



Brent

SUMMONS TO ATTEND COUNCIL MEETING

Monday 19 January 2015 at 7.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

To the Mayor and Councillors of the London Borough of Brent and to each and every one of them.

I hereby summon you to attend the MEETING OF THE COUNCIL of this Borough.

CHRISTINE GILBERT
Chief Executive

Dated: Friday 9 January 2015

For further information contact: Peter Goss, Democratic Services Manager
020 8937 1353, peter.goss@brent.gov.uk

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democracy.brent.gov.uk

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

Apologies for absence

Item	Page
1 Minutes of the previous meeting	1 - 10
2 Declarations of personal and prejudicial interests	
Members are invited to declare at this stage of the meeting, any relevant personal and prejudicial interests and discloseable pecuniary interest in any matter to be considered at this meeting.	
3 Mayor's announcements (including any petitions received)	
4 Appointments to committees and outside bodies and appointment of chairs/vice chairs (if any)	
5 Report from the Leader or members of the Cabinet	11 - 12
To receive reports from the Leader or members of the Cabinet in accordance with Standing Order 38.	
6 Deputations (if any)	
To hear any deputations received from members of the public in accordance with standing order 39.	
7 Questions from the Opposition and other Non- Executive Members	
Questions to be put to members of the Cabinet in accordance with standing order 40.	
8 Report from the Chair Scrutiny Committee	
There is no report from the Chair of the Scrutiny Committee to this meeting.	
9 Wembley Area Action Plan	13 - 22
The report explains that the Council has received an Inspector's report into the Examination of the Wembley Area Action Plan Development Plan Document and that the Inspector finds the document sound subject to recommended changes being made.	

A copy of the Plan can be found here:

http://brent-consult.limehouse.co.uk/portal/planning/waap_1?pointId=2612134

Ward Affected: Wembley Central
Contact Officer: Claire Jones, Principal Planner in Policy and Projects
Tel: 020 8937 5301
claire.jones@brent.gov.uk

10 Sudbury Neighbourhood Plan 23 - 32

This report provides an overview of the process which Sudbury Town Residents' Association has followed to date in producing the draft Sudbury Town Neighbourhood Plan and recommends that an independent examiner is appointed to examine the draft Plan.

Background documents can be viewed here:

<http://brent.gov.uk/stnp>.

Ward Affected: Sudbury
Contact Officer: Claire Jones, Principal Planner in Policy and Projects
Tel: 020 8937 5301
claire.jones@brent.gov.uk

11 Shared Internal Audit Services 33 - 44

The report sets out a proposal to share internal audit services with the London Boroughs of Ealing and Hounslow.

Ward Affected: All Wards
Contact Officer: Conrad Hall, Chief Finance Officer
Tel: 020 8937 6528
conrad.hall@brent.gov.uk

12 Proposed Local Council Tax Support Scheme for 2015/16 45 - 68

This report sets out a recommended Local Council Tax Support Scheme for 2015/16 based on the experience from the first two years of the local scheme and continuing to achieve a financially neutral position. It also proposes a fundamental review of the scheme for 2016/17.

Ward Affected: All Wards
Contact Officer: David Oates, Customer Services and Benefits
Tel: 020 8937 1931
david.oates@brent.gov.uk

The Protocol for Member/Office Relations and the Local Code of Corporate Governance have been reviewed and some amendments are proposed to those documents. The report also proposes some minor amendments in relation to Contract Standing Orders concerning the procurement of Low Value Contracts.

Ward Affected: All Wards **Contact Officer:** Kathy Robinson,
Legal and Procurement
Tel: 020 8937 1368
kathy.robinson@brent.gov.uk

14 Motions

To debate the motions submitted in accordance with Standing Order 45.

15 Urgent business

At the discretion of the Mayor to consider any urgent business.



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.



LONDON BOROUGH OF BRENT

Minutes of the ORDINARY MEETING OF THE COUNCIL
held on Monday 8 December 2014 at 7.00 pm

PRESENT:

The Worshipful the Mayor
Councillor Kana Naheerathan

The Deputy Mayor
Councillor Lesley Jones B.Ed MA

COUNCILLORS:

Aden	Agha
Ahmed	Bradley
Butt	Carr
Chohan	S Choudhary
Colacicco	Conneely
Crane	Daly
Davidson	Dixon
Duffy	Ezeajughi
Farah	Filson
Harrison	Hector
Hirani	Hoda-Benn
Hylton	Kabir
Kansagra	Kelcher
Khan	Long
Mahmood	Marquis
Mashari	McLeish
McLennan	Miller
Moher	J Mitchell Murray
W Mitchell Murray	Nerva
BM Patel	M Patel
RS Patel	Pavey
Perrin	Shahzad
Ms Shaw	Ketan Sheth
Krupa Sheth	Southwood
Stopp	Thomas
Warren	

Apologies for absence

Apologies were received from: Councillors A Choudry, Collier, Colwill, Denselow, Eniola, Hossain, Oladapo, Tatler and Van Kalwala

1. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 8 September 2014 be approved as an accurate record of the meeting.

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

None declared.

3. **Procedural motion**

Councillor Kabir moved a procedural motion.

RESOLVED:

that in respect of Summons items 7, 1st Reading of the 2015/16 – 2018/19 budget:

- the Leader be permitted up to 10 minutes in which to present the report
- the Leader of the Conservative Group be permitted up to 10 minutes to debate the item
- the Deputy Leader be permitted up to 10 minutes to debate the item
- a general debate to follow, in accordance with Standing Order 46 (each member called having up to 3 minutes)
- the Leader be invited to respond to the debate for up to 5 minutes.

4. **Mayor's announcements (including any petitions received)**

The Mayor congratulated all Brent Staff who had received an award at the Staff Awards ceremony on 27 November.

The Mayor referred to his charity Christmas party which had been a huge success. He thanked all fellow councillors who had supported the event and was delighted to announce that in excess of £3,000 had been raised.

The Mayor congratulated Councillor Jean Hossain who had recently celebrated her 80th birthday.

The Mayor wished everyone a lovely Christmas and all the very best for a peaceful and prosperous New Year.

The Mayor stated that, in accordance with Standing Orders, a list of current petitions showing progress on dealing with them had been tabled.

5. **Appointments to committees and outside bodies and appointment of chairs/vice chairs**

RESOLVED:

that the following appointments be made:

Nomination/appointment	Body
Jo Ohlson replaced by Sarah Mansuralli	Brent CCG representative on Health and Wellbeing Board
Ann O'Neill	Brent Health Watch representative on Health and Wellbeing Board
Councillor Perrin replaced by Councillor Crane	Brent Council representative on Health and Wellbeing Board
Councillor Filson to replace Councillor Van Kalwala	Audit Committee
Councillor Shahzad to replace Councillor Van Kalwala	Scrutiny Committee
Councillor Khan to replace Councillor Collier	Alcohol & Entertainment Licensing Committee
Councillor Crane to replace Councillor Perrin	General Purposes Committee
Councillor Kabir to replace Councillor Crane and made vice chair	Standards Committee
Councillor Dixon made chair	Standards Committee
Councillor Tatler to replace Councillor Kabir as a substitute member	Standards Committee
Councillor Daly to replace Councillor Van Kalwala as a substitute member	Employees Joint Consultative Committee
Councillor Collier to replace Councillor Khan	Disability Service User Consultative Forum
Councillor Crane in place of Councillor Perrin	London Councils Transport and Environment Committee (Associated Joint Committee)
Councillor Stopp as a deputy	London Councils Transport and Environment Committee (Associated Joint Committee)
Councillor Pavey as deputy	London Councils Leaders' Committee

6. **Report from the Leader or members of the Cabinet**

The Leader invited his colleagues to report on matters which were the responsibility of the Cabinet.

Councillor Moher (Lead Member for Children and Young People) reported on the latest position regarding school places. She explained that at the beginning of the school summer holidays all children had been allocated a school place. However, during the course of the holidays more children had moved into the borough resulting in 155 children not having a school place. So far 93 had been made an offer with 56 rejecting the offer they had been made. The biggest pressure was on

years 5 and 6 and from the north of the borough. A fourth form of entry was due to be opened at Wembley High Technology College. Councillor Moher referred to the very good exam results achieved by Brent schools. Councillor Moher also reported on the problem of the recruitment and retention of social workers and how hard it was to reduce their caseload.

Councillor Hirani (Lead Member for Adults, Health and Wellbeing) referred to the public health annual report that had been published and presented to the Health and Wellbeing Board. Levels of mortality were better than might be expected with the difference in life expectancy between the rich and the poor reducing. Dealing with dementia still posed a significant challenge. Teenage pregnancy levels were down significantly but there remained a lot more that could be done to reduce the levels of obesity and diabetes. Cancer remained the main cause of death before age 75 and work was being undertaken on combatting tobacco use including running a stop chewing campaign.

Councillor Mashari (Lead Member for Employment and Skills) reported on the success of Small Business Saturday held on 7 December. She congratulated the five businesses which won the "Think Brent, Celebrate Local" competition. She stated that the Council was committed to working in close partnership with small businesses. Councillor Mashari referred to the work being done to champion the paying of the London Living Wage, including offering rebates on business rates to companies paying the living wage.

Councillor McLennan (Lead Member for Regeneration and Housing) referred to the large number of people who visited her surgery about their housing situation. The number of people placed in bed and breakfast had increased to 700 as the Council tried to accommodate people in the borough. She reported on the introduction on 1 November of selective landlord licensing. She was pleased that Estate Agents appeared to be well aware of the new requirements and were advising landlords accordingly. This would help ensure that people were living in dwellings that were fit for purpose. Enforcement of the licence requirements would begin on 1 January 2015. Councillor Mashari reported that the Council had submitted applications to the Department of Communities and Local Government and the Greater London Authority for two housing zones in Alperton and Wembley and stressed the challenge facing the Council in trying to provide adequate housing provision within the borough.

Councillor Crane (Lead Member for Environment) reported that in the weeks to come, leaflets would be distributed detailing the new recycling and waste service that would be starting in April 2015. He reported on the free parking in the Council's car parks in the period leading up to Christmas. Councillor Crane also pointed out that the Council was consulting on a cycling strategy and referred to the exhibition on display outside the meeting hall.

7. Deputations

None submitted.

8. First reading debate on the 2015/16 - 2018/19 budget

Councillor Butt referred to the outcome of the local elections returning a Labour Administration and the actions of the present Government in requiring the Council to cut £54M from its budget in addition to the £80M already cut. He put forward a two year budget which he stated would be influenced by the outcome of the largest consultation carried out by the Council on a borough plan which would reflect local priorities. Work was being undertaken to engage with the Council's partners and the capital programme would focus on the provision of school places and the supply of housing. In the circumstances he stated that local organisations would have to learn to be self sufficient but that the Council would support them the best it could. The Council would need to be ever more innovative and examine carefully the potential for charging. Councillor Butt acknowledged that it would be difficult for residents and staff and stated that the cuts threatened the most vulnerable. The budget would present challenges for all both within the Council and outside.

Councillor Kansagra sought to remind councillors that the country's present economic position was due to the previous Labour government. He stated that the present government had invested more in the NHS, schools and housing. He acknowledged that the cuts were hitting local government the hardest but submitted that it had only gone to show how much wastage there had previously been. He commented that there was no indication of where the Administration was minded to make the cuts. Councillor Kansagra felt that it was a priority to assist small businesses in the borough by introducing free parking for the first half hour. Shopkeepers around Wembley Stadium complained that traffic diversions on event days meant they were not getting the custom and this needed to be looked into. The pavements and roads in the borough were in a poor condition and there needed to be greater effort made to pursue developers and the utility companies that damaged them. Councillor Kansagra submitted that the savings the Council had so far made were largely due to the One Council programme which the previous Lib Dem/Conservative Administration had introduced. Finally he felt that the changes to top management had led to the Council paying out too much money on departure costs.

Councillor Pavey stated that the Government had had the choice between promoting growth or making cuts and made the wrong choice. It had promised to eliminate the deficit within a single Parliament but the Council was being made to make cuts for two years beyond. If the Government economic strategy had worked there would not be a need for such cuts. There were now record levels of youth unemployment and reductions in real wage levels. He referred to Councillor Kansagra's contribution and stated that the Council needed to save £54M not spend more. He presumed that he was happy with cuts to all the other services not mentioned. Councillor Pavey stated that a budget could have simply been presented and agreed but the Council wanted to hear what the community thought which would then help shape the final budget. He concluded that the Council would seek to protect the services it provided that helped the most vulnerable and built a strong local economy.

Councillor Warren, representing the Brondesbury Park Conservatives, felt there was a lack of balance in the debate. Whilst he recognised that local government was taking a hit, he could not accept that the legacy of the previous Labour government had not affected the position. He felt that the way some money was spent by the Council did not reflect the sentiments expressed and submitted that the Council's staff would be concerned by the actions of HR.

Upon debating the matter, a view was expressed that the Government was pursuing a political agenda in reducing the size of local government and the public sector generally. The cuts were far more than had first been stated. Whilst it was agreed that government debt had to be reduced it was submitted that to do this needed a thriving economy and yet business rate rises had hit small businesses and local traders were facing eviction from their premises because of high rent rises. It was said that local councillors had not been elected onto the Council in order to make £54M cuts but this was being forced upon them. Reference was made to meetings of the Brent Connects forums at which local people had been informed of the challenges facing the Council and that new ways of working would need to be found. However it was not possible for the people to comprehend the scale of the cuts especially when the revenue the Council had available to spend was being reduced by half. It was stated that local people were suffering financially with 44,000 residents in the borough qualifying for Universal Credit. Delays in making payments meant they were attracted to loan sharks and then got into more debt. There was no confidence in the Universal Credit programme being rolled out competently or for the Council being compensated for the work it was having to do to support the programme. A special plea was made to protect support for health and social care and thereby pursue improvements in quality and productivity within the NHS in order to protect local people. The view was expressed that the lack of adequate housing was the main problem facing the local population. Those that could not afford high rents were being evicted and forced out of the borough. Others were forced to live in sub-standard housing. Representations had been made to lift the benefits cap and allow Councils to borrow in order to build more housing of a quality suitable for the present day. The Government's economic policy was questioned by asserting that only a few could see the benefits from any growth and the majority were worse off, with a further squeeze to come on benefits meaning the most vulnerable would further suffer. Further reference was made to the legacy of the previous Labour government but it was pointed out that the present government had failed to meet its targets in cutting expenditure. It was submitted that no-one had put forward savings proposals as a result of the consultation on the Borough Plan and it was the Council's responsibility to take decisions on this. It was questioned whether it was time to increase the level of Council Tax. It was stated that some Council services needed improving to meet the challenges faced and there were some aspects of expenditure that affected members that could be reduced. Reference was made to the recently published National Audit Office report which concluded that the Department for Communities and Local Government had little understanding of the affects the cuts were having on local government. It was also pointed out that those authorities with the highest levels of deprivation were subject to larger cuts with an average level of cuts of 37% but Brent facing 50% cuts.

Councillor Butt thanked his colleagues for their contributions and echoed their concerns. He stated he wanted to make Brent a fairer place to live in, create jobs and prosperity and strengthen resilience. The Council was working with local employers and businesses, tackling rogue landlords and ensuring effective arrangements with partner agencies to provide effective local services and look after the health of local residents. He stated that communication with local people would continue.

9. Report from the Chair Scrutiny Committee

The report before members provided a summary of the work of the council's Scrutiny Committee in accordance with Standing Order 14. It covered the period September to November 2014. During this period the Scrutiny Committee had been focused on consolidating its role, further developing its work programme and taking forward four time limited task groups.

RESOLVED:

that the report be noted.

10. **2014/15 Mid-Year Treasury Report**

RESOLVED:

that the 2014/15 mid-year Treasury report, providing an update on treasury activity during the 2014/15 financial year, as submitted to the Audit Committee and the Cabinet, be received.

11. **Motions**

11.1 **Government cuts**

Councillor Kelcher moved the motion circulated in his name. He stated that political choices were being made on the scale of public sector cuts being imposed. He referred to the high satisfaction rating of the NHS in 2010 and yet the Government had chosen to re-organise it and the imposition of the 'bedroom' tax which he submitted had hit the most vulnerable. He stated that resources were being diverted from poorer areas to better off areas, that Brent residents would be unlikely to vote Conservative given the unfairness of the cuts being made and that an incoming Labour government would seek to address the present unfair distribution of resources.

Councillor Warren referred to public spending being in surplus in 1997 only for it to be in deficit by £162B by 2010. He stated he had not heard what an incoming Labour government would do and that the answer to a problem was not always to spend more money on it; this showed a resistance to change.

Councillor Daly made reference to the cases of two residents, one who was referred to Northwick Park hospital but had to wait a long time for an appointment, and the other who had to go to A&E at Northwick Park hospital and had to wait a long time. She submitted that local residents were suffering and it was getting worse.

The motion was put to the vote and declared CARRIED.

RESOLVED:

- (i) that Brent Council believes that the severe depth of cuts to local government, imposed by the current coalition Government, has been chosen by Conservatives and Liberal Democrats together in office;

- (ii) we note that:
- the Conservatives and Liberal Democrats could have chosen not to cut the top rate of tax for those earning more than £150,000 per year – but they did
 - the Conservatives and Liberal Democrats could have chosen not to force through an expensive, unwanted and unnecessary reorganisation of the NHS – but they did
 - the Conservatives and Liberal Democrats could have chosen not to create a costly chaos in the social security system through the botched roll out of Universal Credit – but they did;
- (iii) that the price of these decisions is not being paid by Government ministers in Westminster but by working families in Brent, who must sacrifice their local services to fund tax cuts for the richest and the Conservatives' pet projects;
- (iv) that Brent Council promises never to put rigid dogma ahead of the hopes and aspirations of the families of Brent, and for their interests to always be our guiding principle.

11.2 Health Services in Brent

Councillor Kansagra introduced the motion circulated in his and Councillors Colwill and BM Patel's names. He stated that generally the health services in Brent had improved but problems remained with the provision of A&E despite assurances given to the Scrutiny Committee. He felt the Council needed to keep this matter under review and work in partnership with Northwick Park Hospital to bring about improvements.

Councillor Warren submitted that the Council needed to be a critical friend of Northwick Park hospital. He referred to the independent commission, chaired by Michael Mansfield QC, established by Brent Council along with three other local councils in west London to look at the impact local closures were having, and at the implications of further hospital reorganisation proposals. He felt this was neither independent or that money needed to be spent on it.

Councillor Hirani acknowledged the scale of the issue and the concern the Council had previously expressed over the impact of closing the A&E unit at Central Middlesex hospital. He referred to the limited role the Council had in this matter and how Government actions led to unaccountable decisions being taken on matters such as this. Councillor Hirani moved an amendment to the motion. Councillor Kansagra indicated he was prepared to accept the amendment subject to the deletion of part of it which Councillor Hirani accepted.

The motion, as amended, was put to the vote and declared CARRIED.

RESOLVED:

- (i) to note the concerns expressed by the Council regarding the present state of the Health Service in the Borough, especially since the recent closure of the

A&E at Central Middlesex hospital which has resulted in an increased demand at Northwick Park hospital for accident and emergency services;

- (ii) that the Cabinet be called on to explain exactly what safeguards have been put in place to ensure that their fears never become reality and for reassurance that council officers are in debate when possible with the NHS and the Clinical Commissioning Group (CCG) on the situation and will keep the Council updated on progress;
- (iii) that the Council will work to protect the interests of Brent residents in the NHS.

11.3 **Employment tribunal**

Councillor Warren moved the motion circulated in his and Councillors Davidson and Shaw's names which sought alternative actions in response to the Council losing a recent Employment Tribunal case. He asked why the Council had spent money on appealing the outcome and sought re-assurance that no further avenues for appeal would be pursued. He was dismissive of the inquiry led by Councillor Pavey and felt the officers responsible should be held to account. He asked how staff could believe they would be treated fairly.

In response, Councillor Butt stated that the Council remained committed to supporting the diversity of its staff. He referred to the Council being one of the few councils across the country which had attained the silver standard for Investors in People. The Councillor Pavey led inquiry would be reporting to the General Purposes Committee early in the New Year and Councillor Butt explained that the outcome would be open to discussion within the Council and with the Council's partner agencies.

The motion was put to the vote and declared LOST.

12. **Urgent business**

None.

The meeting closed at 8.55 pm

COUNCILLOR KANA NAHEERATHAN
Mayor

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FULL COUNCIL – 19 JANUARY 2015

Report from the Cabinet

1. The Leader and Cabinet members will report on matters which are the responsibility of the Cabinet, in accordance with standing order 38.
2. **Decisions taken by the Cabinet under the Council's urgency provisions**

Under the provisions of rule 38 of the Access to Information Rules in the Constitution, the Cabinet is required to report to the Full Council for information on any key decisions taken by them which did not appear in the Forward Plan giving 28 days' notice or where due notice was not given that a report, or part thereof, was to be considered in private.

Notification that the following reports, considered by the Cabinet on the dates shown contained appendices which were considered in private:

- 15.12.14 Recommendation for Award of a High Value Construction Contract at Manor School
- 15.12.14 Delegation of Powers to London Councils Transport and Environment Committee under the Localism Act 2011
- 15.12.14 Authority to award Public Health Contracts
- 15.12.14 Authority to award contracts for Enhanced Reablement Services
- 15.12.14 Authority to award a contract for Social Care and Support Services in Extra Care Housing
- 15.12.14 Determination proposal to permanently expand Manor Special School
- 15.12.14 Temporary Accommodation: Hotel Leasing and Brent House conversion

Reason why it was impracticable to defer the decisions until they could be included on the forward plan giving due notice:

In order for the decisions to be taken within timescales and to ensure the Council was not financially disadvantaged.

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 <p>Brent</p>	<p>Full Council 19 January 2015</p> <p>Report from the Strategic Director of Regeneration and Growth</p>
<p>Wards affected: Wembley Central, Tokyngton, Barnhill, Preston, Stonebridge</p>	
<p>Wembley Area Action Plan</p>	

1.0 Summary

- 1.1 This report explains that the Council has received an Inspector's report into the Examination of the Wembley Area Action Plan Development Plan Document and that the Inspector finds the document sound subject to recommended changes being made. It asks Full Council agree the adoption of the Area Action Plan with the changes incorporated. The changes were considered and recommended for approval by the Planning Committee on 11th September 2014 and Cabinet on 13th October 2014, but it is a legal requirement that all planning documents forming part of the Development Plan are formally agreed by Full Council.

2.0 Recommendation

- 2.1 That Full Council agree the adoption of the Wembley Area Action Plan Development Plan Document, with the recommended changes set out in Appendix One of this report.

3.0 Detail

Examination of the Wembley Area Action Plan

- 3.1 The reasons for producing the Wembley Area Action Plan (AAP) derive from the need to bring UDP policy, particularly the Wembley Regeneration Area chapter, first drafted in 2000 and adopted in 2004, up-to-date. It is a logical step in drawing up the folder of Development Plan Documents (DPDs) that will make up the borough's development plan and ultimately supersede the Unitary Development Plan (UDP). The AAP also consolidates detailed policy and guidance currently contained in a number of documents, including the Wembley Masterplan 2009, the Wembley link SPD 2011 and the Wembley West End SPD 2008.
- 3.2 The AAP sets out the strategy for growth and regeneration in Wembley for the next 15 years. Wembley is a growth area and is expected to deliver 11,500 new homes and 10,000 new jobs. The AAP provides the details of what, where and how this growth will be delivered.

- 3.3 The AAP was subject to examination by an independent Inspector, who held hearing sessions to consider oral evidence in March 2014. A number of changes to the document were proposed both before and during the hearing sessions and these were made available during public consultation for a six week period commencing 15 May 2014. All comments were passed on to the Inspector who then considered these alongside the representations made prior to submission. The Council has now received the Inspector's report.

Inspector's Report

- 3.4 As indicated above, the Inspector has found the AAP sound subject to a number of recommended changes. This means that the Council can adopt the document with the changes incorporated. The recommended changes included in the Inspector's report are attached as Appendix 1.
- 3.5 The Non-technical summary of the Inspector's report is repeated below:

This report concludes that the Wembley Area Action Plan Development Plan Document 2013 is sound, providing the Main Modifications are made, all of which have been requested by the Council. I have recommended their inclusion after considering the representations from other parties on these issues.

The changes required to meet legal and statutory requirements relate to a limited number of topics. The Main Modifications can be summarised as follows:

- *The Town Centres of Wembley and Wembley Park will have separate, though contiguous, boundaries;*
- *There is potential for the development of a food store north of Wembley High Road but south of the Chiltern Line Cutting rather than to the south at the Copland School Brent House site;*
- *Remove 'indicative' from all the housing capacities of the Proposal Sites;*
- *Changes to the housing capacities of several proposed housing sites to reflect planning permissions or to optimise the housing potential of the area;*
- *Clarification that all affordable housing subsidies released by the disposal of dwellings in intermediate housing tenures will be re-used for alternative affordable housing projects;*
- *Car parking standards will be applied other than in exceptional circumstances where the need for a higher level of provision can be demonstrated;*
- *Local transport corridor improvements will support non-car modes and local vehicular access including stadium events to assist event day transport;*
- *A transport assessment would be required if a proposal to remove the pedestrian ramp is considered as part of future development in the area;*
- *The Wembley Retail Park is to be a site which is 'Appropriate for Tall Buildings' to correct an error;*
- *Urban greening is to be sought rather than required in new developments;*
- *Major new developments are to be designed to connect to a decentralised energy heat network rather than energy centre;*
- *Flood risk assessments are to be required for sites of 1ha or more on land in Flood Risk Zone 1;*
- *Viability is to be taken into account in assessing the requirement for foot/cycle paths and contributions on sites requiring biodiversity improvements and flood risk adaptation in the Eastern Lands.*

None of the above changes alters the thrust of the Council's overall strategy for the regeneration of the Wembley area.

3.6 When the AAP is adopted, it will supersede the Wembley Regeneration Area chapter of the UDP, and the Wembley Growth Area chapter of the Site Specific Allocations DPD.

3.7 Full Council is asked to agree the adoption of the AAP with the changes included, as recommended by Planning Committee at its meeting on 11 September 2014 and Cabinet on 13 October 2014.

4.0 Financial Implications

4.1 The preparation and ultimate adoption of an AAP will provide a more up to date statutory Plan which carries greater weight in making planning decisions, which leads to fewer appeals and reduced costs associated with this. It also provides greater certainty for developers who are more likely to bring forward sites for development in the knowledge that schemes which comply with the requirements of the Plan have a good chance of receiving planning consent.

4.2 The cost of preparing the AAP has been met mainly from Planning & Development budget. To date the total cost of studies has been approximately £100,000 and consultation approximately £20,000.

4.3 The costs of examining the AAP was £41,000 and was funded by the Departmental Projects budget. If the AAP was not adopted and resubmitted a similar cost would be incurred.

4.4 There will also be costs associated with road widening and junction improvements proposed in the Plan. This is dependant on future development proposals

5.0 Legal Implications

5.1 The preparation of the Local Plan, including the AAP, is governed by a statutory process set out in the Planning and Compulsory Purchase Act 2004 and associated Government planning guidance and regulations. Once adopted the AAP will have substantial weight in determining planning applications and will supersede part of the UDP and Site Specific Allocations DPD.

6.0 Diversity Implications

6.1 Full statutory public consultation has been carried out in preparing the AAP and an Impact Needs / Requirement Assessment (INRA), which assessed the process of producing the Local Plan, was prepared and updated as required during the process.

7.0 Staffing/Accommodation Implications

7.1 There are no staffing or accommodation implications arising directly from this report.

8.0 Environmental Implications

8.1 The AAP deals with the development of the Borough's main regeneration area and thus will have a significant effect on controlling impacts on the environment including requiring measures to mitigate climate change. Sustainability appraisal was undertaken at all stages of preparing the AAP.

9.0 Background Papers

Brent Site Specific Allocations Development Plan Document, 2011

Wembley Masterplan, 2009

Wembley Link SPD, 2011

Wembley AAP, Submission DPD, March 2013

Report to the Council of the London Borough of Brent, The Planning Inspectorate, 20 August 2014

Contact Officers

Any person wishing to inspect the above papers should contact Claire Jones, Policy & Projects, 020 8937 5301

**Andrew Donald, Strategic Director of
Regeneration & Growth**

Appendix 1 – Inspector’s Recommendations

The modifications below are expressed either in the conventional form of strikethrough for deletions and underlining for additions of text, or by specifying the modification in words in italics. The page numbers and paragraph numbering below refer to the submission DPD (March 2013), and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	13	Para 2.8	Amend text as shown: <u>Most new</u> retail floorspace will be located in an extended Wembley town centre which will <u>adjoin</u> connect the existing centres of Wembley and Wembley Park <u>town centre</u> . The new designer outlet centre, next to the Hilton Hotel, includes around 85 shops, restaurants and cafés, and a nine screen cinema. A new pedestrian and cycle priority boulevard will create a link through the heart of the growth area to a new shopping street north of Engineer’s Way.
MM2	40	Map 4.4	<i>The area covered by Site Proposal W18 is to be shown as a Site Appropriate for Tall Buildings rather than a Site Sensitive to Tall Buildings.</i>
MM3	58	Para 6.25	Insert the following text after the final sentence of the paragraph: <u>There may be exceptional circumstances where it can be demonstrated, for example for reasons of maintaining town centre vitality and viability, that there is a need for parking provision above that normally allowed by the maximum standards, subject to the usual transport assessment.</u>
MM4	59	Policy WEM15	Amend the policy as shown: <u>The council will apply car parking standards in Wembley as set out in the tables above unless, in exceptional circumstances, it can be demonstrated that there is an overriding need for a higher level of provision.</u>
MM5	67	Map 6.3	Amend the legend of Map 6.3 where it shows ‘Corridor improvements to support non-car modes and local vehicular access’ by adding: <u>and local vehicular access including for stadium events.</u>
MM6	70	Policy WEM 18	Amend the policy as shown: The housing mix guidance provided in table 7.1 will be applied in the relevant parts of Wembley <u>to the Districts as defined by the map on page 132 of the Wembley Masterplan</u> . Additionally, new Affordable Rent that meets <u>addresses</u> the needs of households eligible for social housing, with eligibility determined with regard to local incomes and local house prices, will be accepted <u>encouraged</u> as part of the tenure mix. The council will encourage intermediate affordable housing tenures, such as discounted market sale products, where the council <u>or other registered providers</u> can secure future equity payments that can be recycled into new affordable

Ref	Page	Policy/ Paragraph	Main Modification
			housing. <u>The maximum amount of affordable housing, subject to viability and the achievement of other planning objectives, will be sought.</u>
MM7	76	Para 8.5	Amend text as shown: There are no <u>few</u> development opportunities identified within the centre itself - currently approved applications lie outside the town centre boundaries. <u>A small extension (shown on Map 8.1) is proposed for the town centre which will include Site W23 which is designated for ground floor retail uses. South of the centre, construction has started on a new Wembley designer outlet centre and cinema and food and drink complex alongside the new Wembley pedestrian boulevard. Also, in 2011 planning consent was granted for a new retail street which will link the Boulevard with Wembley Park centre. This will be a further extension of Wembley town centre as the new boulevard will extend from close to Wembley Stadium station eastwards to Engineers Way.</u>
MM8	76	Para 8.6	Insert additional text at the end of the paragraph: <u>New development which will expand the centre includes the Wembley designer outlet centre, cinema and food and drink complex alongside the new Wembley pedestrian boulevard. In 2011 planning consent was granted for a new retail street outside the existing town centres which will link the Boulevard with Wembley Park centre. The Wembley Area Action Plan will therefore extend Wembley town centre boundary northwards to reflect these permissions for new town centre development (shown on Map 8.1).</u>
MM9	76-77	Para 8.7	Insert additional text at the end of the paragraph: <u>The two centres of Wembley (Major centre) and Wembley Park (District centre) will continue to be considered as two separate centres, although the boundaries will be contiguous. The extension to Wembley town centre will strengthen its role as a Major Centre. The town centre hierarchy will remain in place until such time that any change in the role of the centres can be reflected in future alterations to the London Plan town centre network.</u>
MM10	78	Para 8.15	Amend paragraph heading: Expansion of Town Centres Delete across the new part of the centre extending from the final sentence.
MM11	78	Para 8.16	Delete the word: the and insert: <u>Wembley</u> between 'expand' and 'town centre' in the first sentence.
MM12	78	Para 8.17	Amend as shown: The boundary of Wembley town centre defined in the Core Strategy takes account of, and includes, land where consents have been granted for retail

Ref	Page	Policy/ Paragraph	Main Modification
			expansion. This includes land at South Way close to Wembley Stadium station as well as the proposed outlet centre, cinema, etc., currently under construction to the west of the Stadium. However, since the Core Strategy was adopted in 2010, consent has been granted for a further 30,000 sq m of new floor space on the NW Lands to provide a new shopping street between the two centres. When all schemes are implemented, there will be largely continuous active frontage from Ealing Road to Bridge Road. It is logical to define the town centre from Wembley Park to Ealing Road as shown on Map 8.1. The scale of proposed new development is in keeping with a major town centre and it is therefore logical to extend Wembley town centre to include this area (shown on Map 8.1). This includes the office buildings and hotel on the east side of Olympic Way. Within this, The long-standing designated Primary and Secondary frontages will remain largely as currently defined for the present, although the council is committed to reviewing these once the new retail and leisure developments (Quintain stage 1 and North West Lands) are built out and open.
MM13	79 Also Also Also	Map 8.1 Map 2.1 Map 21.1 Map 21.2	<i>Delete the single town centre boundary for Wembley and insert tangential boundaries of the extended Wembley Park Town Centre and the extended Wembley Major Town Centre. Apply diagonal hatching to the extension to the Wembley Park Town Centre and vertical hatching to the extension to the Wembley Major Town Centre. Make corresponding modifications to maps 2.1, 21.1 and 21.2.</i>
MM14	87	Policy WEM30	Amend the policy to delete energy centre and insert <u>heat network</u>
MM15	88	Policy WEM32	Amend the policy as shown: Development proposals <u>should</u> must incorporate urban greening measures such as green roofs, green walls, trees and soft landscaping. Wherever possible, opportunities to connect new green spaces to existing green spaces should be maximised to help create green infrastructure. Where site constraints limit the level of urban greening that can be provided on site, a financial contribution will <u>may</u> be required. Local food growing facilities will be supported as stated in (see policy WEM 38 <u>36</u> in the Open Space chapter).
MM16	89	Policy WEM33	Amend policy WEM 33 by inserting text as shown: All proposed development in Flood Zones 2 and 3, <u>and proposed developments over 1 ha in flood zone 1,</u> will require a detailed Flood Risk Assessment (FRA), in accordance with Section 6.7 of Brent's Strategic Flood Risk Assessment.
MM17 Also	102 103	Site Proposal	Delete the word indicative from the development capacity for each of these site proposals.

Ref	Page	Policy/ Paragraph	Main Modification
Also	104	W1	
Also	105	W2,	
Also	106	W3,	
Also	109	W4,	
Also	110	W5,	
Also	111	W6,	
Also	112	W7,	
Also	113	W8,	
Also	114	W9,	
Also	115	W10,	
Also	116	W11,	
Also	117	W12,	
Also	118	W13,	
Also	121	W15,	
Also	121	W17,	
Also	122	W18,	
Also	122	W20,	
Also	123	W21,	
Also	125	W22,	
Also	126	W23,	
Also	127	W24,	
Also	128	W25, W26, W27, W28.	
MM18	102	Chapter 12	Insert new text at the beginning of the section on site proposals: <u>The residential development capacity figures for individual sites are subject to development proposals meeting design considerations, amenity standards and minimum space standards (as set out in London Plan policy 3.5) and optimising housing potential as required by London Plan policy 3.4.</u>
Also	108	Chapter 13	
Also	121	Chapter 14	
Also	125	Chapter 15	
MM19	104	Site W3	Insert additional text at the end of the first paragraph of site Proposal W3, Chiltern Line Cutting North, as shown: <u>The council will support limited development of the north cutting where it connects from the south (Site Proposal W4) and supports commercial development which benefits the town centre.</u>
MM20	104	Para 12.15	Amend the supporting justification for Site Proposal W3 as shown: As the whole of the cutting on the north side is identified as an Area of Nature Conservation Importance as well as a Wildlife corridor, then <u>more</u> significant development would be appropriate only if there were substantial benefits in terms of the regeneration of the town centre as well as major compensatory provision for the loss of habitat. The existing residential areas to the north are predominantly two storey which limits also the

Ref	Page	Policy/ Paragraph	Main Modification
			scale of development that would be appropriate. Consequently, only a limited development can be accommodated.
MM21	104-105	Site W4	Amend paragraph 2 of the Site Proposal, as shown: The council's objective is to transform the Wembley Link area into a sustainable mixed use community. This would be best delivered through developing the concept for cafés, restaurants and bars and appropriate retail, <u>including potentially a food store. along the frontage.</u> , potentially with Office <u>Residential development should form part of any mixed use scheme. above these, and residential above this, where appropriate.</u> <u>Offices,</u> student accommodation or hotel would also be appropriate within this site. Development proposals should include active frontages.
MM22	105-106	Site W5	Amend Site Proposal W5, as shown: The ground floor on the High Road frontage should be commercial retail development, potentially including a medium sized food store (approximately 6000m²) with associated car parking. Residential development either above or adjacent to the retail should include a high proportion of family housing.
MM23	108-109	Site W6	Amend the Development Capacity for the site as shown: 264 <u>400</u>
MM24	111	Site W9	Amend the Development Capacity as shown: 60 <u>100</u> units
MM25	113	Site W12	Amend the Development Capacity as shown: 815 <u>1300</u> units
MM26	113-114	Site W13	Amend the Development Capacity as shown: 50 <u>100</u> units
MM27	117-118	Site W18	Amend the Development Capacity as shown: 500 <u>700</u> units
MM28	118	Site W19	Insert: Development Capacity: 1500 units
MM29	125	Site W25	Insert at the end of the 3 rd paragraph of the site proposal: <u>The viability of development will be taken into account in assessing the appropriate width of the buffer strip and the level of contribution towards restoration work.</u>
MM30	126	Site W26	Insert after: '... will be required to contribute towards the restoration work.' <u>The viability of development will be taken into account in assessing the appropriate width of the buffer strip and the level of contribution towards restoration work.</u>
MM31	127	Site W27	Insert at the end of paragraph 4: <u>The viability of development will be taken into account in assessing the appropriate width of the buffer strip and the level of contribution towards restoration work.</u>
MM32	156	Para 21.1	Amend as shown: The following maps show the detailed changes to the Proposals <u>Policies</u> Map as a result of the Wembley Area Action Plan. These include the extensions to Wembley and Wembley Park town centre boundaries y

Ref	Page	Policy/ Paragraph	Main Modification
			extension which combines Wembley and Wembley Park into one town centre , release of two sites from the Strategic Industrial <u>Land Location</u> (SIL), and the SIL area proposed for change from Preferred Industrial Land to Industrial Business Park.
MM33	61	Para 6.40	Amend as shown: The needs of spectators coming to the Stadium are also important. There are still some locations where there is potential conflict between crowds and traffic, such as along Wembley High Road and the crossing of Wembley Hill Road by the White Horse Bridge. The option to remove the pedestrian ramp over Engineers Way to the Stadium from Olympic Way and replace it with steps could be considered as part of future development. This would mean, however, that <u>a transport assessment would be required to assess the impacts, and to highlight the interventions which would be necessary to mitigate them to ensure the continued safe and efficient movement of people to and from the stadium. The assessment should include, among other options, consideration of whether an alternative east – west through-route for vehicular traffic would be needed. especially for event days.</u> The council supports the removal of the pedestrian ramp and its replacement with an improved access arrangement between Olympic Way and the Stadium providing that access to the Stadium and emergency egress are integral to the design, and that any changes help address what is currently a poor street environment.

 Brent	<p style="text-align: center;">Full Council 19 January 2015</p> <p style="text-align: center;">Report from the Strategic Director of Regeneration & Growth</p>
Wards affected: Sudbury	
Sudbury Town Neighbourhood Plan	

1.0 Summary

1.1 This report provides an overview of the process which Sudbury Town Residents' Association has followed to date in producing the draft Sudbury Town Neighbourhood Plan. On 13 October 2014 the Cabinet agreed the draft Sudbury Town Neighbourhood Plan for public consultation and then, subject to Full Council approval, to submit the draft Plan for examination. The consultation period has now closed and details of comments received have been summarised in the table attached at Appendix B. It is recommended an independent examiner is now appointed to examine the draft Plan.

2.0 Recommendation

2.1 That Full Council approve the appointment of an independent examiner, and that the draft Sudbury Town Neighbourhood Plan is submitted for examination.

3.0 Detail

3.1 Neighbourhood Planning was introduced through the Localism Act 2011 ("The Act") and is one of the central elements of the Localism process. Essentially it enables communities to develop planning policies (otherwise known as 'Neighbourhood Development Plans' - for the purposes of this report cited as "The Neighbourhood Plan") that will become part of the planning framework for their area. A flow diagram illustrating the neighbourhood planning process is included in appendix A. Neighbourhood planning is delivered by 'neighbourhood forums' for their 'neighbourhood area'. Neighbourhood forums and areas need to be agreed by local authorities, following local publicity requirements.

3.2 In 2011 Sudbury Town Residents' Association successfully applied for £22,000 'frontrunner' money from the government, which they used to engage consultants (SKM Colin Buchanan) to produce an Issues Paper for the area. In August 2012, the

Association applied to become a neighbourhood forum and to have Sudbury Town designated as a neighbourhood area. In accordance with Parts 2 and 3 of the Neighbourhood Planning (General) Regulations 2012 ('The Regulations' – in force 6 April 2012), the Council publicised the applications for a 6 week consultation period ending on 19 October 2012. No representations were received. On 12 December 2012 the Council approved the designation of Sudbury Town Neighbourhood Forum and Neighbourhood Area.

- 3.3 The forum undertook a series of consultation events and exercises between May 2012 and March 2014, as outlined in their Consultation Statement. This included consultation on an Options Report during November and December 2013, and consultation on the Draft Neighbourhood Plan for a 6 week period during January and March 2014. The consultation undertaken informed the draft Neighbourhood Plan which was formally submitted to the Council on 12 August 2014.
- 3.4 The vision of the Neighbourhood Plan is 'to create a greener, cleaner, safer Sudbury Town Centre, with a High Street to match, and at the heart of the community that we can all be proud of.' The Plan contains six key planning policies. In summary these are:-
- STNP 1 seeks to promote a mix of uses within Sudbury town centre which will support the viability and attractiveness of the centre.
 - STNP 2 sets design criteria for the continuation of public realm works.
 - STNP 3 sets design criteria for shopfronts within the Plan area.
 - STNP 4 seeks to protect open spaces and allow the reuse or redevelopment of buildings within Butlers Green and Barham Park, for uses which support the function of the green space.
 - STNP 5 sets priorities for spending Neighbourhood CIL, including public realm improvements.
 - STNP 6 identifies uses which will be appropriate in Sudbury town centre and support development that enhances sports provision at Vale Farm whilst preserving open space.
- 3.5 In addition, items that the community are seeking, but that cannot be delivered through planning policy are identified as aspirations.
- 3.6 The Council's role has been to provide the forum with guidance in meeting the statutory requirements and following the correct process in producing a Neighbourhood Plan. The Council is required to perform this role keeping within the spirit of the Act and associated regulations. The Council considers the policies in the draft Plan to be consistent with Brent's strategic policies, regional and national policy, however, this is to be determined by an independent examiner.
- 3.7 Following the formal submission of the draft Sudbury Town Neighbourhood Plan and supporting documents, the Council assessed the Plan against the relevant statutory requirements. The Council was satisfied the Plan and process followed complied with the statutory requirements as set out in paragraph 6 of Schedule 4B of the Town and

Country Planning Act 1990 (as amended) and consultation commenced on 24 October 2014.

- 3.8 Notification of the consultation was sent to consultation bodies referred to in the consultation statement and, where contact details had been provided, those who responded to consultations on previous iterations of the plan. In addition to this a press notice was published. The draft Plan, supporting documents and details of how to comment were made available on the Council's website, at Brent Civic Centre, Vale Farm and across venues within the neighbourhood area.
- 3.9 Representations have been received from 9 consultees and are summarised in Appendix B. Given the level of consultation previously undertaken, and that the Plan has been amended in response to previous comments, the response level is consistent with what was anticipated at this formal stage. The consultation highlighted no outstanding issues.

Current Stage

- 3.10 To progress the draft Plan the Council, in liaison with the forum, must appoint an independent examiner. It is the role of the independent examiner to assess if the plan meets European obligations, has regard to national planning policies, is in general conformity with strategic policies of the Local Plan and contributes to the achievement of sustainable development. In making their assessment the examiner will consider consultation responses (as summarised in Appendix B). Appendix C sets out in full the draft submission version of the Neighbourhood Plan. Full Council is asked to agree this for submission along with the Consultation Statement, Basic Conditions Statement, Area Statement and the summary of responses.
- 3.11 After examination the Council will receive an examiner's report. Subject to the examiner concluding the Plan meets certain basic conditions approval will be sought to progress the Plan to referendum. The referendum is undertaken in the neighbourhood area. If the majority of those who vote in the referendum are in favour of the plan then the Plan is made (brought into legal force) by the local planning authority. It will then form part of Brent's Local Plan and will guide development in the neighbourhood area alongside other Development Plan policies.

Timetable for Adopting the Neighbourhood Plan

- 3.12 The timetable for taking the Neighbourhood Plan forward is set out below:

Appointment of Examiner	March 2015
Examination	Spring/Summer 2015
Referendum	Anticipated late 2015 (subject to examiners report)

4.0 Financial Implications

- 4.1 The Council was awarded £10,000 to support the preparation of the Plan. A further payment of £5,000 is available now that the Plan has been publicised prior to examination, and a further £20,000 is available on successful completion of an examination into the Plan. The funding is provided by DCLG and it is expected to cover the cost of progressing the Plan, including the examination and referendum.

5.0 Legal Implications

- 5.1 Neighbourhood Planning was introduced through the Localism Act 2011 (“The Act”) and is one of the central elements of the Localism process. Section 116 of the Act and Schedules 9, 10 and 11 provide the legislative framework for neighbourhood planning. Essentially it enables communities to develop planning policies (otherwise known as ‘Neighbourhood Development Plans’ within the meaning of Part 2 Schedule 9 of the Act as inserted by section 38A of the Planning and Compulsory Purchase Act.)
- 5.2 Once adopted a Neighbourhood Plan will form part of the development plan for the borough. There is a duty upon the Council to provide support and advice to communities wishing to bring forward a neighbourhood plan.

6.0 Diversity Implications

- 6.1 There is a requirement for the Council to ensure that, in granting neighbourhood forum and neighbourhood area status, those applying are representative of the area covered. Sudbury Neighbourhood Forum satisfied this requirement.

7.0 Staffing/Accommodation Implications

- 7.1 Staff resources will be diverted from other plan making projects to provide support and advice.

8.0 Environmental Implications

- 8.1 A Strategic Environmental Assessment (SEA) Screening Opinion was produced in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and concluded the Plan is unlikely to have significant environmental effects. The Basic Conditions statement outlines how the Plan will contribute to sustainable development.

9.0 Background Papers

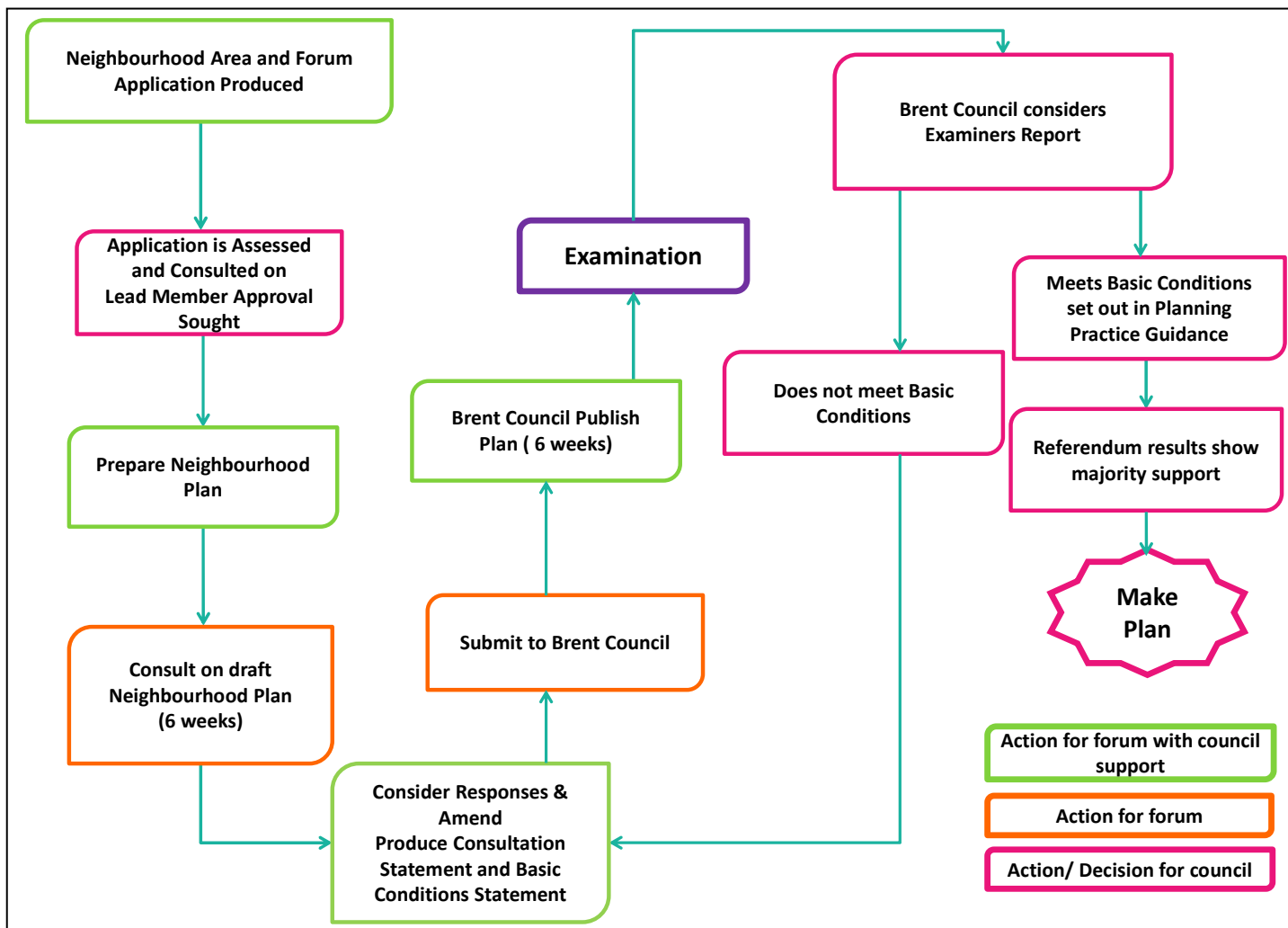
Sudbury Town Neighbourhood Plan, Draft Final, July 2014
Sudbury Town Neighbourhood Plan: Basic Conditions Statement, July 2014
Sudbury Town Neighbourhood Plan: Consultation Statement, July 2014

Contact Officers

Any person wishing to inspect the above papers should contact Robin Sedgwick, Planning & Development 020 8937 5229

**Andy Donald, Strategic Director of
Regeneration & Growth**

Appendix A: Flow Diagram summarising the Neighbourhood Planning process



Appendix B: Summary of Responses (Consultation 24th October – 3th December 2014)

Name	Organisation	Summary of Comments
Russell Butchers	Canal and River Trust	No observations to make as the canal does not transect the Neighbourhood Plan Area.
Tom Painter	Chiltern Railways	<p>The Sudbury Town Resident's Association (STRA) should be commended for the vision shown in the document, especially with regards to the innovative concepts proposed to improve the urban realm.</p> <p>Chiltern Railways does not receive any Government Subsidy and assume all financial risk for the operation of their trains. The current level of demand at Sudbury and Harrow is insufficient to justify stopping more trains at the station. Service provision will continue in accordance with that specified in the Franchise Agreement.</p> <p>Chiltern Railways are keen to improve the public information available in the vicinity of the station.</p>
Local resident and business owner	Through the Looking Glass Hair Salon Hub	Residents should be encouraged to be involved in their area. STRA are focussed in improving Sudbury Town in every way that will build on the core values of a community that believes in a cleaner greener safer Sudbury.
Rachel Bust	The Coal Authority	Sudbury Town is outside of the defined coalfield and therefore The Coal Authority has no specific comments to make on the Neighbourhood Plan.


Melanie Millward	English Heritage	<p>EH are please to note that the Plan recognises the heritage and public realm of Sudbury Town as important features to be protected and enhanced. In order to best give effect to the high level of regard for historic buildings and parks and high quality public realm they offer the following observations:</p> <p><u>Policy STNP 1 para 1.</u> The addition of a statement regarding the enhancement and maintenance of both designated and undesignated heritage assets, including archaeology and buildings of local significance would be beneficial.</p> <p>There are a number of heritage assets within the area of the Plan and the plan area borders the Sudbury Court Conservation Area. Development within the Plan boundary could affect the setting of the listed buildings and Conservation Areas in neighbouring areas. As such the inclusion within the Plan of a list of heritage assets, including the small area to the north which is an Archaeological Priority Area, would assist the conservation and enhancement of Sudbury's local character and history.</p> <p><u>Policy STNP 2</u> English Heritage is particularly pleased to see the proposed public realm improvements in front of the Grade II* listed Sudbury Town Underground Station included in the Plan. We agree that there is a real opportunity to enhance the setting of this key historic building. We can advise you that there have already been discussions between ourselves and Transport for London (TFL) on this matter, and would encourage you to discuss it with TFL's Heritage Advisor Edmund Bird.</p> <p><u>Policy STNP 3</u> EH recommend that when you are developing your standardised shopfront, you consider a range of sources such as Alan Powers 'Shop fronts' book, published by Shire Publications. This should help you to ensure that the shop front designs you promote will relate successfully to the different building types in the tower centre. We discourage external solid roller shutters as you will appreciate that these often detract from the appearance of buildings and have a deadening effect on townscape. Where essential internal grills offer greater security and preserve the attractiveness of the street and promote greater feelings of safety.</p>
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		<p><u>Barham Park</u> EH recommend that consideration is given to giving Barham Park a local heritage designation due to the importance place on green spaces by the local community and how the assets (Grade II listed garden structures and locally listed Barham Old Court) contribute strongly to the character of Sudbury. Local designation could help increase the profile of this asset and attract investment for its enhancement.</p> <p><u>Policy STNP 4</u> EH encourage that consideration is given to creative solutions for the re-use of the dis-used toilet block site. Given the desire to re-provide a public library STRA should examine whether this, or other mixed uses, might be successfully integrated into this site.</p> <p><u>Policy STNP 6</u> In the supporting text regarding development opportunities, it is identified that new developments should be in the order of two or three storeys high. If the plan is proposing to limit the height of new buildings in the area, you may wish to consider putting this within Policy STNP 6. To add weight to this policy, it would be helpful to justify it in relation to the existing historic character of the town centre.</p>
Patrick Ryder	Highways Agency	Highways Agency have reviewed the documents available and conclude that they do not have any comments at this time.

Local Resident	Local Resident	<p><u>Policy 1 and Aspiration 1</u> Proposals for new takeaways should include policies to control littering (food containers and wrappings). Plan should also address the high percentage of shops selling alcohol in the town centres and crime and anti-social behavior arising from this. Brent's Licensing committees should look to reduce the number of licenses.</p> <p><u>Aspiration 3 and 5, STNP 4</u> Public land or land leased from Council must not be sold for public ownership. Plans should address accessibility and safety of access to Wasps playing grounds.</p> <p><u>Policy 2 and Aspiration 8</u> Funding that the Council has for Cycle Routes should be allocated to implement cycle paths and routes given the increase in unsafe cycling in the area. More advertising of community space available for lease should be provided. Space is need for a community library.</p> <p><u>Aspiration 6</u> See comment for Aspiration 3 and 5.</p> <p><u>Objective 2</u> A review of existing public realm improvements should be undertaken including the size and siting of bus stops next to Vale Farm Sports Centre and review of bus stops in Sudbury Town Centre.</p>
David Hammond	Natural England	<p>Comments remain same as previously given 31/03/2014.</p> <p>The provision of green infrastructure, as part of new development proposals, can provide opportunities to enhance and increase open/green space provision, provide links to and across existing facilities through green chains, green corridors and potentially help towards promoting sustainable transport options. Such as walking and cycling. However the issue of recreational disturbance will need to be raised and considered.</p>
Katy Walker	Sport England	<p>NPPF identifies how the planning system can play an important role in facilitating social interaction and creating healthy inclusive communities. It is important that the Neighbourhood Plan reflects national policy for sport as set out in the NPPF with particular reference to paragraphs 73 and 74 of this document.</p>

Appendix C: Draft Sudbury Town Neighbourhood Plan

Circulated separately

 Brent	<p>Audit Committee 7 January 2015 Council 19 January 2015 Cabinet 26 January 2015</p> <p>Report from the Chief Finance Officer</p>
Shared Internal Audit Services	

1 Summary

- 1.1 The council is seeking to make savings of an average of 40% in the provision of its support services, in response to the financial pressures that it faces. Officers are responding to this challenge by considering different models of service delivery, seeking to reduce costs whilst mitigating the impact on service delivery.
- 1.2 This report sets out a proposal to share internal audit services with the London Boroughs of Ealing and Hounslow. This would enable an immediate saving on management costs to be achieved, as set out in the report, whilst future proofing the important assurance and deterrence functions that the service provides. Over time the proposal would also deliver further financial savings through economies of scale and efficiencies and the opportunity to improve the service by facilitating more cross-borough working and sharing best practice. In particular it would enhance the resilience of the service.
- 1.3 Due to the particular nature of the internal audit service, decisions to change the way in which it is provided, as proposed in this report, require the approval of Council and Cabinet. The same report is therefore being presented to the Audit Committee, Council and Cabinet, but with different recommendations in each case.

2 Recommendations

That the Audit Committee:

- 2.1 Note the proposals and comment as appropriate.

That Cabinet agree to:

- 2.2 Extend the existing contract for internal audit services with the current provider, the London Borough of Croydon in association with Mazars, for one year, from 1 April 2015 until 31 March 2016 for the reasons detailed in paragraphs 4.14 – 4.17.

That Council agree to

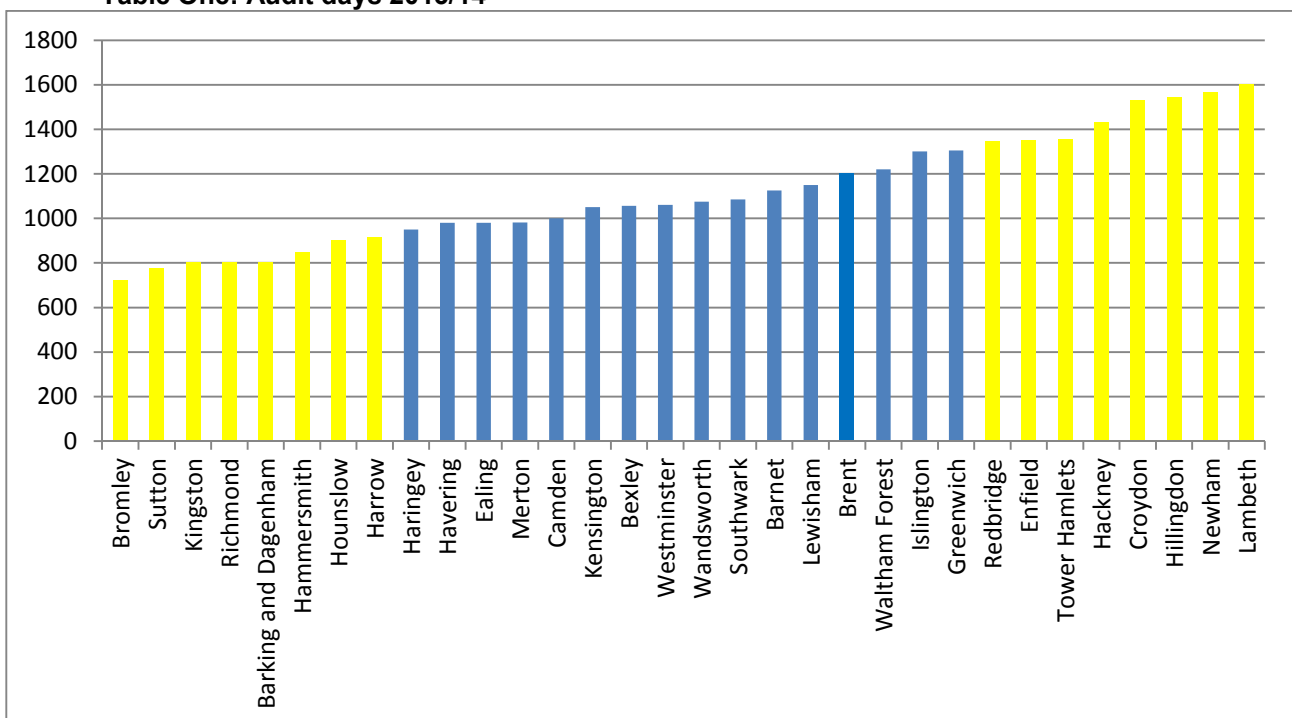
- 2.3 Agree to delegate the provision of its internal audit service to the London Borough of Ealing with effect from 1 April 2015 or such later date as may be agreed with the London Borough of Ealing.
- 2.4 Agree to contribute to the cost of operation of such delegated internal audit service by the London Borough of Ealing at a cost, initially, of approximately £75,000 less than the current service cost.
- 2.5 Agree to enter into an agreement confirming the terms of delegation and delegate authority to the Chief Finance Officer in consultation with the Director of Legal and Procurement to determine the precise terms of the legal agreements necessary to achieve the same, as set out in section six of this report.
- 2.6 Agree to the proposed staffing arrangements including the transfer of internal audit and investigation staff to the London Borough of Ealing as set out in paragraphs 4.5 and 4.6.
- 2.7 Note that this proposal will enable the council to reduce the number of heads of service employed by one, the saving from which will contribute towards the £1.4m to be achieved through the corporate management restructure.
- 2.8 Authorise the Director of Legal and Procurement to make any necessary changes to the Council's Constitution to reflect the delegation of the internal audit function to the London Borough of Ealing.

3 Internal audit – background

- 3.1 Internal audit provides an essential service to the organisation, the importance of which should never be underestimated. A good internal audit service provides a council's political leadership and senior management with assurance that business processes across the organisation are effective and that risks are identified and well managed. It assists the external auditors to judge the effectiveness of controls, driving down total audit costs as a result. It highlights exceptions to proper practices and plays the dual role of helping managers to address these whilst also holding them to account.
- 3.2 Internal audit helps to prevent fraud within the council and the borough, advising on system design to reduce fraud risk, promoting a strong anti-fraud ethic, investigating potential cases of fraud and publicising, as appropriate, the sanctions imposed on fraudsters. It provides a responsive service to management where investigations into the actions of individuals are required, and as it has a degree of independence from day to day operations, can provide assurance externally that the council is conducting its business properly.
- 3.3 Like any service, this does not make internal audit immune to change, and savings are required here just as for any other support service. The risk for the council is that, as a relatively small service, once savings beyond a certain level are delivered the remaining function becomes too small to be sustainable or have the economies of scale necessary to remain efficient.
- 3.4 If the service is simply crudely downsized then there are significant risks that it will become increasingly difficult to attract and retain staff with the right mix of skills, especially at the higher end forensic services. At the same time the contract through which most of the systems work is performed could be squeezed to the point where its management costs become unreasonably high as a proportion of total spend. In addition, accountancy firms of the requisite size to be able to provide the range of services that will always be needed may struggle to provide economic rates for small contracts, driving up day rates and unit costs.

- 3.5 These financial arguments are a relevant consideration. However, it is important to note that perhaps the more significant consideration will be the resilience of the service. Small teams lack the inherent resilience of larger teams and there is a significant risk that substantial downsizing of the service would result in a model that could no longer be confident of delivering high quality outcomes.
- 3.6 For these reasons an alternative service delivery model has been examined, sharing services with Ealing and Hounslow, who already operate a shared internal audit service.
- 3.7 Internal audit currently has a Head of Service, graded Hay 4, performing the Chief Internal Auditor role, responsible for the two principal arms of the service – anti-fraud work and systems and risk audit. On the systems and risk side there is an internal audit manager and one officer, with the bulk of the work carried out by an external provider, currently Mazars. Anti-fraud services are carried out in house, with a team of long-established staff conducting investigations. This team was recently reduced as four staff transferred to the DWP as part of the creation of a national Single Fraud Investigation Service (SFIS), and responsibility for countering HB fraud also passed from the council
- 3.8 This is a fairly common model. Many local authorities outsource their audit and risk services to external providers, as Brent has done. As a result the directly employed staff are relatively few in number: less than 20 including the two apprentices also placed in the unit, and from time to time the council’s CIPFA trainees who are also seconded to it.
- 3.9 Around 1,200 input days of systems audit and risk work is planned for 2014/15. This total is suggested to be reduced as part of the budget proposals published at the Cabinet meeting of 15 December 2014. If agreed, this would reduce the audit days to about 900, but this might be supplemented by greater use of trainees. Officers anticipate, if this were agreed, that this would place Brent at around the average figure for London, as other boroughs are also reducing internal audit days in response to financial pressures.

Table One: Audit days 2013/14



- 3.10 Anti fraud services are, by contrast, provided in house by most local authorities. An external market exists for these services, but is characterised by high day rates. For some specialist investigations it can be the appropriate way forward, but, like most authorities, Brent would only use this if the circumstances of a particular case warranted this specialisation.
- 3.11 Much of the work of the anti-fraud team is in practice focused on high volume and recurring types of fraud. For example, housing benefit anti-fraud work, until its transfer to the Department for Work and Pensions in October 2014, suited internal delivery. There was sufficient volume of attempted fraud to keep staff consistently busy, and the legislation was complex enough to require particular skills to be developed that led to economies of scale. Having an external contractor do this sort of work is not impossible, but most authorities take the view that the contractual hand-offs associated with this would be unduly complex and expensive, and that the service would be less responsive as a result.
- 3.12 The same is true of other principal categories of attempted fraud, such as tenancy fraud, which is an increasing area of focus given the housing pressures. It also, sadly, remains the case that some investigations into council employees attempting fraud or committing other financial irregularities will always be needed. Most authorities take the view that a formal external contract for these services with a commercial provider is not likely to be the best way of resourcing these investigations.
- 3.13 However, by continually reducing these services over the next four years (and the average 40% savings currently targeted for support services are only enough to balance the budget for the next two years) these economies of scale will be reduced as the team downsizes, to the point when it may become difficult to deliver an adequate service at all. And, in fraud investigation work, there are fewer opportunities to deliver efficiencies in a small team, although of course service standards and quality of work can always be improved. In this scenario staffing savings tend to look a lot more like straightforward cuts leading to less work being done, and there are significant financial and reputational risks associated with adopting a public position of no longer trying to investigate certain types of fraud.
- 3.14 It is also relevant that the inevitable nature of a small service led at a Head of Service (Hay 4) grade is that the management overhead is necessarily high. In most other services a senior manager at this grade would manage a larger group of staff. This reflects the specialist nature of the service being provided, but the council's leaders are rightly concerned to seek to bear down on management costs.

4 Shared service model

- 4.1 In this context a shared service model has, on the face of it, significant potential attractions. There are several such services already operating in London, for example Kingston and Richmond, OneSource (Newham and Havering), the tri-borough service and Ealing and Hounslow, with whom it is proposed to enter into a shared service arrangement.
- 4.2 Hounslow and Ealing operate a shared internal audit service, and have done so for a little more than a year. The service is led by Ealing, who employ the Chief Internal Auditor, who performs this service for both boroughs, with reporting lines in to each Chief Executive and Audit Committee chair as required. Both are satisfied that the service has worked effectively, and in

particular Hounslow, as the customer of the service, is satisfied that it receives the assurances that it needs from the service.

- 4.3 Officers have discussed this model, and propose joining the service on the basis set out below.
- 4.4 The model proposed is a 'delegate and buy back' service. This would mean that, if the arrangement were to go ahead, Brent would delegate its audit function to Ealing and enter into an arrangement to buy the service back. This is significantly simpler in procedural terms than establishing a special purpose vehicle or other local authority controlled company or joint committee arrangement. There is the added advantage of joining a known arrangement, rather than trying to create something new. This means that the proposal could be implemented quickly and with fewer risks.
- 4.5 This would mean that the staff concerned would transfer across to Ealing, and TUPE would apply. The immediate staffing saving would be delivered because in the new model the cost of the Head of Internal Audit would be shared between three boroughs, whereas at present Brent pays the entire cost of this role.
- 4.6 It is not proposed to undertake budget reductions for the other staff prior to the transfer. This reflects the fact that the sharing of services is only partly being driven by the need to make immediate reductions in the budget, with a more significant driver being securing a future service, with planned future cost reductions built into the business plan. This means that, other than possibly for the Head of Audit and Investigations role, there are no redundancy costs associated with this proposal.
- 4.7 The advantages of this arrangement are as set out below.
- 4.8 This is joining an existing and successful arrangement. This 'starting small and then expanding' model is a preferable way to achieve successful shared services, as has been demonstrated by the difficulties some larger partnerships have faced.
- 4.9 The boroughs are geographically close. Despite advances in technology it is the nature of internal audit and investigation work that a significant amount of work on site will always be required. Having an arrangement with geographic partners therefore has advantages over, for example, entering into an arrangement with One Source or Richmond and Kingston. This geographic closeness will also enable the development of a co-located audit function with its headquarters in Ealing.
- 4.10 However, it is the nature of the audit function that a high proportion of the work requires an on-site presence, to conduct interviews or to review evidence first-hand, for example. Staff would therefore need to retain a regular presence at the Brent Civic Centre, and continue existing flexible working arrangements, for example to access the council's zip cars to make efficient site visits and so on.
- 4.11 Buying in to this shared service arrangement will enable the development of expertise. On the systems and risk side of the business there would be increasing opportunity for collaboration. It is, for example, obviously more efficient to carry out the standard audits of those systems that always need to be reviewed annually (creditors, council tax and so on) on a three borough basis. The same person can do the audit three times, sharing good practice and reducing the average time taken to do the same element of work. The efficiency gains from this are unlikely to be major, although they would be

real. The opportunity for sharing best practice is a more significant opportunity that could lead to material enhancements in the service.

- 4.12 In anti-fraud activities the potential value of such ready access to data sharing across three boroughs will obviously be significant, although care will be needed to ensure that responsibilities under the Data Protection Act are preserved. Would be fraudsters do not limit their activities by borough boundaries, and the ability to co-ordinate more easily internal audit activities across three boroughs could improve detection rates and the deterrence value of the service.
- 4.13 Within a larger service there will also be more opportunity to create staffing structures that promote career development opportunities. Staff will be able to develop expertise in particular areas, or by exposure to different London boroughs gain a wider insight into governance and risk management issues, enhancing their skill sets.
- 4.14 The contracts are also aligned (Ealing and Hounslow operate the same model of service delivery as Brent, with an external provider for most of the systems and risk work and internal staff for the anti-fraud work). Mazars provide internal audit services to all three boroughs, and it is proposed to extend the Brent contract with the current provider, the London Borough of Croydon in association with Mazars, for one year, as is allowed under our contract at our discretion, so that a collective re-procurement exercise can be carried out for 2016/17.
- 4.15 There are significant advantages to the shared service option arising from contract management efficiencies. As the three authorities' contracts are essentially similar it would be much cheaper for one officer to manage them all. This would also enable a more co-ordinated approach to be taken to hold the external contractor to account in the event of under performance.
- 4.16 Future contract re-procurement is also likely to be cheaper, certainly in terms of the internal resource needed to manage the process but also in terms of being able to offer a package that will be more attractive to the market.
- 4.17 As has been noted above, adopting this model would reduce the overall cost of management and its proportion of the total internal audit cost.

5 Other options

- 5.1 Other options have been considered, and these and some other considerations are set out below.
- 5.2 The systems audit and risk management service could be brought back in house. The difficulty with this is that the team to provide the service would be fairly small and therefore hard to sustain. This was what drove many local authorities to outsource it in the 1980s and 1990s when teams were significantly larger. Brent has a total of around 1,200 internal audit days, of which over 900 are provided by the external contractor and the balance by the in house team.
- 5.3 If this part of the service were to be entirely in-sourced the team required to deliver it would be around five FTEs (assuming 900 total audit days), within which it would be difficult to have the full range of skills required. There would also be a high management overhead, as audit programmes for each piece of work would have to be designed individually, whereas an external provider has significant economies of scale. Most local authorities therefore rely on external provision for this. However, where there is scope for variation in the balance of externally and internally provided audit days.

- 5.4 The option of entirely insourcing the internal audit service has therefore not been pursued. However, the shared service option, with its economies of scale, could in future increase the proportion of audit days delivered internally. This would have the effect of driving down costs and also providing greater training opportunities for the council's apprentices and CIPFA trainees.
- 5.5 Savings could just be delivered by reducing the number of investigation staff. No further reductions in the number of purchased systems and risk management days are proposed at the present time, other than already set out in this report, since this would expose the council to unreasonable levels of risk. The current team of investigators could be reduced from those currently employed in order to deliver immediate savings. However, this is not recommended as it would significantly limit the ability of the council to deliver anti-fraud services. However, the council will retain the right to reduce the cost of this service in the future, under the shared service proposal. This will give the council the ability to deliver future savings in a planned and managed way, preserving the quality of the service.
- 5.6 Other partners have been considered. However, a key issue here is geography. Internal audit is very much a service where outputs are closely correlated to input hours. Of course, the quality of staff and management matters, as for any service, as does the technology required to support, for example, the data matching services that can help to identify fraud risks. Nevertheless, the fact remains that, certainly for the more standardised elements of audit services, such as for routine audits into standard systems or investigations into high volume fraud areas like tenancy and housing benefits, input hours will be a significant determinant of outputs.
- 5.7 In this context a shared service offering not based on geographic proximity is likely to add costs and reduce flexibility. This is not just to do with staff travel to work times, but with the ability of staff to work across more than one site in any short period of time to share best practice and gain efficiencies of scale.
- 5.8 The Ealing offer certainly has the benefit of this geographic continuity. An alternative provider could be OneSource, the shared service vehicle between Havering and Newham. This has been considered, but rejected in this instance because of the distances involved, certainly to Romford. Similarly the Richmond and Kingston shared service is based too far away to be likely to be successful. Discussions with other potential partners in the London boroughs have not revealed any significant appetite for adding to existing shared service models.
- 5.9 The Ealing model is established and stable. Circumstances can of course change, but decisions need to be progressed based on the current conditions, and at present Ealing have the model that best suits the rapid achievement of a shared service, as well as the advantage of being geographic neighbours.
- 5.10 A more radical option might be to opt for a very different sort of contract for systems audit and risk services. Some of the accountancy firms are developing offers for internal audit services based on higher day rates and more sophisticated data analysis tools. They claim to be able to provide the same or greater levels of assurance at no increase in overall cost. However, these models are relatively new and adopting one at this stage would be a high risk strategy. It would also almost certainly not be cheaper. Officers propose to keep this under review in line with the proposed re-tendering of the three contracts for April 2016.
- 5.11 From this option appraisal officers believe that the best way to secure the future of the internal audit service at a lower cost is to proceed with the shared service option with Ealing.

6 Governance and risk

- 6.1 The shared service model proposed will need effective governance in place to work. The precise details will be resolved through the legal agreement that will need to be drawn up. They will have to include (and are not in any way contentious with Ealing):
- Rights of access of the joint Chief Internal Auditor to the Chief Executive and Chair of the Audit Committee
 - Briefings for the Chair and other Members of the Audit Committee and attendance at them
 - Regular meetings (at least monthly) with the Chief Finance Officer and Monitoring Officer
 - Regular meetings (at least quarterly) with the Chief Executive
 - Attendance at DMTs or other relevant meetings with Directors, for example to address significant audit findings, assist in audit planning and risk identification and to progress confidential matters
 - Liaison with external auditors as appropriate
 - Assurances as to the level and quality of service to be provided
 - Procedures to follow to address complaints or other issues of service quality, including ultimately Brent's rights to terminate the agreement.
- 6.2 Ad hoc meetings on urgent issues as they arise will of course be required, and the nature of the shared service model proposed, with its reduction in management costs, inevitably poses some risks in the situation where urgent issues arise in two or more authorities at once. These have been managed successfully by Ealing and Hounslow and there is no reason in principle to assume that they could not be extended, and to a large extent the risks simply flow from the reduced management costs, which are being managed across the council.
- 6.3 Officers will need to determine whether Brent's interests would be best protected by formally novating the Mazars contract to Ealing, or delegating only the management of it. (Strictly speaking, the contract is with the London Borough of Croydon, who have let a framework contract which Brent accesses). Novating the contract would mean that Brent would no longer have a formal contractual arrangement with Croydon and Ealing would enter into a contract with them, on the same terms that Brent currently has. Brent's legal agreement with Ealing would then ensure delivery of the services. If the contract management was delegated, without novation, then Brent would continue to hold the legal contract. There are various technical arguments for and against either approach, which officers are resolving, but in either case the continued delivery of the service would be guaranteed.
- 6.4 A nominated point of contact within Brent for day to day contract management issues and for intelligence gathering and briefing will be required. This is proposed to be the Operational Director, Finance. However, the sensitive nature is such that Chief Finance Officer will continue to exercise close personal oversight of the head of internal audit, albeit that this will become a relationship managed under a shared service agreement rather than under an employment contract.
- 6.5 In conclusion, the shared service option with Ealing and Hounslow offers a robust opportunity to reduce costs without introducing significantly greater risks. The shared service could enhance efficiencies and the quality of service offered, for example by allowing economies of scale and sharing of best practice.

- 6.6 The disruption to staff through the transfer would of course need to be carefully handled. However, TUPE will apply with all the protections that implies, and the transfer will be to another local authority rather than to a private company. In the slightly longer term the model should also offer staff better career paths through being part of a larger service.
- 6.7 Above all, from a managerial perspective, it offers the chance to deliver savings in management costs and efficiencies complemented by modest reductions in services, rather than wholesale service reductions and the accompanying significant increase in risk.

7 Financial implications

- 7.1 The gross expenditure budget for the current service is £1.1m, of which £0.8m relates to staffing costs and £0.3m to the internal audit contract. Some amendments to this will be required in 2015/16, to reflect transfers of staff to the Single Fraud Investigation Service earlier in the year
- 7.2 On a like for like basis agreeing this proposal would deliver a saving of approximately £75,000 through sharing the costs of the Chief Internal Auditor.
- 7.3 There are good grounds for assuming that further efficiency savings could be delivered through this arrangement in the future. This could be achieved through more efficient procurement and contract management by achieving economies of scale, for example. Enabling more cross borough working and staff specialisation will also create opportunities for service enhancement.

8 Legal implications

- 8.1 Section 101 Local Government Act 1972 enables an authority to make arrangements for the discharge of its functions by a committee, subcommittee or officer of the authority or by another authority (sections 19 and 20 Local Government Act 2000 deal with executive functions).
- 8.2 Support Services such as Internal Audit Services are classified as non-executive functions under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 SI 2000/2853 as amended (Paragraph I 39 of Schedule 1), as are staffing matters under Section 112 Local Government Act 1972. As a result, the decision regarding delegation of the service needs to be made by a non-executive body, such as full Council.
- 8.3 It should be noted that the arrangements proposed are not intended to amount to a procurement of services which would fall within the scope of the EU Procurement Rules. Instead, Brent is delegating its internal audit function to the London Borough of Ealing and it is the London Borough of Ealing exercising the function on behalf of Brent, rather than agreeing some form of contractual arrangements, similar to those which would pertain with an external provider of internal audit services.
- 8.4 In practice this means that the Chief Internal Auditor is carrying out the audit function on behalf of Brent and the collaboration agreement records the terms upon which costs will be shared and the other practical issues which have been documented for the arrangements. It also means that various roles and responsibilities will need to be reflected in Brent's Constitution which is likely to require amendment as a result of the new arrangements. Until the full details of the legal agreement governing the terms of the delegation are agreed, it is not possible to specify all the changes that may be required to Brent's Constitution.

- 8.5 As detailed in recommendation 2.1, Cabinet approval is sought to extend the existing contract for internal audit services with the current provider. An ability to extend is provided for in the current contract and is permitted under EU Procurement Rules. As detailed in paragraph 6.3, there are ongoing discussions as to whether such contract should be formally novated to the London Borough of Ealing or the London Borough of Ealing should only manage it on Brent's behalf. Irrespective of the option selected, there is still a requirement for Brent to extend the contract prior to its current expiry date of 31 March 2015.
- 8.6 As indicated at paragraph 4.5, staff would transfer to the London Borough of Ealing pursuant to TUPE. When TUPE was first drafted it applied when there was a transfer of a recognisable economic entity. The precise definition of what a recognisable economic entity amounted to was the subject of a huge amount of debate and litigation. The result of that was that some transactions that involved staff transfers, in their non legal meaning, were held not be covered by TUPE. As a result the ambit of TUPE was widened so as to include service provision changes ("SPC").
- 8.7 An SPC has a very wide definition and was designed deliberately on that basis to essentially bring as many transactions within the ambit of TUPE as possible. In this case it seems relatively clear that TUPE would apply as the **"activities cease to be carried out by a person on his own behalf and are carried out instead by another person on the client's behalf..."** This definition is capable of covering a huge amount of situations and the one proposed here is caught, beyond doubt, and as such TUPE is certain to apply.
- 8.8 TUPE as a process is not that difficult to manage but there is a lot of accumulation and tabulation of detail required. Similarly, there are positive duties to inform and consult on various matters that have to be observed as a matter of law. Failure to observe such matters could result in litigation and the potential for compensation to be awarded. As a result it will invariably be the case that the earlier that an HR Manager can be appointed to project manage that process the more successful and smoother that process is likely to be.
- 8.9 As the internal audit function is being delegated to the London Borough of Ealing, Brent will suffer a loss of direct control over the delivery of the internal audit service and the management of staff. In order to mitigate against this, there will be a collaborative agreement setting out in detail governance and service delivery requirements. Appropriate performance management arrangements and exit clauses would be needed to negotiated, as is standard in any such arrangement.
- 8.10 There is no statutory requirement for auditors to be employees of the Council nor is there any statutory requirement for an auditor to be employed by the Council to present evidence at a disciplinary or other hearing. There have been various challenges made to individuals investigating and presenting cases at disciplinary hearings who are not direct employees. However, none of those challenges have ever succeeded, primarily as there is no legal requirement for this to be the case and secondly, because the test is essentially whether it is reasonable to appoint an individual who is not an employee. As long as the individual is competent and able, their employment status is not an issue.

9 Staffing and equalities implications

- 9.1 Staff would be protected by TUPE transfer. The only immediate potential redundancy would be of the Head of Audit and Investigations. Change processes would need to be handled in accordance with policy, including the proposed change of work locations.
- 9.2 Becoming part of a larger team with shared expertise will allow some improvement to staff development opportunities.

Background Papers

None

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Full Council
19 January 2015

**Report from Strategic Director, Regeneration
and Growth**

For Decision

Proposed Local Council Tax Support scheme for 2015/16

1. Summary

1.1 This report sets out:

- 1.1.1 A recommended Local Council Tax Support Scheme for 2015/16 based on the experience from the first two years of the local scheme and continuing to achieve a financially neutral position;
- 1.1.2 The findings from the consultation process;
- 1.1.3 The financial impact of Brent's Local Council Tax Support scheme on Brent, and;
- 1.1.4 A recommendation to undertake a fundamental review of the scheme for 2016/17.

2 Recommendations

2.1 Members of Full Council are asked to consider and approve the following recommendations:-

- 2.1.1 That the Local Council Tax Support Scheme remains unchanged in year 3 of the scheme (2015/16) except for the provisions in paragraph 2.1.4;
- 2.1.2 In approving the recommended scheme for 2015/16, to agree that applicable amounts, allowances and non-dependant deductions (not relating to pensioners) are not uprated in the local scheme;

- 2.1.3 Any upratings to the government-prescribed scheme (i.e. for pension-age claimants) are actioned;
- 2.1.4 That the changes introduced in 2014 for Housing Benefit in respect of EEA nationals is mirrored in the CTS scheme from April 2015;
- 2.1.5 That a fundamental review of the scheme is undertaken during 2015 with the revised scheme having an implementation date of April 2016.

3. Executive summary

- 3.1 Following the abolishment of the national council tax benefit scheme at the end of March 2013, every local authority in England had to implement their own local scheme for awarding Council Tax Support. Together with any savings from technical changes in the council tax scheme itself, approximately 10% (though actually 13.7% in Brent) of the previous income from government subsidies for council tax benefit needed to be found, estimated to be between £5.2M to £6M in Brent.
- 3.2 The scheme that was devised during 2012 was expected to deliver these savings and was also designed to be financially robust enough to be at least a two year scheme. It was expected that significant changes would not be needed during the first few years unless the anticipated savings were not realised or a review of the equalities impact assessment found unintended inequalities in the scheme.
- 3.3 The scheme was amended slightly in 2014/15 to incorporate a full disregard of war disablement and war widows pensions and to move those in receipt of incapacity benefit into the 'vulnerable' category hence giving these residents protection from the 20% minimum contribution.
- 3.3 The scheme has delivered financially during the first two years and there have been no unexpected equalities issues arising from the scheme implementation following an Equalities Impact Assessment carried out in 2013.
- 3.4 The prescribed scheme for pensioners (that the Government insist should be protected in the scheme) will need to be amended to take into account annual uprating figures. It is recommended that the local scheme itself should remain substantially unchanged; this includes not uprating applicable amounts, premiums, disregards, non dependant deductions or other figures that the DWP would have uprated in the old Council Tax Benefit scheme.

Background

4 Main principles of the Local Council Tax Support Scheme

- 4.1 As it is not recommended to modify the local scheme from the 2014/15 scheme, it is not intended to give a full explanation of the thinking behind Brent's local scheme. However, it may be useful to restate the government's key principles for any local scheme as well as our own set of principles which describe our own scheme.
- 4.2 The government's key principles for all authorities are:-
- Pensioner claimants will be protected from any change in their existing CTB award. This may result in the prescribed 10% financial saving falling disproportionately on working-age claimants unless it can be met through other arrangements.
 - Localised CTS schemes must support work incentives which will be introduced through DWP plans for the Universal Credit and that will always seek to make people better off by being in work.
 - LA's must ensure that appropriate consideration has been given to support for other vulnerable groups, including those which may require protection under other statutory provisions including the Child Poverty Act 2010, the Disabled Persons Act 1986 and the Equality Act 2010, amongst others.
- 4.3 The principles of our local council tax support scheme, representing a number of variations to the previous CTB scheme are as follows:-

Principle 1: "Everyone should pay something"

All working age customers (unless defined as protected) are required to pay a minimum element of their Council Tax set at 20%.

Principle 2: "The most vulnerable claimants should be protected" (from the minimum contribution)

Claimants are protected from the 20% minimum contribution if they are entitled to a disability premium or disregard, or in receipt of a Disability Living Allowance, Disabled Persons Reduction for Council Tax purposes, War Disablement Pension and War Widow's Pension or Carers Allowance.

Principle 3: "The scheme should incentivise work"

Incentives to work are achieved by letting claimants who are working keep more of what they earn (before means-testing) – the scheme increases the earnings disregards for Single Person, Couple and Lone Parent earnings by £10 per week (set at £5, £10 and £25 respectively in the old CTB scheme).

Principle 4: "Everyone in the household should contribute"

Other adults in the household ("non-dependants") contribute more proportionately to their income – the scheme doubles the range of non-dependant charges from the 2012/13 CTB scheme charges and

replaces the nil charge in the CTB scheme for Job Seekers Allowance (Income Based) claimants with the lowest charge of £6.60.

Principle 5: “Better off claimants should pay relatively more so that the least well off receive greater protection.”

The scheme increases the taper used in the Benefit calculation for those above the means-test (i.e. whose income exceeds their needs) to 30% from the previous 20% in the CTB scheme.

Principle 6: “Benefit should not be paid to those with relatively large capital or savings”

The scheme reduces the savings cut-off limit to £6,000 from the amount of £16,000 in the CTB scheme.

- 4.4 It is recommended that premiums and personal allowances used to determine basic living needs for a claimant and their family when calculating entitlement to CTS shall again be held at the rates applied in 2013/14. This will help mitigate against the continued reduction in the Rate Support Grant which now includes the funding for Council Tax Support.
- 4.5 Any customer who becomes entitled to Universal Credit will be treated as if on a passported benefit, as described in the scheme for year one. This introduces some financial risk which is detailed below.
- 4.6 In order for there to be consistency in joint claims for Housing Benefit and Council Tax Support, it is recommended that the changes affecting EEA nationals in 2014 for Housing Benefit will now be mirrored in the CTS scheme for 2015/16.
- 4.7 In particular, this means that any new claim for CTS made on or after 01 April 2015 from an EEA jobseeker will be disallowed unless the resident retains their worker status. This will not affect customers who are already receiving CTS unless their circumstances change and any EEA national who is in genuine and effective work will continue to be able to claim CTS.

5 Consultation Arrangements

- 5.1 The consultation for 2013/14 when the scheme was introduced was extensive and consideration was given to all proposals that were received as part of that exercise. Some proposals were taken forward into the scheme itself; for example, the proposal to define as vulnerable those in receipt of carer’s allowance (providing care for another person).
- 5.2 There is only minor amendment recommended for the 2014/15 scheme (and this amendment would affect less than 10 people based on current information), so it was not incumbent of the Council to consult as extensively as for the year one scheme - many authorities chose not

to consult where the scheme is essentially the same as the year one scheme. Further, it is recommended that there will be a fundamental review of the scheme to be undertaken next year and this will be subject to a full consultation process. Nevertheless, Brent thought that it was preferable to seek views on a 'no change' policy.

- 5.3 On this occasion, the consultation was made available only online and e-mails were sent to over 100 key stakeholders including voluntary organisations, advice agencies and housing associations with details of the consultation and how to respond.
- 5.4 The questionnaire is included as Appendix A.

Consultation Responses

- 5.4 The online questionnaire restated the key principles of Brent's Local Council Tax Support scheme and respondents were asked the following questions:-
- With reference to the 6 key principles, please indicate how important these are to you (ranking 1 to 6);
 - To what extent do you agree or disagree with Brent proposing 'No change' in its scheme for 2015/16, except for aligning the rules on EEA nationals claiming benefit to the national legislation that applies to customers claiming Housing Benefit (5 different rankings from strongly agree to strongly disagree);
 - To what extent do you agree or disagree with Brent proposing to align the rules on EEA nationals claiming benefit to the national legislation that applies to customers claiming Housing Benefit (5 rankings from strongly agree to strongly disagree), and;
 - With reference to the proposal to fundamentally review our scheme for 2016/17, two questions were asked. Firstly, do you think that the scheme should be fundamentally reviewed or should the current scheme be continued into 2016/17 and secondly, if the scheme is to be reviewed, are there any particular elements or principles that you think should be incorporated into a new scheme.
- 5.5 There were only 5 responses although this is partly, at least due to the recommendation that the scheme be fundamentally reviewed for 2016/17 with a full consultation taking place.
- 5.6 4 out of 5 respondents felt that protecting the most vulnerable is the most important principle (80%).
- 5.7 Responses to the other questions were mixed. Two respondents strongly agreed that the scheme should remain unchanged, but the other three strongly disagreed. One respondent strongly agreed with the alignment of CTS to national legislation for EEA nationals, but two strongly disagreed; two neither agreed nor disagreed.

- 5.8 Three respondents agree that the scheme needs to be reviewed although one of those considers this should be happening this year. When answering what elements in particular could be reviewed, two respondents specifically mentioned abolishing the 20% minimum contribution, one wanted more work incentives but one felt there shouldn't be a need for the scheme at all (one did not respond to this question).
- 5.9 With such a small response and a variation in responses even amongst this sample, it is recommended not to make any amendments in light of the consultation.

6 Financial Impact

- 6.1 The funding for the Council Tax Support Scheme is no longer separately identified but is included within the Revenue Support Grant. In the first year of the scheme (2013/14) the scheme was funded from a specific government grant of £24.121m and the total Council Tax Support granted was £22.291m (Brent's share).
- 6.2 This indicates a working surplus in year one of the scheme, but this is partly offset by lower collection rates. Furthermore, it was anticipated that a surplus would be needed to mitigate against funding cuts in subsequent years.
- 6.3 For 2014/15, the Revenue Support Grant which now includes funding for Council Tax Support fell by 17.8% so that an indicative figure for CTS funding is £19.835m.
- 6.4 The latest forecast expenditure for CTS in 2014/15 is £26.85m – the Brent share of this is £20.938m (the GLA split is 22.02% in 2014/15) so that there is an indicative deficit this year of just over £1.1m.
- 6.5 The caseload for Council Tax Support is 30,600 and based on current trends, it is anticipated that this will remain fairly static during the next 18 months. If there were no increase in Council Tax for the 2015/16 financial year and assuming the same split between Brent and the GLA, next year's expenditure for Council Tax Support is forecast to be £20.94m. If there was to be a Council Tax rise of 2%, the forecast expenditure in 2015/16 on CTS would be £21.43m.
- 6.6 However, CTS cannot be viewed in isolation to Council Tax setting and collection; it is a Council Tax discount, not a welfare benefit as under the previous national scheme, and as a result has a similar effect on the Council Tax yield as do other discounts and exemptions. In other words it is one of several factors, including non-collection, which will reduce the net yield from the Council Tax levied. In Brent, taking account of all factors, including the current CTS scheme, approximately £0.8M will be raised for every 1% Council Tax increase.

7 Risks associated with not changing the scheme in year 3

7.1 There are financial risks of keeping the scheme unchanged in 2015/16 and these are as follows:-

7.1.1 The actual caseload and associated expenditure due to caseload variances are unknown. Estimates are based on current trends but the caseload may increase or fall within the lifetime of next year's scheme.

7.1.2 The impact of Universal Credit (UC) remains unclear. It was decided for years one and two to treat anyone in receipt of UC as a 'passported' case so that customers in this position would be treated as if they were receiving Income Support, JSA (Income Based) or ESA (income related) and this is carried into year 3. Currently, the indications are that there will not be any widespread rollout of UC in Brent before 2016, however, if the UC programme does start affecting Brent residents on benefits other than 'passported' ones during 2015/16, their entitlement will be more than if they were on 'standard' (i.e. means-tested) CTS.

7.1.3 Although collection rates for 2014/15 are at levels consistent with the financial model put forward (they are at the top end of the forecast amount), actual full year collection for customers affected during year 2 will not be known until next year. As there is no additional help that can be given if customers are struggling to keep up with their payments, there is a risk that collection will fall during 2015/16 as some customers try and pay arrears from the previous years.

8 Proposal for a scheme review in 2016/17

8.1 Although the current scheme has satisfied the financial objectives during the first two years and is robust enough to continue to meet these objectives during 2015/16, there are increasing budgetary pressures that mean it may be necessary to review the scheme for 2016/17.

8.2 Additionally, many residents who do not fall into a protected category may be finding it increasingly hard to meet their financial commitments as they continue to be liable for at least 20% of their council tax bill.

8.3 In order to meet the dual objectives of financial robustness whilst at the same time being as fair as possible in attempting to help vulnerable residents, it is proposed to fundamentally review the scheme for implementation in 2016/17.

8.4 Because of the large amount of work involved, the work to review the scheme will need to commence in January 2015.

9. Equalities Impact Assessment

9.1 This is included as Appendix B in this report. However, the EIA has not identified any adverse impacts in the first year of operation. Prior to the first year implementation, potential adverse impacts were identified for the Asian ethnic group and for older working-age claimants, though these were accepted as justifiable consequences of the policy intention within the scheme.

10 Legal implications of the recommended scheme

10.1 In relation to the content that must be set out in a Council tax reduction scheme, that is currently set out in section 10 of the Local Government Finance Act 2012 and in clause 1 of Schedule 4 which inserts Schedule 1A to the Local Government Finance Act 1992 (“LGFA 1992”). Under these provisions, a Council Tax Reduction / Support scheme must state the following:

- (1) A scheme must state the classes of persons who are to be entitled to a reduction under the scheme;
- (2) A scheme must set out the reduction to which persons in each class are to be entitled (and different reductions may be set out for different classes);
- (3) A scheme must state the procedure by which a person may apply for a reduction under a scheme;
- (4) A scheme must state the procedure by which a person can make an appeal under section 16 of the LGFA 1992 against any decision of the authority which affects (a) the person’s entitlement to a reduction under the scheme, or (b) the amount of any reduction to which the person is entitled;
- (5) A scheme must state the procedure by which a person can apply to the authority for a reduction under section 13A(1)(b) of the LGFA 1992.

10.2 As for stating the classes of people who are to be entitled to a reduction under a scheme, classes may be determined by reference to the following:

- (i) The income of any person liable to pay council tax on the authority in respect of a dwelling;
- (ii) The capital of any such person;
- (iii) The income and capital of any other person who is a resident of the dwelling;
- (iv) The number of dependants of any person within paragraph (i) or (iii) above;
- (v) Whether the person has made an application for the reduction.

- 10.3 As for stating the reduction to which persons in each class are to be entitled and if different reductions are set out for different classes, a reduction may include the following detail:
- (a) A discount calculated as a percentage of the amount which would be payable apart from the scheme;
 - (b) A discount of an amount set out in the scheme or to be calculated in accordance with the scheme;
 - (c) Expressed as an amount of council tax to be paid (lower than the amount which would be payable apart from the scheme) which is set out in the scheme or is to be calculated in accordance with it; or
 - (d) The whole amount of council tax (so that the amount payable is nil).
- 10.4 The Local Government Act 2012 states that for each financial year, Councils must consider whether to revise its Council Tax Reduction / Support scheme or replace it with another scheme and that such decisions need to be made by 31 January in the financial year preceding that for which the revision or replacement scheme is to take effect. If any revision to a scheme (or any replacement scheme) has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision in relation to that reduction or removal as the Council thinks fit. The Local Government Act 2012 states that Full Council has to make the final decision to revise or replace its Council Tax Reduction / Support Scheme.
- 10.5 The Local Government Act 2012 states that the Council must consult with the GLA, which is a precepting authority, when preparing or revising or replacing a Council tax reduction scheme and that thereafter, the Council must publish a draft Council Tax reduction scheme and then consult with other such persons who are likely to have an interest in the operation of such a scheme. Thereafter, the Council (i.e. Full Council) has to make a decision to revise its Council Tax Support scheme by 31 January 2014 which will then be effective from April 2014.
- 10.6 In addition to the Public Sector Equality Duty, which is discussed below, the Department for Communities and Local Government has advised that the following should also be taken into account when setting up a Council Tax Reduction Scheme:
- Child Poverty Duty under the Child Poverty Act 2010;
 - Homelessness Act 2002;
 - Armed Forces Covenant;
 - Chronically Sick and Disabled Persons Act 1970,
 - Disabled Persons (Services, Consultation and Representation) Act 1986,
 - and the Children Acts 1989 and 2004.

The above-mentioned legislation was referred to and considered in the report to Full Council on 10 December 2012 when Full Council decided to make and approve the proposed local Council tax support scheme for 2012/13. As only minor amendments are being proposed for the local scheme for 2014/15 and as no changes are proposed for the main principles of the local scheme for 2014/15, the legal implications regarding the above-mentioned legislation as set out in the report to the Full Council meeting of 10 December 2012 will not be repeated in this report.

- 10.7 The public sector equality duty, as set out in section 149 of the 2010 Act, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic
- 10.8 The “protected characteristics” are: age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.
- 10.9 Having “due regard” to the need to “advance equality of opportunity” between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimise disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and to encourage those who have a protected characteristic to participate in public life. The steps involved in meeting the needs of disabled persons include steps to take account of the persons’ disabilities. Having due regard to “fostering good relations” involves having due regard to the need to tackle prejudice and promote understanding.
- 10.10 The Council’s duty under section 149 of the Equality Act 2010 is to have “due regard” to the matters set out in relation to equalities when considering and making decisions on the provision of localised council tax support for the area of Brent. Due regard to the need to eliminate discrimination, advance equality and foster good relations must form an integral part of the decision making process. When the decision comes before the Executive, Members of the Executive must consider the effect that implementing a particular policy will have in relation to equality before making a decision. An Equality Impact Assessment will assist with this.
- 10.11 There is no prescribed manner in which the equality duty must be exercised, though producing an Equality Impact Assessment is the

most usual method. The Council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and interest groups and by gathering detail and statistics on who claims Council tax benefit and who benefits from certain discounts and exemptions which may be under consideration for changing.

10.12 The Equality Impact Assessment is set out in Appendix B to this report.

Appendices

Appendix A – Consultation Questionnaire

Appendix B – Equalities Impact Assessment

For more details please contact

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Local Council Tax Support Questionnaire 2015/16

Introduction

Council Tax Support replaced Council Tax Benefit from April 2013. Local authorities have to operate a Council Tax Support scheme to help people on Benefits and low income pay their Council Tax liability but are free to design the help they give to working age people in any way they see fit. Pensioners are protected from any loss of benefit and have to receive the same amount as they would have if Council Tax Benefit still existed.

By law each financial year the Council must consider whether to revise or replace its scheme and any revision or replacement must be made by 31 January in the preceding financial year to that which it is to take effect. This means the Council must consider any revision or replacement to its current scheme by 31 January 2015. This decision must be taken by Full Council. If Full Council does not adopt a revised scheme by 31st January 2015, the current scheme continues to apply for the following financial year.

The statutory consultation requirements apply to an authority when revising a scheme as it applies to an authority when making a scheme. The Council is required to publish a revised draft scheme in such a manner as it sees fit and to consult major Precepting authorities (in Brent's case the Greater London Assembly) and other persons as it considers likely to have an interest in the scheme.

Council Tax Benefit used to be fully funded by the Department for Work and Pensions. When the Council Tax Support was introduced in 2013 a new fixed grant was made available to local authorities based on 90% of a local authority's expenditure on Council Tax Benefit in the year 2011/12. This 10% Support in funding posed significant financial difficulties and risk in modelling what the expenditure would be for 2013/14 coupled with uncertainties about the numbers who might claim the new Support.

Following a public consultation, Brent designed a two year scheme for working age claimants following six key principles, restated below.

Should we change our Council Tax Support Scheme in 2015?

Our Council Tax Support scheme was designed to work with the Government's welfare reform agenda. It offers more support for those who are working, enhanced levels of support for the disabled and it protects pensioners. Our scheme is designed to reward work and protect the vulnerable.

Brent Council is proposing to make no changes to the current scheme (operating in 2014/15) other than to:

- Align the rules on EEA national claiming benefit to the national legislation that applies to customers claiming Housing Benefit. Currently, there are a very small number of residents who cannot claim Housing Benefit but may be eligible to claim Council Tax Support.
- Up-rate the allowances, premiums and non-dependent deductions for pensioners as prescribed for 2015-16.

However, whilst it is proposed to leave the Council Tax Support scheme largely unchanged for 2015/16, Brent is also proposing to commit to a fundamental review of Council Tax Support to be carried out during 2015 for implementation on 01 April 2016. This review will consider all aspects of the current scheme and will not be restricted to amending one or more of Brent's principles (see below). The options considered will include making savings in other Council budgets to allow the scheme to be more generous include the removal of the minimum contribution (principle one below).

We want your views on these proposals, including our commitment to a fundamental scheme review for 2016/17.

The new scheme will start from 1 April 2015.

Local Authorities have a statutory duty to run a scheme to provide for Council Tax support in their area

- Local Authorities must carry out a public consultation when making or revising their proposed scheme
- There must be no change in the current level of award for pensioners
- Local Authorities should also consider supporting other vulnerable groups and have regard to:
 - the public sector Equality Duty (*The Equality Act 2010*);
 - the duty to mitigate effects of child poverty (*The Child Poverty Act 2010*);
 - the duty to prevent homelessness (*The Housing Act 1996*).
 - Local schemes should support work incentives, and in particular avoid disincentives to move into work

CTS Schemes

By law each Council has to run a CTS scheme. Depending on the age of the applicant or their partner they may have their entitlement to support assessed under different rules.

- **Pension Credit Age (100% scheme)**

The Government has said that people of Pension Credit age must have their CTS award based on 100% of their Council Tax liability. However, they may still have to make some payments depending on their income and other circumstances.

- **Working Age (WA scheme)**

If a person is not of Pension Credit age they will be on the Council's Working Age (WA) scheme and their CTS will be determined by the rules of that scheme.

The rules for Pension Credit CTS recipients are laid down by the government and closely follow the old Council Tax Benefit regulations. Each Council is free to make its own rules for its Working Age CTS scheme and to decide the maximum amount of help a person on their Working Age scheme might get.

When adopting a local scheme, the Council needs to consider how the scheme will help to deliver local priorities within available resources. The estimated funding for 2014-2015 is £24,124,000.

Brent's Principles

Our current scheme is based on a set of key principles:

Principle 1: “Everyone should pay something”

Claimants (unless defined as protected) will be required to pay a minimum contribution to their Council Tax – set in the scheme at 20%.

Principle 2: “The most vulnerable customers should be protected” (from the minimum contribution of 20%)

Claimants will be protected from the 20% minimum contribution if they are entitled to a disability premium or disregard, or in receipt of a Disability Living Allowance, Carers Allowance, Disabled Persons Reduction for Council Tax purposes, War Disablement Pension and War Widow's Pension.

Principle 3: “The scheme should incentivise work”

Incentives to work will be achieved by letting claimants who are working keep more of what they earn (before the benefits means-test is applied) – the scheme therefore has an increase of £10 per week in the amounts that claimants are allowed to keep for Single Person, Couple and Single Parent earnings (under CTB was set at £5, £10 and £25).

Principle 4: “Everyone in the household should contribute”

Other adults in the household living with the claimant other than a partner should contribute more proportionately to their income – the scheme therefore doubled the CTB range of deductions charged for these adults from the 2012/13 charges and replaced the current nil charge for other adults on Job Seekers Allowance (Income Based) with the lowest charge of £6.60.

Principle 5: “Better off claimants should pay relatively more so that the least well off receive greater protection.”

The scheme increased the taper (this is a percentage of the difference between your weekly income and the weekly amount you need to live on applied in the means test) from 20% to 30%. This means that a claimant's CTS entitlement will reduce by 30p for every pound by which their income exceeds the amount they need to live on.

Principle 6: “Benefit should not be paid to those with relatively large capital or savings”

The scheme has a savings limit of £6000.

Other General Features of our scheme:

1. The Second Adult rebate scheme for working age claimants is not included in our scheme.

2. Premiums and personal allowances for working age (WA) will be held at the rates applied for 2012/13 to determine basic living needs for a claimant and their family.

What Happens Next?

Please complete Section A to give your views on our proposals. Section B is optional but will help Brent in analyzing the results of the consultation exercise and improving future consultations; it would be helpful if you could complete these section even if you do not wish to give your contact details.

The information from this consultation will be used by the council to assist in making its decision on the scheme to be operated. The results from the consultation will be published on our website. The final decision on the scheme will be made by the Council no later than 31st January 2015.

Brent Council is undertaking this consultation between the period 19th November 2014 and 17th December 2014.

Section A – Key Principles and Features

1. With reference to the 6 key principles listed above, please indicate how important these are to you? (*Please rank each area according to importance : 1 being most important and 6 being least important*)

Principle 1: “Everyone should pay something” []

Principle 2: “The most vulnerable claimants should be protected” (from the minimum contribution) []

Principle 3: “The scheme should incentivise work” []

Principle 4: “Everyone in the household should contribute” []

Principle 5: “Better off claimants should pay relatively more so that the least well off receive greater protection.” []

Principle 6: “Benefit should not be paid to those with relatively large capital or savings”. []

2. To what extent do you agree or disagree about Brent proposing “No Change” in its CTS scheme for 2015-16, except for aligning the rules on EEA national claiming benefit to the national legislation that applies to customers claiming Housing Benefit (see question 3)?

<u>Strongly Agree</u>	<u>Agree</u>	<u>Neither agree nor disagree</u>	<u>Disagree</u>	<u>Strongly Disagree</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. To what extent do you agree or disagree about Brent proposing to align the rules on EEA national claiming benefit to the national legislation that applies to customers claiming Housing Benefit in our CTS scheme for 2015-16?

<u>Strongly Agree</u>	<u>Agree</u>	<u>Neither agree nor disagree</u>	<u>Disagree</u>	<u>Strongly Disagree</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. With reference to the proposal to fundamentally review our scheme for 2016/17, we seek your view on the following:-
- a. Do you think that the scheme should be fundamentally reviewed or should the current scheme be continued into 2016/17?
 - b. If the scheme is to be reviewed, are there any particular elements or principles that you think should be incorporated into a new scheme?

a).

b).

Section B - About you

This information is being collected anonymously and will only be used for the purpose of improving Brent's consultation service. If you wish to be contacted in connection with your response, you may give your contact details in below. If you are responding on behalf of an organisation, please complete section C

Name:

Address:

Email:

Telephone number/s

Some basic facts about you (please tick yes or no) Yes No

Do you live in Brent?		
Do you pay Council Tax to the London Borough of Brent?		
Are you currently receiving housing benefit or council tax support in Brent?		

1. Are you? Please tick one

- A pensioner
- A student
- Employed Full Time
- Employed Part Time
- Unemployed
- Disabled

2. If you are in a relationship, please tick one of the following:

- Living as a couple
- Married
- Civil Partnership
- Prefer not to say

3. What is your age? Please tick one

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-60
- 61+
- Prefer not to say

4. Please indicate your sex:

Female Male Prefer not to say

5. Is your gender identity the same as the gender you were assigned at birth?

Yes No Prefer not to say

6. Please state your ethnicity by ticking one of the below:-

- | | |
|--|---|
| <input type="checkbox"/> Asian or Asian British: Bangladeshi | <input type="checkbox"/> Mixed/Dual Heritage: White and Asian |
| <input type="checkbox"/> Asian or Asian British: Chinese | <input type="checkbox"/> Mixed/Dual Heritage: White and Black African |
| <input type="checkbox"/> Asian or Asian British: Indian | <input type="checkbox"/> Mixed/Dual Heritage: White and Black Caribbean |
| <input type="checkbox"/> Asian or Asian British: Pakistani | <input type="checkbox"/> Any other Mixed/Dual Heritage Background |
| <input type="checkbox"/> Any other Asian or Asian British background | <input type="checkbox"/> White: British/ English/ Welsh/ Scottish/ Northern Irish |
| <input type="checkbox"/> Black or Black British: African | <input type="checkbox"/> White: Irish |
| <input type="checkbox"/> Black or Black British: Caribbean | <input type="checkbox"/> White: Gypsy or Irish Traveller |
| <input type="checkbox"/> Black or Black British: Somali | <input type="checkbox"/> White: Other |
| <input type="checkbox"/> Any other Black or Black British background | <input type="checkbox"/> Other Ethnic Groups: Afghan |
| <input type="checkbox"/> Any other Ethnic background | <input type="checkbox"/> Other Ethnic Groups: Arabic |
| <input type="checkbox"/> Prefer not to say | <input type="checkbox"/> Other Ethnic Groups: Eastern European |
| | <input type="checkbox"/> Other Ethnic Groups: Turkish |

7. What is your sexual orientation?

- | | |
|--|---|
| <input type="checkbox"/> Bisexual | <input type="checkbox"/> Heterosexual/Straight |
| <input type="checkbox"/> Gay man | <input type="checkbox"/> Prefer not to say |
| <input type="checkbox"/> Gay woman / Lesbian | <input type="checkbox"/> Other (please specify) |

8. What is your religion/belief?

- | | |
|------------------------------------|--|
| <input type="checkbox"/> Buddhist | <input type="checkbox"/> Muslim |
| <input type="checkbox"/> Christian | <input type="checkbox"/> Sikh |
| <input type="checkbox"/> Hindu | <input type="checkbox"/> No religious belief |
| <input type="checkbox"/> Jewish | <input type="checkbox"/> Other religion |
| | <input type="checkbox"/> Prefer not to say |

Section C – about your organisation (optional):

1. Are you responding to this consultation in your capacity as a representative of any of the following?

- | | | | | |
|------------------------|-----|--------------------------|----|--------------------------|
| Voluntary Organisation | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Housing Association | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Landlord | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Other | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

Please tell us your details

Name:

Address:

Email:

Telephone number/s

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Local Council Tax Support

Department

Regeneration and Growth

Person Responsible

Sarah Kaiser

Created

8th January, 2015

Last Review

1st January, 2014

Status

Assessed

Next Review

8th January, 2016

Impact Assessment Data

5. What effects could your policy have on different equality groups and on cohesion and good relations?

5.1 Age (select all that apply)

- Neutral

No change to the scheme affecting this group.

5.2 Disability (select all that apply)

- Neutral

No change to the scheme affecting this group.

5.3 Gender identity and expression (select all that apply)

- Neutral

No change to the scheme affecting this group.

5.4 Marriage and civil partnership (select all that apply)

- Neutral

No change to the scheme affecting this group.

5.5 Pregnancy and maternity (select all that apply)

- Neutral

No change to the scheme affecting this group.

5.6 Race (select all that apply)

- Negative

Any new claim for Council Tax Support after 01 April 2015 from job seekers of an EEA country who do not have retained worker status would be disallowed. Based on customers receiving benefit under the current scheme who fit this category, the number affected is less than 10.

5.7 Religion or belief (select all that apply)

- Neutral

No change to the scheme affecting this group.

5.8 Sex (select all that apply)

- Neutral

No change to the scheme affecting this group.

5.9 Sexual orientation (select all that apply)

- Neutral

No change to the scheme affecting this group.

5.10 Other (please specify) (select all that apply)

- Neutral

No change to the scheme affecting this group.

6. Please provide a brief summary of any research or engagement initiatives that have been carried out to formulate your proposal.

What did you find out from consultation or data analysis?

Were the participants in any engagement initiatives representative of the people who will be affected by your proposal?

How did your findings and the wider evidence base inform the proposal?

The proposal was open for consultation on the consultation portal between 19/11/14 and 17/12/14. In addition, comments were invited from over 100 stakeholders.

There were 5 responses to the consultation; 3 strongly agreed with the proposal to align the rules on EEA nationals to the national scheme (i.e. to disallow new claims from EEA job seekers from 01 April 2015 onwards) and 2 did not express a view either way.

7. Could any of the impacts you have identified be unlawful under the Equality Act 2010? Prohibited acts include direct and indirect discrimination, harassment, victimisation and failure to make a reasonable adjustment.

- No

8. What actions will you take to enhance the potential positive impacts that you have identified?


Not applicable

9. What actions will you take to remove or reduce the potential negative impacts that you have identified?

Because of the very small number of customers potentially affected and the fact that the change aligns the scheme both with the prescribed council tax support scheme and the national housing benefit scheme, it is not considered necessary to take any action in respect of the change except to publicise this on the council's website.

10. Please explain how any remaining negative impacts can be justified?

See question 9.

 <p>Brent</p>	<p align="center">Full Council 19 January 2015</p> <p align="center">Report from the Deputy Monitoring Officer Legal and Procurement</p>
<p>For Action</p>	<p align="right">Wards Affected: ALL</p>
<p>Updates to the Constitution</p>	

1.0 Summary

- 1.1 Members periodically review the Codes and Protocols which form part of the Constitution and which set out standards of conduct for members and for the Council generally. The Protocol for Member/Office Relations and the Local Code of Corporate Governance have been reviewed and some amendments are proposed to those documents. This report also proposes some minor amendments in relation to Contract Standing Orders concerning the procurement of Low Value Contracts.

2.0 Recommendations

That Members

- 2.1 agree the changes made to the Protocol for Member/Officer relations attached as **Appendix 1**
- 2.2 agree the changes made to the Local Code of Corporate Governance attached as **Appendix 2**.
- 2.3 agree the changes to the Contract Standing Orders attached as **Appendix 3**

3.0 Detail

Protocol for Member/Office Relations

- 3.1 The Protocol for Member/Officer Relations sets out the separation of roles between members and officers. It forms part of the various Codes for members' conduct and failure to comply with the Protocol could

result in an allegation of breach of the Code of Conduct which may be investigated and reported to the Standards Committee. There is a similar Code of Conduct in relation to Officers which can result in disciplinary proceedings. The minor changes to the Protocol shown as track changes in **Appendix 1** are to clarify the status of the document and ensure that the Codes for officers and members are consistent and clear. The proposed changes to this Protocol were considered by the Standards Committee on 9th December 2014 when members of that committee discussed the Protocol and endorsed the changes proposed at that time. Since that meeting officers have further considered the wording at paragraph 10.2 bullet point two, and have made a subsequent suggested amendment. It is proposed that it reads 'staffing problems' rather than 'work problems' (as was the wording before the Standards Committee), so as to remove any ambiguity and provide greater clarity. It is proposed that the same change be made to the officer Code. The Protocol for Member/Office Relations forms part of the Council's Constitution and members are asked to agree the changes shown in **Appendix 1**.

Local Code of Corporate Governance

- 3.2 Councils must be able to demonstrate compliance with the principles of good governance. To assist in developing the approach to good governance, CIPFA/SOLACE issued *Delivering Good Governance in Local Government: Framework* and an accompanying guidance note in 2007. CIPFA/SOLACE has since issued an addendum and updating guidance. The 2012 guidance note provided

The overall aim is to ensure that resources are directed in accordance with agreed policy and according to priorities; that there is sound and inclusive decision making; and that there is clear accountability for the use of those resources, in order to achieve desired outcomes for service users and communities.

- 3.3 The Framework urges each local authority to test its approach by reviewing its governance arrangements, developing and maintaining an up to date local code of governance and reporting publically on compliance and any changes required.
- 3.4 The Audit Committee receives and considers the Council's Annual Governance Statement in which the Council reviews and publically reports on its compliance with the principles and requirements set out in the Code and identifies any areas for improvement. The Audit Committee considered the 2013/14 Annual Governance Statement at its meeting on 26th June 2014 where the Council's compliance was tested against the revised criteria set out in the updated CIPFA/SOLACE guidance.

- 3.5 It is proposed that the revised and updated Local Code of Corporate Governance attached as **Appendix 2**, which takes into account and reflects the principles and requirements set out in the more recent guidance, should replace the Code currently included in the Constitution which no longer represents the up to date position. The proposed changes to this Code were considered by the Standards Committee on 9th December 2014 when members of that committee discussed the Code and endorsed the changes shown in **Appendix 2**. The Code forms part of the Council's Constitution and members are asked to agree the changes.

Contract Standing Orders

- 3.6 This report proposes some minor amendments in relation to Contract Standing Orders concerning the procurement of Low Value Contracts as shown at **Appendix 3**.
- 3.7 Officers use the Council's Electronic Tender Facility (currently the Due North System) for tendering the vast majority of Medium Value and High Value Contracts. This facility has proved an efficient and effective way of procuring contracts. Once registered on the Council's Electronic Tender Facility, a provider is automatically alerted to any tender in a subject area that may be of interest, making it easier for small or medium enterprises to keep abreast of contractual opportunities. Such systems are widely used by local and central government and have been accepted by tenderers. In view of the benefits of using the Electronic Tender Facility, Officers have increasingly used the Electronic Tender Facility to seek quotes for Low Value Contracts without encountering any significant issues. It is considered that the use of the Electronic Tender Facility for seeking quotes for Low Value Contracts should therefore be mandatory save where the Council's Procurement Officers do not consider the use of the Electronic Tender Facility is necessary or appropriate. To this end an amendment to Contract Standing Order 86 (b) is proposed.
- 3.8 A further amendment to Contract Standing Order 86 (b) is proposed in relation to seeking quotes from local providers for Low Value Contracts. The majority of the Council's spend with third parties is in relation to Medium Value and High Value Contracts which in most cases are subject to the Public Contracts Regulations 2006 (as amended) and must be procured in accordance with such Regulations which require, amongst other matters, advertisement in the Official Journal of the European Union. For Low Value Contracts that are not subject to cross border interest however, the Council has the ability to select those providers it wishes to seek quotes from. When procuring a Low Value Contract Officers are required to seek at least 3 quotations. Officers consider that this provides an opportunity to give local individuals and organisations in Brent an opportunity to bid for Council

contracts and it is proposed to amend Contract Standing Order 86 (b) to require Officers to seek, at least one of those quotes, from a local provider when procuring Low Value Contracts except where the Council's Procurement Officers do not consider this to be necessary or appropriate. A definition of a "Local Brent Provider" is included in the definitions at Contract Standing Order 82 namely, "A party that provides services, supplies or works and that is based or has a local office situate in a postcode area falling within the London Borough of Brent."

4.0 Financial Implications

4.1 This report contains no specific financial implications.

5.0 Legal Implications

5.1 Regulation 4 of the Accounts and Audit Regulations 2011 requires the Council to review its system of internal control, to have those findings considered by the Council, or a committee of the Council (in Brent this function is delegated to the Audit Committee) and to publish an Annual Governance Statement to accompany the accounts.

6.0 Diversity Implications

6.1 This report contains no specific diversity implications.

7.0 Staffing Implications

7.1 This report contains no specific staffing implications.

Background papers

Brent Council Constitution

Should any person require any further information about the issues addressed in this report, please contact Kathy Robinson, Senior Corporate Solicitor, on telephone number 020 8937 1368.

Fiona Alderman
Principal Lawyer Social Services and Deputy Monitoring Officer
Legal and Procurement Department

PROTOCOL FOR MEMBER/OFFICER RELATIONS

1. INTRODUCTION

- 1.1. The purpose of this Protocol is to guide members and officers of the Council in their relations with one another.
- 1.2. This Protocol forms part of a series of Codes which are set out in the Constitution. Members are reminded that breach of this protocol could result in action being taken against that member under the Members' Code of Conduct which can include investigation and reports to the Council's Standards Committee. Officers are also bound by this protocol and breaches by officers are addressed under the Council's disciplinary processes.
- 1.3. Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues that may arise.
- 1.4. This protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.5. This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers ~~(once in force)~~. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and as such demand very high standards of personal conduct.

2. RELATIONS BETWEEN MEMBERS AND OFFICERS

- 2.1 Members and officers should at all times treat each other with respect and courtesy. It is essential for the operation of the Council that there is a close working relationship, built on mutual respect, between members and officers.
- 2.2 It is clearly important that there should be a close working relationship between the ~~Chair of a committee or sub-committee or Leader, the~~ Cabinet Members or Chair of a committee or sub-committee and the Chief Officers and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other members and other party groups or with Council business generally.
- 2.3 Officers are not obliged to attend members' surgeries and it is recommended that they do not.
- 2.4 Whilst the Leader of the Cabinet or Chair of a committee (or sub-committee) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations a Chief Officer will be under a duty to submit a report on a particular matter. Similarly, a Chief Officer will always be fully responsible for the contents of any reports submitted in his/her name. Any issues arising between the Leader or a Chair and a Chief Officer in this area should be referred to the Chief Executive for resolution.

3. OFFICER ADVICE TO PARTY GROUPS

- 1.1. It is common practice for party groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups.
- 1.2. The support provided by officers can take many forms, ranging from a briefing meeting with the Leader of the Cabinet, Cabinet member, or a committee chair to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- 1.3. Certain points must however be clearly understood by members and officers alike. In particular:
 - (a) officer support in these circumstances must not extend beyond providing information and advice in relation to matters of *Council* business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not invited expected to be present nor attend at meetings, or parts of meetings, when matters of *party* business are to be discussed;
 - (b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - (c) similarly, where officers provide information and advice to party group meetings in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council or the Cabinet or a relevant committee or sub-committee thereof, when the matter in question is considered.
- 3.4 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Brent Members Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a members only meeting.
- 3.5 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group. Similarly, members should not disclose confidential or exempt information to other persons, including other members and non-members who may not be entitled to receive that information.
- 3.6 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

4 SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS

- 4.1 The only basis upon which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc) to members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.
- 4.2 Members should not seek, and officers should not provide, support or assistance for any other purpose, including political purposes.

5 CORRESPONDENCE

- 5.1 It should not normally be necessary for an officer to copy correspondence between an individual member and the officer to any other member. Where, exceptionally, it is necessary to copy the correspondence to another member, this should be made clear to the author of the original correspondence.
- 5.2 Official letters on behalf of the Council should be sent out under the name of the appropriate officer rather than a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear under the name of a member, but this should be the exception rather than the norm. This would normally be in the name of the Leader or other Cabinet member.
- 5.3 Members should not write letters which create obligations or give instructions on behalf of the Council.
- 5.4 Members should not coerce officers to send particular correspondence or to write or refrain from writing a particular statement.
- 5.5 The Council's logo may be used on correspondence from members but only where the correspondence relates to Council business. Guidance on letterheads and the use of the Council's logo will be issued from time to time and members should comply with that guidance. Members should also be familiar with the Code of Practice on Local Authority Publicity (~~see below~~) which may be relevant.

6 INVOLVEMENT OF WARD COUNCILLORS

- 6.1 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the ward or wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward members should be notified at the outset of the exercise.

7 PRESS RELEASES AND PUBLICITY

- 7.1 Press releases issued by the Council's [Head Director](#) of Communications may contain quotes from ~~the appropriate Chair of committees or the Leader, Cabinet Members, or the appropriate Chair of committees.~~ Press releases will be confined to factual information and an explanation of agreed Council policy. Where the press make a request for political comments this will be referred to the relevant party spokesperson(s).
- 7.2 The Members of the Cabinet relevant chairs and vice-chairs and group spokesperson(s) will be sent copies of Council press releases when they are

published. Where Council press releases relate solely to a specific ward issue the ward members will also receive a copy of the press release when it is issued.

7.3 Any press release issued by the Council under the above arrangements will comply with the Local Government Act 1986 and the Code of Practice on Local Authority Publicity, and in particular:

- must have the principal purpose of explaining or commenting upon Council policy;
- must be factually correct; and
- must not include materials the main effect of which is party political (i.e. designed to affect public support for a political party).

7.4 Special care in relation to press releases and publicity should be taken during the pre-election period. Members and officers should pay particular attention to any guidance issued on this point by the Monitoring Officer, Chief Executive or other relevant officer(s).

7.5 Members of the Council may respond to requests for press, radio and television interviews, but these will be given in a personal capacity and will be the personal responsibility of the member concerned. Where a formal Council view is requested this will be referred by the Head Director of Communications to ~~the appropriate committee Chair, or~~ the Leader of the Cabinet, the appropriate Cabinet member, or the appropriate committee Chair.

7.6 The recognised channel for press approaches to the Council is through the Head Director of Communications. At his/her discretion, officers may deal with any request for information or questions asked by the press, television or radio, and may accept invitations to broadcast or appear on television in order to give the facts of a situation or explain the Council's practices. It is important that the relevant senior officer(s) is involved in signing off any draft response prepared. The Leader of the Cabinet, Cabinet member, or relevant chair will be informed as soon as practicable.

7.7 When press conferences or media events setting out agreed Council policy are arranged, ~~the relevant chair, vice-chair, Leader of the Cabinet~~ and other members of the Cabinet, or the relevant chair and vice-chair of the committee, will be invited to attend.

7.8 Members should not coerce officers into issuing publicity or organising events which would, or might, contravene the rules on political publicity.

8. VISITS

8.1 Any arrangements for visiting relevant Council establishments shall be available to relevant party spokesperson(s) on an equal basis.

9. DIRECTIONS TO STAFF

9.1 Members ~~other than Cabinet Members,~~ should not issue any instruction to officers to do or to refrain from doing anything. There are exceptions to this in relation to the Leader and members of the Cabinet where the issue relates to Council policy or business and are executive matters. This general rule shall not however, This shall not prevent committee chairs from requesting officers to make arrangements or provide documents in respect of meetings of which they are chair.

9.2 Members should not make statements to staff whether verbally or in writing which could be construed as amounting to a suspension, dismissal or disciplinary action nor do anything which could amount to constructive dismissal.

10 STAFF APPROACHES TO MEMBERS

10.1 It is important that appropriate boundaries of behaviour and proper communication channels are maintained at all times which reflect the respective roles of officers and members in the Council.

10.2 The Brent Council officers' Code of Conduct sets out standards of behaviour for officers, breach of which can lead to disciplinary action. Included in that Code are the following restrictions on officers' interaction with Members

- do not canvass members on employment related matters nor seek to influence members prior to any meetings of the Senior Staff Appointments Sub Committee or Staff Appeals Sub Committee, other than in the context of giving proper professional advice
- do not take up any staffing problems or issues with members.

Any such approaches from officers or ex officers of the Council to a Member should be referred by the member to the HR Director.

110. CODE OF CONDUCT AND CODES OF PRACTICE

110.1 Members must adhere to the Brent Members Code of Conduct, the Planning Code of Practice and the Licensing Code of Practice at all times and the 40 general principles of conduct set out in the Localism Act 2011 namely:

- Selflessness;
- ~~Honesty and~~ Integrity;
- Objectivity;
- Accountability;
- ~~Openness;~~
- ~~Honesty~~
- ~~Personal Judgement;~~
- ~~Respect for Others;~~
- ~~Duty to Uphold the Law;~~
- ~~Stewardship; and~~
- ~~Leadership.~~

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Local Code of Corporate Governance

Introduction

Each local authority operates through a governance framework. The governance framework is an interrelated system that brings together an underlying set of legislative requirements, standards of behaviour, and management processes.

Good governance means that the way a local authority operates is based on sound and transparent decision making with an effective process to support it.

This Code sets out the Council's governance framework. It is based on Guidance issued by the Chartered Institute of Public Finance and Accountancy ('CIPFA') and the Society of Local Authority Chief Executives ('SOLACE') that was originally published in 2007 entitled *Delivering Good Governance in Local Government* and which has subsequently updated.

There are six core principles and further supporting principles identified by CIPFA/SOLACE which underpin and inform the way in which a local authority should perform its services and other functions. These principles inform the Council's governance framework, the Local Code of Corporate Governance and the standards by which the Council is audited.

The principles and standards set out below in this Code reflect those set out by the current CIPFA/SOLACE Guidance

1. Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area

The Council will demonstrate strategic leadership, ensure that users receive a high quality of service whether directly, in partnership or by commissioning and ensure the best use of resources and secure excellent value for money for residents by

- developing and promoting a clear vision of the Council's purpose and intended outcomes for the community and the local area and ensure that is clearly communicated, both within the Council and to external stakeholders
- regularly reviewing the basis of its vision for the local area and its implications on its governance arrangements
- ensuring that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties
- publishing an annual report on a timely basis to communicate its activities and achievements its financial position and performance

- deciding how the quality of service for users is to be measured and making sure that the information needed to review service effectively and regularly is available
- putting in place effective arrangements to identify and deal with failures in service delivery
- deciding how value for money is measured and making sure that the authority or partnership has the information needed to review value for money and performance effectively
- measuring the environmental and community safety impact of policies, plans and decisions

2. Members and officers working together to achieve a common purpose with clearly defined functions and roles

The Council ensures effective leadership by being clear about respective executive and non executive functions, having constructive working relationships between members and officers, and making sure that partnership arrangements are clear. The Council will achieve this by

- Setting out a clear statement of the respective roles and responsibilities of the Cabinet and of the Cabinet 's members individually and the approach towards putting this into practice
- Setting out a clear statement of the respective roles and responsibilities of authority members, members generally and of senior officers
- Having a scheme of delegation and reserve powers within the constitution including a formal schedule of those matters reserved specifically for collective decision of the authority taking account of relevant legislation and ensure that it is monitored and updated when required
- Ensuring the Chief Executive responsible and accountable to the authority for all aspects of operational management
- Ensuring a senior officer (the S151 officer) is responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping financial records and accounts, and for maintaining an effective system of internal financial control
- Ensuring a senior officer (the monitoring officer) is responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.
- Having protocols to ensure effective communication between members and officers in their respective roles
- Setting out the terms and conditions for remuneration of members and officers and an effective structure for managing the process.
- Ensuring that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated
- Ensuring when working in partnership that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority

- Ensuring when working in partnership that there is clarity about the legal status of the partnership and that representatives of organisations both understand and make clear to all other parties the extent of their authority to bind their organisation to partner decisions

3. Promoting values of the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

The Council will ensure the members and officers maintain high standards of conduct and that organisational values are put into practice and are effective. The Council will

- ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect
- ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols
- put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflict of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice
- develop and maintain shared values, including leadership values both for the organisation and staff reflecting public expectations and communicate these with members, staff, the community and partners
- put in place arrangements to ensure that procedures and operations are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice.
- develop and maintain an effective Standards Committee
- use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority
- in pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively.

4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

The council will be rigorous and transparent about how decisions are made and will reflect upon constructive scrutiny. It will ensure good quality information to make decisions, have in place and effective risk management system and use its legal powers for the benefit of the community. The Council will

- develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the organisation's performance overall and of any organisation for which it is responsible.

- develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based
- put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice
- develop and maintain an effective audit committee which is independent
- put in place effective, transparent and accessible arrangements for dealing with complaints
- ensure that those making decisions whether for the authority or partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications.
- ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately
- ensure that risk management is embedded into the culture of the organisation, with members and managers at all levels recognising that risk management is part of their job
- ensure that arrangements are in place for whistle blowing to which staff and all those contracting with the authority have access
- actively recognise the limits of lawful activity placed on it, for example the ultra vires doctrine but also strive to utilise powers to the full benefit of our communities
- recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law
- observe all specific legislative requirements placed upon it, as well as the requirements of general law, and in particular integrate the key principles of good administrative – rationality, legality and natural justice into its procedures and decision making processes

5. Developing the capacity and capability of members and officers to be effective

The Council will make sure that members and officers have the skills, knowledge and resources needed to perform well, and that those skills are evaluated and developed. It will also engage and encourage new talent. The Council will

- provide induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis
- ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the organisation
- assess the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively

- develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed
- ensure that effective arrangements are in place for reviewing the performance of the authority as a whole and agreeing an action plan which might for example aim to address any training or development needs
- ensure that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority
- ensure that career structures are in place for members and officers to encourage participation and development

6. Engaging with local people and other stakeholders to ensure robust public accountability

The Council will effectively engage local people and stakeholders, engage in dialogue with and accountability to the public and make best use of human resources by

- making clear within the Council, to all staff and the community, to whom the Council is accountable and for what
- considering those stakeholder bodies to whom the organisation is accountable and assessing the effectiveness of the relationships and any changes required
- producing an annual report on scrutiny function activity
- Ensuring that clear channels of communication are in place with all sections of the community and other stakeholders including monitoring arrangements to ensure that they operate effectively
- holding meetings in public unless there are good reasons for confidentiality
- ensuring arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands
- Establishing a clear policy on the types of issues it will meaningfully consult on or engage with the public and service users including a feedback mechanism for those consultees to demonstrate what has changed as a result
- On an annual basis publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period
- ensuring that the authority as a whole is open and accessible to the community, service users and its staff and ensuring that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so

- developing and maintain a clear policy on how staff and their representatives are consulted and involved in decision making

Annual Review and Reporting

Each year the Council will carry out a review of the governance arrangements measured against the Code and the principles set out in the CIPFA/SOLACE guidance to ensure compliance with this Code, and the delivery of good governance within the local government framework and current good practice. The purpose of the review will be to provide assurance that governance arrangements are good and operating effectively and to identify any action required to improve effective governance in the future.

The outcome of the review will take the form of an Annual Governance Statement prepared on behalf of the Leader at the Council and Chief Executive. It will be submitted to the Audit Committee for consideration and review with the annual accounts to meet the statutory requirement of the Accounts and Audit Regulations 2006. This requires findings of the review of the system of internal control to be considered by a committee of the relevant body, or by members of the body meeting as a whole.

The Governance Framework consists of a range of documents, policies and procedures developed, maintained and promoted by a number of different departments which are published and promoted to members, officers and others by publication on the Council's website.

This Code will be reviewed after the Annual audit and when any new CIPFA/SOLACE guidance is issued.

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LOCAL CODE OF CORPORATE GOVERNANCE**1. Introduction**

1.1 This document is based on the guidance issued by the Chartered Institute of Public Finance and Accountancy ('CIPFA') and the Society of Local Authority Chief Executives ('SOLACE'). It sets out the Council's approach to Corporate Governance, which has been defined as:

"The way the Council directs and controls its functions and relates to its community."

1.2 In order to have good corporate governance we must demonstrate strength in the following principles, as defined by CIPFA/SOLACE:

- **Openness and inclusivity** — to ensure that stakeholders have confidence in the decision making and management processes of the authority, by conducting genuine consultation, providing access to full, accurate and clear information.
- **Integrity** — to have high standards of propriety and probity within our processes and high personal standards of professionalism of members and officers.
- **Accountability** — to make members and officers responsible for their decisions and actions, including stewardship of public funds and all aspects of performance.
- **Leadership** — to provide a vision for the community and leading by example.

2. The Five Elements of the Council's business

2.1 The Council provides many different services and undertakes many different functions. There are five fundamental elements which underpin all of these services and functions. These have been defined by CIPFA/SOLACE as:

- **Community Focus** — working for and with the community, promoting wellbeing of the Borough.
- **Service Delivery** — in delivering our services we seek continuous improvement and the translation of policies into action in an effective and efficient manner.
- **Structures and Processes** — having effective political and managerial structures and processes to govern decision making.
- **Risk Management and Internal Control** — establishing and maintaining a strategy, framework and processes for managing the risk.
- **Standards of Conduct** — establishing high standards of integrity, accountability and openness amongst all our members, staff and agents and in all our dealings.

- ~~3. The Council will ensure that the principles of openness, inclusivity, integrity, accountability and strong leadership will be present in all five elements of our business.~~
- ~~4. The Council has produced a framework by which it can assess its compliance with recognised good corporate governance arrangements. This framework sets out the criteria for good corporate governance under each of the five elements detailed above. It shows how the Council is complying with the requirements and what it intends to do to where compliance has not yet been achieved.~~

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CONTRACT STANDING ORDERS**82. Definitions**

The following definitions shall apply throughout these Contract Standing Orders (in alphabetical order):

Approved List	A list of contractors that meet the Council's minimum financial and technical criteria for specified types of services, supplies or works contracts.
Chief Officer	The Chief Executive and Strategic Directors .
Collaborative Procurement	Any arrangement between the Council and any other body under which the other body undertakes a procurement process with or on behalf of the Council.
Contract Register Officer	The officer appointed to maintain the contract register.
Contract Value or Estimated Value	The contract's value or estimated value for the contract term excluding VAT.
E-Auction Facility	A web-based facility approved by the Director of Legal and Procurement which enables the electronic submission of prices for a Tender.
Electronic Tender Facility	A web-based facility approved by the Director of Legal and Procurement which enables the electronic despatch and receipt of Tender documents.
Electronic Tender Time Box	The feature within an Electronic Tender Facility which stores received Tenders and prevents viewing of them until after the appointed closing date and time.
European Procurement Legislation	The relevant EU Directives and corresponding UK Regulations including the Public Contracts Regulations 2006 as amended or replaced from time to time.
Framework Agreement	An agreement for a specified term under which contracts for the provision of particular services, supplies or works can be entered into ("called off") on agreed terms.
High Value Contract	Any contract that exceeds the values stated for Medium Value Contracts (under which different thresholds apply for services / supplies and construction / works).

Low Value Contract	<p>In the case of contracts for services or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between £20,001 and up to the amount which is the current threshold for services and supplies contracts under the European Procurement Rules (which is currently £172,514).</p> <p>In the case of a contract for construction or works: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between £20,001 up to £250,000, provided that the contract is classified as a contract for works and not services by the European Procurement Rules.</p>
<u>Local Brent Provider</u>	<u>A party that provides services, supplies or works and that is based or has a local office situate in a postcode area falling within the London Borough of Brent.</u>
Medium Value Contract	<p>In the case of contracts for services or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between the amount which is the relevant threshold for services or supplies contracts under the European Procurement Legislation (which is currently £172,514) and £250,000.</p> <p>In the case of a contract for construction or works, a contract with an estimated value of between £250,000 and £500,000, provided that the contract is classified as a contract for works and not services by the European Procurement Rules.</p>
Member	An elected member of Brent Council.
Monitoring Officer	The Director of Legal and Procurement.
Official Order	An order for services, supplies or works to the Council issued by an authorised officer using the Council's official order form.
OJEU	The Official Journal of the European Union.
Online Market Place	A web-based facility approved by the Director of Legal and Procurement which enables the procurement of specified types of services, supplies or works contracts.

Tender	An offer or bid or tender from a party to provide services, supplies or works to the Council including any offer, bid or tender which is subject to negotiation.
Tender Acceptance	An acceptance in writing of a Tender.
Very Low Value Contract	A contract or commitment with a value from £0 to £20,000.

83. Contracts exempt from Contract Standing Orders

The following contracts are exempt from Contract Standing Orders:-

- (a) individual agency contracts for the provision of temporary staff (although it is mandatory to place such contracts through the Council's corporate agency staff arrangements, currently with Reed Specialist Recruitment Limited);
- (b) employment contracts;
- (c) contracts relating to an interest in land.

84. General Requirements

- (a) Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions AND shall be procured in accordance with all relevant domestic and European legislation and unless for good operational and/or financial reasons the Executive (or, if appropriate, the General purposes Committee) agrees otherwise with these Contract Standing Orders and the Council's Financial Regulations.
- (b) In addition to the powers of the Cabinet in paragraph 84(a) to grant an exemption from the requirement to procure in accordance with these Contract Standing Orders, the Chief Finance Officer is also able to grant such exemptions:
 - (i) on grounds of extreme urgency
 - (ii) where the exemption sought is in relation to the requirement to obtain 3 written quotes under Standing Order 86(b).

The Chief Finance Officer shall only exercise his / her authority under this paragraph (i) following legal advice that there is no breach of domestic or EU law or the Council's own procedures in the exercise of the authority (ii) where there are good operational and / or financial reasons for doing so.

- (c) Chief Officers shall ensure in undertaking any contract procurement that:-
 - (i) fair, transparent and auditable processes are followed at all stages;
 - (ii) tender exercises are conducted appropriate to the nature of the contract being procured;
 - (iii) all tenderers are treated equally and fairly;
 - (iv) these Contract Standing Orders are complied with; and

- (v) the Contract Database is kept updated at all times as set out in Standing Order 110.
- (d) Contract tendering procedures are contained in the Council's Contract Procurement and Management Guidelines which shall be updated and amended from time to time to comply with these Contract Standing Orders. Advice on any of the requirements of these Contract Standing Orders shall be sought from the Director of Legal and Procurement or Chief Finance Officer as appropriate.
- (e) For the avoidance of doubt these Contract Standing Orders apply to:-
 - (i) the appointment of consultants; and
 - (ii) the establishment of Framework Agreements.
- (f) Subject to paragraph (a) and (b) above, Standing Order 97 (mandatory Approved List and Online Market Place), all medium and high value contracts shall be entered into and procured in accordance with the formal tendering procedures set out in these Standing Orders.

85. Partnership Arrangements and Collaborative Procurement

- (a) No Partnership Arrangements may be entered into unless they are approved by the Chief Finance Officer and a formal agreement covering the arrangements is signed by the parties.
- (b) Any Partnership Arrangement or Collaborative Procurement which includes delegation of powers shall be approved by the Cabinet (or where relevant Full Council).
- (c) Any Collaborative Procurement shall comply with these Standing Orders and Financial Regulations unless;
 - (i) agreed otherwise in writing by the Chief Finance Officer and the Director of Legal and Procurement; or
 - (ii) in the case of a High Value Contract the agreement of the Cabinet is obtained under Standing Order 84(a).

For the purposes of this Standing Order the contract value shall be calculated on the estimated value of the Council's part of the contract only.

- (d) Any agreement between the Council and one or more other body which includes any payment by the Council in respect of the costs of carrying out a Collaborative Procurement shall comply with these Standing Orders unless agreed otherwise in writing by the Chief Finance Officer and the Director of Legal and Procurement.

86. Contracts not subject to full tendering requirements

- (a) Certain contracts as set out in this Standing Order listed below, are not subject to the full tendering requirements of these Contract Standing Orders but are subject to any other relevant parts thereof.
- (aa) No formal procurement procedures apply to Very Low Value Contracts apart from a requirement to secure best value. For Very Low Value Contracts, the best way to demonstrate best value is by seeking three quotes or using an Approved List

(where one exists) or the Online Market Place, however this is not mandatory and it is open to a duly authorised officer to approve another procurement route. As with all Council procurement there is a mandatory requirement to keep an auditable record to demonstrate compliance and value for money.

- (b) No formal tendering procedures apply to Low Value Contracts (as defined in Standing Order 82 above with different thresholds applying for works contracts as opposed to supplies and services contracts) except that at least three written quotes must be sought and the quotes sought and/or obtained shall be recorded or alternatively the contract is procured through the Online Market Place. Where quotes are sought, advice must be sought from the Council's procurement officers about how to select the three organisations to be invited to quote and how to structure the quotation process. Unless the Council's procurement officers advise that it is not necessary or appropriate, all quotes shall be sought using the Electronic Tender Facility and at least one of the quotes shall be sought from a Local Brent Provider. In the case of Low Value Works Contracts valued at above the relevant threshold for supplies or services contracts under the European Procurement Rules (currently £172,514) approval of the Director of Legal and Procurement is required to use a quotation process; if approval is not given then such a contract requires the following of a tender process under Standing Order 96 below. Low Value Contracts do however require formal approval for award according to Standing Order 88(a) from a duly authorised officer within the relevant Council department.
- (c) Contracts which are procured using an Approved List or the Online Market Place in accordance with the rules prescribed pursuant to Standing Order 97, are not subject to full tendering requirements.
- (d) Subject to the proviso below no formal tendering procedures apply where contracts are called off under:
- (i) a Framework Agreement established pursuant to these Standing Orders; or
 - (ii) a Framework Agreement established by another contracting authority , where call off under the Framework Agreement is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract PROVIDED that the Director of Legal and Procurement has advised that participation in the Framework Agreement is legally permissible. Advice from the Director of Legal and Procurement must be obtained each and every time a call off under another contracting authority's Framework Agreement is recommended by the relevant Chief Officer.
 - (iii) the Online Market Place (as detailed in Standing Order 97), where the call off is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract.

SAVE THAT any high value contract may only be awarded on the approval of the Cabinet as required by paragraph 2.5 of Part 4 of the Constitution.

- (e) Subject to complying with any relevant parts of the European Procurement Legislation, Tenders need not be invited nor quotes sought:
- (i) where for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the services, supplies or works may only be provided by a particular provider or where there is only one provider who would be able to provide the services, supplies or works required

PROVIDED that advice is sought from the Director of Legal and Procurement and in the case of High Value Contracts approval is sought from the Cabinet (or, if appropriate, the General Purposes Committee); or

- (ii) in cases of extreme urgency where there is an immediate danger to life or limb or property and only to the extent necessary to procure services, supplies or works necessary to deal with the immediate urgent situation PROVIDED that advice is sought from the Director of Legal and Procurement; or
- (iii) for contracts providing individual personal services such as individual care arrangements or individual special educational needs provision and for the avoidance of doubt this exemption does not apply to any framework agreements or call off contracts that will facilitate the award of individual contracts providing such personal services.