018. At a minimum, the building should achieve a CO₂ Index (as defined by the EPC rating system) of 25 or less.

This policy will help Brent Council achieve the SOGE targets of: reducing CO₂ emissions by 12.5% by 2010/11, and 30% by 2020, compared to a 1999/00 baseline; and improving their energy efficiency by per m², by 15% by 2010, and by 30% by 2020, both relative to 1999/ 2000 levels.

It should also be noted that in addition to the above environmental and economic benefits, a passive approach to building design has also been shown to have a positive influence on the social attitudes of building users, leading to improvements in their overall health and wellbeing, motivation and productivity.

6.2 Renewable/ Low-or-Zero Carbon Technologies

Brent Council aim to meet the requirements of NI 185 and NI 188, by implementing a best-practice approach to energy generation in the Civic Centre. At an early stage, the design team must produce a formal Energy Feasibility Study which will exhaustively investigate the options and technical solutions required to provide on-site Low-or-Zero Carbon (LZC) energy generation for the Civic Centre, in order to reduce its operational CO₂ emissions. At a later stage, the most appropriate utilities infrastructure should be considered based on both the current needs of the development and the potential future adaptation of the energy generation systems and network.

Options will be evaluated from the following angles, and worked through in consultation with the London Borough of Brent team, under the understanding that energy producing installations must be designed to minimise atmospheric pollution, and improve air quality in the Wembley area:

- Energy generation from each LZC source, per year;
- Energy demand of the development;
- Whole life/ return on investment (in terms of both financial payback AND carbon emission payback/ savings);
- Land use;
- Local planning requirements;
- Noise;
- Feasibility of exporting heat/ electricity from the system;
- Available grants.

The technical studies should also view the Wembley Stadium masterplan to draw upon existing options, such as utilising a district CHP heating network solution. The design team should be aware that this network is unlikely to be in place before the building is operational, so the Civic Centre must have adequate provision of service ducts and piping to both enable this to be connected up at a later date and for the planned energy plant to be integrated into the network.

The Civic Centre will take a pragmatic view of the deployment and incorporation of renewable technologies into the building and operational infrastructure. London Borough of Brent and advisers recognise that the application of renewable technologies will require an integrated blend of renewable solutions, carefully evaluated on a whole life and future operational basis. LZC technologies to consider include:

- Solar Thermal Systems (for hot water production);
- Combined Heat and Power (CHP), both biomass and natural gas;
- Combined Cooling, Heat and Power (CCHP), a tri-generation system;
- Ground Source Heat Pumps (GSHP), heating and cooling solutions;
- Photovoltaic Cells, panels or systems, electrical energy production

It is also recognised that there are a wider choice of systems and technologies which may be applicable, for consideration by the design team and discussion with London Borough of Brent team. These include:

- Anaerobic Digestion, note the planned facility at Park Royal Industrial Estate;
- Biomass Boilers;
- Waste-to-Energy.

KPI: Use of Low-or-Zero Carbon Technologies

The design team should investigate whether the Brent Civic Centre can be developed to be 'Zero Carbon' through the installation of LZC technologies. At a minimum, these technologies, or a combination of them, must reduce CO₂ emissions of the building by 20%, with as much of the remaining energy as possible, being sourced from a 'Green Tariff'. This target is in line with the London Plan 2007, which requires 20% of the total energy consumed in a building over 1,000 m² to be sourced from LZC sources; and the BREEAM 2008 assessment criteria. It will also allow Brent Council to operate in line with the Climate Change Act which demands a reduction in CO₂ emissions of 26% by 2020, and 80% by 2050, compared to a 1990 baseline.

6.3 Water

Water usage and drainage is becoming increasingly critical across London, thus the London Borough of Brent is seeking innovative and future proofed design solutions. Technical studies on areas such as greywater recycling; rainwater harvesting will be required and should be supported by cost benefit analysis. In addition, water saving fixtures should be specified, including:

- Dual-flush WCs with an effective flush volume of less than 4.5 litres and a delayed action inlet valve which prevents water from entering the cistern until it has completely emptied, so enables a precise volume of water to be discharged;
- Timed, sensor, aerated/ spray, or low-flow lever taps with a flow rate of less than 6 l/ minute at a water pressure of 0.3 MPa;
- Showers with a flow rate of less than 9 l/ minute at a water pressure of 0.3 MPa;
- Proximity detection, ultra-low flush, or waterless urinals;

Pulsed water meters linked to the Building Management System (BMS) must also be specified. For further information on this, see *Section 7: Monitoring Environmental Performance*. As a result of these measures, water consumption within the building can be considerably reduced.

KPI: Water Consumption

To enable the Civic Centre to operate at best-practice levels of sustainability, an average water consumption of 1.5 m^3 per person, per year, should be attained. At a maximum, an average water consumption of 3 m^3 per person, per year, must be attained, in line with the SOGE target. There will be a catering area in the development, so while good practice should be observed here, it can be exempted from this target. This approach should still enable the Civic Centre to meet the second 'water' SOGE target of reducing water consumption by 25% on their office and non-office estate by 2020, relative to 2004/ 05 levels.

KPI: Water Recycling

To reach the lowest levels of consumption, a combination of rainwater harvesting and greywater recycling will need to be specified. The design team should investigate ways to install a rainwater collection tank that is sized to collect 50% of the total predicted rainwater run-off from the roof catchment area, and an additional system able to collect waste water from 80% of wash-hand basins and showers, both of which should be used to meet WC/ urinal flushing demand. Water from the rainwater collection tank should also be used for external irrigation, as there should not be a dedicated, mains supplied irrigation system.

All water systems within the development must be designed to comply with the Health & Safety Executive, Approved Code of Practice, *Legionnaires Disease: The Control of Legionella Bacteria in Water Systems*, and *CIBSE TM13: Minimising the Risk of Legionnaires Disease*.

6.4 Materials

The London Borough of Brent intend to take the approach that they are the custodians of the materials, not the owners, so wherever practical the design team should utilise materials and components having considered their levels of sustainability, namely through their low embodied energy, proximity of supply and potential end of life uses.

To this end, they require their design team to prioritise the specification of components and materials which have, as far as possible, been rated as A or A+ in the "The Green Guide to Specification, 2008". This guide is published at www.TheGreenGuide.org.uk/. These ratings are calculated based on 13 criteria, ranging from water extraction to human toxicity to mineral resource extraction. Each of these criteria is provided with a normalised value, with the sum of these contributing to a final rating of between A+, for the least environmental impact, to E, for the highest environmental impact.

Elements re-used in-situ will receive an A+ rating, and elements containing reclaimed materials will also have a lesser environmental impact than those containing more 'virgin' raw materials. It is thus important to consider the existing materials and structures on/ around the site.

Along a similar theme, it is important to consider the quantities of raw materials used within the development, as less material will contain less embodied energy, require less processing and lead to less waste. Where possible, materials should be standardised with a focus on reducing complexity in the design and increasing the flexibility of the Civic Centre.

KPI: Materials Specification

80% of all materials within the External Walls; Internal Walls; Roof; Upper Floor Slabs; Windows; and Floor Finishes/ Coverings (by total area), must have received either an 'A' or 'A+' rating in "The Green Guide to Specification, 2008". At a minimum, 50% of all materials within these elements should have received either an 'A' or 'A+' rating.

No materials should be used, which receive either a 'D' or an 'E' rating in "The Green Guide to Specification, 2008".

KPI: Insulation Specification

ALL insulation must receive either an A or A+ rating in "The Green Guide to Specification, 2008".

Brent places a large emphasis on sustainable procurement, i.e. the responsible sourcing of materials for this development. To this end, it is anticipated that where possible, there will be a focus on the use of local firms and suppliers, local labour and a contribution to "Fairtrade" aspirations. The design team will need to investigate local knowledge of materials suppliers, such as the London Borough of Brent based supplier of recycled aggregate, which may form part of the supply chain.

KPI: Procurement of Construction Site Materials

80% of all site timber must be responsibly sourced, i.e. FSC/ CSA/ PEFC/ SFI with Chain of Custody, or re-used from other sites.

KPI: Procurement of Building Materials

100% of all construction timber must be responsibly sourced, as above. This is also in line with the requirements of the Sustainable Procurement Action Plan, and the UK government Timber Procurement Policy, which comes into effect on 1st April, 2009.

95% of all other building elements should be sourced from companies holding a certified Environmental Management System (EMS) from the key process stage, i.e. the manufacture of the material. If available, priority should be given to those companies that can additionally provide evidence of an EMS along the supply chain. An example of this using bricks would be: that Brent require them to be procured from a company holding an EMS that oversees the manufacture of the bricks, however their preferred option would be procuring these from a company holding an EMS which oversees both their manufacture AND the extraction of the clay. At a minimum, 80% of all other building elements must be sourced from companies holding a certified EMS from the key process stage.

KPI: Procurement of Recycled Aggregates

To encourage the use of recycled/ secondary aggregates, a minimum of 25% of the total high-grade aggregates used within this development must consist of such materials. These can either be obtained on-site during the construction process, such as through early consideration of the use of the redundant car park materials that will be excavated from the existing site, where their use will also help attain the KPIs for the diversion of waste to landfill (see *Section 7: Monitoring Environmental Performance*), or they can be obtained from waste processing facilities within 30km.

More information on this, and the use of materials with a high recycled content, can be found in the *WRAP Recycled Content Toolkit*.

With all the procurement KPIs, priority should be given to those goods which can be obtained from local sources. Effort should also be made, to consider local knowledge and establish local partnerships.

6.4.1 Internal Finishes

In addition to their composition and sourcing, the London Borough of Brent team are committed to utilising internal finishes that are sufficiently robust to suit their functional areas, yet selected with regard to longevity and environmental performance. The key criteria to be addressed in this specification are that:

- All internal finishes should be inert and meet best-practice standards for using low levels of Volatile Organic Compounds (VOC) during their manufacture;
- All internal finishes must also have used no Ozone Depleting Potential (ODP) or Global Warming Potential (GWP) materials in their production;
- Adequate protection is given to all areas of the building where pedestrian/ vehicular/ or trolley movements will occur;
- Recycled materials are utilised where practical;

The Brent Council vision for a sustainable Civic Centre must also be adhered to when specifying the fixtures and fittings. The council should consider re-using furniture from the existing Council Offices. Where this is not possible, new equipment should be procured from sustainable sources. The preferred routes would be either to use companies that refurbish and sell on redundant office equipment, such as *Greenworks*, or to use local businesses where the procurement will both benefit the local economy and minimise the distances over which these goods must travel.

6.4.2 External Finishes

As above, in addition to their composition and sourcing, the London Borough of Brent team require the external fabric of the building to also be selected with regard to longevity and environmental performance. Additional criteria to be addressed in their specification are:

- The thermal performance of external materials is important, so the building envelope, including windows, should be specified for their high thermal capacity/ low U-values, and long-life sustainable compositions. The design of major building elements should also minimise heat loss through thermal bridging;

- Energy efficient glazing should be specified for the windows. This includes double/ triple glazing and if required, allows inert gas, such as Argon, to be introduced between the panes of glass, to further reduce heat loss. Additionally, windows can be given a low-emissivity coating to decrease heat loss from the building and increase solar heat gain. Modelling should be undertaken by the design team to determine the most appropriate placement of these measures.
- The building envelope should also be designed to optimise insulation and air tightness, by maximising the use of external fenestration materials. This is crucial to developing a more efficient HVAC system and reducing the overall building energy demand;

KPI: Air Leakage Rates

Building Regulations, Part L, requires air leakage rates through the external envelope to not exceed $10\text{m}^3/\text{hr}/\text{m}^2$ at an applied pressure difference of 50Pa. At a minimum, the design team should attain air leakage rates of no higher than $5\text{m}^3/\text{hr}/\text{m}^2$ at an applied pressure difference of 50Pa, but seek to reach best-practice standards of $2\text{m}^3/\text{hr}/\text{m}^2$ at an applied pressure difference of 50Pa.

To confirm these rates have been met, a comprehensive thermographic inspection of the building fabric should be undertaken after completion, in line with *BS EN 13187: Qualitative Detection of Thermal Irregularities in Building Envelopes* and *CIBSE TM23:2000 Testing Buildings for Air Leakage*. Any defects that are identified should then be rectified, and the inspection be repeated.

In addition to the above, the Brent Council Civic Centre should:

- Maximise the use of recycled aggregates within below ground infrastructure services beddings;
- External landscaping and boundaries should consider soft planting, such as publicly accessible grasslands/ hedges, rather than rigid structures. If hard landscaping is required, the design team should specify permeable materials, so as to not exacerbate the risk of localised flooding.

KPI: External Landscaping Specification

80% of the combined area of materials within the external landscaping and Boundary Protection, must receive either an A or A+ rating in "The Green Guide to Specification, 2008".

6.5 Waste/ Recycling

Waste management and the recycling of materials must be addressed during the design AND construction of the Civic Centre. The key aspects to consider are waste minimisation throughout the construction process, and the adequate provision of waste management facilities to enable exemplar waste and recycling during the operation of the building. Measures to consider include:

Construction Waste Minimisation

Brent Council should appoint a Waste Management Co-ordinator (WMC) to guide the design team and Principal Contractor through best-practice construction waste minimisation practices based upon the waste hierarchy of: reducing waste; re-using the waste produced; recycling; considering energy recovery; and disposing the remaining waste to landfill. Key approaches to minimise waste to landfill include:

- Specification of products containing a proportion of recycled materials;
- Specification of Modern Methods of Construction (MMC);
- Standardising building components;
- Implementing a Logistics Plan;
- Segregation of construction waste into at least five streams;
- Identifying suitable waste management routes;

As the construction value is over £300,000, a Site Waste Management Plan (SWMP) is a legal requirement. To attain the greatest benefits from this plan, a best-practice SWMP should be developed at project inception, with the design team expected to actively contribute to its development and integration into the construction process.

On-Site Construction KPI: Site Waste Management

The aspiration is for the construction process to send zero waste to landfill. To help attain this, KPIs for Site Waste Management have been created in *Section 7: Monitoring Environmental Performance*.

Operational Waste Management

Quintain has installed an *Envac* waste management system as part of the Wembley redevelopment. This provides the facility to easily separate and dispose of organic, recyclable and non-recyclable materials. The design team must investigate linking this system to the Civic Centre with feasibility studies considering the quantities and

types of waste that are likely to be generated during its operation. In addition to utilising this system, the design team will need to:

- Establish a central, dedicated storage space for waste recycling, that is positioned in accessible reach of the building, but also with good vehicular access to aid collection;
- Consider whether it is feasible to establish composting facilities on-site;
- Develop and implement waste streaming policies that encourage zero waste to landfill and recycle organic waste in public service compost centres.

Operational KPI: Provision of Dedicated Storage Facilities

The recyclable waste storage facility must be at least 2 m², per 1,000 m² of net floor area, up to a minimum of 10 m² for buildings of >5,000 m². If the Civic Centre has catering facilities, then the storage space must be provided with an additional 2 m², per 1,000 m² of the net floor area where catering is provided. The provision of these facilities is important for the London Borough of Brent to operate in line with their council-wide 'Zero Waste' policy which allows just 2% of operational waste to be sent to landfill. This approach will help Brent Council meet the SOGE targets of reducing their waste arisings by 5% by 2010, and 25% by 2020, relative to 2004/05 targets; and of increasing their recycling figures to 40% of all waste arisings by 2010, and to 75% of all waste arisings by 2020.

6.6 Transport

The Civic Centre will be located favourably with regard to public transport links and existing infrastructure. The planning and design concepts must thus build upon the existing benefits available, and develop a Civic Centre that minimises transport and travel impacts of the building. All decisions on site transport should be taken having reviewed the Brent Council, 'Council Travel Plan'. Themes to consider include:

- Limiting car parking spaces for visitors;
- Developing the cyclist and pedestrian routes around the site, and providing safe access across vehicular routes;
- Maximising accessibility for all members of the local communities, through the appointment of a Disability Discrimination Act (DDA) consultant;
- Providing sufficient space for manoeuvring delivery vehicles and storage of external skips, away from staff/ visitor car parking areas;
- Encouraging the use of sustainable public transport to the site.

To reiterate this message of sustainable transport to the local community, it is recommended a specific version of the 'Council Travel Plan' be developed for the Civic Centre building users based on a site-specific transport survey. The intention is to educate stakeholders on the benefits of the different types of transport and shift travel patterns from private vehicles to public transport, cycling or walking. In addition to the below KPIs, other initiatives include offering free bicycle health checks, providing information on local cycle and public transport routes, and the establishing networks and providing infrastructure to encourage the use of car-club schemes.

KPI: Car Parking Spaces

Specific KPIs have not been set for the number of car parking spaces to be included around the Civic Centre, however as Brent is situated in Greater London, the design team should look to take advantage of the existing public transport, and encourage the use of cyclist and pedestrian networks. The number of parking spaces to be assigned for this project should be determined by local planning policy requirements. Brent Council should also investigate the development of a 'car sharing' network.

KPI: Cyclist Facilities

A sufficient number of covered cyclist storage facilities, such as Sheffield type racks constructed a minimum of 1m apart, should be provided to building users. A sufficient number is regarded to be $\geq 10\%$ of building users, up to 500, PLUS $\geq 7\%$ of building users for 501-1,000, PLUS $\geq 5\%$ of ALL building users over 1,001. As the Civic Centre will be in a central location, this total may be reduced by half, if unavoidable. These racks must also be adequately lit, in accordance with *BS5489: Lighting of Roads and Amenity Areas*, and be within 100m of the building entrance.

As a rule, for every 10 cyclist storage spaces, there should also be one shower, and 1 m² of changing facilities. These must contain an equal number of lockers (size: 900 mm x 300 mm x 450 mm) to the number of cyclist facilities.

KPI: Provision of Public Transport Infrastructure

Due to the number of visitors/ building users, it would be advisable for the transport planners to investigate the provision of a new bus node adjacent to the Civic Centre. For ease of access for less abled parties, this should be located within 200 m of the main entrance, and be used by a number of bus routes that have a regular service frequency of at least 15 minutes throughout the opening hours of the building. Until established otherwise, these are considered to be 8am-7pm.

These measures will help London Borough of Brent attain the SOGE target for reducing carbon emissions from road vehicles which are being used for Government

administrative operations, by 15% by 2010/11, relative to 2005/06 levels. They will also be operating in line with The London Plan requirement for 'improving the integration of land-use and transport policy, and reducing the need to travel [...] by car'.

6.7 Land Use and Ecology

The existing land-use and potential site contamination are of particular concern to the London Borough of Brent team. It is recommended the design team involve the following parties early in the development of the Civic Centre:

- Investigation of the site must be carried out, in line with the British Standards listed in *Section 4.6: Pre-Construction/ Site Investigation*. If required, adequate remediation of the contaminated land will need to be undertaken;
- A Flood Risk Assessment must be carried out, to confirm the land-use has a low annual probability of flooding. This survey will then guide the Structural Engineer in their design of a suitable Sustainable Urban Drainage System (SUDS), sized to allow for climate change. The SUDS should also be designed to minimise watercourse pollution, by utilising measures such as permeable surfaces and oil/ petrol interceptors, as outlined in *Pollution Prevention Guidelines* (PPG) 3;

KPI: Sustainable Urban Drainage System

SUDS should be sized to attenuate 100% of the peak flow rate of water run off, from hard surfaces to municipal drainage systems, during a design storm event as defined by the CIRIA, *Interim Code of Practice for Sustainable Drainage Systems*. At a minimum, the SUDS must ensure the peak rate of run-off from the developed Civic Centre does not exceed that from the previously developed site.

It is important to London Borough of Brent that the existing site ecology around the Civic Centre be conserved and that flora and fauna biodiversity be encouraged. To this end:

- A qualified ecologist must be appointed to conduct an *Ecological Survey*, prior to the commencement of enabling works;

KPI: Re-Use of Land

100% of the footprint of the Civic Centre should be positioned on an area of land which has been previously developed in the past 50 years. This is in line with the London Plan, Supplementary Planning Guidance and is intended to minimise the impact of development, upon local biodiversity. Due to the central location of the site, this target should have been met almost by default.

- The ecologist must work alongside the design team to investigate urban biodiversity initiatives, such as the construction of a 'Green Roof'. This is a favoured option as the benefits include 'natural' insulation, and the attenuation of rainwater that would otherwise runoff the impermeable roof surface and exacerbate the potential for flooding throughout the site. This particular issue will become more apparent over time as global warming encourages more frequent, intense storm events;

KPI: Protecting and Enhancing Existing Site Ecology

The ecologist must provide guidance to protect and enhance the existing site ecology so the final development will have increased the number of species by 6 (based on a species to area ratio) through planting native species.

- The ecologist must provide guidance to protect and enhance the existing site ecology and produce a *Landscape and Habitat Management Plan* which covers a period of at least five years after project completion;
- The ecologist must then work alongside the contractors, to ensure their recommendations on the protection and enhancement of local ecology have been acted upon during the design and construction process. They should also confirm that these parties have complied with all relevant UK and EU legislation.

6.8 Pollution

The Civic Centre must be conceived in such a fashion so it will not pollute, or have a detrimental impact on the environment. This includes considering any deterioration in local air quality, either internally or externally, any contribution to the problem of global warming, or impacts on the surrounding area through lighting or noise emissions. It is recommended the design team consider the following KPIs to help achieve this goal.

Air Pollution

The most significant sources of air pollution within the development will arise from transport to the Civic Centre, and from building services and equipment used on-site. To reduce the intake of external pollutants into the building, car parks should be situated at least 10 m from the building. To reduce the potential for the recirculation of pollutants, air exhausts should be at least 10 m apart, and air intakes should be over 20 m from either an air exhaust or a different source of external pollution, such as a road or car park. With regard to the building services, the following KPIs should be addressed:

KPI: Refrigerant GWP

Refrigerants used within the building services should have a Global Warming Potential (GWP) or less than 5. Examples include ammonia and hydrocarbons, such as; propane, propene, butane and isobutene. If this is unattainable, then at the least no CFCs and HCFCs can be considered for use within the development. CFCs were phased out by 2000, in line with the Montreal Protocol, while the use of HCFCs will be prohibited from 2010, under the EU Ozone Regulations.

KPI: NO_x Emissions (from heating source)

The plant specified to meet the space heating requirements of the development must have a dry NO_x emission level of less than 40mg/ kWh at 0% excess O₂. It should be noted that some LZC technologies produce large amounts of NO_x and their specification will make it impossible to meet this KPI. Examples of these include: biomass boilers, which release this pollutant due to their inefficient combustion, and Ground Source Heat Pumps (GSHP), as they source their running energy from the National Grid, which due to the large-scale use of coal power throughout the UK releases an estimated 1,200mg/ kWh of NO_x. PVs and wind turbines will not release NO_x emissions so if GSHPs are favoured, these technologies should be considered to power them, while CHP has variable emissions.

Light Pollution

Design decisions must be taken to minimise external light pollution and reduce overspill to surrounding areas. Appropriate measures to take would include committing to switch off all external lighting, excluding safety and security lighting, between 11pm and 7am.

KPI: Reduction of Night-Time Pollution

To minimise the intrusion of light from the building on surrounding spaces, external lighting should also be designed in line with the *Institute of Lighting Engineers (ILE): Guidance Notes for the Reduction of Obtrusive Light, 2005*.

Noise Pollution

The design team must also minimise internal and external noise pollution. Measures to be taken include considering the position and layout of the plant areas while retaining their accessibility for maintenance, and the placement of screening around noise sources.

KPI: Internal Noise Pollution

Pre-completion acoustic testing must be carried out by a qualified acoustician to confirm all areas comply with *BS8233: 1999: Sound Insulation and Noise Reduction for Buildings*.

KPI: External Noise Pollution

A Noise Impact Assessment must later be carried out in line with *BS4142: 1997: Method for Rating Industrial Noise*, to confirm the development does not affect local noise-sensitive areas or amenity or wildlife areas. If required, suitable noise attenuation measures must then be introduced into the design.

7 Monitoring Environmental Performance

The building must be designed to the highest of standards to reach its potential of being a global icon for sustainability, however to attain this recognition it will also need to be operated as such. Monitoring of its performance and the provision of adequate Facilities Management is therefore paramount.

This document has broken the provision of monitoring procedures/ equipment into two phases: the *construction* phase, and the *operation* phase.

Construction Performance:

The design team will develop the design for the Civic Centre with a view to the facility being constructed by only those constructors registered under the Considerate Constructors Scheme (CCS). The preliminaries must mention this requirement, so site planning can be developed accordingly.

On-Site Construction KPI: Considerate Constructors Scheme

The Principal Contractor must be registered with the Considerate Constructors Scheme (CCS) and commit to achieving a minimum score of at least 36.

On-Site Construction KPI: Construction Site Impacts

The Principal Contractor must manage the following impacts of the construction site:

- Monitor, report and set targets for CO₂ arising from site activities;
- Monitor, report and set targets for CO₂ arising from transport to/ from the site;
- Water consumption arising from site activities;
- Air (dust) pollution arising from site activities;
- Water (ground and surface) pollution occurring on-site;
- Principal contractor must utilise an environmental materials policy when sourcing construction materials;
- Principal contractor should operate an Environmental Management System (EMS).

On-Site Construction KPI: Site Waste Management

To drive best-practice through the demolition of the existing car park, and the construction of the Brent Civic Centre project, the following resource efficiency benchmarks should be met:

- EITHER 9.2 m^3 OR 4.7 tonnes of non-hazardous construction waste must be produced, per 100 m^2 of Gross Internal Floor Area (GIFA),

Suitable procedures must also be established, so the waste that is produced will be diverted away from landfill and thus have a minimal environmental impact. To this end, the following waste management benchmarks must be met:

- EITHER >85% by volume OR >95% by weight of **demolition** waste must be diverted from landfill (through re-use/ recycling/ or energy recovery). To meet this target, it is recommended the ICE Demolition Protocol be used;
- EITHER >80% by volume OR >90% by weight of non-hazardous **construction** waste must be diverted from landfill (through returning this to the supplier/ re-use/ recycling/ or energy recovery).

The information relating to these targets must be collated within a best-practice SWMP, i.e. one that goes beyond legal compliance and investigates the procedures for minimising, monitoring and reporting the production of waste. From a practical point-of-view, best practice benchmarks can only be attained if waste minimisation is addressed by the design team during the earliest stages of the project, before being continued through the construction phase. London Borough of Brent construction projects have previously attained the 95% target, most notably in the W01 Development, a block of residential flats adjacent to Wembley Stadium; the Wembley Stadium Access Corridor; and Wembley Link. Wembley Stadium achieved a Demolition Recovery Index of 80% and a Materials Recovery from the New Build of 82%. The case studies are available on www.Aggregain.org.uk/.

Commissioning of Building Systems:

To be assured that all systems within the building are fully operational, a specialist contractor should be appointed during the design stage, to carry out pre-commissioning, seasonal commissioning and if required, re-commissioning on all systems, in line with all relevant Building Regulations and CIBSE/ BSRIA guidelines. The CIBSE/ BSRIA guides have been reproduced below:

- CIBSE Commissioning Code A: Air Distribution Systems
- CIBSE Commissioning Code B: Boilers
- CIBSE Commissioning Code C: Automatic Controls
- CIBSE Commissioning Code L: Lighting
- CIBSE Commissioning Code M: Management
- CIBSE Commissioning Code R: Refrigeration

- CIBSE Commissioning Code W: Water Distribution Systems
- BSRIA Application Guide 1/91: Commissioning of VAV systems in Buildings
- BSRIA Application Guide 20/95: Commissioning of Pipework Systems
- BSRIA Technical Memoranda 1/88.1: Commissioning HVAC Systems
- BSRIA Application Guide 3/89.3: Commissioning of Air Systems in Buildings
- BSRIA Application Guide 1/2001.1: Pre-commission Cleaning of Pipework Systems
- BSRIA Application Guide 2/89.3: Commissioning of Water Systems in Buildings
- BSRIA Application Guide 5/2002: Commissioning Management
- BSRIA AG16/2002: Variable Flow Water Systems: Design, Installation and Commissioning Guidance
- BSRIA Photovoltaics in Buildings: Testing, Commissioning and Monitoring Guide.

As established in *Section 4.4: Building Systems*, the responsibilities of the specialist commissioning agent should entail:

- Review of the commissionability of the systems, during the design stage;
- Input during the construction programming phase and installation stage;
- Management of post-completion commissioning/ handover/ post handover stages.

The post-completion commissioning should include the following tasks:

- Reviewing the thermal comfort, ventilation and lighting at 3, 6 and 9 month intervals after initial occupation.
- Testing of all building services under full- and part-load conditions, such as heating equipment in winter, and cooling systems in the summer;
- Testing of all building services during periods of extreme (high/ low) occupancy;
- Interviews with building occupants should be carried out to identify problems or concerns regarding the effectiveness of the systems;
- Re-commissioning of the building systems, if required.

The post-completion commissioning of the BMS should extend to:

- Commissioning of air and water systems when all control devices are installed, wired and functional. This will include air and water flow rates; physical measurements of room temperatures; off coil temperatures; and all other key parameters as appropriate;

- Installing the BMS/ controls so the system is operational and the building has attained satisfactory internal conditions, prior to handover;
- Installing all BMS schematics and graphics so the system is functional, prior to handover;
- Training the occupier in the operation of the system.

Operational Performance:

Extensive monitoring of the building operations is ideal for collating usage data and aiding the development of efficient facilities management strategies. To this end, the design team should specify the following:

- Sub-meters on all substantial energy uses;
- Sub-meters on all high energy load areas and tenancies;
- Sub-meters on the lighting circuits on each floor;
- A primary water meter on the mains water supply to the building, plus pulsed sub-meters on all water consuming areas and tenancies, including the café and changing facilities;
- A central Building Management System (BMS) to which all of these meters are connected and which allows localised occupant control of the HVAC system;
- A programmable leak detection system on the water supply to the building which is able to detect variable flow rates over time;
- Sanitary supply shut-offs to all toilet areas, which control the flow through the specification of solenoid valves on the water supplies to each area.
- Refrigerants must be contained within a mechanically ventilated plant room (or moderately air tight enclosure) with a refrigerant leak detection system installed, which covers the high-risk parts of the plant. On detection of high concentrations of refrigerants, the system must have the facility to automatically shutdown and pump down the remaining refrigerant in the system.

The design team should also produce a simple, easy-to-understand Building User Guide, separate from the Operations & Maintenance manual. This should explain the operational procedures for all building services and so ensure the building occupants utilise them appropriately. Brent Council may also consider developing a Building User Education Programme post-occupation, to inform occupants on the reasons for seeking to attain good-practice building management and the methods by which they can Brent Council meet this aspiration.

Information and Communication Technology (ICT):

These automated approaches are in line with the ICT vision of Brent Council. It is proposed the new centre will be an *intelligent building* with a converged network integrating voice, data, video over IP, CCTV, Security, and most building systems. All elements such as HVAC control, lighting control, access control, scheduling, data logging, temperature, plant control and metering will all be linked together via the BMS and be able to respond to the real-time needs of occupants.

KPI: Energy Efficient Performance

This approach will reduce operational costs over time while enhancing the building performance and help Brent Council achieve the SOGE targets of: reducing CO₂ emissions by 30% by 2020, compared to a 1999/00 baseline; and improving their energy efficiency by per m², by 15% by 2010, and by 30% by 2020, both relative to 1999/ 2000 levels.

8 Measuring Sustainable Performance (BREEAM 2008)

BREEAM (Building Research Establishment Environmental Assessment Method) is an established, international methodology for assessing the sustainable performance of a building. It sets the standards for best practice in sustainable development and quantifies their level of achievement. Credits are awarded in nine categories according to performance, then combined to produce a single overall score, rated on a scale of 'Pass', 'Good', 'Very Good', 'Excellent' and 'Outstanding'.

The New Civic centre will be a landmark building for Brent, and as such will demand a high level of environmental performance. The building will be measured using the environmental standards set out in BREEAM and will achieve at least an "Excellent" rating, with an ambition subject to design development, cost justification and return on investment to achieve an 'Outstanding' rating. Attaining an 'Excellent' rating is a minimum requirement laid out in Central Government sustainability mandates, and a key environmental performance challenge for the design team. It should be noted that a BREEAM 'Outstanding' rating will require a post contract review, plus a '*BREEAM In Use*' Certification of Performance within the first three years of the building's operation and use.

Glossary

ALO	Architectural Liaison Officer
ASHP	Air Source Heat Pumps
BERR	Department for Business, Enterprise and Regulatory Reform
BEMS	Building Energy Management System
BMS	Building Management System
BPG	Best Practice Guidance
BS	British Standard
CHP	Combined Heat and Power
CCHP	Combined Cooling, Heat and Power
CCS	Considerate Contractors Scheme
CFC	Chlorofluorocarbons
CIBSE	Chartered Institution of Building Services Engineers
CLG	Communities and Local Government
CPDA	Crime Prevention Design Advisor
CRC	Carbon Reduction Commitment
CSA	Canadian Standards Association
DDA	Disability Discrimination Act
EA	Environment Agency
EIA	Environmental Impact Assessment
EMS	Environmental Management System
EPBD	Energy Performance of Buildings Directive

EPC	Energy Performance Certificate
FRA	Flood Risk Assessment
FSC	Forest Stewardship Council
GSHP	Ground Source Heat Pumps
GWP	Global Warming Potential
HCFC	Hydrochlorofluorocarbons
HFC	Hydrofluorocarbons
HSE	Health & Safety Executive
HVAC	Heating, Ventilation and Air Conditioning
KPI	Key Performance Indicators
LBB	London Borough of Brent
LCC	Life Cycle Cost
LDF	Local Development Framework
LZC	Low-or-Zero Carbon Technologies
M&E	Mechanical and Electrical
MMC	Modern Methods of Construction
NCM	National Calculation Method
NI	National Indicator
NIA	Noise Impact Assessment
NO _x	Nitrous Oxides
ODP	Ozone Depleting Potential
PEFC	Programme for the Endorsement of Forest Certification
PPG	Pollution Prevention Guideline

PPG	Planning Policy Guidance
PPS	Planning Policy Statement
PV	Photovoltaic
SBEM	Simplified Building Energy Model
SDC	Sustainable Development Commission
SFI	Sustainable Forestry Initiative
SOGE	Sustainable Operations on the Government Estate
SPD	Supplementary Planning Documents
SPG	Supplementary Planning Guidance
SUDS	Sustainable Urban Drainage System
SWMP	Site Waste Management Plan
VOC	Volatile Organic Compounds
WLC	Whole Life Cost
WMC	Waste Management Co-ordinator
WRAP	Waste and Resources Action Programme

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Appendix 3

Property Information

The following council properties will be vacated and the cost savings are included within the resource envelope:

1. 1 Olympic Way
2. Brent House & Brent House Annexe
3. Challenge House
4. Chesterfield House
5. Cottrell House
6. Douglas Avenue
7. Gwenneth Rickus Building (subject to consultation)
8. Hampton House
9. London Road
10. Mahatma Gandhi House
11. Pyramid House
12. Quality House
13. Town Hall & Town Hall Annexe
14. Triangle House

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